Ch 410. SANITATION

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GENERAL REFERENCES

Building, fire and plumbing — See Ch. 100.
Hotels, motels, rooming houses, etc. — See Ch. 373.
Public Works Department — See Ch. 620.

§ 410-1. Legislative intent.

The purpose of this chapter is to provide for the orderly disposal of all litter, waste, refuse, garbage, solid waste and recyclable material generated in the Town. Additionally, this chapter establishes a mandatory recycling program in an attempt to derive maximum environmental and economic benefit with a minimum inconvenience to residents and property owners and to maximize the tonnage of material for recyclable use.

§ 410-2. Definitions.

For the purpose of this chapter, the following terms and words shall have the meanings indicated:

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.

COMMERCIAL AREA
Any area where clubs, business, industry or light manufacturing enterprises are located or operating, or any area not classified as residential.

GARbage
Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food and readily combustible material such as wood and cloth.

INOPERABLE MOTOR VEHICLE
Any motor vehicle that has two or more missing tires; or is in any other manner, legally or mechanically, unable to be moved under its own power in response to an order to do so by a peace officer or Code Enforcement Officer of the Town, county or state, or to be operated on the public roadways of the Town, county or state.[Added 8-29-2007 by L.L. No. 10-2007]

LEAF PILE
An accumulation of leaves, twigs and other debris located on a street and/or pedestrian walkway which causes vehicular and/or pedestrian traffic to deviate from a straight-line direction of travel or obstructs the sight distance along the street or creates drainage problems or obstructs any catch basin or fire hydrant[Added 12-17-2007 by L.L. No. 16-2007]

LITTER
Garbage, solid waste 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.

MOTOR VEHICLE
Any vehicle defined as a motor vehicle by § 125 of the Vehicle and Traffic Law of the State of New York, as such law may from time to time be amended or renumbered.[Added 8-29-2007 by L.L. No. 10-2007]

MULTIFAMILY DWELLING
A. Any building containing two or more dwelling units, except two-family houses constructed prior to January 1, 1957.

B. Any attached or detached clustered dwellings constructed as a planned unit development.

PEDESTRIAN WALKWAY
That portion of a public right-of-way which has been designated and surfaced for the purpose of pedestrian traffic.[Added 12-17-2007 by L.L. No. 16-2007]

PERSON
Any person, employee, servant, agent, firm, partnership, association, corporation, company or organization of any kind.

PLAN

PRIVATE DWELLING
A detached building containing one dwelling unit.

PRIVATE PROPERTY
Any property other than that used as a public highway or public right-of-way.

RECYCLABLE MATERIALS
Metal food and beverage containers and cans, pet food cans, glass jars and bottles, automobile tires (with rims removed) and newspapers, including inserts, and bulk metals, including appliances, and any other material which may be determined by the Town to be recyclable.

RESIDENTIAL AREA
An area primarily zoned and occupied for residential purposes.

RUBBISH
Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as wood, bedding, crockery and similar nonrecyclable materials.

SIDEWALK
The area between a building or property line and the street.

SOLID WASTE
Includes all manner of useless, unwanted or discarded solid or semisolid nontoxic, domestic, commercial, industrial, institutional, construction and demolition waste materials, except hazardous, toxic, chemical, human or rendering wastes. Solid waste shall include garbage, litter,
recyclable materials, rubbish and ashes.

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, baling, composing, incinerating, recycling, separating, salvaging, shredding or landfilling any solid waste or any combination of functions thereof, including stationary compactors located at points of collection.

STREET
Includes any public street, roadway, highway, lane, alleyway, park, parking area, grounds or any other public place.

UNREGISTERED VEHICLE
Any motor vehicle that is not currently registered pursuant to the requirements of the New York State Vehicle and Traffic Law, including the provisions of such law providing for reciprocity with other states. [Added 8-29-2007 by L.L. No. 10-2007]

VERIFIABLE PROOF
A report prepared by any sworn member of the Police Department, or the Commissioner of the Department of Public Works or the Building Inspector, or their designated assistants, submitted to the court with a copy to the defendant, indicating that the leaf piles that were the subject of the summons were removed within 48 hours of the issuance of the summons. [Added 12-17-2007 by L.L. No. 16-2007]

§ 410-3. Collections.

