

**City of Mount Vernon, New York  
Private Carting Application Instructions**

1. Application must be filled out completely, signed and notarized.
2. All applicants must be fingerprinted. Follow attached fingerprint instructions. **ALL OFFICERS OF CORPORATIONS ARE TO BE FINGERPRINTED. See fingerprinting instructions on back of this page.**
3. A copy of your **Current** Westchester County Solid Waste Management License Certificate must be attached.
4. All pages of your **Current** Westchester County Department of Health Refuse Collection Permit must be attached, including facility information. Check to make sure all truck license plate numbers from Schedule 5 of application are listed on second page of the Health Permit which must also be attached.
5. **Insurance:**
  - ✓ Certificate of **Liability Insurance** with limit not less than \$2,000,000.00, combined single limit , covering injuries to persons and damages to property, covering each and every vehicle engaged in the collection of garbage, rubbish and trade waste. The City of Mount Vernon as additional insured. Hard copies of Certificates of Insurance are required. Certificate Holder should read, City of Mount Vernon, Office of the City Clerk, Room 104, City Hall, 1 Roosevelt Square, Mount Vernon, NY 10550. **City of Mount Vernon must be listed as additional insured.**
  - ✓ **Worker's Compensation Insurance**
  - ✓ **N.Y.S. Disability insurance.**
6. Please attach a copy of Certificate of Incorporation.
7. License fee of **\$200.00 (see attached amendment to City code)** per truck is required. Checks should be made out to the City of Mount Vernon.
8. Licenses are issued for the period from June 1 to May 31 of the succeeding year.

**\*Please file by early April to insure your license application is approved prior the expiration of your current license. If you do not file your application prior to your license expiration your company will be removed from the Approved Carter List posted in the Department of Public Works.**

**PLEASE DO NOT SUBMIT APPLICATIONS WITHOUT ALL REQUIRED DOCUMENTS. INCOMPLETE APPLICATIONS WILL BE RETURNED.**

*This application was designed to be printed double sided to conserve paper and preserve the environment.*

## **FINGERPRINTING INSTRUCTIONS**

As of 2/4/2010, people needing to be fingerprinted will need to follow the instructions below.

Go to [www.L1enrollment.com](http://www.L1enrollment.com) or Call L-1 toll free at (877) 472-6915 to schedule an appointment to be fingerprinted. Print out the confirmation page if possible and bring it along with you to your appointment.

Payment Options: Personal or Business check, Government check, Certified check, Bank check, Money Order, or Credit Card. Checks should be made payable to L-1 Enrollment Services.

You MUST bring two forms of valid ID, at least one form having a photo. If you did not pay online you will have to bring your payment to your appointment.

Info:

ORI Number: NY0590300

Fingerprinting Reason: Garbage/Rubbish

Agency ID Number (License, Case or ID Number if needed):

**FINGERPRINT RESULTS EXPIRE SIX MONTHS  
AFTER THE DATE THEY ARE TAKEN. ONCE  
PRINTS ARE EXPIRED, IT WILL BE THE  
APPLICANT'S RESPONSIBILITY TO RETAKE  
FINGERPRINTS IF THE APPLICATION PROCESS  
HAS NOT BEEN COMPLETED.**

Original Application \_\_\_\_\_  
Renewal \_\_\_\_\_



License Number \_\_\_\_\_  
Date Issued \_\_\_\_/\_\_\_\_/\_\_\_\_  
Fee Paid \$ \_\_\_\_\_

**CITY OF MOUNT VERNON**

**License Application for the Collection of Garbage, Trade Waste, and Refuse  
within the City of Mount Vernon  
(Application is double sided)**

