

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 5:30 P.M.
WEDNESDAY, AUGUST 30, 2017
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York**

Executive Session – Interviews Parks Foreman

Board of Trustees Concerns

Open Session – 7 p.m.

1. Crest Drive Sewer Line – Engineer Pennella to Address Board
2. Wilson Park Path – Phase 2 – Engineer Pennella to Address Board
3. Sustainable Westchester – Presentation September 5th Meeting
4. Declaration of Surplus Vehicles and Equipment for Disposal at Sale by Auction
5. AirBnB (Continued Discussion)
6. Request for Date Approval for Fire Department Parade – Saturday 8/11/18 (and Recommendation to Start One Hour Earlier)
7. Discussion of Local Legislation to Regulate Vape Shops
8. Garbage Code (a) Saturday Morning Pickups (b) Rewrite from DPW
9. Request for Board Authorization for a Designated Beer Area for Halloween Parade on Saturday, October 28th

Executive Session

- 1A. Request for Sick Leave Bank Allocation
- 2A. Personnel

3

Kathy Deufemia

From: Richard Slingerland
Sent: Tuesday, August 08, 2017 11:08 AM
To: Kathy Deufemia
Subject: FW: Scheduling a presentation to the Village Board

Richard Slingerland
Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1785
fax: 914-909-1208
e-mail: rslingerland@tarrytowngov.com

From: Drew Fixell [<mailto:drew.fixell@gmail.com>]
Sent: Monday, July 24, 2017 11:41 AM
To: Richard Slingerland <rslingerland@tarrytowngov.com>
Subject: Fwd: Scheduling a presentation to the Village Board

----- Forwarded message -----

From: "Jasmine Graham" <jasmine@westchesterpower.org>
Date: Jul 24, 2017 11:24 AM
Subject: Scheduling a presentation to the Village Board
To: "dfixell@tarrytowngov.com" <dfixell@tarrytowngov.com>
Cc: "Dan Welsh" <dan@westchesterpower.org>, "Jenna Amundsen" <jenna@westchesterpower.org>

Good morning Mayor Fixell,

I am reaching out to you on behalf of Westchester Power, in hopes that we could present to the Village Board at your meeting on Tuesday, September 5th. We would really appreciate the opportunity to provide the board with an update on how the program is going. As such, our presentation would provide an overview of the Westchester Power program, as well as information on its progress and the advancements to other Sustainable Westchester programs, such as the Clean Transportation Project.

Thank you very much for your time and consideration. I look forward to hearing from you!

Best,

Jasmine

Memo

To: Richard Slingerland, Village Administrator
 From: Joan Malone, Treasurer's Office
 Date: August 11, 2017; revised August 24, 2017
 Re: Surplus Vehicles

Year	Make	Model	Vehicle ID#	Dept.
2000	CHEV	PICK/UP	ID# 1GCHK34RXYR124551	PD
2001	FORD	4DSD	ID# 2FAFP71W71X180863	REC.
2005	FORD	SUBN	ID# 1FMZU73EX5ZA69613	DPW
2005	FORD	4DSD	ID# 2FAHP71W85X170227	PD/FD
*2007	CHEV	4DSD	ID# 1G1WT58K079202575	PD
2009	VANTA	VAN	ID# 1V9P7SPA49C113319	PD
2000 +/-	John Deere	4100	Lawn Tractor/Cutter	Parks
2002 +/-	John Deere	1200A	Ballfield Grading Machine	Parks
2000 +/-	John Deere	Front End Bucket Excavator Attachment for 4100		Parks
2008/09	Club Car	Golf Cart		Parks

* Previously surplus

4

Bidders:

If you wish to submit a written bid, you may use this page to do so. You must understand that your written bid will be considered based on what is written on your sheet. Oral bids at the opening will be accepted.

Payment in full must be made within ten (10) days of your being awarded the vehicle(s).

Payment must be cash, certified check or money order.

Bids should be in a sealed envelope clearly marked 'VILLAGE OF TARRYTOWN SURPLUS VEHICLE BID.'

Sale will be on Village Hall, One Depot Plaza, Tarrytown, N.Y.

Mailed bids should be mailed to be **received by**

NAME _____

ADDRESS _____

PHONE NUMBER _____

Year	Make	Model	Vehicle ID#	
Year	Make	Model	Vehicle ID#	Dept.
2000	CHEV	PICK/UP	ID# 1GCHK34RXYSR124551	PD
2001	FORD	4DSD	ID# 2FAFP71W71X180863	REC.
2005	FORD	SUBN	ID# 1FMZU73EX5ZA69613	DPW
2005	FORD	4DSD	ID# 2FAHP71W85X170227	PD/FD
*2007	CHEV	4DSD	ID# 1G1WT58K079202575	PD
2009	VANTA	VAN	ID# 1V9P7SPA49C113319	PD
2000 +/-	John Deere	4100	Lawn Tractor/Cutter	Parks
2002 +/-	John Deere	1200A	Ballfield Grading Machine	Parks
2000 +/-	John Deere	Front End Bucket	Excavator Attachment for 4100	Parks
2008/09	Club Car	Golf Cart		Parks

Vehicles are to be sold as is and can be inspected at the Village of Tarrytown Highway Department Garage, 4 Division Street, Tarrytown, New York between the hours of 8:00 a.m. and 3:00 p.m. Monday through Friday.

Bidders:

If you wish to submit a written bid, you may use this page to do so. You must understand that your written bid will be considered based on what is written on your sheet. Oral bids at the opening will be accepted.

Payment in full must be made within ten (10) days of your being awarded the vehicle(s).
Payment must be cash, certified check or money order.

Bids should be in a sealed envelope clearly marked 'VILLAGE OF TARRYTOWN SURPLUS VEHICLE BID.'
Sale will be on Village Hall, One Depot Plaza, Tarrytown, N.Y.

