

Village of West Winfield
PROPOSED Local Law #2 of 2025.

Be it hereby enacted by the Village Board of the Village of West Winfield as follows:

SECTION 1. Title

This Local Law shall be referred to as “Village of West Winfield Residential Municipal Solid Waste Fee Act”.

SECTION 2. STATEMENT OF INTENT:

This local law establishes a user fee and optional garbage containers associated with the collection and disposal of trash, garbage, recyclables, and green waste for Village residents. Additionally, it establishes pickup times that any garbage contractor shall comply with while conducting business within the village limits.

By adopting this law, the Village of West Winfield hereby repeals in its entirety Local Law #1 of 1989 and any other previously enacted laws concerning the collection and disposal of Village trash, garbage, recyclables, and green waste. The purpose and intent of the hereinafter described new law to be enacted by the Board of Trustees of the Village of West Winfield, Herkimer County, New York State, is as follows:

The Village of West Winfield periodically contracts for the collection of trash, garbage, recyclables, and green waste through a private contractor at a specified contract price, apportioned over the term of said contract for residential properties of up to four units located within the Village limits. However, a Village resident had the right to contract for the above services with a third party provider not under contract with the Village for said services. The purpose and intent of

the hereinafter described Local Law shall be to effectuate uniform trash, garbage, recyclables and green waste collection for all Village residents while making said collection fiscally prudent for the Village.

The costs associated with the collection and disposal of trash, garbage, recyclables, and green waste have significantly increased in recent years. The Board of Trustees of the Village of West Winfield finds it to be in the best public interest to continue providing these services and to create a village-wide special assessment to impose a user fee to offset the costs of providing such services. The Village of West Winfield Board of Trustees strongly supports recyclable and green waste management in our commitment to being recognized by New York State as a Climate Smart Community, promoting the principles of Reduce, Reuse, and Recycle.

As part of this Local Law, any Contractor doing business in the Village of West Winfield shall be subject to the following terms and conditions:

Contractors shall offer all of the above waste categories to conduct business within the village.

Any company collecting garbage within the village limits shall do so between the hours of 5:30 AM and 5:30 PM.

Any company contracted by the village or operating privately outside of the village contractor shall comply with this local law in its entirety. Companies failing to do so will be subject to fines as determined by the Board of Trustees of the Village of West Winfield.

SECTION 3. USER FEE ESTABLISHED; DEFINITIONS.

A. All properties constituting a separate functional unit, consisting of four residential units or less, shall 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 following exceptions:

1. Properties within the Village that are categorized as commercial use 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 submitted within 30 days of the enactment of this local law and confirmed annually with the Village Clerk's office.
2. Properties with five or more residential units, such as larger multi-tenant residential housing facilities, may opt 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 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 apply:

1. Unit – each separate residential entity 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 comprise multiple units if divided into separate and distinct functional facilities.
2. Parcel – each separately assessed or taxed unit of real property 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 utilized primarily for dwelling purposes by an individual, family, or other group. Each residential unit typically includes separate cooking, bathroom, and sleeping facilities. Mobile home units within a mobile home park are considered individual residential units.

4. Commercial Units – any structure or part of a structure 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 utilized primarily for manufacturing or processing products for sale to wholesalers, retailers, or the general public.

6. Garbage Bag System – the current system where residents purchase stickers to be placed on individual bags of garbage. The stickered bags are picked up by the waste hauler under contract to the Village, along with recyclables, green waste, and metal. Under the new system, residents may continue to use the garbage bag system but shall still be charged the monthly user fee.

SECTION 4. FEE AMOUNTS; SCHEDULE.

A. The user fees shall be fixed and/or amended from time to time by resolution of the Village of West Winfield Board of Trustees. Such fees shall be established to maintain fiscal solvency and collect the necessary user fees from Village residents that are subject to said user fee, so as the Village can collect a portion or all of the reasonably calculated costs incurred in providing these services. 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 provided.

B. Fees shall be charged on a semi-annual basis, according to 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. In addition to the user fee, each residential unit shall be responsible for either continuing to use the Village's garbage bag system or renting a garbage collection container from the Village's private contractor. The private contractor will provide a medium sized recyclable container and a regularly scheduled (April through November) green waste collection. In the event that a Village resident shall use a garbage collection container in lieu of the Village's garbage bag system, said Village resident shall be responsible for contacting the Village office to coordinate the size of the container.

C. In the event that a Village resident shall contract with a third party provider that is not the Village contracted provider for the collection and disposal of said Village resident's trash and/or garbage, said Village resident shall have the sole responsibility for the collection and removal of said Village resident's recyclables and/or green waste, and the removal of said recyclables and/or green waste shall not be the obligation of either the Village or the Village's contracted provider. In the event that a Village resident who contracts for trash and/or garbage removal with a third party provider that is not the Village's contracted provider fails to have their recyclables and/or green waste removed, the Village shall provide written notice to said Village resident to remove said recyclables and/or green waste within ten (10) days of said written notice, and in the event that the Village and/or the Village's contracted provider removes said Village resident's recyclables and/or green waste after the expiration of said ten (10) day notice, said Village resident shall be billed for said collection, and in the event the amount billed to said Village resident is not paid, the Village shall be authorized to collect said overdue amount pursuant to Section Four, Subsection D of this Local Law.

C. 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.

D. All user fees imposed in accordance with this Local Law shall be billed semi-annually by the Village of West Winfield to the property owner or such other person designated by the property owner to receive bills. This billing will be included as part of the property owner's water bill. All such fees shall be paid within thirty (30) days after the invoice is mailed. Amounts outstanding and unpaid thereafter shall accrue penalties as provided by New York State Village Law Section 5518, subdivision 4, as may be amended from time to time. 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 amended from time to time.

SECTION 5. ADDITIONAL REGULATIONS.

The Village of West Winfield Board of Trustees may, by resolution, adopt regulations and rules regarding 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 invalid by a Court of competent jurisdiction, the validity of any other part or section of this Local Law shall not be affected, 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 shall be implemented at the start of the 2025-26 fiscal year.