

**PUBLIC NOTICE**

**Proposed Local Law \_\_ of 2016**

**Amending Chapter 155  
entitled "Garbage, Rubbish and Refuse" by amending  
Section 155-1 Placement for collection; collection in commercial districts.**

NOTICE IS HEREBY GIVEN that the Village Board of the Village of Harrison, at its meeting to be held at 7:30 P.M., on Thursday, June 16, 2016, at the Municipal Building, 1 Heineman Place, Harrison, New York, will hold a Public Hearing pursuant to Article 2, Section 10 and Article 3, Section 20 of the Municipal Home Rule Law, to amend Chapter 155, Section 155-1 of the Village of Harrison, by Local Law No. \_\_ of 2016, of the Village Code of the Village of Harrison as follows: (new material is underlined. Deletions are in ~~striketthrough~~).

Section 155-1 of the Town of Harrison and Village of Harrison Zoning Ordinance shall be amended as follows:

- A. All garbage, ashes and refuse shall be set out in trash containers before 7:00 a.m. of the day of collection or the night prior to the day of collection. Garbage and refuse shall not be set out on weekends or holidays that Town or Village of Harrison employees are granted.
- B. No garbage, ashes and refuse shall be collected in the Town or Village of Harrison earlier than 6:00 a.m. nor later than 8:00 p.m.
- C. Collection in Commercial Districts.
  - (1) In all commercial districts where it is determined that thirty-gallon containers are not feasible, the Commissioner of Public Works may require the owners of any commercial establishment to provide a one-cubic-yard metal container or larger-sized container as, in the opinion of the Commissioner of Public works, may be necessary to accommodate the establishment's garbage or refuse.
  - (2) For purposes herein, the following terms shall have the meanings indicated:

## COMMERCIAL ESTABLISHMENT

Any establishment other than one – or two-family residential building establishments.

## CONTAINER

A receptacle, including, without limitation, a dumpster.

- (3) Any Commercial Establishment that, as of January 1, 2016, participated in the then existing commercial district municipal collection program and did not have a dumpster of any kind and had no more than four forty-eight gallon containers shall receive municipal collection at no fee, effective July 1, 2016, provided the commercial establishment shall continue to, or be able to, consolidate its trash, rubbish and garbage into two or fewer forty-eight gallon containers, with proper lids, having no trash, rubbish, and garbage placed outside of or overflowing said containers. All other Commercial Establishments shall have its trash, rubbish, recyclable material and garbage collected by private carter effective July 1, 2016.
- (3)(4) In all commercial establishments, garbage or refuse shall be placed at the rear of the establishment whenever possible. All trash containers shall be enclosed with a stockade-type fence or wall which shall be designed to prevent the scattering of debris outside of the container area and shall completely obscure the receptacle from public view. The enclosure for trash containers shall not be less than five feet nor more than eight feet in height and maintained in good condition. A wall (or walls) of an adjoining building may serve as one (or more) side(s). The area created by the fencing and wall shall be kept free of debris, and in no event shall there be an accumulation of debris outside the container. The opening for the gate to the enclosure shall be located in an area easily accessible to the users of the container ~~and the Town or Village of Harrison employees.~~ The gate shall remain locked and only accessible by authorized users ~~and Town and Village of Harrison employees.~~
- (4)(5) Every Commercial Establishment within the Town/Village of Harrison that shall not be eligible for municipal collection effective July 1, 2016, shall, ~~annually pay a Commercial Establishment Registration Fee, set by Town Board Resolution and herewith~~ certify to the Town/Village, in writing upon forms provided by the Town/Village for such purpose, where its trash, rubbish and garbage is being disposed of, ~~whether by municipal collection as provided for in this chapter or by private carter.~~ All Commercial Establishments required to dispose of its trash, rubbish, recyclable material and garbage by private carter shall identify by owner name, address and telephone number, the particular private carter with whom that Commercial Establishment has a contract for collection. The certification shall also provide the Establishment name, number of pails or bags, pail location, number of dumpsters and dumpster location that all

trash, rubbish and garbage generated by that Commercial Establishment is being disposed of in accordance with this chapter, and that no such trash, rubbish or garbage is being removed from its premises by anyone other than a private carter, which is duly and legally licensed to remove, cart and dispose of trash, rubbish, recyclable material and garbage in accordance with county, state and/or federal government or agency thereof. Both the failure to make such certification or, upon such certification, the disposal of trash, rubbish or garbage in a manner other than as certified shall constitute a violation of this provision. ~~Notwithstanding the forgoing, any building with a total of three dwelling units shall be exempt from the requirements of this paragraph.~~ [Added 3-18-2010 by L.L. No. 1-2010(v); amended 6-3-2010 by L.L. No. 3-1010(v); 7-7-2011 by L.L. No. 1-2011(v)]

- (5) ~~Every Commercial Establishment within the Town/Village of Harrison shall be charged fees for municipal collection of trash, rubbish and garbage by the municipality at rates set forth by Town Board Resolution and late penalties, if applicable, set forth by Town Board Resolution. Penalties for late payment shall be charged in the amounts set by Town Board Resolution for fees unpaid for 45 days or more and any penalties for late payment assessed hereon may be special assessment upon and against such land, such assessment to be lien and to be general or other special assessments. Notwithstanding the forgoing, any building with a total of three dwelling units shall be exempt from the requirements of this paragraph.~~ [Added 3-18-2010 by L.L. No. 1-2010(v); amended 6-3-2010 by L.L. No. 3-2010(v); 7-7-2011 by L.L. No. 1-2011(v)]
- (6) ~~The Tow/Village of Harrison shall pick up trash, rubbish or refuse from Commercial Establishments which have a maximum of 10 pails or cans satisfactory to Commissioner, or trash, rubbish or refuse contained in two yard capacity dumpsters satisfactory to the Commissioner of Public Works.~~ [Added 3-18-2010 by L.L. No. 1-2010(v); amended 6-3-2010 by L.L. No. 3-2010(v)]

This Local Law shall be effective immediately upon approval by the Harrison Village Board and upon filing with the Office of the Secretary of State, as provided by law.

ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

BY ORDER OF THE VILLAGE BOARD OF THE VILLAGE OF HARRISON.

Jacqueline Greer  
Village Clerk

Dated: Harrison New York  
May 31, 2016