A. All solid waste accumulated in the Town shall be collected, conveyed and disposed of under the supervision of the Commissioner of Public Works or his authorized representative, 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 Commissioner shall have the authority to change and modify any regulations after due notice to all concerned.

B. Separation of wastes; receptacles.

(1) Garbage, recyclable materials and rubbish shall be separated and placed and maintained in separate containers or receptacles.

(2) It shall be the duty of every person having the 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, recyclable materials 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, recyclable materials and rubbish, which cannot be readily deposited in any receptacles, may be compacted and securely bundled, tied or packed as to be easily handled, but not weighing more than 75 pounds and not likely to be scattered and, when packed and secured, may be placed alongside of or in place of regular receptacles. Such packages or bundles should not exceed three feet in length.
(3) Each of such receptacles provided for in this section shall be watertight, kept covered with a suitable cover and maintained in a sanitary condition by periodic cleaning. Except in instances where approved containers are used, such receptacles shall not exceed twenty-gallon capacity and, when filled, shall not exceed 75 pounds in total weight.

(4) Each such receptacle containing garbage, recyclable materials or rubbish shall be free of water or saturated materials.

(5) Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents shall be promptly repaired or replaced upon notice.

(6) The Commissioner shall have the authority to refuse collection for failure to comply herewith.

C. Points of collection; applicability.

(1) Points of collection.

   (a) Curb service. Where curb service is provided, containers shall be placed for collection in a visible and accessible area between the sidewalk line and curblime immediately in front of the premises.

   (b) Walk-in service. Where walk-in service is provided, containers of garbage shall be placed adjacent to the main (dwelling) building, at a readily accessible location, to which a safe and convenient way of access is maintained. Rubbish and recyclable materials shall be picked up by curb service.

(2) Applicability.

   (a) Private dwellings in residential areas shall be provided with walk-in service.

   (b) Multifamily dwellings in residential areas shall be provided with central pickup service at approved dumpster locations as arranged with the Commissioner.

D. The Department of Public Works shall make regular collections of all solid waste as often and during such specified hours as shall be prescribed by the Commissioner. The Commissioner shall have the right to omit collections from any premises where employees of the Town are subject to any unnecessary danger or hazard.

E. Quantities to be collected.

(1) Residential private dwellings:

   (a) Garbage: The equivalent of two twenty-gallon containers per family each collection day.

   (b) Rubbish: The equivalent of two twenty-gallon containers each collection day, plus an additional equivalent of three twenty-gallon containers during the months of May through October inclusive. Bundled and tied tree trappings not exceeding
three feet in length and 24 inches in any other dimension shall be equal to one twenty-gallon container.

(c) Christmas trees. Trees shall be placed at the curb area and will be collected by regular collection or special collection during the month of January each year.

(d) Large household items. All large household items, such as furniture, refrigerators, etc., will be collected from the curb area only. The Commissioner shall have the authority to decline certain materials in accordance with the Town’s ability to dispose of such materials.

(e) Ashes. Ashes must be thoroughly water quenched and placed in one fireproof metal receptacle, weighing not more than 75 pounds filled, and placed with rubbish for collection.

2) Residential multifamily dwellings.

(a) Where a multifamily dwelling is equipped with incinerator facilities, all garbage must be incinerated, and the Town shall collect and dispose of all incinerated residue on regularly scheduled days. Such residue shall be put in suitable containers. Where a multifamily dwelling is not equipped with incinerator facilities, the Town shall collect all solid waste two days a week as scheduled by the Commissioner.

(b) The provisions of § 410-3E(1) shall also apply to residential multifamily dwellings.

3) Commercial. The following limitations apply to collection practices of the Town and do not apply to private collection operations which supplement regular Town collections and are contracted for by the owners, landlords or tenants due to excessive accumulations of solid waste:

(a) Garbage and rubbish: The equivalent of two twenty-gallon containers each collection day.

