

LOCAL LAW #1-2026

Village of Livonia, County of Livingston
Refuse Benefit Assessment District

A local law amending certain portions of Chapter 125 of the Code of the Village of Livonia.

Chapter 125. Solid Waste

Article I. Recycling

[Adopted 11-11-1992 by L.L. No. 1-1992]

§ 125-1. FINDINGS and PURPOSE.

- A. Removal of certain materials from the solid waste stream will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources, and reduce the required capacity of existing and proposed resource facilities.
- B. The New York Solid Waste Management Act of 1988 requires that municipalities adopt a local law or ordinance by September 1, 1992, to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist.
- C. The creation of a refuse benefit assessment district in the Village of Livonia will be an economic benefit to the residents and businesses of the Village, as well as contribute to the health, safety, and welfare of such residents by reducing the number of days per week that garbage collection will adversely affect the peace and enjoyment of such residents. Institute a plan for the management of recyclable materials generated or originated in the
- D. Village of Livonia, New York, to promote the safety, health, and well-being of persons and property within said Village; and
- E. Implement the express policy of the State of New York encouraging solid waste reduction through recycling; and
- F. Maintain and provide for the orderly and economic collection of recyclable materials and solid waste in the Village of Livonia by creating a Recyclable Materials and Solid Waste Collection Benefit Assessment District in the Village of Livonia.

§ 125-2. **DEFINITIONS.**

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

COMMERCIAL WASTE GENERATOR

Any business, governmental agency, municipality or other nonresidential generator of solid waste requiring off-site disposal.

COUNTY

Livingston County, New York, or any authorized county agency.

DROP-OFF CENTER

A private or publically operated facility to which recyclables can be delivered.

MATERIALS RECOVERY FACILITY

A private or public facility for receiving source-separated recyclable materials and processing them into marketable commodities.

NON-RESIDENTIAL COMMERCIAL UNIT

Any parcel within the Recyclable Materials and Solid Waste Collection Benefit Assessment District that is not classified as residential, generates solid waste through business, institutional, professional, retail, service, manufacturing, nonprofit, or other non-household activities, and receives Village refuse collection services using totes and/or Village-supplied dumpsters, and is therefore subject to the associated assessments. Where multiple businesses or separately operating commercial entities occupy a single parcel or structure, each such business or entity shall be separately assessed for refuse services.

RECYCLABLES

Any material designated as such by the county, provided that such material is not hazardous and can be reasonably separated from the solid waste stream and held for material recycling or reuse value.

RECYCLING RULES AND REGULATIONS

County rules and regulations adopted by the county pertaining to the separation, collection, transportation and disposal of recyclables, as may be amended from time to time by the county.

RESIDENTIAL WASTE GENERATOR

Any person or household which produces solid waste requiring off-site disposal.

RESIDENTIAL UNIT

A dwelling unit which is used, or which may be lawfully used, for residential purposes as designated by the Assessor of the Village of Livonia or the Code Enforcement Officer of the Village of Livonia, including dwelling units on properties which are primarily devoted to nonresidential uses or accessory or incidental residential dwelling units used in connection with principal institutional or nonresidential uses. Each dwelling unit in a multi-dwelling unit building shall be considered a separate dwelling unit for the purposes of this article.

SOLID WASTE

All putrescible and nonputrescible solid waste, including but not limited to materials or substances discarded or rejected as being spent, useless, worthless, or in excess to owners at the time of such discard or rejection, or are being accumulated, stored or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as industrial, commercial and agricultural waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the Commissioner of the Department of Environmental Conservation.

SOURCE SEPARATION

The segregation of recyclables from the solid waste stream at the point of generation for separate collection, sale or other disposition.

SOURCE SEPARATION LAW

This Article I.

UNIT COST

The usage fee, assessed on a benefit basis, imposed upon each unit within the district on a no less than annual basis for the collection and removal of recyclable materials and solid waste from or at such unit.

VILLAGE

The Village of Livonia, Livonia, New York.