Mailed bids should be mailed to be **received by**

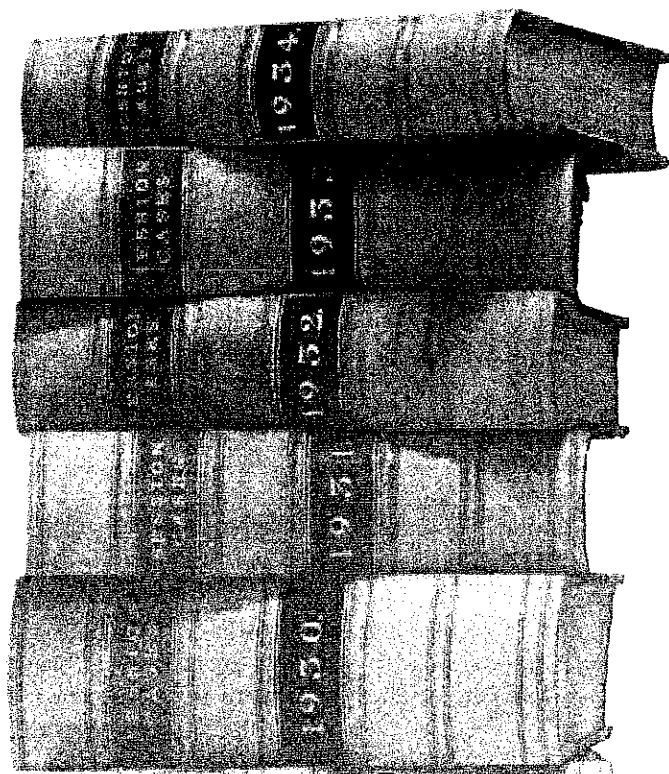
NAME _____

ADDRESS _____

PHONE NUMBER _____

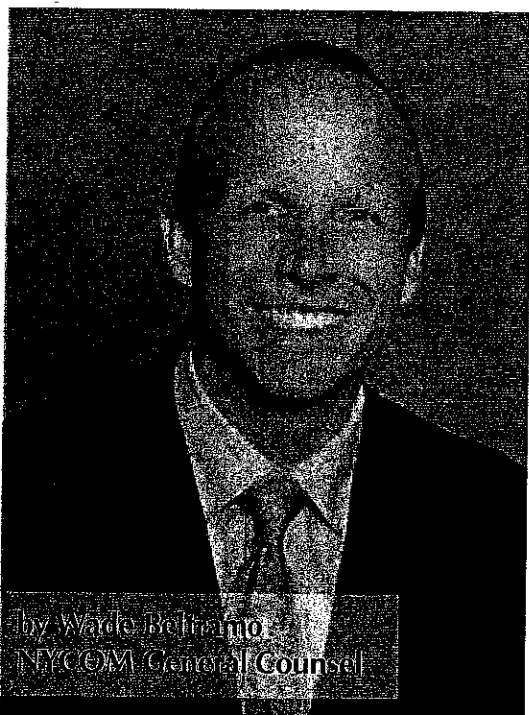
Year	Make	Model	Vehicle ID#
2000	CHEV	PICK/UP	ID# 1GCHK34RXYR124551
2001	FORD	4DSD	ID# 2FAFP71W71X180863
2005	FORD	SUBN	ID# 1FMZU73EX5ZA69613
2005	FORD	4DSD	ID# 2FAHP71W85X170227
2007	CHEV	4DSD	ID# 1G1WT58K079202575
2009	VANTAGE	VAN	ID# 1V9P7SPA49C113319

Vehicles are to be sold as is and can be inspected at the Village of Tarrytown Highway Department Garage, 4 Division Street, Tarrytown, New York between the hours of 8:00 a.m. and 3:00 p.m. Monday through Friday.



For The Record

Uber and Airbnb Coming to a Community Near You: Understanding the Role and Powers of Local Governments When Regulating Disruptive Technologies



by **Waldo Beltramo**
NYCOM General Counsel

Just when municipal officials settle in to dealing with the day-to-day responsibilities of running their local governments, they are invariably presented with unique and unforeseen challenges. Although this has always been the case, the current era of hyper-innovation is presenting local officials with challenges at an unprecedented clip as entrepreneurs race to be the first to introduce the latest “disruptive innovation” that will radically change our lives, our economy, and our society. These innovators aim to use technology to provide services in more efficient and effective ways.

However, uncertainty about the impacts of such innovations, opposition from individuals and businesses threatened by the innovators, missteps and poor implementation of these new technologies, and unforeseen consequences often lead to resistance and pushback from society and government officials. The rapid rise of vehicle-for-hire reservation programs, such as Uber and Lyft, and peer-to-peer home rental companies, such as Airbnb, have gained not only prominent coverage in the media but extensive use in New York. Moreover, these companies have grabbed the attention of New York State Attorney General Eric Schneiderman as well as the State Legislature. As a result, many of New York’s city and village officials have found themselves presented with questions about whether they should and how they may regulate these innovative services. This article will provide an overview of what these new technologies are and what local officials may and should do in response to their use in their communities.

Uber: The New Way to Catch a Ride What is Uber?

Among the hottest technology companies currently making waves and headlines is Uber. Although commonly characterized as a peer-to-peer ride-sharing service, Uber is more accurately described as a vehicle-for-hire reservation or ridesourcing service with a surge/dynamic pricing component.¹ Uber is by no means the only company providing this type of service; to the contrary, there are many other ridesourcing companies including Lyft, Sidecar, and Summon to name just a few, although Uber is currently the largest and most prominent of these entities.

The heart of Uber is a mobile application that allows individuals, after setting up an account, to request a ride from a driver within a matter of seconds by simply making a few quick taps on their smartphone. The app gives the Uber rider a real-time estimate of when the vehicle will be able to pick them up, along with an estimate of what the fare will be based upon the pickup location and the intended destination. In addition to taking the guess work and uncertainty out of obtaining a ride, another benefit of these ridesourcing services is that the drivers and riders rate each other, thereby creating an environment of civility and accountability in the transactions. Additionally, Uber and Lyft employ surge-pricing to incentivize additional drivers to offer rides when ride demand is high. In economic terms, this is also known as dynamic pricing, a pricing strategy that allows the market, in this case the vehicle-for-hire market, to set prices based on real-time market demands. Thus, the benefits of Uber, Lyft, and their ridesourcing ilk are numerous, including quick and easy ride reservations, real-time information about ride wait time and ride cost, driver and rider accountability, and the availability of real-time market information and pricing to incentivize additional driver supply when rider demand is high.

A recent study of ridesourcing users found that riders used such applications for a variety of reasons including ease of payment, ease of arranging a ride, reliability, cost, and short ride wait times. For example, 93 percent of ridesource users reported waiting less than 10 minutes for a ride, compared to 35 percent of individuals who called for a taxi/vehicle-for-hire, and 39 percent who waited for a street hail.² Thus, although ridesourcing services are currently available in only a limited number of cities, they are extremely popular and demand for their expansion to other locations is significant.

Overview of Local Government Authority to Regulate Taxis and Livery Vehicles for Hire

When addressing the ability of local governments to regulate ridesourcing services like Uber, New York's local officials need to first understand their authority to regulate vehicles-for-hire. In New York, although Vehicle and Traffic Law § 1604 prohibits local governments from requiring vehicle owners or operators to pay a tax or fee or to obtain a license or permit for using public highways, Section 1604 expressly allows local governments "to license and regulate vehicles offered to the public for hire."

Both the State's Transportation and General Municipal Laws provide additional authority regarding the regulation of vehicles-for-hire. The Office of the Attorney General provided an overview of the current vehicle-for-hire regulatory scheme, noting:

In 1983, the State Legislature enacted a series of regulatory reforms of the intrastate transportation industry. L 1983 Ch 635. These reforms were designed to facilitate market entry and stimulate competition by centralizing licensing and regulation of most common carriers under the jurisdiction of the State Department of Transportation (DOT). See, Bill

Jacket, L 1983 Ch 635; see also, Transportation Law § 80. As a result, revised Articles 3 and 7 of the Transportation Law now invest the State DOT with broad power to regulate intrastate common and contract carriers. Transportation Law §§ 80(1), 150, et seq. Under the revised Transportation Law, municipalities may only regulate those common carrier services included in one of the exceptions listed in Transportation Law § 151.³

Thus, although the State of New York has substantially preempted the field of regulating common carriers, New York State Transportation Law § 151 expressly exempts from State regulation taxi and livery services which are regulated by local governments pursuant to General Municipal Law § 181; Transportation Law § 151 provides in relevant part:

The provisions of [Article 7 of the Transportation Law] shall not apply to any transportation for compensation in sedans, as such term is defined herein at the end of this section, or station wagons or to any transportation for compensation that is provided in vehicles larger than sedans or station wagons when that transportation is performed:

* * *

11. As a taxi or livery service ... conducted in vehicles having a seating capacity of less than fifteen passengers pursuant to the jurisdiction or regulatory control of a municipality . . . authorized to adopt an ordinance relating to both registration and licensing pursuant to [General Municipal Law § 181(1)], when service is conducted wholly within such municipality and when such service is available to the general public on a prearranged or demand-response basis over a non-specified or irregular route with the point or points of pick-up and discharge determined by the pas-

senger, but such taxi or livery service shall not include van service. For the purpose of this subdivision, the term "livery service" shall include the term "limousines" as used in [General Municipal Law § 181(1)].