1. Name of person filing Application \_\_\_\_\_  
Home Address \_\_\_\_\_  
(street address, city, state, zip)  
Phone Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_
2. Business or Corporation Name \_\_\_\_\_  
Business Address \_\_\_\_\_  
(street address, city, state, zip)  
Business Phone Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Is Business:  Corporation  Partnership  Privately Owned
3. If Partnership or Corporation, complete Schedule 1; listing the names, addresses, titles and dates of birth for all officers or partners.
4. Has applicant or any of the listed officers or partners been arrested for an offense other than a traffic violation?  Yes  No If "Yes", complete Schedule 2.
5. What year was the Company/Corporation established? \_\_\_\_\_  
If Corporation, what state where corporation papers filed? \_\_\_\_\_
6. Is this company affiliated with any other Carter?  Yes  No If "Yes", complete Schedule 3.
7. Is this company licensed or ever applied for a license with any other municipality?  Yes  No  
If "Yes", complete Schedule 4 and note whether the license has ever been suspended, revoked or denied.
8. On Schedule 5, please list all vehicles to be used within the City of Mount Vernon. Only trucks listed and approved are allowed to operate within City limits.
9. Liability Insurance: **Please attach Certificate, City of Mount Vernon must be listed as "Additional insured".**  
Insurance Agency \_\_\_\_\_  
Policy Number \_\_\_\_\_
10. Workmen's Compensation Insurance: **Please attach Certificate**  
Insurance Agency \_\_\_\_\_  
Policy Number \_\_\_\_\_

**Date Stamp**

11. Please provide the name and address of the union negotiating with your company.

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12. Is your company presently or prospectively a member of any Carting Association(s)?  Yes  No  
If "Yes", provide the name, address, and principle figure of the organization(s).

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Is applicant is aware that false statements made in this application are cause for denial of this License.

Yes  No **Applicant Initials** \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

***APPLICATION WILL NOT BE PROCESSED UNLESS SIGNED AND DATED.***

**SCHEDULE 1**  
**OFFICERS AND DIRECTOR/PARTNERS**

1. Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_\_

2. Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_\_

3. Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_\_

4. Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_\_

**Please attach all fingerprint receipts here.**

**PREVIOUS ARREST RECORD**

1. Name: \_\_\_\_\_  
Date: \_\_\_/\_\_\_/\_\_\_                      City/Town/Village of Arrest: \_\_\_\_\_  
Nature of Charges: \_\_\_\_\_  
Court/Jurisdiction: \_\_\_\_\_  
Disposition: \_\_\_\_\_
  
2. Name: \_\_\_\_\_  
Date: \_\_\_/\_\_\_/\_\_\_                      City/Town/Village of Arrest: \_\_\_\_\_  
Nature of Charges: \_\_\_\_\_  
Court/Jurisdiction: \_\_\_\_\_  
Disposition: \_\_\_\_\_
  
3. Name: \_\_\_\_\_  
Date: \_\_\_/\_\_\_/\_\_\_                      City/Town/Village of Arrest: \_\_\_\_\_  
Nature of Charges: \_\_\_\_\_  
Court/Jurisdiction: \_\_\_\_\_  
Disposition: \_\_\_\_\_
  
4. Name: \_\_\_\_\_  
Date: \_\_\_/\_\_\_/\_\_\_                      City/Town/Village of Arrest: \_\_\_\_\_  
Nature of Charges: \_\_\_\_\_  
Court/Jurisdiction: \_\_\_\_\_  
Disposition: \_\_\_\_\_
  
5. Name: \_\_\_\_\_  
Date: \_\_\_/\_\_\_/\_\_\_                      City/Town/Village of Arrest: \_\_\_\_\_  
Nature of Charges: \_\_\_\_\_  
Court/Jurisdiction: \_\_\_\_\_  
Disposition: \_\_\_\_\_

**SCHEDULE 3**  
**AFFILIATIONS**

1. Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Officers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Officers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Officers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Officers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SCHEDULE 4**  
**CARTING LICENSES ISSUED BY OTHER MUNICIPALITIES**

1. Municipality: \_\_\_\_\_  
Date: \_\_\_/\_\_\_/\_\_\_\_\_ Expiration Date: \_\_\_/\_\_\_/\_\_\_\_\_ Lic. No.: \_\_\_\_\_  
Was it ever:  Denied  Suspended  Revoked  
Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Municipality: \_\_\_\_\_  
Date: \_\_\_/\_\_\_/\_\_\_\_\_ Expiration Date: \_\_\_/\_\_\_/\_\_\_\_\_ Lic. No.: \_\_\_\_\_  
Was it ever:  Denied  Suspended  Revoked  
Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Municipality: \_\_\_\_\_  
Date: \_\_\_/\_\_\_/\_\_\_\_\_ Expiration Date: \_\_\_/\_\_\_/\_\_\_\_\_ Lic. No.: \_\_\_\_\_  
Was it ever:  Denied  Suspended  Revoked  
Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Municipality: \_\_\_\_\_  
Date: \_\_\_/\_\_\_/\_\_\_\_\_ Expiration Date: \_\_\_/\_\_\_/\_\_\_\_\_ Lic. No.: \_\_\_\_\_  
Was it ever:  Denied  Suspended  Revoked  
Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Municipality: \_\_\_\_\_  
Date: \_\_\_/\_\_\_/\_\_\_\_\_ Expiration Date: \_\_\_/\_\_\_/\_\_\_\_\_ Lic. No.: \_\_\_\_\_  
Was it ever:  Denied  Suspended  Revoked  
Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**SCHEDULE 5**  
**VEHICLES**