(b) Ashes. Ashes must be thoroughly water quenched and placed in one fireproof metal receptacle, weighing not more than 75 pounds filled, and placed with rubbish for collection.

4) Prohibitions.

(a) The Department of Public Works will collect from the premises on scheduled days an amount of all classes of solid waste in accordance with limitations set forth in § 410-3, but where abnormal amounts are placed for collection, the Department reserves the right to refuse the materials, to defer the collection, to collect the material in part or to make a special collection thereof at charges authorized by the Commissioner.

[Added 8-29-2007 by L.L. No. 10-2007]

(b) The Commissioner is authorized to enter into an agreement with any person in commercial areas for the collection of excessive accumulation of abnormal amounts
of all classes of solid waste and to prescribe, in the terms of any agreement, conditions, limitations, exceptions, obligations and uses of Town-owned equipment. The rates for such collection shall be established by the Town Board and shall be subject to change by resolution of the Town Board after a public hearing. Rate changes shall take effect upon 30 days' notice to any contracting person.

[Amended 7-24-1991 by L.L. No. 21-1991; 8-29-2007 by L.L. No. 10-2007 Editor's Note: This local law also redesignated former Subsection E(4)(a) through (h) as Subsection E(4)(c) through (j).

(c) Use of barrels, drums, kegs, cardboard boxes or cloth bags for the containing of garbage is prohibited.

(d) Empty receptacles shall be removed from the curb area within 12 hours after collection unless otherwise prescribed by the Commissioner.

(e) Solid waste receptacles shall be stored on private property on a location adjacent to a principal or accessory use building, but in no case shall such receptacles be stored forward of the front building line of the principal structure unless they are off the sidewalk area and completely obscured from public view, unless approved by the Commissioner.

(f) It shall be illegal for any person to construct, place or build facilities for the storage of receptacles below property grades (underground).

(g) Receptacles shall not be placed for collection inside or within any building, accessory use building or garage, or any place above or below ground level nor shall they be placed at the curb more than 12 hours prior to a scheduled pickup.

(h) No person shall prevent or interfere with any employee of the Town 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 solid waste material.

(i) No person, other than an authorized employee or agent of the Town or a private collection agency authorized by the owner or occupant of the property, shall disturb or remove any solid waste or recyclable materials that have been placed outside of private houses, apartment houses, business or commercial buildings or lots for removal.

(j) No employee of the Town, in the course of his duties, shall be required to enter a building or structure to gather or collect any solid waste.

§ 410-4. Dumping; excessive accumulation; littering.

Material not collected. The Town shall not collect or dispose of any debris such as plaster, stone, brick, sawdust, sod or dirt resulting from general contracting, renovating or landscape contracting, nor shall the Town collect or dispose of any cleaning-establishment waste, highly combustible materials, medical waste, hazardous materials, junk automobiles or branches and tree stumps unless they are split in sections six inches or less in diameter and three feet or less in length. Removal of such debris shall be arranged privately.
A. The owner, lessee, contractor, tenant or other person having management or control of or occupying any lot or plot of land in the Town, excluding any location designated by the Town Board, Commissioner of Public Works or the Westchester County Department of Health for such purposes, shall keep such land at all times free and clear of any accumulation of solid waste or discarded matter of any type, including automobile parts and other machinery, except such as may be deposited for collection and disposal as provided for by this chapter.

[Amended 8-29-2007 by L.L. No. 10-2007]

B. No person shall deposit, throw, cast or bury ashes, solid waste, grass cuttings, tree cuttings, leaves, offal or discarded matter of any type, including automobile parts and other machinery, on any lot or plot of land in the Town other than small inoffensive compost heaps, such as may be utilized by a home gardener when stored on his own property and appropriately screened from view.