Although Vehicle and Traffic Law § 1604 defines taxicab broadly to include "every motor vehicle" used to transport passengers for compensation, other provisions of State law distinguish between taxicabs and livery vehicles-for-hire; specifically, General Municipal Law § 181 provides:

The municipal officers and boards in the several cities, towns and villages of this state now having the authority to enact ordinances, may adopt ordinances⁴ regulating:

1. The registration and licensing of taxicabs and may limit the number of taxicabs to be licensed and the county of Westchester may adopt ordinances regulating the registration and licensing of taxicabs and limousines and may limit the number to be licensed; the county of Nassau may adopt ordinances regulating the registration of taxicabs and limousines; and the county of Suffolk may adopt ordinances regulating the registration of taxicabs, limousines, and livery vehicles; and the county of Rockland may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines, and livery vehicles and may limit the number to be licensed.
2. Parking and passenger pick-up and discharge by taxicabs, limousines and livery vehicles. Establishment of such ordinances and regulations regulating parking and passenger pick-up and discharges may be based upon recommendations from municipal planning officials or other public entities and may address and take into consideration such factors, including, but

not limited to, geographic areas, vehicle type, limiting the number of parked vehicles and activities undertaken while parked, and periods of idling.

Thus, as used in General Municipal Law § 181, a taxicab is a vehicle that may be hailed from the street to take riders, whereas limousines and livery vehicles may only take riders who arrange for a pickup, traditionally as a result of a phone call or written correspondence, and more recently via email and livery company website reservations. Unlike taxicabs, livery vehicles-for-hire may not accept street hails. Pursuant to General Municipal Law § 181, cities and villages are authorized to register, license, and limit the number of taxicabs operating within their jurisdictions, although there is no authority to similarly regulate livery vehicles-for-hire (i.e., vehicles-for-hire that do not accept rides via street hail), cities and villages may regulate the parking of taxicabs and livery vehicles as well as the picking-up and discharging of passengers by both taxicabs and livery vehicles.

Municipal Regulation of Ride Reservation Services

This basic understanding of local governments' regulatory powers for taxis and livery vehicles-for-hire informs how municipalities should regulate ridesourcing services programs. In one respect, ridesourcing apps are simply another method for riders to arrange a pick-up and ride, no different than calling or emailing a livery service to arrange for a ride. These ride sharing services do not obviate the need for drivers to be licensed and to obey federal, State, and local regulations. Rather, drivers must still obtain driver's licenses from the New York State Department of Motor Vehicles and register their vehicles as commercial vehicles. Moreover, to the extent that a city or village has established regulations for livery vehicles-for-hire pursuant to General Municipal Law § 181(2), such regulations apply to drivers using ride-

sourcing apps such as Uber, Lyft, and Sidecar.

Why the Opposition to Uber & Lyft?

Although ridesourcing apps are extremely popular with riders and drivers, they are not without opposition. In addition to the occasional story of a bad ridesourcing experience, many traditional vehicle-for-hire companies and drivers oppose ridesourcing apps because they cut in to their business. Ridesourcing services have greatly removed barriers to entering into the vehicle-for-hire business, thereby greatly increasing competition.

Moreover, ridesourcing apps have created a system that competes not only with the traditional method of calling a service to have a car dispatched for a pickup, but also with the street hail taxicab business model, because, as previously noted, the response times for obtaining a ride via a ridesource service are, on average, substantially better than obtaining a ride from a taxicab via a street hail. Thus, ridesourcing apps are threatening the business model for taxicabs; as a result, those businesses and their drivers are lobbying both local and state officials to enact protectionist regulations to maintain their current business model and profits.

What About Peer-to-Peer Lodging Rentals?

While Uber and Lyft are not, in reality, peer-to-peer sharing services because they connect riders with professional drivers, Airbnb is a more true peer-to-peer service. Instead of connecting riders with drivers, Airbnb connects would-be lodgers with home and apartment owners and renters. Unlike Uber and Lyft, which as of this article's printing, are currently serving several hundred cities around the world, Airbnb is facilitating the rental of homes and apartments in many more jurisdictions with rental listings in tens of thousands of locations around the world. In the State of New York, whereas Uber and Lyft are only currently active in New

York City and the greater Metropolitan area, Airbnb is currently listing thousands of units available for rent in cities, villages, and towns across New York State.

However, as a recent report by New York State Attorney General Eric Schneiderman highlighted, 72 percent of the Airbnb rentals in New York City violated state and local law, including the State's Multiple Dwelling Law and the City's Administrative Code.⁵

It is unclear how much authority local governments have to regulate Airbnb or other peer-to-peer room rental services directly. However, local officials have extensive authority to regulate property use within their jurisdictions through zoning and land use regulations. In fact, most city and village zoning codes probably already limit, either expressly or implicitly, the ability of residentially-zoned properties from being used as hotels or motels or from being rented on a short-term basis (e.g., rentals less than 30 days in length). If local officials are uncertain as to whether their local code currently authorizes or prohibits short-term rentals of homes or apartments, officials may amend their zoning codes or adopt local codes to expressly regulate short-term rentals of residential property.

Enforcing Short-Term Rental Violations

The nature of Airbnb's service makes enforcement of local rental regulations relatively simple. Instead of focusing on enforcement against Airbnb, local officials may simply search the Airbnb website for homes and apartments within their jurisdiction. Although the addresses of the rental units are not listed, extensive information is provided, including photos of rental interiors and exteriors, a photo of the host, and the host's first name. The information listed on the Airbnb website should be sufficient for local officials to determine the exact property being rented via Airbnb, at which point a determination could be made as to whether the short-term rental of the property violates local

regulations. Moreover, the information listed on the Airbnb website can be used to establish probable cause and obtain a search warrant, if necessary. Note, however, that although Airbnb is the most prominent peer-to-peer home sharing service, it is not the only peer-to-peer home sharing service. Consequently, local officials may need to review multiple online services to adequately enforce short-term rentals in their community.

Local Officials Can Regulate Short-Term Rentals, But Should They?

Whether local official should prohibit or even regulate short-term home and apartment rentals is a determination that each community must make for itself. There is no one-size-fits-all approach to addressing Airbnb and other services like it. Peer-to-peer short-term rental services are proving to be very popular, allowing home and apartment owners and renters to earn money off of excess capacity and short-term renters find housing. Economists view these services as a means of efficiently allocating excessive housing supply and for short-term housing rentals in areas under-served by hotels and motels. However, concerns about public safety, nuisance activity, displacement of long-term housing, and unfair competition to hotels that pay commercial taxes and hotel occupancy taxes are valid grounds for municipal regulation. Finding a balance between these concerns and the potential benefits Airbnb and its sister services offer to both homeowners and the community at-large may require a trial and error approach on the part of local officials.

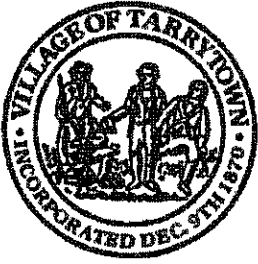
Conclusion

When dealing with new technologies, local officials should remember that the internet and mobile technologies are still in their infancy, with many companies rapidly implementing new services only to then substantially change how those services are provided within mere months. When faced with a new innovation being implemented in their community, local officials need to edu-

cate themselves about what exactly the innovation is, including its pros and cons. As always, local officials should consider consulting with their municipal attorney when adopting local regulations. In addition, officials with questions regarding regulating taxicabs, vehicles-for-hire, and short-term home and apartment rentals can contact NYCOM General Counsel Wade Beltramo at (518) 463-1185 or via email at wade@nycom.org.

Endnotes

1. Traditional peer-to-peer ridesharing generally involves a rider catching a ride with a non-professional driver who is driving along the same route for the purpose of sharing the expenses of the trip, taking advantage of high-occupancy vehicle lane travel, and to be more environmentally friendly. While there are many peer-to-peer ridesharing services (in fact Uber offers its own P2P service called Uberpool), the Uber and Lyft business models focus on connecting potential riders with professional drivers.
2. "App-Based, On-Demand Ride Services: Comparing Taxi and Ridesourcing Trips and User Characteristics in San Francisco," Lisa Rayle, Susan Shaheen, Nelson Chan, Danielle Dai, and Robert Cervero, University of California, Berkeley, August 2014, www.uctc.net/research/papers/UCTC-FR-2014-08.pdf.
3. 1996 N.Y. Op. Att'y Gen. (Inf.) 1097 (1996).
4. When General Municipal Law § 181 was adopted in 1956 (See Chapter 209 of the Laws of 1956), villages were authorized pursuant to former New York State Village Law § 90 to adopt "ordinances". The repeal of the authority for villages to adopt ordinances was via Chapter 892 of the Laws of 1972 does not affect the ability of villages to regulate taxicabs and livery vehicles-for-hire pursuant to General Municipal Law § 181.
5. The Attorney General's report may be read at www.ag.ny.gov/pdfs/AIRBNB%20REPORT.pdf.