1. Year: _____	Make: _____	License Plate №: _____
Registration Year: _____	VIN/Serial №: _____	
Net Weight: _____	Cubic Yard Capacity: _____	
Date Acquired: _____	Where is Vehicle Garaged?: _____	

2. Year: _____	Make: _____	License Plate №: _____
Registration Year: _____	VIN/Serial №: _____	
Net Weight: _____	Cubic Yard Capacity: _____	
Date Acquired: _____	Where is Vehicle Garaged?: _____	

3. Year: _____	Make: _____	License Plate №: _____
Registration Year: _____	VIN/Serial №: _____	
Net Weight: _____	Cubic Yard Capacity: _____	
Date Acquired: _____	Where is Vehicle Garaged?: _____	

4. Year: _____	Make: _____	License Plate №: _____
Registration Year: _____	VIN/Serial №: _____	
Net Weight: _____	Cubic Yard Capacity: _____	
Date Acquired: _____	Where is Vehicle Garaged?: _____	

5. Year: _____	Make: _____	License Plate №: _____
Registration Year: _____	VIN/Serial №: _____	
Net Weight: _____	Cubic Yard Capacity: _____	
Date Acquired: _____	Where is Vehicle Garaged?: _____	

**Please make copies to list additional vehicles.**

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**COMPLETE ONLY ONE VERIFICATION**

<b>INDIVIDUAL VERIFICATION</b>	<b>CORPORATE VERIFICATION</b>
<p>State of New York, County of: _____                      _____ (Applicant Name) being                      duly sworn, deposes and says that he is the                      applicant, that (s)he is the applicant and has read                      the foregoing application and knows the contents                      thereof: that the same it true to the knowledge of                      the applicant, except as to the matters started to be                      set forth on information and belief, and as to those                      matters he believes it to be true.                      Signed by: _____                      Sworn to on the ____ day of _____, 20____                      _____                      (Notary Public or Commissioner of Deeds)</p> <p style="text-align: center; margin-top: 20px;"><b>Stamp Here</b></p>	<p>State of New York, of: _____                      _____ (Applicant Name)                      being duly sworn, deposes and says (s)he is the                      _____ (Title) of the                      aforesaid applicants corporation, that the                      foregoing application is true to applicants                      knowledge, except as to matters which are                      stated upon information and belief and that as                      to those matters applicant believes to be true.                      Signed by: _____                      Sworn to on the ____ day of _____, 20____                      _____                      (Notary Public or Commissioner of Deeds)</p> <p style="text-align: center; margin-top: 20px;"><b>Stamp Here</b></p>

_____ Commissioner of Public Safety	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: ____/____/____
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_____ Commissioner of Public Works	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: ____/____/____
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_____ City Clerk	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: ____/____/____
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**Health Department Licenses and Permits accompany this application.**

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## **CHAPTER 140 GARBAGE, RUBBISH AND REFUSE**

[HISTORY: Adopted by the Council of the City of Mount Vernon as indicated in article histories. Amendments noted where applicable.]

### **ARTICLE II Licensed Collectors (§ 140-9 — § 140-34)**

[Adopted 11-13-1957 as Ch. 50 of the General Ordinances of the City of Mount Vernon, approved 11-15-57]

#### **§ 140-9 Definitions.** [Amended 6-22-1960, approved 6-23-60]

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

#### **COMMERCIAL MEAT WASTE**

Offal and all and every kind of refuse from the trimming of meats, fish and fowl in retail markets, fish markets and butcher shops.

#### **GARBAGE**

Every refuse accumulation, except commercial meat wastes, of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits, vegetables or baked goods.

#### **PERSON**

Any individual, firm, corporation, association or partnership, and includes the plural as well as the singular and the feminine as well as the masculine gender.