[Amended 8-29-2007 by L.L. No. 10-2007]

C. No person shall throw, cast or lay or direct, suffer or permit any person to throw, cast or lay any solid waste or discarded matter of any type, including automobile parts and other machinery, and, with the exception described below, leaves, on any street, sidewalk or right-of-way within the Town. For the purposes of this subsection as it pertains to leaves, "street" is defined as 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 purposes of vehicular traffic.

[Amended 8-29-2007 by L.L. No. 10-2007; 12-17-2007 by L.L. No. 16-2007 Editor's Note: This local law provided an effective date of 2-1-2008. ]

(1) During the period designated by the Commissioner of Public Works for leaf collection (generally October through December), leaves may be piled on the public right-of-way for collection, but not on any street or pedestrian walkway. A leaf pile shall create a rebuttable presumption that the landowner, lessee, or management agent of the premises most closely abutting the leaf pile threw, cast; lay, directed, suffered or permitted the leaf pile to be placed in this location.

(2) The landowner, lessee or management agent of a property which abuts a public right-of-way that is of insufficient depth to accommodate a leaf pile without intruding upon a street or pedestrian walkway, or of a property which has no public right-of-way, may pile leaves on her/his own property for collection by the Town. Should this not be feasible because of a wall, fence, shrubbery or other impediment, the landowner, lessee or management agent may bag the leaves for collection by the Town, placing the bagged leaves in the area between the paved section of the street and the wall, fence, shrubbery or other impediment, which under Town law must be unobstructed and have a width of at least five feet. In the event the landowner, lessee or management agent of a property so situated wishes to have the Town collect the leaves, the Commissioner of the Department of Public Works or her/his designated assistant shall determine whether the landowner, lessee or management agent of such a property must bag the leaves or whether they can be collected using the vacuum truck, loader or by some other method. Under no circumstances, however, will leaf piles be allowed on any street or pedestrian
(3) The placement of leaf piles in the street or pedestrian walkway most closely abutting someone else's property is prohibited.

D. Litter baskets. The Commissioner shall place on sidewalks, parking areas or any other public place, litter baskets, as may, in his discretion, be required. No person shall deposit in such litter baskets accumulations of solid waste or discarded matter of any type from private or commercial property which must be deposited for collection or disposal, as provided for by this chapter.

E. No person being the owner, driver or manager of any car or other vehicle 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, sawdust, shavings or other light materials of any sort or manufacturing, trade or household waste of any sort or ashes, manure, garbage or other organic waste 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 in the Town.

F. No person shall allow any swill, brine or any offensive animal matter or any bad-smelling or noxious liquid or other filthy matter of any kind to run or fall into or upon any street, sidewalk or right-of-way in the Town or be taken or put thereon.

G. No person having the care, custody or control of any domestic animal, including cats, whether leashed or unleashed, licensed or unlicensed, shall permit such animal to excrete its body waste upon any sidewalk area in the Town.

H. No person shall abandon or discard or cause to be abandoned or discarded any article or thing, including but not limited to shopping carts or shopping wagons, baskets, crates, boxes or cartons, in or upon any street, highway, sidewalk or public place lying in the Town.

I. Rubbish blowing from receptacles. No person, being the owner or in control of a receptacle containing any dirt, filth or solid waste, shall permit the contents of such receptacle to be blown therefrom by the wind onto or upon any street, highway or public place lying in the Town.

J. Removal of weeds, rubbish, etc. The owner or occupant of real property within the Town of Greenburgh is hereby required to cut and remove all noxious weeds, brush, rank growths and long grass growing upon said real property, and to remove all rubbish and debris from said property.

K. Surface drainage, etc., into sanitary sewers prohibited. No street gutter, surface, cellar, land or subsurface drain of any kind shall be permitted to be discharged into the public sanitary sewer or connected therewith, directly or indirectly.