TARRYTOWN FIRE DEPARTMENT

P. O. Box 158
Tarrytown, New York 10591

RECEIVED

AUG 17 2017

TARRYTOWN VILLAGE TREASURER

August 17, 2017

Mayor Fixell, and Board of Trustees,

At the August Board of Fire Wardens meeting, A motion was made to request permission to hold another Fire Department Dress Parade in 2018 since this year's parade was so successful. This motion was approved with Trustee Doug Zollo in attendance.

There were 21 visiting Fire Departments and bands and everything went smoothly and it brought the community together as residents as well as visitors lined the streets to cheer on the local volunteers.

We would follow the itinerary as this year's parade. The date will be Saturday August 11, 2018 with line up at 3:00 pm and step off at 4:00 pm. We would follow the same route of Independence Street and Park Avenue down to Losee Park for refreshments.

I would like to thank you in advance, for your support. If you have any questions or concerns I can be reached at 914-815-2566 (cell) or email sweaver@tarrytownfd.org

Respectfully,

Scott Weaver
Deputy Chief
Parade Chair

cc: Richard Slingerland, Village Administrator

TARRYTOWN FIRE DEPARTMENT
PARADE COMMITTEE

The Journal News

PART OF THE USA TODAY NETWORK

New Castle mulls law to restrict vape shop locales

MICHAEL P. MCKINNEY
MMCKINNEY@LOHUD.COM

NEW CASTLE - This could become the next Westchester County town to restrict vape shops and lounges to locations several hundred feet from schools, parks, playgrounds and religious institutions.

The potential for a local law comes amid the expected opening this month of a vape shop in next-door Pleasantville.

"Many parents are understandably

See VAPE, Page 5A

Vape

Continued from Page 1A

concerned, as are we," New Castle town Supervisor Robert Greenstein said in his weekly report to residents.

The Town Board this month discussed how much distance to put between such shops and places that young people frequent, from 500 feet to something more. It's slated to come back to the board at a Sept. 6 meeting.

Board members at the Aug. 8 session asked town Planning Director Sabrina Charney Hull — who looked at various lesser lengths as well — to look at whether 500 feet or as much as 750 could be feasible.

The town's lawyer cautioned that something like 1,000 feet, for instance, would be legally indefensible because it would essentially ban vape shops from town — something a municipality cannot do.

"You've got to make sure you're not zoning it out of the community," said Town Attorney Nicholas Ward-Willis.

Officials are working off a draft proposal that defines the affected business-

es as "a retail outlet specializing in the sale and/or distribution of any electronic cigarette or vapor products, including but not limited to electronic cigarettes; vape pens; dissolvable liquids; vaporizing liquids, oils or gels; mods; atomizers; vape tanks; and coilheads."

The proposal also calls for prohibiting such stores in all residential zones and says "no more than one vape store shall be located on any lot or within 500 feet of any other vape store."

If adopted, the town would join New Rochelle, which recently passed a law with a 500-foot restriction on how close vape shops can be to schools, playgrounds, daycare and youth centers. New Rochelle already has several vape and smoke shops.

Meanwhile, in Pleasantville, a planned opening this month of The Glass Room, in the village's downtown, led the school board there to meet and pass a resolution.

That resolution supports efforts to restrict future store locations in Pleasantville. It cites New Rochelle's legislation and urges support for things such as increasing to 21 the age at which someone can buy cigarettes, e-cigarettes and vaping products. It also urged local officials to create zones for such businesses. The resolution is a position but has no legislative force.

860

Local Law Number __ of 2017

A local law to amend Tarrytown Village Code Chapter 183 entitled Garbage, Rubbish and Refuse, Article II. General Provisions, Section 12 Operation of private refuse, waste and rubbish collection vehicles, to provide limited collection times by private carters on Saturdays.

Be it enacted by the **Board of Trustees** of the **Village of Tarrytown** as follows (language in **Bold and Underlined to be added**, language in ~~strikethrough to be deleted~~):

Section 1. Chapter 183-12. Operation of private refuse, waste and rubbish collection vehicles, Part B. is deleted in its entirety and the following language is enacted:

§ 183-12.

B. Private collection vehicles shall operate only between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, **and 8 a.m. to 10:30 a.m. on Saturdays** excluding holidays as otherwise provided, except in those areas designated as a location where Monday through Friday collection may be made between the hours of 4:00 a.m. and 5:00 p.m. The Board of Trustees, upon written application from a property owner, may consider the designation of such an exempted location. This decision shall be based upon the real need for such exemption, its effect on the encompassing zoning district, the likely effect of noise to residential dwellings in close proximity to the location, and any history of noise complaints relative to the collection of the abovementioned materials at that location or other nearby locations during the specified hours.

Section 2: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 3: Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

8 (b)

Article I. Dumping

[Adopted 2-26-1959 as Ord. 6.3 of the 1959 Unified Code of Ordinances]

§ 183-1. Use of land as dumping ground unlawful; exception.

A. No person may use any land or lands under water, public or private, within the Village for the purpose of a dumping ground.

[Amended 5-6-1991 by L.L. No. 5-1991]

B. The provisions of this section shall not apply to filling land or land under water with clean and customary fill.

§ 183-2. Restrictions.

No person shall dump, deposit or keep garbage, swill, offal, rubbish, brush cuttings, bottles, cans, metal, unusable automobiles or automotive equipment, machinery, junk, waste or other discarded things of any nature upon any street, park, public place or private property within the Village.

§ 183-3. Removal of unlawfully dumped material.

[Amended 5-6-1991 by L.L. No. 5-1991]

After five days' notice by the Superintendent of Public Works or his/her designee General Foreman Superintendent of Public Works or his/her designee to the person having the management or control of or occupying any land, the Highway Department or such other department designated by the Board of Trustees shall have the right to remove from any place in the Village the waste articles and materials mentioned in § 183-2 hereof.

Article II. General Provisions

[Adopted 7-19-1976 by L.L. No. 9-1976]

§ 183-4. Definitions and word usage.

A. The word "shall" is always mandatory and not merely directory.

B. As used in this article, the following terms shall have the meanings indicated:

ASHES

The residue from the burning of wood, coal, coke or other combustible materials.

COMMERCIAL AREA

Any area where a club, business, industry or light-manufacturing enterprise is located or operating or any area not classified as residential.

DUMPSTER

A one-and-one-half-cubic-yard container, the make and model of which is compatible with Village collection trucks (such as the J&T Metal Products Co., Inc., Model RL1 1/2 or its equivalent). All such containers shall be on functioning casters and shall be equipped with lift bars which measure seventy-seven and one-half (77 1/2) inches from end to end.

GARBAGE

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

8(b)

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food and readily combustible material such as paper, cardboard, wood, excelsior, cloth, food cans, glass food containers and bottles.

GARBAGE CONTAINER

Containers commercially manufactured for that purpose, equipped with suitable handles and tight-fitting covers. All containers, and shall be watertight.

LITTER

Garbage, refuse or rubbish as may be defined herein and other waste material which is thrown or deposited and which tends to create a danger to the public health, safety and welfare.

MULTIFAMILY DWELLING

(1) For the purpose of this article:

(a) Any detached building containing three or more dwelling units.

(b) Any apartment complex of two or more detached structures containing three or more dwelling units, such as a cooperative-type apartment complex or a garden-type apartment complex.

