

Local Law 1 of 2009

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 State Street, Albany, New York 12231

Village of Muttontown

A local law amending Chapter 38 (Buildings, Unsafe) and Chapter 150 (Solid Waste) of the Code of the Village of Muttontown by renaming Chapter 38 “Buildings and Land, Maintenance”; moving Article 1 (Dumping) of Chapter 150 to the newly renamed Chapter 38; and amending each and every section of the renamed Chapter 38 to establish new standards for the maintenance of land and buildings in the Village, to authorize the Village to take remedial actions in connection with unsafe, abandoned, neglected or inadequately maintained land and/or buildings, and to recover the costs thereof by assessment and lien.

Be it enacted by the Board of Trustees of the Village of Muttontown as follows:

Chapter 38. BUILDINGS AND LAND. MAINTENANCE

[HISTORY: Adopted by the Board of Trustees of the Village of Muttontown 7-1-1973 as Art. 15 of the 1973 General Ordinance. Amendments noted where applicable.]

GENERAL REFERENCES

Building design -- See Ch. 35.

ARTICLE I. Unsafe Buildings and Land

§ 38-1. Definition.

UNSAFE BUILDINGS – As used in this chapter, an unsafe building includes any building, shed, fence or other man-made structure which is structurally unsafe, abandoned, neglected, dangerous, unsanitary or constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are for the purpose of this chapter unsafe buildings. All such buildings and structures are hereby declared to be illegal and are prohibited and shall be abated by repair and rehabilitation or by demolition and removal in accordance with the procedures of this Chapter.

§ 38-2. Removal or repair required.

Any building in the Village which, from any cause, may now be or shall hereafter become a dangerous building as defined herein or which is unsafe to the public, to the occupants thereof or to adjoining property or occupants shall be removed or repaired as provided in this chapter.

§ 38-3. Notice and order.

Upon receipt by the Board of Trustees of a report of an inspection by the Village Engineer, Building Inspector or the Code Enforcement Officer of a building shown in such report to be an unsafe building as defined herein, the Village Clerk shall cause to be served on the owner, lessee, contractor or other person in possession or control of such building, either personally or by registered mail, addressed to the last known address, if any, of the owner as shown by the tax records of the Village or in the records of the County Clerk of the County of Nassau, a notice containing a description of the premises, a statement of the particulars in which the building or

structure is unsafe or dangerous and an order requiring the same to be made safe and secure or removed and the time within which the person served with such notice shall make the building safe and secure, or remove such building, and if such service is made by registered mail, the Village Clerk shall cause a copy of such notice to be posted on the premises. The aforesaid notice shall state that in the event that the building or other structure is not promptly made safe and secure or removed, an application will be made at a special term of the Supreme Court in Nassau County not less than five nor more than 10 days following the date of such notice for an order determining the building to be a public nuisance and directing that it shall be repaired and secured or taken down and removed by the Village.

§ 38-4. Recovery of costs.

When the Village has effected the inspecting, repairing, securing or removing of an unsafe, abandoned, neglected or inadequately maintained building or land, and incurred costs and expenses for the same, the actual costs and expenses incurred, including but not limited to the costs of legal and engineering services, plus accrued interest at the rate of 6% per annum from the date of completion of the work, if not paid by such owner prior thereto, shall be assessed against the lot or parcel of land where such building is or was located, which assessment shall be included in the next succeeding annual bill for Village taxes for such property and shall become a lien thereon when such taxes become a lien.

ARTICLE II, Unsafe Land [Adopted 7-1-1973 as Art. 6 of the 1973 General Ordinance]

§ 38-5. Definitions.

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

GARBAGE -- Includes but is not limited to waste from the preparation, cooking and consumption of food; metal, glass, plastic and paper containers for food and household products; and paper, cartons, rags, dead animals, putrescible substances, sewage and similar disposable items.

RUBBISH -- Dry combustible or noncombustible material, which shall include but is not limited to ashes, magazines, books, newspapers, clothing, wooden crates and pieces of metal, junk, discarded furniture, rugs and carpets.