L. Any accumulations of solid waste resulting from failure of any person to comply with any provision of this chapter or from failure of such person to take advantage of the regular collection service maintained by the Town and any waste building materials in excess of ordinary household refuse of such materials shall be removed by such person at his expense.
M. No person or entity may deposit, leave, abandon or store any unregistered or inoperable motor vehicle(s) on any lot or plot of land, including the public right-of-way and public street adjacent thereto, located in a one-family or multifamily zoning district in the Town, nor shall the owner of any such lot or plot allow, permit or suffer such unregistered or inoperable motor vehicle(s) to remain on his, her or its property, unless such location was designated for such purposes by the Town Board, Commissioner of Public Works or the Westchester County Department of Health, or is a licensed gasoline service station or automobile repair shop lawfully in existence in such districts at the time of the enactment of this subsection.

[Added 8-29-2007 by L.L. No. 10-2007 Editor's Note: This local law also redesignated former Subsection M, regarding the collection of solid waste, as § 410-3E(4)(a); former Subsection N, which immediately followed, regarding agreements to collect excessive or abnormal amounts of solid waste, as § 410-3E(4)(b); and former Subsection O, which immediately followed, regarding the procedure for correction of violations, as § 410-9A.]

§ 410-5. Recycling.

A. The owners, lessees and occupants of all single- and multifamily dwellings and commercial areas within the Town who receive sanitation collection services from the Town shall participate in this recycling program and properly place at curbside for collection all recyclable materials on the day for recycling collection. Recyclable materials shall not be intermingled with or placed together with nonrecyclable materials.

[Amended 9-23-1992 by L.L. No. 4-1992]

B. Newspapers shall be securely bundled or tied or placed in nondisposable containers, not exceeding 75 pounds in weight per package or container. Paper in plastic or paper bags cannot be accepted. Only clean newsprint and inserts can be accepted; no other type of paper should be included in the package or container. "Clean newsprint" is defined as newsprint in substantially the same condition as originally received, absent normal wear and tear, and free from paint, stain, garbage or other extraneous materials.

C. All glass shall be rinsed clean, with caps and lids removed and placed in sturdy, nondisposable containers. Metal food, juice and beverage cans, aluminum pie plates and foil shall be rinsed clean with any caps or lids removed and placed in a sturdy, nondisposable container. These items may be commingled in the same container but only the items listed herein may be included in the container. One such container shall be provided to every household in the Town. Said container shall remain the property of the Town and shall remain at the residence to be used for recycling purposes only. If a container is lost, destroyed or stolen, it shall be the responsibility of the owner, lessee or occupant to reimburse the Town for the cost of the replacement.

D. Every service establishment, as defined under Article 23, Title 23, of the Environmental Conservation Law, shall accept, at no charge, used oil in quantities and under the terms and conditions set forth in the Environmental Conservation Law and the applicable regulations.

[Added 9-23-1992 by L.L. No. 4-1992]

E. Every dealer and distributor, as defined under Article 27, Title 10, of the Environmental Conservation Law, shall accept at his place of business any empty beverage container of a
type sold at such premises and pay to any redeemer the refund value therefor under the terms
and conditions set forth in the Environmental Conservation Law and the applicable
regulations.

[Added 9-23-1992 by L.L. No. 4-1992]

F. Every retailer, as defined under Article 27, Title 17, of the Environmental Conservation
Law, shall accept used lead-acid batteries at no charge under the terms and conditions set
forth in the Environmental Conservation Law and the applicable regulations.

[Added 9-23-1992 by L.L. No. 4-1992]


A. License required. No collection vehicles, other than those owned by the Town, shall make
collections in the Town unless a license is procured for each vehicle as hereinafter
provided.

B. Application. Each application for a license shall be made to the Town Clerk on forms
supplied by her and shall include, but not be limited to, the following:


(1) The name and address of the owner of each vehicle.

(2) If the vehicle is owned by other than an individual person, the name and address of the
firm, partnership, corporation or other entity. If the vehicle owner is a corporation,
indicate the state of incorporation or charter and the date of such official recognition.

(3) The full names, addresses, social security numbers and dates of birth of all owners,
officers, partners, managers, members of the Board of Directors and holders of 10% or
more of the outstanding stock or indebtedness of such firm.