(2) A ~~condominium~~ or duplex shall not be considered a "multifamily dwelling."

PERSON

Any person, employee, servant, agent, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE DWELLING

A detached building containing not more than two individual dwelling units and shall also mean a dwelling unit that is part of a ~~condominium~~ complex.

PRIVATE PROPERTY

Any property other than that used as a public highway or public right-of-way or owned and/or operated by a federal, state or municipal government or agency thereof.

REFUSE

All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish and ashes.

RESIDENTIAL AREA

An area primarily zoned and occupied for residential purposes.

RUBBISH

Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as ~~yard clippings, metals, wood~~, non-recyclable glass, bedding, crockery and similar materials.

ROLLING CART

~~Container issued by the Village to all properties receiving curbside garbage collection for the sole purpose of curbside garbage collection.~~

SIDEWALK

The area between a building or property line and the street.

STREET

Includes any public street, roadway, highway, lane, alleyway, park, parking area, grounds or any other public place.

VILLAGE

The Village of Tarrytown.

Field Code Changed

Field Code Changed

Field Code Changed

Comment [MB1]: What about condominiums that are located in one building? Do you want them considered as not included in this language?

Field Code Changed

Comment [MB2]: See above

Comment [MB3]: Will we be issuing such containers in the future (someone needs to replace it) or a new resident? Will they be responsible for the replacement or purchase?

8(b)

Editor's Note: The definition of "Chairman of the Committee on Highway and Sanitation," which immediately followed this definition, was deleted 5-6-1991 by L.L. No. 5-1991.

§ 183-5. Unlawful acts; placement of litter baskets.

- A.** The owner, lessee, contractor, tenant or other person having management or control of or occupying any lot or plot of land in the Village, excluding any location designated by the Village Board, the ~~Superintendent of Public Works or General Foreman~~ **Superintendent of Public Works or his/her designee** or his/her designee or the Westchester County Department of Health for such purposes, shall keep such land at all times free and clear of any accumulation of garbage, refuse, rubbish, litter and waste or discard matter of any type, including automobiles, automobile parts and other machinery, except such as may be deposited for collection and disposal as provided for by this article. Summonses for violation of this provision may be served by **a designated Code Enforcement Officer or a member of the Police Department** ~~the Building Inspector or the Chief of Police or an officer of the Police Department designated by the Chief of Police.~~
- [Amended 10-5-1981 by L.L. No. 9-1981; 12-6-1982 by L.L. No. 13-1982]
- B.** No person shall deposit, throw, cast or bury ashes, rubbish, refuse, grass cuttings, tree cuttings, leaves, garbage, waste matter, offal or discard matter of any type, including automobiles, automobile parts and other machinery, on any lot or plot of land in the Village other than small inoffensive compost heaps such as may be utilized by a home gardener when stored on his own property and appropriately screened from view.
- C.** No person shall throw, cast or lay or directly suffer or permit any person to throw, cast or lay any litter and waste or discard matter of any type, including automobiles, automobile parts and other machinery, on any street, sidewalk or right-of-way within the Village.
- D.** Litter baskets. In the event that the ~~General Foreman~~ **Superintendent of Public Works or his/her designee** or his designee shall place on sidewalks, parking areas or any other public place litter baskets as may, in his discretion, be required, no person shall deposit in such litter baskets accumulations of litter, refuse and waste or discard matter of any type from private or commercial property, which must be deposited for collection or disposal as provided for by this article.
- E.** No person being the owner, driver or manager of any car or other vehicle and no owner of any receptacle shall scatter, drop or spill or permit to be scattered, dropped or spilled any dirt, gravel, sand, clay, loam, stone or building rubbish; hay, straw, oats, sawdust, shavings or other light materials of any sort; manufacturing trade or household waste, refuse or rubbish of any sort; or ashes, manure, garbage or other organic refuse or other offensive matter therefrom or shall permit the same to be blown off therefrom by the wind upon any street or sidewalk or right-of-way in the Village.
- F.** No person shall allow any swill, brine or any offensive animal matter or any bad-smelling or noxious liquid or other filthy matter of any kind to run or fall into or upon any street, sidewalk or right-of-way in the Village or to be taken or put thereon.
- G.** No person having the care, custody or control of any domestic animal, including cats, whether leashed or unleashed, licensed or unlicensed, shall permit such animal to excrete its body waste upon sidewalk area in the Village.
- H.** Abandoning shopping carts, etc., prohibited. No person shall abandon or discard or cause to be abandoned or discarded any article or thing, including but not limited to shopping carts or shopping wagons, baskets, crates, boxes or cartons, in or upon any street, highway, sidewalk or public place lying in the Village.
- I.** Rubbish blowing from receptacles. No person being the owner or in control of a receptacle containing any dirt, filth, waste or rubbish shall permit the contents of such receptacle to be blown therefrom by the wind onto or upon any street, highway or public place lying in the unincorporated area of the Village.
- J.** Removal of weeds, rubbish, etc.

Field Code Changed

Field Code Changed

Formatted: Font color: Red, Strikethrough

Comment [MB4]: Should we add WCEFF?

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

8(6)

- (1) No owner or occupant of real property within the Village shall permit grass, noxious weeds, brush or rank growths to exceed 12 inches in height. It shall be the responsibility of the owner or occupant of real property within the Village to cut and remove all long grass, noxious weeds, brush or rank growths growing upon said property in excess of 12 inches and to remove all rubbish and debris from said property.

Field Code Changed

[Amended 5-6-1991 by L.L. No. 5-1991]

- (2) Upon failure of the owner or occupant to comply with the provisions hereof, after due notice, the Village may cut and remove said noxious weeds, brush, rank growths and long grass and remove said rubbish and debris, and the total cost thereof may be assessed against the real property on which such weeds, brush, rank growths, long grass, rubbish or debris is found and shall constitute a lien and a charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for the collection of delinquent taxes.

Field Code Changed

- K. Surface drainage, etc., into sanitary sewers prohibited. No street, gutter, surface, cellar, land or subsurface drain of any kind shall be permitted to be discharged into the public sanitary sewer or connected therewith, directly or indirectly.

Field Code Changed

Field Code Changed

§ 183-6. Promulgation and modification of regulations; appeals.

- A. All garbage, refuse, rubbish, litter and waste material of any type accumulated in the Village shall be collected, conveyed and disposed of under the supervision of the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee, who shall have the authority to make regulations concerning the days of collection, the type, size and location of disposal containers and such other matters pertaining to collection, conveyance and disposal as he shall find necessary. The ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee shall have the authority to change and modify any regulations after due notice to all concerned.

Field Code Changed

- B. Appeals. Any person aggrieved by a regulation or fee charged by the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee shall have the right to appeal to the Village Board, which shall have the authority to confirm, modify or revoke any regulation or fee.

Field Code Changed

Field Code Changed

§ 183-7. Preparation of materials for collection; collection points.

- A. Separation of wastes; receptacles.

Field Code Changed

- (1) Garbage and recyclables ~~ashes and rubbish~~ shall be separated and placed and maintained in separate containers or receptacles.

Field Code Changed

- (2) It shall be the duty of every person having the management or control of or occupying any land or building to provide, for the exclusive use of such land or building or part thereof, ~~sufficient receptacles to hold garbage, ashes and rubbish ordinarily accumulated by the occupants of such land or building, each in separate receptacles, and to allocate an area for storage of such receptacles the~~ rolling carts in the interval between regular collections. Any waste material other than garbage, ashes and rubbish which cannot be readily deposited in any receptacles may be compacted and securely bundled, tied or packaged as to be easily handled, but not weighing more than 50 pounds and not likely to be scattered, and, when packed and secured, may be placed alongside of or in place of regular receptacles. Such packages or bundles should not exceed four feet in length.