#### **RUBBISH**

Discarded combustible and noncombustible waste material and refuse of every character accumulated within the City, except garbage, trade waste, commercial meat wastes and offensive materials as defined in § 1 of Article X of the Sanitary Code of the City of Mount Vernon, New York, and includes but is not limited to ashes or the residue from burning wood, coal, coke and other combustible materials of every description, house dirt, trash, newspapers, papers, cartons, rags, boxes, wood, excelsior, wood shavings, sawdust, rubber, leather, tree branches, yard trimmings, dry leaves, tin cans, metals, mineral matter, glass, crockery and dust.

#### **TRADE WASTE**

Any refuse from the manufacture, processing, assembling or repair of any kind of goods, wares or merchandise and any such manufactured, processed, assembled or repaired goods, wares or merchandise which has been discarded by the person, firm or corporation manufacturing, processing, assembling or repairing same or who is engaged in the sale of any manufactured, processed, assembled or repaired goods, wares or merchandise, but such term does not include commercial meat waste, as defined herein.

#### **§ 140-10 License required.**

No person shall engage in the business of collecting, removing and/or transporting trade waste, garbage or rubbish in the City of Mount Vernon without first obtaining from the City Clerk of the City of Mount Vernon a license to carry on such business.

#### **§ 140-11 Hours of collection.** [Amended 8-24-77, approved 8-25-77]

Persons licensed under the provisions of this Article to collect garbage, rubbish or trade waste in the City shall not collect such garbage, rubbish and trade waste in the City of Mount Vernon between the hours of 2:00 a.m. and 7:00 a.m., inclusive, except in those areas of the City specifically designated by the Commissioner of Public Works.

#### **§ 140-12 License fee.** [Amended 9-27-1989, approved 9-28-1989; 3-11-1992, approved 3-12-1992; 3-13-2002, approved 3-14-2002]

The fee for a license under this article shall be ~~\$180~~ **\$200** (see attached amendment dated April 30<sup>th</sup>) annually for each vehicle engaged in the business of collecting garbage, trade waste or rubbish. Such fee shall be payable to the City Clerk of the City of Mount Vernon prior to the issuance of the license.

**§ 140-13 License application.**

A. The City Clerk is hereby authorized to grant licenses, under his hand, to be sealed with the corporate seal, to such persons approved for said licenses.

B. All applications for licenses shall be made by the applicant on forms to be provided by the City Clerk. Said application shall set forth the name, business and residence address of the applicant; the names and residence addresses of the officers or partners if the applicant is a corporation or partnership; a statement of the number, type and kinds of vehicles to be used by the applicant, including their unladen weight and capacity; the kind of service the applicant desires to perform; and such other information as may be required by the City Clerk.

C. Every applicant for a license shall file, together with a copy of the application, the fingerprints of both hands, and said fingerprints shall be placed upon cards provided by the Commissioner of Public Safety and shall be taken under his/her supervision by a senior police officer, and at such a place as the Commissioner shall designate.

Fingerprinting shall be required of the following: individual applicants, all members of partnerships and officers of corporations. An additional fee as provided by the City of Mount Vernon Code § 126-2.2 shall be charged for each set of fingerprints, payable to the City of Mount Vernon, and such other fees as may be required by the New York State Division of Criminal Justice Services. The Commissioner of Public Safety shall promptly submit the fingerprints of the applicant, together with the required fees, to the Division of Criminal Justice Services or other appropriate agency for processing and investigations. Upon receipt of the report from the Division of Criminal Justice Services, the Criminal Investigation Unit of the Department of Public Safety shall review and examine the same and advise the City Clerk as to whether or not the applicant should be issued a license, and the reasons for any denial thereof. No license shall be granted to any applicant who has been convicted of any felony or any misdemeanor involving violence, dishonesty or deceit.

[Added 4-13-1989, approved 4-13-1989; amended 3-11-1992, approved 3-12-1992; 5-27-1992, approved 5-28-1992]

D. After a favorable report from the Department of Public Safety, the City Clerk shall forward the application to the Department of Public Works for review and recommendation. [Added 3-11-1992, approved 3-12-1992]

E. Notwithstanding the foregoing, the City Clerk shall have the authority to issue a temporary permit to an applicant pending approval or disapproval of the license application. Such permit may be issued for a period of up to 60 days and may be renewed for additional periods not to exceed 30 days. Such temporary permit shall be invalid upon the approval or disapproval of the application by the City Clerk. The issuance of the temporary permit is in no way to be construed as approval of the application. Said permit shall neither be transferred nor assigned by the applicant. Collection of garbage, trade waste and rubbish after the expiration date stated on the temporary permit or after notice of the denial of the license application shall be in violation of § 140-10 of this chapter.