TRASH -- Includes but is not limited to lumber, building materials, concrete, rocks, fill, topsoil, inoperable or wrecked automobiles, automobile parts, plumbing fixtures, household appliances, leaves, branches, grass, tree stumps and limbs.

UNSAFE LAND -- Piles, accumulations, protrusions, pits, holes, excavations, trees that are determined to be dead or dangerous by the Village Arborist, uncovered wells, unprotected outdoor swimming pools, spas or hot tubs, or other declivities or conditions of land which are unsightly, unstable, or are liable to cause injuries to persons or animals falling therein or therefrom, or are liable to cause damages to adjacent properties.

§ 38-6. Deposit of garbage, rubbish or trash. § 38-6. Deposit of garbage, rubbish or trash.

No person shall throw, place, litter, deposit or dump or suffer or permit any servant, agent, employee or person in his charge to throw, place, litter, deposit or dump any garbage, rubbish or trash of any kind on the surface of any street, public grounds or private property in the Village for the purpose of abandonment or otherwise.

§ 38-7. Property maintenance.

The owner, lessee, contractor or other person in possession or control of such land in the Village shall at all times maintain said premises free of garbage, construction debris, rubbish and trash, except that this section shall not prohibit the temporary storage of garbage and rubbish in authorized private receptacles for collection or trash in connection with bona fide land clearing

and building activity or the making and retaining of a compost heap and mulching area for normal gardening purposes in accordance with customary gardening practices, provided that said compost heap or mulching area is located at least 40 feet from any boundary line of the property upon which it is located. It shall be a violation of this Chapter for any person or firm whether owner, lessee, contractor or otherwise, to permit or maintain unsafe land as that term is defined herein, or to permit or maintain the accumulation or maintenance of any construction debris and/or loose garbage on land within the Village.

§ 38-8. Notice to remedy; action by Village; recovery of costs.

A. Notice to remedy. The Superintendent of Public Works, Building Inspector, and Code Enforcement Officer of the Village is hereby authorized and empowered to notify, in writing, the owner, lessee, contractor or other person in possession or control of any land in the Village to remedy any condition that causes the land to be unsafe land, or to properly dispose of any garbage, rubbish or trash located on such land. Such notice shall be served personally upon said owner, lessee, contractor or other person in possession or control of such land, or shall be sent by certified mail, return receipt requested, addressed to said owner, lessee, contractor or other person in possession or control of such land at his or her last known address.

B. Action upon noncompliance. Upon the failure, neglect or refusal of any such owner, lessee, contractor or other person in possession or control of such land so notified to properly remedy any condition that causes the land to be unsafe land or to properly dispose of such garbage, rubbish, construction debris or trash within 10 days after receipt of written notice provided for in Subsection A above, or within 15 days after the date of such notice in the event that the same is returned to the Village by the Post Office Department because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address of such owner, lessee, contractor or other person in possession or control of such land, the Superintendent of Public Works, Building Inspector, and Code Enforcement Officer is hereby authorized and empowered to accomplish, cause to be accomplished, or pay for the remediation of any condition that causes the land to be unsafe land, or for the disposal of garbage, rubbish, construction debris and trash.

C. Charge included in tax bill. When the Village has effected the remediation of such unsafe land, or the removal of such garbage, rubbish, construction debris and trash from such private property or has paid for its removal, the actual cost of such remediation or removal, plus accrued interest at the rate of 6% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be assessed against such property, which assessment shall be included in the next succeeding annual bill for Village taxes for such property and shall become a lien thereon when such taxes become a lien.

D. The remediation or removal of any nuisance, hazard or litter by the Village or its designee shall not operate to excuse such the owner, lessee, contractor or other person in possession or control of any land in the Village from properly maintaining his or her property as hereinabove set forth, and such owner, tenant or occupant shall, notwithstanding, be subject to the penalties above mentioned.

§ 38-9. Penalties for offenses.

Violations of this article shall be punishable as provided in Chapter 1, General Provisions, Article II.

Chapter 150. SOLID WASTE

[HISTORY: Adopted by the Board of Trustees of the Village of Muttontown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Advertising and bill posting -- See Ch. 4.

Brush, grass and weeds -- See Ch. 31.

