

LOCAL LAW ESTABLISHING FEES FOR REFUSE COLLECTION

SECTION 1. REASONING:

A local law establishing a 'user fee' in connection with the collection and disposal of Village Resident's trash, garbage, recyclables and green waste.

By adoption of this law, the Village of West Winfield hereby repeals in totality, Local Law #1 of 1989 and any other previously enacted concerning the collection and disposal of Village trash, garbage, recyclables and green waste; and to Enact a new law by the Board of Trustees of the Village of West Winfield, Herkimer County, New York State as follows:

The Village of West Winfield contracts periodically for the collection of trash, garbage, recyclables and green waste by a private contractor at a specified contract price, apportioned over the term of said contract for residential properties of up to 4 units located within the Village limits.

SECTION 2. PURPOSE.

The cost of trash, garbage, recyclables and green waste collection and disposal has substantially increased over recent years. The Board of Trustees of the Village of West Winfield finds it to be in the best public interest to continue to provide trash, garbage, recyclable and green waste collection and disposal service and to create a village-wide special assessment for the purpose of imposing a user fee to defray the cost of providing such service. The Village of West Winfield Board of Trustees strongly supports recyclable and green waste management in our determination to be recognized by New York State as a Climate Smart Community promoting the three R's - Reduce, Reuse and Recycle.

SECTION 3. USER FEE ESTABLISHED; DEFINITIONS.

A. All properties constituting a separate functional unit, whether residential, commercial, or industrial, shall hereafter be liable for the payment of a user fee for the collection and disposal of trash, garbage, and green waste, including recyclable materials within the Village of West Winfield, subject to the exceptions hereinafter named. Such fees shall not exceed the reasonably estimated costs incurred by the Village of West Winfield for providing such services.

Parcels within the Village that are improved with Commercial Use properties are exempt from the user fee but must provide written proof to the Village Clerk's office of a garbage and trash collection contract with a private contractor for the collection and disposal of said trash and garbage for their specific parcel. This written confirmation must be provided within 30 days of enactment of this local law and confirmed annually with the Village Clerk's office.

Parcels with five or more residential units, such as a mobile home park or larger multi-tenant residential housing facility, may exercise an option to contract with a private contractor for the removal of trash, garbage, recyclables and green waste from their parcel, but must provide written proof to the Village clerk's office of written confirmation within 30 days of the enactment of this local law and confirm annually with the Village Clerk's office.

B. DEFINITIONS. As used in this Local Law the following definitions shall have the meanings indicated:

1. Unit – each separate residential, commercial or industrial facility that encompasses all or a portion of any parcel of real property. Any household, apartment, storefront, or building shall constitute at least one unit, but may be comprised of multiple units if divided into separate and distinct functional facilities.
2. Parcel – each separately assessed or taxed unit of real property that is assigned a separate “SBL” (Section, Block, Lot) number by the County Office of Real Property Services for taxing and assessment purposes.
3. Residential Unit – any structure or part of a structure that is utilized primarily for dwelling purposes by an individual, family, or other group. Each residential unit would typically include separate cooking facilities, bathroom, facilities, and sleeping facilities. Mobile home units within a mobile home park are considered as individual residential units.
4. Commercial Units – any structure or part of a structure that is utilized primarily for wholesale or retail business activities, including sales establishments, restaurants, offices, or similar establishments.
5. Industrial Units – any structure or part of a structure that is utilized primarily for manufacturing or processing products for sale to wholesalers, retailers, or to the general public.

SECTION 4. FEE AMOUNTS; SCHEDULE.

A. The user fees shall from time to time be fixed and/or amended by resolution of the Village of West Winfield Board of Trustees. Such fees shall be established and set to recoup a portion or all of the reasonably calculated costs incurred in providing such services. Such fees shall be charged on a per residential unit basis, and shall be the responsibility of the property owner of record for which the service is being provided.

B. Fees shall be charged on a bi-annual (6 month) basis, upon a billing schedule established by resolution of the Village of West Winfield Board of Trustees. This fee shall be based on a per residential unit basis to include one medium (64 gallon) garbage collection container, one

medium recyclable container and a regularly scheduled (April thru November) green waste collection to be provided by the Private Contractor. Upgrading to a larger (96 gallon) or smaller (36 gallon) garbage collection container is permissible based on individual historical usage as observed by the Private Contractor, with the bi-annual fee adjusted accordingly as per the user fee schedule established by a resolution by the Village of West Winfield Board of Trustees.

B. Following the public hearing, the Village Board of Trustees shall be free to adopt a resolution consistent with the proposal contained in the proposed amendments (or changes) that were available for inspection at least ten

(10) days prior to the public hearing. Upon adoption of such resolution, a copy of the newly adopted collection fees and rates shall be made available for public inspection at the Village Clerk's Office and on the Village of West Winfield website.

C. All user fees imposed pursuant to this Local Law shall be billed on a bi-annual (six month) basis by the Village of West Winfield to the property owner or such other person designated by the property owner to receive bills. All such fees shall be paid within thirty (30) days after mailing of the invoice. Amounts thereafter outstanding and unpaid shall accrue penalties as provided by New York State Village Law Section 5518, subdivision 4, as may from time to time be amended. All outstanding delinquent amounts shall be assessed as a lien against the real property in accordance with the provisions of Village Law Section 5-518, as may be from time to time amended.

SECTION 5. ADDITIONAL REGULATIONS.

The Village of West Winfield Board of Trustees may, by resolution, adopt regulations and rules regarding and facilitating the implementation and administration of this Local Law, provided such regulations and rules are not inconsistent with this Local Law.

SECTION 6. SEVERABILITY.

Should any section, clause, or provision of this Local Law be declared to be invalid by a Court of competent jurisdiction, the same shall not affect the validity of any other part or section of this Local Law as a whole or parts thereof, other than the part so declared to be invalid.

SECTION 7. EFFECTIVE DATE.

This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State of the State of New York and be implemented at the start of the 2024-25 fiscal year.