[Added 3-11-1992, approved 3-12-1992]

**§ 140-14 Insurance.** [Amended 3-11-1992, approved 3-12-1992]

Each applicant for a license shall file with the City Clerk evidence in the form of a certificate of insurance that a policy of liability insurance is in full force and effect, with limits of not less than \$2,000,000, combined single limit, covering injuries to persons and damages to property, covering each and every vehicle engaged in the collection of garbage, rubbish and trade waste, which policy shall be endorsed to indemnify and save harmless the City of Mount Vernon from any and all claims for personal injury or property damage arising out of the issuance of the license to engage in said business. Each applicant shall also file with the City Clerk evidence in the form of a certificate of insurance that the proper workers' compensation insurance is in force and effect covering each and every person employed by him in the collection of such garbage, rubbish and trade waste. Said certificates of insurance shall be approved by the Corporation Counsel.

**§ 140-15 Term of license.** [Amended 4-30-1970, approved 5-1-1970]

All licenses issued under this article shall expire on May 31 next following the issuance thereof.

**§ 140-16 License renewal.** [Amended 4-30-1970, approved 5-1-1970]

Except as herein otherwise provided, any person having been duly licensed in any previous year may obtain a renewal of the same for the succeeding year upon the payment of a renewal fee in the same amount as required for the original issue and filing the liability insurance required herein and upon a sworn statement to the City Clerk that there have been no material changes in the original application and upon the written endorsement on the renewal application form of the approval of the Commissioner of Public Works and the Commissioner of Public Safety. Applications for renewal of licenses shall be made not less than 30 days prior to the expiration of the term of any original license or renewal thereof. Whenever there is a material change in the form of the application for license herein, renewals shall be applied for and issued under the same terms and conditions as in the case of original applications.

**§ 140-17 License suspension and revocation.**

A. The Commissioner of Public Works is hereby authorized and empowered to hear and determine complaints against licensees and to suspend or revoke any license issued by the City Clerk for violations of the provisions of this Article. No license shall be revoked, however, until after a hearing upon notice to the licensee, at which hearing the licensee shall have an opportunity to be heard.

B. The Commissioner of Public Works, when investigating any matters pertaining to the granting, issuing, transferring, renewing, revoking, suspending or canceling of any license, is hereby authorized in his discretion to take such testimony as may be necessary on which to base official action, which testimony shall be reduced to writing.

C. The Commissioner of Public Works may delegate the power to take such testimony to the Corporation Counsel, who is authorized and empowered to take such testimony.

D. The Commissioner of Public Works and the Corporation Counsel are hereby authorized and empowered to subpoena witnesses and books and papers material to the investigation, with the same force and effect as if subpoenaed by a court of competent jurisdiction.

**§ 140-18 Obligations of licensees.**

Every person holding a license issued under this Article shall exhibit the same upon demand and shall report to the City Clerk any change of residence or place of business within five days of such change. A licensee shall, during reasonable hours of the business

day, excluding Saturdays, Sundays and holidays, be required to furnish the service for which he is licensed to the public. Unreasonable refusal to render such service shall be grounds for revocation of the license.

**§ 140-19 Licenses nonassignable.**

A license shall not be assignable. Any holder of a license granted under this Article who permits it to be used by any other person and any person who uses a license granted to any other person shall be each guilty of a violation of this Article.

**§ 140-20 Vehicle specifications.**

The vehicles to be used by collectors of garbage, trade waste and rubbish shall be subject to inspection and approval by the Health Commissioner and Commissioner of Public Works and shall be so constructed as to make impossible the spilling or leakage of garbage, rubbish and trade waste, and in transporting such materials through City streets the vehicle shall be covered in such manner that none of the contents can spill on the City streets. During the process of loading, vehicles may be uncovered, but any garbage, rubbish or trade waste falling to the streets must be immediately cleaned up.

Commencing with the first day of July 1960, all vehicles used by collectors of garbage, rubbish and trade waste shall be of the closed-body type, and during the period commencing with the effective date of this Article and the first day of July 1960, all replacements of vehicles used for the purposes set forth in this Article shall be with closed-body-type vehicles only.