ARTICLE I. Recycling [Adopted 12-11-1989 by L.L. No. 3-1989]

§ 150-1. Findings and purpose.

A. The Board of Trustees of the Incorporated Village of Muttontown hereby determines that there is a significant amount of recyclable material present in the solid waste generated in the Village that could be removed by its residents. The recovery and reuse of such recyclable material will reduce the amount of solid waste conventionally disposed of by providing an environmentally acceptable disposal alternative. Recycling will reduce the demand for increasingly unavailable landfill areas and protect the health, safety and welfare of its residents by promoting prudent disposal programs essential for the protection of the environment.

B. The Board of Trustees has determined that the mandatory separation of designated recyclables from the solid waste stream generated within the Village will foster maximum environmental and economic benefits with the minimum inconvenience to its residents and property owners. The Board of Trustees has further determined that an integral element of this recycling program shall be the reservation of the authority to adopt appropriate rules and regulations, including the right to designate or delete the type of material which shall be recycled, the manner, means and method of separation, the method of storage, collection and disposal of recyclables and the prohibition of certain designated materials.

C. This article shall be construed to regulate the separation and disposal of recyclable materials in accordance with and pursuant to the New York State Solid Waste Management Plan as currently enacted and as hereafter amended and shall be liberally construed to effectuate the purposes set forth herein.

§ 150-2. Definitions.

The following words and terms shall have the following meanings:

NONRECYCLABLE MATERIALS -- All other solid waste generated by the Village other than prohibited materials.

PERSON -- Any individual, firm, corporation, association or partnership.

PROHIBITED MATERIALS -- Materials that contain hazardous or toxic substances or that are not suitable for residential disposal and which will not be collected or permitted to be placed in recyclable containers as set forth in the rules and regulations.

RECYCLABLE MATERIALS -- Discarded solid waste material which may be reclaimed and is in the form of paper, glass, metals and plastics.

RECYCLABLES -- Specific types of recyclable materials as shall be designated by the Board of Trustees pursuant to rules and regulations adopted hereunder.

RULES AND REGULATIONS -- Rules and regulations which are duly adopted by the Board of Trustees at a public meeting.

§ 150-3. Mandatory separation and collection of recyclables.

The owner, lessee or occupant of every dwelling within the Village shall separate and dispose of recyclables as follows:

A. Prior to collection, all recyclables shall be processed and cleaned, with all contents removed, in accordance with the rules and regulations.

B. Recyclables shall be placed in an approved color-coded container which has been designated for the particular recyclable group. Recyclables shall not be stored or mixed in the same container with other forms of solid waste.

C. Newsprint shall be bundled and securely tied with a string or placed in a brown paper bag.

D. Recyclables shall be collected on a periodic basis and properly disposed of at a suitable processing center.

§ 150-4. Recyclable containers.

Containers for the purpose of collecting and storing recyclables will be initially provided by the Village to every dwelling. Such containers will remain the property of the Village and must be kept clean and in good condition. Recycling containers are not to be used for any purpose other than as described herein and in accordance with the rules and regulations. In the event that such containers are lost, damaged or stolen, additional equivalent containers must be provided by the property owner at his own expense.

§ 150-5. Collection schedule and procedures.

The schedule and applicable procedures for the collection of recyclables by independent carters shall be provided, in writing, to each property owner in the Village who is serviced by said carter. Each property owner shall be responsible to comply with said schedule and procedures.

§ 150-6. Unlawful activities.

A. It shall be unlawful and a violation of this article for any person to:

(1) Place or cause to be placed or permit any material, other than a designated recyclable, to be placed in an approved recyclable container;

(2) Permit or allow or knowingly fail to separate and prepare recyclables for collection in accordance with the provision of this article. After providing five days' written notice sent certified mail, return receipt requested, to the occupant of a dwelling, a private carter or the municipality may refuse to collect said solid waste from any dwelling where a violation of this article exists;

(3) Collect or cause to be collected recyclables which are in violation of this article; or

(4) Permit or allow or cause to occur a violation of any rules and regulations promulgated hereunder and duly adopted by resolution of the Board of Trustees.

