

Chapter 107

GARBAGE, RUBBISH, REFUSE AND RECYCLABLES

**ARTICLE I
General Regulations**

§ 107-1. Definitions.

§ 107-2. Dumping Prohibited.

§ 107-3. Rules for Placement of Materials for Collection.

§ 107-4. Spilling or Scattering of Materials.

§ 107-5. Time and Location of Placement of Containers.

§ 107-6. Unacceptable Garbage, Rubbish, Refuse and Recyclables.

§ 107-7. Fill Material Not Deemed Refuse.

§ 107-8. Dumping of Foreign Waste Within the Village of Windsor Prohibited.

§ 107-9. Scavenging in Garbage and Refuse Containers Prohibited.

§ 107-10. Rules for Collectors.

§ 107-11. Penalties for Offenses.

HISTORY: Adopted by the Board of Trustees of the Village of Windsor; L.L.#1-2005, June 7, 2005

GENERAL REFERENCES

Dumps and junkyards - See Ch. 82.

ARTICLE I
General Regulations

§ 107-1. Definitions.

When used in this Article, unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

CONTAINER - A covered, metal or heavy-duty plastic pail or drum having not less than two handles and not exceeding thirty-three gallons or heavy-duty plastic bags of 1.3 mil. thickness.

DUMPSTER - A commercial garbage disposal container under contract with a commercial hauler for removal and cleaning at regular intervals.

GARBAGE - All waste vegetable, animal or other matter, liquid or solid, likely to ferment or decompose and produce noxious odors or become injurious to the public health.

REFUSE - Trash and litter, whether or not combustible, consisting of, but not limited to, paper and paper products, wood and wood products, metal products, plastic and plastics products, glass and glass products, concrete and other mineral waste, or any and all other discarded objects and materials; provided, however, that refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations.

RUBBISH - Includes ordinary household or store trash of flammable character, such as barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, and blankets.

RECYCLABLE MATERIAL - Any material so designated in regulations adopted by the Village or the County from time to time, generally limited to materials, which can be processed and reused for the original or different purpose.

VILLAGE OF WINDSOR - All lots or tracts of land in the Village of Windsor.

§ 107-2. Dumping Prohibited.

A. No person, firm or corporation shall place, cause or permit to be placed or discard in any place within the Village of Windsor whether private or public, any garbage, rubbish, refuse or recyclables, except as provided by this chapter.

B. No garbage, rubbish, refuse or recyclables shall be placed in any manner within the Village except stored in a securely closed container or securely closed dumpster.

10702

§ 107-2

GARBAGE, RUBBISH AND REFUSE

§ 107-4

C. Garbage, rubbish, refuse or recyclables stored in a securely closed container or in a securely closed dumpster may not be stored on any property within the Village of Windsor for a time period in excess of seven consecutive days.

D. No garbage, rubbish, refuse or recyclables shall be stored within the Village of Windsor which shall produce a noxious or foul odor.

E. If evidentiary proof of the name or address of any individual is found among garbage, rubbish, refuse or recyclables illegally placed within the Village of Windsor such evidence shall create the presumption that the aforesaid individual perpetrated and is responsible for the improper disposal or storage of the garbage, rubbish, refuse or recyclables.

F. The owner of any real property within the Village of Windsor upon which garbage, rubbish, refuse or recyclables is stored in violation of this chapter shall be guilty of the respective violation of this chapter regardless of which the property owner improperly stored the garbage, rubbish, refuse or recyclables located in apartments, stores or other areas of the property within the exclusive control of a tenant of the property owner, unless the property owner is notified of the violation and fails to take corrective measures within 24 hours of notification.

§ 107-3. Rules for Placement of Materials for Collection.

A. Garbage, rubbish, and refuse shall be placed in a container for collection approved by the collection company.

B. Recycled items containing no garbage may be placed for collection as such in designated containers approved by the collector.

C. In no event shall the combined weight of a container and its contents exceed the lesser of seventy-five (75) pounds or weights determined by the collector.

D. Containers shall be kept and maintained by their owners in suitable condition to permit safe handling by the collector.

E. No garbage, rubbish, refuse or recyclables will be collected from undeveloped parcels or uninhabited or vacant structures.

§ 107-4. Spilling or Scattering of Materials.

A. No person, firm or corporation shall place or fill or cause or permit to be placed or filled any container or refuse bundle in such manner that such container or bundle shall rupture, overflow, spill or scatter any part of its contents.

10703

§ 107-4

WINDSOR CODE

§ 107-6

B. Any spillage or scattering of garbage, rubbish, refuse or recyclables out of a container or bundle, caused by any means other than the fault or neglect of the collector, shall be collected up by the person who set out such container or bundle and lawfully disposed of by him.

§ 107-5. Time and Location of Placement of Containers.

A. Containers of garbage, rubbish, refuse or recyclable containers shall be set out for collection by the occupant of premises contiguous to the curblines of the street in front of such premises. Only 1 pickup location per property is permitted.

B. Such containers and bundles shall be set out not earlier than 2:00 p.m. of the day preceding. Emptied containers shall be removed from the curblines no later than 8:00 p.m. of collection day.

§ 107-6. Unacceptable Garbage, Rubbish, Refuse and Recyclables..

A. Garbage, rubbish, refuse and recyclable materials which have not been collected on the scheduled collection day shall be removed by the property owner by 8:00 p.m. of the scheduled collection day.

B. Upon failure of a parcel's owner to remove garbage, rubbish, refuse or recyclables from said parcel two (2) days, the Village of Windsor may cause such garbage, rubbish, refuse and recyclables to be removed from the property, and the total costs thereof, including but not limited to moneys actually paid out by the Village, time and expense of the Village Officials and employees involved in the service of the notice and removal in connection with the enforcement of the provisions of this section, shall be assessed upon the property in which said garbage, rubbish, refuse, and recyclables materials were found, and the expense so assessed shall constitute a lien and charge on the real property upon which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the time as other Village charges.*

C. The notice required to be serviced pursuant to the provisions of this section shall be served as follows:

(1) By personal service or by mail to the owner addressed to the last known address of the owner, and/or

(2) By attaching or placing a copy of said notice upon any structure on said property and, if no such structure is available upon said property, by attaching said notice upon the nearest utility pole or other support.

*Amended 7/3/2007 Local Law #3-2007

10704

§ 107-7

WINDSOR CODE

§ 107-11

§ 107-7. Fill material Not Deemed Refuse.

Cinders, sand, gravel or soil, deposited on real property by or for the owner or occupant thereof for fill, grading or landscaping purpose, shall not be deemed to be refuse or waste.

§ 107-8. Dumping of Foreign Waste Within the Village of Windsor Prohibited.

No person shall dispose of any garbage, rubbish, refuse or recyclables collected outside the Village of Windsor at any place, public or private, within the Village of Windsor.

§ 107-9. Scavenging in Garbage and Refuse Containers Prohibited

No person shall engage in picking, sorting, or salvaging or otherwise scavenging in any container of garbage, rubbish, refuse or recyclables or otherwise disturbing the contents thereof.

§ 107-10. Rules for Collectors.

The driver of any vehicle engaged in the collection, transportation or disposal of garbage, rubbish, refuse or recyclables shall fully cover all such garbage, rubbish, refuse or recyclables while loaded on such vehicle, with a suitable covering material, and shall not permit any part of such load to fall from such truck except upon its lawful disposal.

§ 107-11. Penalties for Offenses.

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable as follows: by imprisonment for a term not exceeding 15 days, by a fine not exceeding \$250, by a sentence of community service or restitution or by a combination thereof.. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Editor's Note: Amended 6/7/2005; L.L.#1-2005