(4) Managers, corporate officers and administrative personnel responsible for supervising
and administering local collection within the Town pursuant to this section shall submit
fingerprints in accordance with Chapter 350, Fingprints, of the Town Code, and, in
addition, pay to the New York State Division of Criminal Justice Services, an amount
set by the Division of Criminal Justice Services by submitting a certified check or
money order payable to New York State to cover the cost and expense of processing
fingerprints submitted under this section. Managers, corporate officers and
administrative personnel required to comply with Chapter 350, Fingprints, of the
Town Code, shall include, but not be limited to, all persons responsible for supervising
and administering sanitation collection within the Town and ensuring the firm's daily
compliance with all local, state and federal regulations.

(5) Whether the applicant or any current owner, officer, partner, manager or member of the
Board of Directors has ever been convicted of a crime and, if so, that person's name
and disclosure of all conviction(s), the jurisdiction(s), date(s) and sentences imposed.

(6) Whether any of those named in Subsection B(4) above is or has been affiliated in any
way with any other solid waste collection firm and, if so, with whom and how.
(7) Whether any of those listed in Subsection B(4) above have ever been denied a license for the purpose of solid waste collection and, if so, whom, the jurisdiction and date.

(8) The make, year, model of chassis, body style, covering and color of the subject vehicle.

(9) The current New York State registration and plate numbers of the subject vehicle. If registration and/or plate numbers change during the period for which the vehicle is licensed, this change shall be reported, in writing, to the Town Clerk within 48 hours of such occurrence.

(10) The expiration date of the vehicle registration.

(11) The unladen and maximum gross weight of vehicle.

(12) The routes on which the vehicle will operate within the Town.

(13) The approximate volume and tonnage the vehicle will handle per day.

(14) A listing of the present customers, with addresses, which will be serviced by the vehicle within the Town.

(15) The hours and days during which the vehicle will normally operate within the Town.

(16) The disposal site or sites used or planned.

(17) The garage or lot location where such vehicle is normally stored.

(18) The name of the vehicle insurance carrier, policy number and expiration date.

(19) The certificate of employee disability insurance number.

C. Investigation of applicants and vehicles.

(1) After completing the application to the satisfaction of the Town Clerk, the applicant shall deliver the same to the Town Clerk, who shall forward a copy of the application to the Chief of Police or his designated representative at police headquarters. The Chief of Police or his designated representative shall cause an investigation to be made of said applicant(s). After completing this investigation, the Chief of Police or his designated representative shall forward to the Town Clerk his recommendation as to whether granting or denying the application. No license shall be issued under the provisions of this chapter until the Chief of Police or his designated representative has indicated in writing his recommendation.

(2) For the purpose of inspection by the Department of Public Works, the vehicle shall be made available at the Town highway garage or other designated location at a time agreed to between the Department of Public Works and the owner, but no later than 14 days after the date the application is submitted. Such inspection will require the vehicle to pass New York State vehicle inspection standards and other uniform inspection requirements. The Commissioner shall transmit to the Town Clerk his written recommendation as to whether granting or denying of said application.

D. Issuance, denial, revocation or suspension of license.
(1) Within 30 days after receipt of the reports and recommendations of the Chief of Police or his designated representative and the Commissioner of the Department of Public Works, the Town Clerk shall determine, in her discretion, whether or not to grant such application. The Town Clerk may deny any application for cause, after written notice, for the following reasons, including, but not limited to:

(a) Fraud, misrepresentation or false statement in the application for the license.

(b) Fraud, misrepresentation or false statement made in the course of carrying out the applicant's trade, business or occupation.

(c) Any violation of this chapter.

(d) Conviction of a felony or misdemeanor, which, in the judgment of the Town Clerk or the Chief of Police, renders the applicant unfit or undesirable, except by a majority vote of the Town Board.

(e) In the opinion of the Town Clerk, the applicant shall be undesirable or incapable of properly conducting a sanitation business.