B. Presumption. Any property owner upon whose land solid waste is left for collection or storage in such a manner as to be in violation of this article shall be deemed and presumed to be the person who shall have placed or deposited such solid waste on the property.

§ 150-7. Penalties for offenses.

A. Any person found to violate any provision of this article or rules and regulations promulgated hereunder shall be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. Each day that such violation exists shall constitute a separate offense.

B. The Board of Trustees is further authorized, upon written notice mailed to the property owner at the owner's last known address, as shown in the Village records, to direct the removal of solid waste in violation of this article. The cost of said removal, together with interest, shall become a special assessment on the property where the material is removed, collectible with the next tax bill due. This remedy is in addition to all other remedies available to the Village to remedy the violation.

§ 150-8. Enforcement.

It shall be the duty of the Village Building Inspector, Code Enforcement Officer, Police Department and any other individual designated by the Board of Trustees and they shall have the power, right and authority to enforce the provisions of this article and issue appearance tickets for violations.

§ 150-9. Rules and regulations.

The Board of Trustees is empowered and authorized to promulgate and establish, by resolution, any rules and regulations which are necessary and proper to implement and administer the provisions of this article.

ARTICLE II, Collection and Disposal [Adopted 10-8-1990 by L.L. No. 2-1990]

§ 150-10. Policy and objectives.

A. In the interest of the public health, safety and general welfare of its residents, the Board of Trustees has deemed it necessary to regulate and license the collection and disposal of solid waste in the Village. In furtherance of this policy, the Board of Trustees deem it reasonable and proper to exercise the appropriate degree of municipal supervision and control over the collection and disposal of solid waste generated from the Village in order to prevent danger to public health and injury to public welfare.

B. The objective of this article is to establish licensing procedures and promulgate regulations and standards applicable to the collection and disposal of solid waste generated and collected from Village residents as shall be deemed necessary by the Board of Trustees to carry out the provisions of this article for the benefit of the public good.

§ 150-11. Definitions.

For the purpose of this article, the following definitions shall apply:

BOARD OF TRUSTEES -- The Board of Trustees of the Incorporated Village of Muttontown.

CARTER -- Any person who operates, conducts or supervises a business engaged in the collection, removal and disposal of solid waste.

COLLECTION VEHICLE -- A vehicle designed, built and used for the purpose of collecting solid waste.

EMPLOYEE -- Any person who is employed by or otherwise acts on behalf of a carter in the operation of its business, either on a full-time or part-time basis.

GARBAGE -- Includes putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food and other household wastes, excluding recyclables.

OPERATE -- To pick up, collect, load or otherwise perform the collection of solid waste or the supervision or direction of such activities.

PERSON -- Any person, firm, partnership, joint venture, association, corporation, company or organization of any kind.

PROHIBITED MATERIALS -- Includes solid or liquid waste resulting from industrial processes and manufacturing operations, such as, but not limited to, food processing waste, waste oil or grease or automobile parts; volatile or explosive materials, such as gasoline, benzene, kerosene, turpentine, cartridges, shells, ammunition or gunpowder; and such other material as may be designated by resolution of the Board of Trustees.

RECYCLABLES -- Includes newsprint, metal, glass and plastic containers used for food products and such other materials as shall be designated by resolution of the Board of Trustees.

RUBBISH -- Includes nonputrescible solid wastes (excluding ashes), such as leaves, grass, plant clippings, weeds, branches, limbs, metal, wood, glass, bedding, crockery and similar materials and such other materials as may be designated by resolution of the Board of Trustees.

SOLID WASTE -- Includes all material classified as "garbage," "rubbish," "trash" and "recyclables," as defined herein, excluding prohibited material.

TRASH -- Includes such bulk articles as appliances, furniture, bed springs, mattresses and building materials.

VILLAGE -- The Incorporated Village of Muttontown.

§ 150-12. Violations.

It shall be a violation of this article:

A. For any carter to operate, engage in, conduct or supervise service to any property in the Village without having a current, valid license issued pursuant to this article and such other municipal permits as required by law.

B. For any carter or carter's employee to engage in the collection or disposal of solid waste in the Village without being registered pursuant to this article.