Field Code Changed

Comment [MUS]: Question of continual issuance by the Village

- (3) Each of such ~~receptacles~~ rolling carts provided for in this section shall be ~~watertight~~ kept covered with a ~~suitable cover~~ and maintained in a sanitary condition by periodic cleaning. Except in instances where the rolling carts cannot be utilized due to geographic location or physical disability ~~one cubic yard containers are used~~, the property owner can utilize ~~receptacles~~ up to 4 garbage containers at their own expense that shall not exceed 32 gallons' capacity and, when filled, shall not exceed 50 pounds in total weight.

Field Code Changed

8(b)

[Amended 1-2-1996 by L.L. No. 1-1996]

(4) Each such receptacle containing garbage or rubbish shall be free of water or wetted materials.

B. Refuse containers Rolling Carts.

(1) Duty to provide and maintain in sanitary condition. ~~Refuse containers and Rolling Carts shall have been provided by the Village owner, tenant, lessee or occupant of the premises.~~ Refuse containers Rolling Carts shall be maintained in good condition. Any container that does not conform to the provisions of this article or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents shall be promptly replaced upon notice. Rolling Carts that become unusable due to neglect or damage other than fair wear and tear will be replaced at the property owners expense. The ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee shall have the authority to refuse collection for failure to comply herewith.

(2) Garbage and rubbish. Receptacles shall be containers commercially manufactured for that purpose, equipped with suitable handles and tight-fitting covers, and shall be watertight.

(3) ~~Ashes. Ash containers shall be made of metal.~~

(4) Compacted garbage. All compacted garbage shall be limited to 50 pounds in weight.

C. Points of collection.

[Amended 3-6-1989 by L.L. No. 5-1989; 3-5-1990 by L.L. No. 5-1990; 6-17-1991 by L.L. No. 10-1991]

(1) Where curb service is provided, refuse containers for rubbish, grass clippings, leaves, paper, etc., shall be placed for collection in a visible and accessible area between the sidewalk line and curb line immediately in front of the premises or directly by the curb, but not in the street, where there is no sidewalk. Said refuse containers shall not be placed by the curb prior to 7:00 p.m. on the day before the day of collection and shall be removed from the location where curb service is provided and moved to an appropriate location not visible from the street by 12:00 midnight of the day of collection.

(2) In residential areas, at each multifamily dwelling designed for three or more dwelling units, and at all commercial areas, the owner, tenant, occupant or person in charge thereof, on regularly scheduled collection days, shall set out or cause to be set out from the storage area all receptacles containing garbage, ashes and rubbish authorized to be collected to the curb area as described in Subsection C(1) above.

(3) The ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee may authorize the removal of garbage ~~and ashes~~ from the receptacles at storage areas, provided that such storage areas are readily accessible to the collection vehicle and collection in this manner will, in his opinion, result in a more expeditious removal of the garbage and ash accumulation from such receptacles.

§ 183-8. Collections.

The Department of Public Works shall make regular collections of all refuse as often and during such specified hours as shall be prescribed by the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee. Collection shall be made from receptacles when placed on or in front of any premises at such accessible locations as shall be designated by the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee. The ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee shall have the right to omit collections from any premises where a vicious dog is permitted to run at large or where employees of the Village are subject to any unnecessary danger or hazard.

A. Residential.

(1) Regular collections from residential areas shall be made from Monday through Friday on regular working days and on days and hours scheduled by the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee.

Field Code Changed

Field Code Changed

Field Code Changed

Formatted: Not Strikethrough

Comment [MB6]: Provided by Village?

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

8(6)

- (2) All refuse shall be in the rolling cart ~~issued by the Village~~ except in those locations ~~where the rolling cart~~ is not deemed usable, a container commercially manufactured for this purpose and not exceeding 32 gallons in size, having a tight-fitting cover and a maximum filled weight of 50 pounds, except that garden refuse and rubbish will be accepted in wooden boxes, baskets or pails with handles and that in certain instances one and one half-cubic-yard ~~receptacles~~ dumpsters are authorized by the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee.

Comment [MB7]: Issued by Village

Field Code Changed

[Amended 1-2-1996 by L.L. No. 1-1996]

- (3) Quantities of refuse to be collected are limited as follows:

(a) Residential private dwellings:

- [1] Garbage: one rolling cart or the equivalent of two four thirty-two-gallon containers per each two dwelling unit's family each collection day. Additional Rolling Carts will be issued to property owners by request for a fee of \$3.00 per week paid annually in advance.

Field Code Changed

Field Code Changed

Field Code Changed

[Amended 1-2-1996 by L.L. No. 1-1996]

- [2] Rubbish Organics: ~~the equivalent of two thirty-two-gallon containers each collection day, plus an additional equivalent of three thirty-two-gallon containers during the months of May through October inclusive.~~ Bundled and tied tree trimmings not exceeding four feet in length and 24 inches in any other dimension, bagged leaves and grass clippings shall be collected during the months of May through October inclusive. ~~equal to one thirty-two-gallon container.~~

Field Code Changed

Formatted: Strikethrough

Comment [MB8]: Why?

Formatted: Strikethrough

Formatted: Strikethrough

Comment [MB9]: Do we really follow this restriction?

Field Code Changed

Field Code Changed

Field Code Changed

[Amended 1-2-1996 by L.L. No. 1-1996]

- [3] Christmas trees. Trees shall be placed at the curb area and will be collected by regular collection or special collection during the month of January each year. Trees do not have to be cut to meet the length requirement described in Subsection A(3)(a)[2] of this section.

- [4] Large household items. All large household items, such as furniture, refrigerators, etc., will be collected from the curb area only and by special vehicle, by appointment with the Department of Public Works.

The ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee shall have the authority to decline certain materials in accordance with the Village's ability to dispose of such materials.

- [5] Ashes. Ashes must be thoroughly water-quenched and placed in one fireproof metal receptacle, weighing not more than 50 pounds filled, and placed with rubbish for collection.

Field Code Changed

- [6] Newspapers, magazines and cardboard. Newspapers, magazines and cardboard shall be placed for collection in accordance with the provisions of Chapter 237, Recycling.

Field Code Changed

Field Code Changed

[Amended 5-6-1991 by L.L. No. 5-1991]

(b) Residential multifamily dwellings:

- [1] ~~Where a multifamily dwelling is equipped with incinerator facilities operative in accordance with the Westchester County Environmental Protection Agency, all refuse must be incinerated, and the Village shall collect and dispose of all incinerated residue on regularly scheduled days. Such residue shall be put in suitable containers as outlined in Subsection A(2) of this section and placed at the curb for collection unless otherwise authorized by § 183-7 of this article.~~

Field Code Changed

Field Code Changed

- [2] ~~Where a multifamily dwelling is not equipped with incinerator facilities~~ The Village shall collect all refuse two days a week from high density dwellings not serviced by curbside collections as scheduled by the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee. All refuse must be properly separated pursuant to § 183-7 of this article and put in suitable containers as outlined in Subsection A(2) of this section.

Field Code Changed

Field Code Changed

Field Code Changed

- [3] Subsection A(3)(a)[3], [4] and [5] of this section shall also apply to residential multifamily dwellings.

Field Code Changed

Field Code Changed

- [4] In areas of collection where a dumpster is used for collection purposes, the size of the dumpster to be used shall be approved by the Superintendent of Public Works or his/her designee prior to the Village providing collection services.

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

[Added 1-2-1996 by L.L. No. 1-1996]

Field Code Changed

8(6)

B. Commercial. The following limitations apply to collection practices of the Village and are not to apply to private collection operations which supplement regular Village collections and are contracted for by the owners, landlords or tenants due to excessive accumulations of refuse.

(1) Regular collections from commercial areas shall be made from Monday through Friday on days and hours scheduled by the ~~General Foreman~~ **Superintendent of Public Works or his/her designee or his designee.**

(2) All refuse shall be in a container commercially manufactured for this purpose and not exceeding 32 gallons in size, having a tight-fitting cover and a maximum filled weight of 50 pounds.