(2) Licenses issued under the provisions of this chapter may be suspended for a definite period of time or revoked by the Town Clerk for cause, after written notice, including but not limited to the same reasons for denying an application listed above in § 410-6D (1). A second suspension for the same reason shall revoke the license. No person whose license has been revoked shall be again licensed in the Town except upon a majority vote of the Town Board.

(3) Upon denial, revocation or suspension, the applicant or licensee may, within 30 days of such denial or revocation, appeal in writing to the Town Board for a hearing to review the determination of the Town Clerk.

E. Expiration, renewal and transferability.

(1) All licenses issued pursuant to this section shall be valid from the date of issue until December 31 of the year in which the license was issued.

(2) The license is not transferable except when current New York State vehicle registration is transferred to another vehicle and then only when notification is made to the Town Clerk prior to the transfer and when the subject vehicle has been approved by the Commissioner of Public Works.

(3) The license to be issued by the Town Clerk shall be prominently displayed on the lower right corner of the left front access door not more than three inches from the vertical and horizontal edges.

F. For each application submitted, the applicant shall pay an application fee to be set by the Town Board by resolution.

G. No permit to perform any work shall be issued until the applicant provides satisfactory proof of compliance with the following requirements:
(1) Certificate of compliance with the statutory requirements for workmen's compensation insurance and disability insurance in the State of New York.

(2) Certificate that the licensee has comprehensive general liability insurance or comprehensive commercial liability insurance against personal injury or property damage arising out of any operations of the licensee and/or his employees pursuant to a license or permit issued by the Town and which designates the Town of Greenburgh as coinsured or additional insured on the policy. Such insurance shall be in the following amounts:

(a) General/or commercial insurance for personal injury in the amount of $500,000 each.

(b) Property damage insurance in the amount of $250,000 each occurrence.

§ 410-7. Private collection regulations.

A. It shall be unlawful to dispose of any solid waste collected within the Town at any location other than that so designated by the Town Board.

B. Private collection vehicles shall operate only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, excluding holidays, except that upon application of a licensed private sanitation operator, the Commissioner may authorize such operations between the hours of 5:00 a.m. and 7:00 p.m., Monday through Saturday, provided that the applicant for an extended operating authorization submits to the Commissioner sufficient justification for such extended operating hours, including certification that such operation is in an area that will not cause annoyance, disturbance or other inconvenience to private residents.

(1) If the Commissioner is satisfied by reasonable proof that the applicant meets the standards set forth, he may endorse the sanitation license of said applicant authorizing extended hours.

(2) In the event that an applicant whose license has been endorsed permitting extended hours of operation no longer meets the standards set forth in Subsection B hereof, the Commissioner shall revoke any prior authorization for extended hours of operation as provided herein.

C. No collection whatsoever shall be made on Sundays or the following holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; or Christmas Day.

D. Garbage collection vehicles shall be completely enclosed and watertight.

E. Rubbish collection vehicles wherein no garbage is transported may be of an open collection type, provided that such vehicles are fitted with a suitable canvas or other cover to prevent any material from being discharged while such vehicles are in transit.

F. Collections are to be made in such manner as not to permit debris, litter and the like to fall upon property, public or private, or upon any highway within the Town.

G. Vehicles designed or known as "rear loaders" or "rear load packers" shall be completely
closed in transit, either by use of the exterior closing door mechanism or by having all refuse compacted between the pushout blade and packer blade.

H. All accessory doors, including the main loading door, shall be closed in travel on public highways unless the subject vehicle is engaged in a continuous servicing of adjacent structures on said highway.

I. Collection vehicles shall be subject to inspection at any time by authorized representatives of the Department of Public Works or police officers of the Town, for the purpose of enforcement of this chapter. All licensed firms or their employees shall be required to give aid and cooperation when requested to do so by such Town personnel in the performance of the enforcement of this chapter.

J. Where, as required by the collection practice, containers of one cubic yard or more are used, such containers must prominently display the name and address of the individual or firm owning such container. Containers must have covers and must be covered at all times. Containers must be kept clean and sanitary at all times.

K. All collection vehicles shall be properly identified by the person owning such vehicles, including the name and address, and shall be kept clean and sanitary both inside and out.