C. For any person to fail to abide by any rules and regulations set forth herein or hereinafter adopted by the Board of Trustees in furtherance of this article.

§ 150-13. Application for license.

A. Application. Every carter who does business within the Village shall file a written, verified application with the Village Clerk on the forms provided.

B. Application form. The application shall contain:

(1) The name and address of the applicant. If a partnership, the names and addresses of each general or limited partner or, in the case of a corporation, the officers and directors and the names and addresses of each shareholder holding 10% or more of the stock of the corporation shall be provided. For the purpose of this article, the term "applicant" shall apply to all of the above, and each party shall provide all information required of an applicant.

(2) If the applicant conducts business under a trade name or if the applicant is a partnership, it shall be so noted on the application, which must be accompanied by a copy of the trade name or partnership certificate duly certified by the clerk of the county in whose office the certificate was filed.

(3) The age and citizenship of the applicant.

(4) The carting experience of the applicant.

(5) Two references from individuals knowing the applicant for more than two years.

(6) The number of collection vehicles to be operated by the applicant. A description of each vehicle, including the ownership of the vehicle, the current New York State registration number and the area in which the vehicle will operate.

(7) The approximate tonnage each collection vehicle will handle per day.

(8) The location of the terminal proposed to be used by the applicant for the storage of licensed vehicles.

(9) The applicant's proposed route and pickup schedule in the Village.

(10) The standard monthly rate available to all Village residents shall be listed and shall be based upon:

(a) Number of weekly pickups provided, i.e., one, two or three pickups per week.

(b) Average driveway of 400 feet in length and unimpeded access to trash containers.

For longer driveways an incremental factor may be quoted.

(c) Collection of two standard thirty-gallon containers per pickup, with an average weight of 35 pounds per container.

(d) Additional quotation on special pickups for miscellaneous trash and rubbish, such as disposable old refrigerators, washers, furniture, leaves, grass clippings, manure, building material, ashes, etc.

(11) The name, address and telephone number, both day and night, of the applicant or the person in charge of the business.

(12) The hours and days each collection vehicle will operate within the Village.

(13) Any other relevant information the Village Clerk may require.

(14) The name, address, social security number and date of birth of all employees to be employed by the applicant and the driver's license number and type of license of each driver who will operate any of the applicant's vehicles in the Village of Muttontown.

(15) Two individual photographs of each officer and director, if a corporation, or each partner or sole proprietor and every employee who will work in the Village, taken within 30 days prior to the date of the application, 1 1/2 inches by 1 1/2 inches in size, which must be a true likeness of the applicant.

C. Fingerprinting. The applicant and any employee may be fingerprinted under the direction and supervision of the Police Chief, if so directed by the Board of Trustees.

D. Police investigation. The Village Clerk shall refer the application to the Old Brookville Police Department for investigation and report thereon.

§ 150-14. Term of license; renewal; fees.

A. Period. Every license issued shall be effective the first day of January, or such subsequent day of issuance, and shall expire on the 31st day of December next succeeding, unless suspended or revoked by the Village Board of Trustees.

B. Renewal.

(1) A license may be renewed upon filing a renewal application with the Village Clerk and payment of the appropriate renewal fee, provided that there is full compliance with all rules, regulations and provisions of this article and there are no existing, unremedied violations of this article or rules and regulations. The renewal application shall reaffirm all information on the original application to be correct and accurate.

(2) Any change in the daily route, pickup schedule or customer pricing shall be reported, in writing, to the Village Clerk 30 days before the effective date, except that where change is due to factors beyond the control of carters, then reasonable notice shall be given to the Village Clerk.

C. Fees. The Village Clerk shall charge and collect a fee as set forth in § 67-7 of Chapter 67, Fees and Deposits. [Amended 4-12-1999 by L.L. No. 1-1999]

§ 150-15. Issuance of license.

A license shall not be issued to an applicant unless the Board of Trustees or its designated representative is satisfied that:

A. References have been reviewed and approved.

B. The applicant has sufficient experience to function as a licensee.

C. The applicant is financially responsible.

D. Issuance of a license is in the public interest.

E. There has been compliance with terms and conditions of this article.

§ 150-16. Denial, suspension or revocation of license.

