
BE IT ENACTED by the Town Board of the Town of Greenburgh:

§ 1. Title.

This law is entitled “A local law amending Chapter 410 of the Town Code of the Town of Greenburgh” relating to the pick-up and collection of leaves on public rights-of-way.

§ 2. Legislative Findings.

The Town Board of the Town of Greenburgh finds it necessary to amend the Chapter of the Town Code entitled “Sanitation” to eliminate the piling of leaves for collection on public rights-of-way, streets and pedestrian walkways and to require landowners, or their agents, to place leaves for pick-up and collection in bags or other authorized receptacles. The Town Board believes that the revisions to Chapter 410 will serve to better promote the protection of the environment by encouraging the mulching of leaves and also help to reduce Town expenses associated with the collection of leaf piles.
§ 3. Amendment to § 410-2.

§410-2 of the Greenburgh Town Code “Definitions” is hereby amended as follows (deleted text in strikeout; new text underlined):

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.

An accumulation of leaves, twigs and other debris located on a public right-of-way, street and/or pedestrian walkway sufficient to cause vehicular and/or pedestrian traffic to deviate from a straight-line direction of travel or to obstruct the sight distance along the street or create drainage problems or obstruct any catch basin or fire hydrant.

§ 4. Amendment to § 410-4C(1).

§410-4 of the Greenburgh Town Code “Dumping; excessive accumulation; littering” is hereby amended as follows (deleted text in strikeout; new text underlined):

C(1) During the period designated by the Commissioner of Public Works for leaf collection (generally October through December), leaves for pick-up and collection must be placed in bags or authorized receptacles designated by the Commissioner of Public Works and may not be leaves may be piled on the public right-of-way for collection, but not on or 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.

§ 5. Amendment to § 410-4C(2).

§410-4 of the Greenburgh Town Code “Dumping; excessive accumulation; littering” is hereby amended as follows (deleted text in strikeout; new text underlined):

C(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 walkway.

§ 6. Amendment to § 410-4C(3).

§ 410-4 of the Greenburgh Town Code “Dumping; excessive accumulation; littering” is hereby amended as follows (deleted text in strikeout; new text underlined):

C(3)(2) The placement of leaf piles in the public right-of-way, street or pedestrian walkway most closely abutting someone else's property is prohibited.

§ 7. Amendment to § 410-9G.

§ 410-9 of the Greenburgh Town Code “Enforcement; penalties for offenses” is hereby amended as follows (deleted text in strikeout; new text underlined):

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.

§ 8. Severability.

The provisions of this local law are intended to be severable. If any provision of this local law is found by a Court of competent jurisdiction to be unconstitutional or otherwise invalid, such findings shall not be deemed to invalidate the local law as a whole, nor any other section or provision thereof, other than that which is found to be unconstitutional or otherwise invalid.

§ 9. Effective Date.

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