[Amended 1-2-1996 by L.L. No. 1-1996]

(3) Quantities of refuse to be collected are limited as follows:

(a) Garbage: the equivalent of ~~two~~ four thirty-two-gallon containers each scheduled collection day.

[Amended 1-2-1996 by L.L. No. 1-1996]

(b) ~~Rubbish: the equivalent of two thirty-two-gallon containers each collection day.~~

[Amended 1-2-1996 by L.L. No. 1-1996]

(c) Ashes. Ashes must be thoroughly water-quenched and placed in one fireproof metal receptacle, weighing not more than 50 pounds filled, and placed with rubbish for collection.

(d) Newspapers, magazines and cardboard. Newspapers, magazines and cardboard shall be placed for collection in accordance with Chapter 237, Recycling.

[Amended 5-6-1991 by L.L. No. 5-1991]

(e) In areas of collection where a dumpster is used for collection purposes, the size of the dumpster to be used shall be approved by the Superintendent of Public Works or his/her designee prior to the Village providing collection services.

[Added 1-2-1996 by L.L. No. 1-1996]

(4) All refuse to be collected pursuant to Subsection B(1), (2) and (3) above, regardless of whether or not collected by the Village, shall be placed at curbside no earlier than 11:00 p.m. the day before the day of collection as scheduled by the ~~General Foreman~~ **Superintendent of Public Works or his/her designee or his designee.**

[Added 7-15-1985 by L.L. No. 4-1985; amended 1-2-1996 by L.L. No. 1-1996]

C. Prohibitions.

(1) Use of barrels, drums, kegs, cardboard boxes or cloth bags for the containing of garbage is prohibited.

(2) Empty receptacles shall be removed from the curb area immediately ~~within 12 hours~~ after collection unless otherwise prescribed by the ~~General Foreman~~ **Superintendent of Public Works or his/her designee or his designee.**

(3) Refuse receptacles shall be stored on private property on a location adjacent to a principal or accessory use building, but in no case shall such receptacles be stored forward of the front of the building line of the principal structure unless they are off the sidewalk area and completely obscured from public view, unless approved by the ~~General Foreman~~ **Superintendent of Public Works or his/her designee or his designee.**

(4) It shall hereafter be illegal for any person to construct, place or build facilities for the storage of receptacles below property grades (underground).

(5) Receptacles shall not be placed for collection inside or within any building, accessory use building or garage or any place above or below ground level.

(6) No person shall prevent or interfere with any employee of the Village in the sweeping or cleaning of any street, sidewalk or right-of-way or in the removal therefrom of sweepings, litter, snow, ice or other refuse material.

(7) No person, other than an authorized employee or agent of the Village or a private collection agency authorized by the owner or occupant of the property, shall disturb or remove any garbage, refuse, rubbish, paper or boxes that have been placed outside of private houses, apartment houses, business or commercial buildings or lots for removal.

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Comment [MB10]: Is this really a prohibition?

Field Code Changed

Comment [MB11]: Is this really a prohibition?

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

- 86
- (8) No employee of the Village, in the course of his duties, shall be required to enter a building or structure to gather or collect any refuse.

Field Code Changed

§ 183-9. Materials not collected by Village.

Field Code Changed

The Village shall not collect or dispose of any debris, ~~including but not limited to such as~~ plaster, stone, brick, sawdust, ~~wood products~~, sod or dirt resulting from general contracting, renovating or landscape contracting, nor shall the Village collect or dispose of any cleaning establishment waste, highly combustible materials, junk automobiles or branches and tree stumps ~~unless they are split in sections six inches or less in diameter and three feet or less in length~~. Removal of such debris shall be arranged privately.

Comment (MB12): Does this make sense -- such as 2 x 4's?

§ 183-10. Excessive accumulation of refuse.

Field Code Changed

- A. Any accumulations of refuse resulting from failure of any person to comply with any provision of this article or from failure of such person to take advantage of the regular collection service maintained by the Village and any waste building materials in excess of ordinary household refuse of such materials shall be removed by such person at his expense.
- B. The Department of Public Works will collect from the premises on scheduled days an amount of all classes of refuse in accordance with limitations set forth in § 183-8, but where abnormal amounts are placed for collection, the Department reserves the right to refuse the materials, to defer the collection, to collect the material in part or to make a special collection thereof at charges authorized by the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee.
- C. The ~~General Foreman~~ Superintendent of Public Works or his/her designee is authorized to enter into an agreement with any person in commercial areas for the collection of excessive accumulations of abnormal amounts of all classes of refuse.

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

§ 183-11. License required for private refuse, waste and rubbish collection vehicles.

Field Code Changed

- A. No collection vehicles, other than those owned by the Village, shall make collections unless a license is procured for each as hereinafter provided.
- B. The Village Clerk shall accept applications for the licensing of each private collection vehicle, and such sworn and notarized applications shall contain but not be limited to the following:
- (1) The name and address of the owner of the subject vehicle.
- (2) If the vehicle is owned by other than an individual person, the name and address of the firm, partnership, corporation or other. If a corporation, indicate the state in which incorporated or chartered and the date of such official recognition.
- (3) The full names, addresses and dates of birth of all owners, officers, partners, managers, members of the Board of Directors and holders of 10% or more of the outstanding stock or the indebtedness of such firm. [Amended 10-19-2009 by L.L. No. 7-2009]
- (4) Whether the applicant or any of the above named have ever been arrested for any crime or offense other than a traffic violation and, if so, that person's name and the charge, jurisdiction, date and disposition of each offense.
- (5) Whether any of those named in Subsection B(3) above is or has been affiliated in any way with any other refuse, waste or rubbish collection firm and, if so, with whom and how.
- (6) Whether any of those listed in Subsection B(3) above has ever been denied a license for the purpose of refuse, waste or rubbish collection and, if so, whom, the jurisdiction and date.
- (7) The make, year, model of chassis, body style, covering and color of the subject vehicle.

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

8(6)

(8) The current New York State registration and plate number of the subject vehicle. If registration and/or plate numbers change during the period for which the vehicle is licensed, this change shall be reported, in writing, to the Village Clerk within 48 hours of such occurrence.

(9) The expiration date of the vehicle registration.

(10) The unladen and maximum gross weight of the vehicle.

(11) The routes on which the vehicle will operate within the Village.

(12) The approximate volume and tonnage the vehicle will handle per day.

(13) A listing of the present customers, with addresses which will be serviced by the vehicle within the Village.

(14) The hours and days during which the vehicle will normally operate within the Village.

(15) The disposal site or sites used or planned.

(16) The garage or lot location where such vehicle is normally stored.

(17) The name of the vehicle insurance carrier, policy number and expiration date.

(18) The certificate of employee disability insurance number.

(19) Certification that each vehicle has been issued a valid New York State Department of Motor Vehicles inspection sticker and that the vehicle has passed any and all other licensing requirements as set forth by any other governmental agency or body.

[Added 8-20-1984 by L.L. No. 12-1984]

C. The forms to be supplied by the Village Clerk for the application hereto set forth shall be completely executed by the applicant and verified, and such license, if approved, shall be for the calendar year in which the license is issued.

D. Denial of application or revocation of license.

(1) If any application for a license contains any false or misleading statement or omits to disclose any pertinent information, such false statement or omission shall be cause for denial of the application or immediate revocation of any license presently in effect.

(2) The Village Clerk, upon receipt of a negative recommendation of the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee or the Chief of Police or his/her designee, shall deny any application or immediately revoke any license presently in effect.

(3) Upon the denial of an application or the revocation of a license, the applicant or licensee may, within 30 days of such denial or revocation, appeal, in writing, to the Village Board for a hearing to review the determination of the Village Clerk.

E. This license is not transferable except when current New York State vehicle registration is transferred to another vehicle and then only when notification is made to the Village Clerk prior to the transfer and when the subject vehicle has been approved by the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee.