A. The Board of Trustees, in compliance with the requirements herein, may deny, suspend or revoke a license for the following grounds:

- (1) False statement or willful and knowing misrepresentation made in a license application.
- (2) Failure to comply with any lawful order or notice issued by the Village or the Old Brookville Police Department.
- (3) Repetitive or flagrant violation of the provisions of this article or rules and regulations promulgated hereunder.
- (4) Failure to correct any deficiencies in equipment, procedures or operations within 30 days of receipt of notice from the Village.
- (5) The conviction of an applicant of a criminal offense subject to the applicable provisions of the Correction Law
- (6) The failure or refusal, without reasonable cause, to collect a Village resident's solid waste, except in a situation where a contract has been lawfully terminated, or to provide carting service to any residence requesting service in the Village at the stated price in its application. A resident's failure to promptly pay monthly charges or failure to comply with recycling legislation shall presumptively be reasonable cause to refuse service.
- (7) Failure to properly dispose of solid waste or recyclables at the Glen Cove incinerator or any other site approved by the Village for disposal of these materials.
- (8) Failure to reasonably fulfill his obligations to a Village customer.
- (9) Insolvency or a general assignment for the benefit of creditors or adjudication as a bankrupt, or where a money judgment has been secured against him, upon which an execution has been returned wholly or partly unsatisfied.
- (10) Upon ceasing business operations for which a license was previously issued.

B. Upon revocation, suspension or the expiration of a license, any license issued hereunder shall be surrendered to the Village Clerk.

C. Within 10 days of termination of an employee's employment with a carter, an employee shall surrender his identification card to the Village Clerk.

§ 150-17. Ownership of corporate stock of licensee.

All capital stock of a corporate licensee shall be issued only to and in the name of the true owner. A person shall not hold stock in a corporate licensee, directly or indirectly, for the use or benefit of another person.

§ 150-18. Sale or change of ownership or corporate stock.

In the event of any sale or change of ownership of a licensee or of any capital stock of a corporate licensee, the licensee must notify the Village Clerk of such change at least three days prior to such sale or change.

§ 150-19. Insurance.

A. Before a license may be issued or thereafter renewed by the Village Clerk, each applicant shall file with the Village Clerk certificates of insurance coverage that the following insurance coverage is in full force and effect during the term of the license:

- (1) Worker's compensation insurance.
- (2) Disability benefits insurance.
- (3) Public liability insurance naming the Village as insured or as additionally insured.
- (4) Property damage insurance naming the Village as insured or as additionally insured.

B. The Board of Trustees shall, by resolution, determine the required insurance policy limits.

§ 150-20. Records.

Every licensee shall keep complete and accurate books of account with respect to the operation of his business. All such records shall be retained by the licensee for at least three years.

§ 150-21. Vehicle sticker.

The Village Clerk, when issuing a license, shall also issue a vehicle sticker for each collection vehicle. This vehicle sticker shall be firmly affixed on the driver's side of each vehicle on the cab near the window. The sticker shall contain the license number and Village initials.

§ 150-22. Identification on vehicles.

Each licensed collection vehicle shall have on the outside of each door of the cab the name and address of the licensee in letters not less than four inches in height, either painted or otherwise securely affixed.

§ 150-23. Surrender of license.

Upon the sale, dissolution, suspension or discontinuance, whether voluntary or involuntary, of the business of a license, it shall be the duty of the licensee to notify the Village Clerk and surrender the license to the Clerk.

§ 150-24. Sale, transfer or assignment of licensed collection vehicle.

A. In the event of the sale, transfer or assignment of the right, title and interest of a licensed collection vehicle, the seller, transferor or assignor shall be required to surrender the license to the Village Clerk within five days after such sale, transfer or assignment, together with a sworn statement giving particulars regarding the sale, transfer or assignment, including the name and address of the purchaser, transferee or assignee.

B. In the event that the new owner, transferee or assignee of the vehicle desires to have said license reissued in his name, he shall file an application in the manner provided herein.

§ 150-25. Appeals.