**§ 140-21 Coloring and identification of vehicles.**

All vehicles used by collectors of garbage, rubbish and trade waste shall be of a standard color and shall carry such identification or lettering as deemed necessary by the Commissioner of Public Works, who is hereby authorized and empowered to issue and publish written regulations covering such coloring, identification and/or lettering, which shall take effect 30 days after filing with the City Clerk.

**§ 140-22 Maintenance of vehicles.**

The licensee must keep all vehicles clean, sanitary and neatly painted and shall wash, steam-clean and disinfect such vehicles at least once a week.

**§ 140-23 Penalties for offenses.** [Amended 2-14-1990, approved 2-15-1990; 2-9-2005; approved 2-10-2005]

Any person, firm or corporation violating any of the provisions of this article shall be guilty of an offense and, upon conviction, shall be punishable by a fine of not more than \$2,500 or by confinement in the county penitentiary for not more than 100 days, or by both such fine and imprisonment. In addition to the fine or imprisonment, or both, authorized by this article, any licensee shall be subject to the suspension or revocation of his license upon conviction for any violation of this article.

**§ 140-24 Unauthorized dumping; fines.** [Added 9-9-81, approved 9-10-81

Editor's Note: This ordinance also provided for the repeal of former §§ 140-23 through 140-33, inclusive. In addition, former § 140-34, Penalties for offenses, was renumbered as § 140-23.

; amended 2-9-2005; approved 2-10-2005]

A. It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing



or other offensive matter being transported in a dump truck or any other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place or other area whether publicly or privately owned.

**B.** Any person who violates the provisions of this section shall be liable for a fine of not less than \$5,000 nor more than \$20,000. In addition, every owner of a dump truck or other vehicle shall be liable for a fine of not less than \$1,500 nor more than \$10,000 for each offense of unlawful dumping described in § 140-24 by any person using or operating the same in the business of such owner or otherwise, with the permission, express or implied of such owner.

**C.** As used in this section, the term "owner" shall have the meaning set forth in Subdivision 1 of § 1220-a of the Vehicle and Traffic Law.

**§ 140-25 Rewards.** [Added 2-9-2005; approved 2-10-2005]

**A.** Where a notice of violation, appearance ticket or summons is issued for a violation of § 140-24 based upon a sworn statement by one or more individuals and where the Commissioner of the Department of Public Works determines, in the exercise of his discretion, that such sworn statement, either alone or in conjunction with testimony at a civil proceeding results in the conviction of or the imposition of a civil penalty upon any persons for a violation of § 140-24, the Commissioner of Public Works shall offer as a reward to such individual or individuals an amount that in the aggregate is equal to 50% of any fine collected.

**B.** Where a notice of violation, appearance ticket or summons is issued for a violation of this section based upon information furnished by one or more individuals and where the Commissioner of the Department of Public Works determines, in the exercise of his discretion, that such information, in conjunction with enforcement activity conducted by the Department of Public Works or another governmental entity, results in the conviction of or the imposition of a civil penalty upon any persons for a violation of § 140-24, the Commissioner of Public Works shall offer as a reward to such individual or individuals an amount up to 50% of any fine collected.

**C.** In determining the amount of the reward, the Commissioner of the Department of Public Safety shall consider factors that include, but are not limited to:

- (1) The quantity and type of the material dumped, deposited or otherwise disposed of;
- (2) The specificity of the information provided, including, but not limited to, the license plate number, make or model or other description of the dump truck or other vehicle alleged to have been used and the location, date or time of the alleged violation;
- (3) Whether the information provided by the individual or individuals identified one or more violations of § 140-24; and
- (4) Where the Department of Public Works has knowledge that violations of § 140-24 have previously occurred at that location.

**D.** No employee of the Department of Public Safety, employee of the Department of Public Works or employee of any governmental entity that, in conjunction with the Department of Public Safety and/or the Department of Public Works, conducts enforcement activity, shall be entitled to obtain the benefit of any such reward when acting in the discharge of his or her official duty.

**§ 140-26 Clearing and cleaning of area; posting of signs.** [Added 2-9-2005; approved 2-10-2005]

A. In addition to the foregoing penalties, the offender shall be required to clear and clean the area upon which the offender dumped unlawfully within 10 days after conviction thereof. In the event the offender fails to clear and clean the area within such time, clearing and cleaning may be done by the Department of Public Works or under the direction of such Department by a private contractor, and the cost of same shall be billed to the offender. In the event that the Department of Public Works has cleaned or cleared the area, or has caused the area to be cleaned or cleared by a private contractor prior to the offenders conviction, the offender shall be responsible for the cost of such learning and or cleaning. Payment by such offender, when required by this subsection, shall be made within 10 days of demand by the Department of Public Works.