F. All applications must be reviewed by the Chief of Police or his/her designee and the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee before a license may be issued by the Village Clerk.

(1) For the purpose of inspection, each vehicle shall, at the time of application, possess a valid New York State Department of Motor Vehicles inspection certificate. Furthermore, the applicant is to certify that any and all other inspection requirements as set forth by any other governmental agency or board have been met.

[Amended 8-20-1984 by L.L. No. 12-1984]

(2) The Chief of Police or his/her designee shall cause a search to be made into the truth of the statements contained in the application for a license. After completing such investigation, the Chief of Police or his/her designee shall transmit to the Village Clerk his written recommendation as to either the granting or denying of said application.

[Amended 11-2-1992 by L.L. No. 22-1992]

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

8 (6)

(3) The recommendations by the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee and the Chief of Police or his/her designee shall be based upon a determination as to whether the public health, safety and welfare shall best be served by the granting or denying of the application.

Field Code Changed

G. A fee for the licensing of each vehicle under application shall be required upon the submission of said application in the amount as adopted by resolution of the Board of Trustees ~~Editor's Note: Such fee is on file and available for inspection in the office of the Village Clerk during regular office hours.~~ for each license for the calendar year or any part thereof. The fee for any license not approved shall be returned, minus a service and handling charge as adopted by resolution of the Board of Trustees. ~~Editor's Note: Such service and handling charge is on file and available for inspection in the office of the Village Clerk during regular office hours.~~

Field Code Changed

[Amended 5-6-1991 by L.L. No. 5-1991]

H. Licenses shall not be renewed, but rather a new application must be made each year, and a license fee as adopted by resolution of the Board of Trustees shall be paid.

Field Code Changed

[Amended 5-6-1991 by L.L. No. 5-1991]

I. The Village Clerk shall issue a replacement license for one which has been lost or destroyed upon the filing of a required affidavit, payment of the fee as adopted by resolution of the Board of Trustees and approval of the Chief of Police or his/her designee and the ~~General Foreman~~ Superintendent of Public Works or his/her designee or his designee.

Field Code Changed

[Amended 5-6-1991 by L.L. No. 5-1991]

J. The license to be issued by the Village Clerk shall be prominently displayed on the lower right corner of the left front access door not more than three inches from the vertical and horizontal edges.

Field Code Changed

K. A certificate of insurance, with the Village endorsed on the certificate as coinsured/additional or named insured, in the following minimum amounts is required:

Field Code Changed

[Amended 5-6-1991 by L.L. No. 5-1991]

(1) Personal injury: \$1,000,000 per individual and \$1,000,000 per occurrence.

Field Code Changed

(2) Property damage: \$1,000,000 per individual and \$1,000,000 per occurrence.

Field Code Changed

Field Code Changed

§ 183-12. Operation of private refuse, waste and rubbish collection vehicles.

A. It shall be unlawful to dispose of any refuse collected within the Village at any location other than that so designated by the Village Board.

Field Code Changed

B. ~~Private collection vehicles shall operate only between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays as otherwise provided, except in those areas designated as a location where Monday through Friday collection may be made between the hours of 4:00 a.m. and 5:00 p.m.~~ The Board of Trustees, upon written application from a property owner, may consider the designation of such an exempted location. This decision shall be based upon the real need for such exemption, its effect on the encompassing zoning district, the likely effect of noise to residential dwellings in close proximity to the location, and any history of noise complaints relative to the collection of the abovementioned materials at that location or other nearby locations during the specified hours.

Field Code Changed

Comment [MB13]: Is this true anymore? Do private haulers pick up on Saturdays?

[Amended 5-6-1991 by L.L. No. 5-1991; 6-22-1998 by L.L. No. 8-1998; 4-15-2002 by L.L. No. 5-2002]

C. No collection whatsoever shall be made on Saturdays, Sundays or other days designated by the Village.

Field Code Changed

[Amended 5-6-1991 by L.L. No. 5-1991]

D. Garbage collection vehicles shall be completely enclosed and watertight.

Field Code Changed

E. Rubbish collection vehicles wherein no garbage is transported may be of an open refuse-collection type, provided that such vehicles are fitted with a suitable canvas or other cover to prevent any material from being discharged while such vehicles are in transit.

Field Code Changed

F. Collections are to be made in such manner as not to permit debris, litter and the like to fall upon property, public or private, or upon any highway within the Village.

Field Code Changed

8(b)

G. Vehicles designed or known as "rear loaders" or "rear load packers" shall be completely closed in transit, either by use of the exterior-closing-door mechanism or by having all refuse compacted between the pushout blade and the packer blade.

Field Code Changed

H. All accessory doors, including the main loading door, shall be closed in travel on public highways unless the subject vehicle is engaged in a continuous servicing of adjacent structures on said highway.

Field Code Changed

I. Collection vehicles shall be subject to inspection at any time by authorized representatives of the Department of Public Works or peace officers of the Village for the purpose of enforcement of this article. All licensed firms or their employees shall be required to give aid and cooperation when requested to do so by such Village personnel in the performance of the enforcement of this article.

Field Code Changed

J. Where, as required by the collection practice, containers of one cubic yard or more are used, such containers must prominently display the name and address of the individual or firm owning such container. Containers must have covers and must be covered at all times. Containers must be kept clean and sanitary at all times.

Field Code Changed

K. All collection vehicles shall be properly identified by the person owning such vehicles, including the name and address, and shall be kept clean and sanitary both inside and out.

Field Code Changed

§ 183-13. Enforcement.

Field Code Changed

By virtue of the adoption of this article, the ~~General Foreman~~ Superintendent of Public Works, a designated Code Enforcement Officer ~~or his designee~~ and a member of the Police Department shall be empowered to enforce the prohibitions and regulations under all sections of this article.

§ 183-14. Penalties for offenses.

Field Code Changed

[Amended 5-6-1991 by L.L. No. 5-1991]

The violation of any provision of this article shall be an offense against the law which shall be punishable as provided in Chapter I, General Provisions, Article II, and each day that such violation shall be permitted to exist shall constitute a separate offense, except that any violation of § 183-12 herein shall, in addition to the above penalties, subject the violator to suspension or revocation of the license issued pursuant to § 183-11 herein.

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

§ 183-15. Conflicts with other laws.

This article shall not be affected by any other local law or ordinance or parts of any local law or ordinance heretofore enacted by the Village Board in conflict or inconsistent with the provisions of this article, and this article shall supersede such.



Village of Tarrytown

West Main Street, Tarrytown, New York 10591

July 31, 2017-

Chief John Barbelet
Tarrytown Police Dept
One Depot Plaza
Tarrytown, New York 10591

Dear Chief Barbelet:

Proposal to serve Wine and Beer at the Tarrytown Halloween Parade – 2017

Summary:

The Tarrytown Halloween Parade Committee/Board seeks to have the full permission and support of the Tarrytown Police Dept. in our efforts to have beer and wine served at during the parade and block party.

General Provisions:

- Wine and beer will be served and allowed ONLY within the parameters of a designated TTPD approved area.
- The designated area will be cordoned off and monitored by the Tarrytown PD.
- Patrons will NOT be allowed to leave designated area with cups of beer or wine.
- There will be NO GLASS only Plastic cups will be used.
- This will be the joint promotion and effort of specific Tarrytown restaurants.
- Proposed designated area shall be with-in the parameters of just west of Washington Street to Kalenberg Place. (using the west side of Hope Hose FD building as the farthest point west and blocking off North and South Washington once the DJ leaves)

Rationale:

The addition of wine and beer would result in a greater retention of visitors and visitors remaining longer at the block party which would result in added revenue for the parade and the businesses.

It is our hope and expectation that this addition, done in an organized and controlled fashion will be a successful and profitable addition to our yearly event.

Joe Arduino
Recreation Supervisor
914 631 8389

