

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of ..... DOLGEVILLE .....  
Town  
Village

Local Law No. .... 3 ..... of the year 19 88 .....

A local law ..... entitled Refuse, Garbage and Rubbish .....  
(Insert title)

Be it enacted by the ..... Board of Trustees ..... of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of ..... DOLGEVILLE ..... as follows:  
~~Town~~  
Village

Section 1. "Refuse, Garbage and Rubbish" of the Code of the Village of Dolgeville is hereby established, ordained and enacted as follows:

"Refuse, Garbage and Rubbish"

8-30

Definitions

Refuse-includes Garbage, Rubbish and Trade wastes acceptable to Landfill standards

Garbage - Includes waste resulting from distribution, preparation and service of foods and normal household waste.

Rubbish - includes solid or liquid waste material, including but not limited to paper, rags, ashes, yard trimmings, tin cans, glass, crockery, as deemed not hazardous waste by D.E.C. and acceptable to landfill standards.

Trade Wastes - includes combustible solid or liquid material, resulting from construction or any business, trade or industrial operations including but not limited to the following materials: plastics, cartons and wood considered non hazardous by D.E.C. Hazardous materials will not be accepted.

D.E.C. - New York State Department of Environmental Conservation.

(If additional space is needed, please attach sheets of the same size as this and number each)

Open Fire - Any fire or smoke producing process wherein the combustion products are directly emitted into the atmosphere.

Stack - Any lawful conduit chimney, duct, vent or flue arranged to conduct gases or gas borne products to the outer air.

8-31

Prohibited Burning

No person shall burn any garbage, rubbish or trade waste in any open fire except as permitted by the provisions or 8-32.

8-32

Permissible Burning

When not prohibited by law, regulation, ordinance or by state officials having jurisdiction, such as the State Commissioner of Conservation or the State Commissioner of Health, the following types of open burning are permissible:

- A. Outdoor grills and fireplaces for the purpose of preparing food.
- B. Camp fires and fires used solely for recreation purposes when such fires are located at least one hundred feet from any dwelling, structure or vehicle and are properly controlled by a responsible person and no nuisance is created and supervised by The Fire Department.
- C. Burning of solid or liquid fuels or structures when conducted under direct control and supervision of a qualified instructor at a firemen's training exercise or when done for the instruction and training of firemen.
- D. Properly operated industrial flares for combustion of flammable gases.
- E. Burning specifically authorized by permit by officials acting within their authority and jurisdiction so to authorize, such as the State Commissioner of Conservation or the State Commissioner of Health or by the Board of Trustees of the Village of Dolgeville.

8-33

Disposal of Refuse.

The following are prohibited:

- A. Disposal of garbage and trash on both public and private property within the Village of Dolgeville.
- B. Bringing in garbage and trash originating outside the Village of Dolgeville for the purpose of disposing of same in the village or for having same collected by the Village of Dolgeville or it's agents. Only refuse generated within the village limits is permitted for pickup.

C. Village residents, property owners or occupants permitting anyone to place garbage or trash originating outside the village on his or her property.

8-34

Penalties

The following penalties are imposed for any violation of the provisions of section 8-33 of this Local Law

- 1st offense. . . . . \$250.00
  - 2nd offense. . . . . \$500.00
  - 3rd offense. . . . . \$1,000.00 and/or one (1) year in jail.
- or consecutive offenses. No time limit on offenses.

8-35

Penalties for all other sections of this Local Law.

Penalties will be imposed as follows for violations of all other sections of this Local Law:

- 1st offense. . . . . \$10.00
- 2nd offense. . . . . \$50.00
- 3rd offense. . . . . \$250.00

8-36

Packaging of Garbage; required containers.

All garbage to be collected must be packaged securely or placed in water tight containers with lid or heavy duty plastic bags securely tied not larger than thirty gallons or heavier than fifty pounds.

8-37

Required containers for ashes.

All ashes to be collected shall be placed in secure metal containers not larger than one bushel in content. Hot ashes will not be collected.

8-38

Placement of Containers for collection; removal from curb.

Containers are not to be placed to the curb until 3 P.M. the afternoon before collection and no later than 5 A.M. the morning of collection. Containers must be removed from the curb by 8 P.M. the day of collection.

8-39

License required for Collectors when deemed applicable by the Board of Trustees.

No person, persons or corporation shall within the Village of Dolgeville collect garbage rubbish or trade waste of any kind without first obtaining a license from the Board of Trustees of the Village of Dolgeville if said Board of Trustees deems such license necessary. The license shall be issued for a period no longer than one (1) year to any applicant who shall declare that he will haul said garbage, trash or trade waste to such place as approved by State Department of Environmental Conservation.

8-40

Conflicting ordinances repealed.

All ordinances or parts thereof in conflict herewith are hereby repealed.

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Effective Date.

This Local Law shall take effect upon being filed in the Office of  
The Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ....3... of 19 ..88...  
~~County~~  
~~City~~ of Dolgeville... was duly passed by the ... Village Board of Trustees  
~~Town~~ (Name of Legislative Body)  
Village  
on June 6, ..... 19 ..88... in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,\* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
City  
of the Town of ..... was duly passed by the ..... (Name of Legislative Body)  
Village  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
and was deemed duly adopted on ..... 19 ....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
City  
of the Town of ..... was duly passed by the ..... (Name of Legislative Body)  
Village  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive general  
thereon at the special election held on .....19 ....., in accordance with the applicable  
annual provisions of law.

(Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
City  
of the Town of ..... was duly passed by the ..... (Name of Legislative Body)  
Village  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted  
on .....19 ....., in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19 ..... of the City of ..... having been submitted to referendum pursuant to the provisions of §36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on ..... 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative. (If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ..... above.

*Charles L. Street*  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: June 15, 1988

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ...HERKIMER.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Burt L. Lamy*  
Signature  
*Village Attorney*  
Title

Date: *June 15, 1988*

County  
City  
Town of *Dolgeville*  
Village