A. The holder of any license which has been suspended or revoked, and any applicant who shall have been denied a license under this article, may petition the Board of Trustees to review its determination as hereinafter provided:

(1) The petition for review shall be in writing, signed and acknowledged by the applicant or licensee, and shall state the ground or grounds on which the petitioner claims that the determination was improper or illegal.

(2) Said petition shall be filed with the Village Clerk within 20 days after notification of denial, revocation or suspension has been mailed to him or delivered to him in person.

(3) Upon filing of the written petition, a hearing shall be held pursuant to the provisions of § 150-26.

B. The Board of Trustees, after public hearing and receipt of the review board recommendation, may affirm its action or direct the Village Clerk to issue a license pursuant to this article.

§ 150-26. Hearings

A. A hearing required herein shall be held on the date, place and hour designated by the Mayor.

B. The Village Clerk shall give notice, stating the name and address of the petitioner, the subject matter of the hearing and the date, place and hour designated, by mailing a copy to the petitioner at the address shown upon the most recent application at least 10 days prior to said hearing.

C. The Mayor shall designate two or more members of the Village Board of Trustees to conduct said hearing as a review board.

D. The petitioner shall be entitled to be represented by legal counsel and to present such competent and material testimony or other evidence in his own behalf as may be relevant to the subject matter of the hearing.

E. All witnesses shall be sworn and examined under oath.

F. At the hearing, the review board shall consider the petition and, in its discretion, may receive new or additional evidence in support or in opposition to this petition.

G. The review board shall submit its recommendation to the Board of Trustees.

§ 150-27. Operation of collection vehicles.

A. It shall be unlawful to dispose of any solid waste within the Village at any location other than that so designated by the Board of Trustees or at a facility which the licensee has been authorized to use.

B. Collection vehicles shall operate only between the hours of 7:00 a.m. and 5:00 p.m., Mondays through Saturdays, excluding holidays, or as otherwise provided.

C. No collection whatsoever shall be made on Sundays or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

D. The cargo portion of collection vehicles shall be completely enclosed and watertight.

E. Collection vehicles which do not transport garbage to a refuse facility may be of an open refuse type, provided that such vehicle is fitted with suitable canvas or other cover to prohibit any material being discharged while the vehicle is in transit.

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

G. All accessory doors, including the main loading door, shall be closed in travel on public highways unless the vehicle is engaged in servicing customers on said highway.

H. Collection vehicles shall be subject to inspection at any time by authorized representatives of the Village, Old Brookville Police Department or Nassau County police for the purpose of enforcement of this article.

I. Collection vehicles shall be kept clean and sanitary both inside and out.

§ 150-28. Rules and regulations.

The Board of Trustees, after a duly noticed public hearing, may promulgate rules, regulations and standards to ensure the quality, efficiency and effectiveness of the enforcement, interpretation and implementation of this article.

§ 150-29. Disclaimer and liability.

Notwithstanding the payment of any license fee, the issuance of any license or inspection and approval by the Village, the Village, including its agents and employees, shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of a carting business or of its service to Village residents, nor does it assume any liability whatsoever for the actions of any carter.

§ 150-30. Penalties for violation.

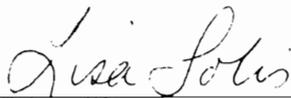
Any person who violates or fails to comply with this article shall commit a violation as defined in the New York State Penal Law which shall be punishable in the Village Justice Court by a fine of up to \$250 or a term of imprisonment of up to 15 days, or both, for each such violation.

This local law is effective upon filing with the Secretary of State.

Final adoption by the Board of Trustees of the Incorporated Village of Muttontown.

I hereby certify that the local law annexed hereto, designated as Local Law 1 of 2009 of the Incorporated Village of Muttontown was duly passed by the Board of Trustees on March 10, 2009 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted by the Board of Trustees of the Incorporated Village of Muttontown.



Lisa Lolis
Village Clerk/Treasurer

Incorporated Village of Muttontown
Date: March 19, 2009

Seal

Certification by the Village Attorney

STATE OF NEW YORK
COUNTY OF NASSAU

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



Steven G. Leventhal
Village Attorney

Incorporated Village of Muttontown
Date: March 19, 2009