**VILLAGE OF LIVONIA RECYCLABLE MATERIALS AND SOLID WASTE
COLLECTION BENEFIT ASSESSMENT DISTRICT**

All properties in the Village of Livonia, in or on which there is located a non-residential commercial unit and/or residential unit or units.

WASTE GENERATOR

A commercial waste generator or a residential waste generator.

WASTE HAULER

Any person or entity licensed by or under contract with the Village of Livonia to collect and transport recyclable materials and solid waste generated or originated within the Village of Livonia..

§ 125-3. PREPARATION OF RECYCLABLES FOR COLLECTION.

- A. Each commercial and residential waste generator in the Village shall source-separate recyclables from solid waste.
- B. Each waste generator in the Village shall provide for the removal of recyclables from the property on which they are generated either through a service provided by the Village, a private hauler, or by direct haul by the individual waste generator to a disposal location permitted by law.
- C. Nothing in this Article is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables.
- D. Each waste generator shall source-separate recyclables in conformance with the recycling rules and regulations.

§ 125-4. WASTE HAULERS.

- A. All waste haulers doing business in the Village shall offer or cause to be offered to their customers collection, transportation and disposal services for recyclables in the same manner as such waste hauler offers collection, transportation and disposal services for solid waste. Unless otherwise provided in the recycling rules and regulations, such services shall be provided on the same day(s) as solid waste pickup, transportation or disposal services are provided.
- B. All waste haulers shall offer a pre-bag system to promote reduction of solid waste.
- C. Waste haulers are required to take recyclables to a material recovery facility where such materials are recycled.
- D. Waste haulers are required to follow the requirements of the recycling rules and regulations.

§ 125-5. ` Recyclable Materials and Solid Waste Benefit Assessment District

- A. Pursuant to Village Law Article 22, the Village of Livonia Recyclable Materials and Solid Waste Benefit Assessment District is hereby established.

- (1) Such District shall consist of every residential unit and non-residential commercial unit located within the Village of Livonia, County of Livingston, State of New York.
- (2) The unit cost for such benefit assessment district shall be determined by the amount, calculated on an annual basis, of the total cost to the Village of Livonia of creating and administering such district, the bidding process required to bid for the collection service required by such district, the legal services required to create such benefit district and to enter into the contract required for the services to be provided by such benefit district, and the annual cost to the Village of Livonia of providing for the collection of recyclable materials and solid waste for each residential and non-residential commercial unit located in such district. Based upon these calculations, the Village will determine the cost to the taxpayers.
- (3) The annual cost to the Village of Livonia of providing for the collection of recyclable materials and solid waste for the benefit assessment district, as referenced in the preceding paragraph, shall be as set forth in the contract with the waste hauler. The identity of such hauler and the terms of the contract with such hauler shall be as determined by the Board of Trustees, pursuant to the competitive bidding process established by the State of New York and the Local Laws, Resolutions, Policies, and/or Rules of the Village of Livonia.
- (4) The unit cost as defined by the preceding paragraphs shall be assessed, levied, and collected as a local special benefit assessment against real property in such district pursuant to Section 5-518 of the Village Law of the State of New York.
- (5) It shall be unlawful for any person to accept or allow for collection at such person's residential unit, whether owned or occupied, the recyclable materials or solid waste of another.
- (6) Unless otherwise permitted by the Village, all recyclable materials and/or solid waste generated by the ownership or occupancy of a unit must be disposed of on the contracted day, through the waste hauler contracted by the Village of Livonia for Village-wide recyclable materials and solid waste collection.

§ 125-6. Administration.

This Article shall be primarily administered by the Village. The county shall be primarily responsible for the development and implementation of the recycling rules and regulations.

§ 125-7 Penalties for Offenses

Any person or persons, firm or corporation, who or which shall violate any provisions of this Article shall be guilty of an offense punishable by a fine not exceeding \$250 or imprisonment for a period not exceeding 15 days, or both. Each day of continued violation shall constitute a separate offense.

Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.