§ 410-8. Solid waste disposal.

A. The Town 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 Town, 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 the Town and operated or licensed by it may be exempted from this section with the approval of the county.

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

C. Recognizing that the plan offers the most efficient and least costly method of solid waste disposal in compliance with federal and state standards for the control of air, ground and water pollution, the Town agrees to pay all reasonable fees set by Westchester County for the disposal of solid waste, at the designated point of transfer to the county facility.

D. This section shall take effect immediately, except that Subsections A and B shall take effect on the date set by Westchester County for the assumption by Westchester County of total responsibility for the disposal, in accordance with the plan, of all solid waste collected in this Town and upon 60 days' prior written notice by the county to the Town.


A. Procedure for correction of violations.
(1) Notice of a violation of this section may be served on the owner or one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same either personally or by certified mail sent to the last known address of the owner or one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same. Said notice shall contain a statement describing the violation and an order requiring the violations be corrected. If service is made by certified mail, a copy of the notice shall be posted on the premises. The notice shall provide that the violation must be corrected within 14 days after service of the notice.

(2) A copy of the notice may be filed with the Westchester County Clerk, who shall file said notice in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules. Said notice shall have the same effect as a notice of pendency.

(3) In the event that the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same fails or refuses to correct the violation, the Commissioner may order the correction of said violation.

(4) The costs and expenses incurred by the Town in connection with the proceedings set forth in this section, including the cost of actually correcting the violation, shall be against the land on which the violation is located.

(5) As an alternative to a violation notice, a summons may be issued for a violation of § 410-4C of this chapter as it pertains to leaves.

B. This chapter shall be enforceable by the Commissioner of the Department of Public Works, the Building Inspector and their designated assistants and any sworn member of the Police Department of the Town of Greenburgh. Each shall have the authority to issue violation notices and summonses and seek injunctive relief as necessary.

C. Any violation of the provisions of this chapter, except § 410-5, and except § 410-4C as it pertains to leaves, shall, upon conviction, be punished by a fine of not more than $500 and/or imprisonment not to exceed three months. Each day the violation continues shall constitute a separate offense. A second and subsequent violation for the same offense shall be a misdemeanor and be punishable by a fine of not more than $1,000 and/or imprisonment not to exceed six months. Each day the violation continues shall constitute a separate offense.
[Amended 12-17-2007 by L.L. No. 16-2007 Editor's Note: This local law provided an effective date of 2-1-2008.]

D. Any violation of the provisions of § 410-5 of this chapter shall, upon conviction, be punished by a fine of not more than $50. A second violation for the same offense shall be punishable by a fine of not more than $100. A third and subsequent violation for the same offense shall be punishable by a fine of not more than $150. Each day the violation continues shall constitute a separate offense. No summons shall be issued pursuant to this section unless a violation notice has first been issued and subsequent violations have occurred after the issuance of the violation notice.

E. If a summons is issued, pursuant to § 410-4C of this chapter as it pertains to leaves, upon the owner, one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property, and said person presents to the court on or before the day the summons is answerable verifiable proof that such leaf piles were removed within 48 hours of issuance of the violation notice or summons, whichever was issued first, then said summons may be dismissed by the court.

[Added 12-17-2007 by L.L. No. 16-2007 Editor's Note: This local law provided an effective date of 2-1-2008.]

F. Any violation of the provisions of § 410-4C of this chapter as it relates to leaves shall, upon conviction, be punishable by a fine of not less than $150 and not more than $500 per offense. Each day a violation continues shall constitute a separate offense.

[Added 12-17-2007 by L.L. No. 16-2007 Editor's Note: This local law provided an effective date of 2-1-2008.]

G. Any violation of § 410-4C(3) of this chapter shall, upon conviction, be punishable by a fine of not less than $300 and not more than $1,000 per offense. Each day the violation continues shall constitute a separate offense.

[Added 12-17-2007 by L.L. No. 16-2007 Editor's Note: This local law provided an effective date of 2-1-2008.]