B. The Commissioner of Public Works shall post a sign in any area where the Commission deems appropriate because of instances of illegal dumping. Such sign shall state the penalties for illegal dumping and the reward provisions therein.

**§ 140-27 Impoundment and forfeiture.**

A. Any equipment, vehicles or other personal property that has been used or is being used to violate the provisions of § ~~140-24~~ may be impounded by the Department of Public Safety pending forfeiture pursuant to the provisions of this section.

B. Notice of impoundment and intended forfeiture shall be served together with the notice of the violation of law for which equipment, vehicles or other personal property was impounded. Such notice shall contain notice of the right to request a hearing before the Department of Public Works with respect to whether there is reasonable cause to believe that such equipment, vehicles or other personal property will be subject to forfeiture; a hearing shall be provided within three business days of such request, and a determination shall be rendered within four business days of the conclusion of such hearing. The hearing officer shall submit recommended findings of fact and a recommended decision to the Commissioner of Public Works, who shall make the final findings of fact and the final determination. If the Commissioner of Public Works determines that there is not reasonable cause to believe that such equipment shall be released, no charges or fees shall be imposed as a condition of such release. If the Commissioner of Public Works determines that there is reasonable cause to believe that such equipment, vehicles or other personal property will be subject to forfeiture, the equipment shall be retained pending forfeiture pursuant to the provisions of this section. If after adjudication of the violation of law for which such equipment, vehicles or other personal property was impounded the court or agency of competent jurisdiction finds the respondent not guilty of or not liable for such violation, such equipment, vehicles or other personal property shall be released forthwith, and no charges or fees shall be imposed as a condition of such release. If after adjudication of such violation of law, the court or agency of competent jurisdiction finds the respondent guilty of or liable for such violation, then, upon demand of the respondent, the equipment shall be released upon payment of all outstanding fines and civil penalties, and removal charges and storage fees, or a forfeiture proceeding shall be commenced pursuant to this section within 10 days after such demand.

C. Except as hereinafter provided, the City agency having custody of equipment, vehicles or other personal property, after judicial determination of forfeiture, shall, no sooner than 30 days after such determination, upon a notice of at least five days, sell such forfeited equipment, vehicles or other personal property at public sale, provided that no

sooner than 30 days after judicial determination of forfeiture or the date of final determination of a claim asserted pursuant to this subdivision, whichever is later, the City may instead convert such equipment, vehicles or other personal property to its own use. Any person, other than an owner whose interest is forfeited pursuant to this section, who establishes a right of ownership in equipment, vehicles or other personal property, including a part ownership or security interest, shall be entitled to delivery of the equipment, vehicles or other personal property if such person:

(1) Redeems the ownership interest which was subject to forfeiture by payment to the City of the value thereof; and

(2) Pays the reasonable expenses of the safekeeping of the vehicle between the time of seizure and such redemption; and

(3) Asserts a claim within 30 days after judicial determination of forfeiture.

Notwithstanding the foregoing provisions, establishment of a claim shall not entitle such person to delivery if the City establishes that the activity in violation of law for which the equipment, vehicles or other property was seized was expressly or impliedly permitted by such person.

D. For purposes of this section, "owner" means a person, other than a holder of a security interest, having the property in or title to equipment, vehicles or other personal property, including but not limited to a person entitled to use and possession of equipment, vehicles or other personal property subject to a security interest in another person and also includes any lessee or bailee having exclusive use thereof.

**ARTICLE III Enforcement (§ 140-35)** [Adopted 6-22-1960 as Ch. 51 of the General Ordinances of the City of Mount Vernon, approved 6-23-1960; renumbered as Ch. 52 7-27-1960, approved 7-29-1960]

**§ 140-35 Enforcement agencies.**

A. It shall be the duty of the Department of Public Works, together with the Department of Public Safety, to enforce the ordinances contained in Articles I and II of Chapter 140 of the Code of the City of Mount Vernon.

B. The Department of Public Works shall have the power, through authorized employees designated by the Mayor, to issue summonses and file information concerning any violation of any such ordinances.