

Chapter 204. RECYCLING AND SOLID WASTE

[HISTORY: Adopted by the Town Board of the Town of East Hampton 3-1-1991 by L.L. No. 1-1991. Amendments noted where applicable.]

Article I. General Provisions

§ 204-1. Title.

This chapter may be referred to as the "Town of East Hampton Recycling and Management of Solid Waste Law."

§ 204-2. Legislative findings.

The Town Board finds that:

A. The reduction of the amount of solid waste and the conservation of recyclable materials are important public concerns. A significant amount of recyclable material that could be removed from the solid waste stream is needlessly discarded each year.

B. The recovery and reuse of recyclable materials, such as newspaper, paper, cardboard, glass, cans, plastics and yard waste, will:

(1) Protect and enhance the town's physical and visual environment.

(2) Promote the health, safety and well-being of persons and property within the Town by reducing the town's reliance on other solid waste disposal methods.

(3) Facilitate the implementation and operation of a cost-efficient and environmentally sound solid waste management program.

(4) Conserve natural resources.

C. The enactment by the state Legislature of the Solid Waste Management Act of 1988 has created the need for the Town to demonstrate its long-term commitment to effective waste management and requires the Town to enact appropriate legislation. The Town Board declares that the measures taken by the Town must establish the most environmentally sound and economically desirable waste reduction, recycling and reuse programs possible and should be consistent with or surpass the reduction, recycling and reuse goals established by New York State.

D. Accordingly, the Town Board finds that to achieve these goals it is necessary to:

(1) Establish a mandatory town-wide recycling program that provides opportunities for everyone in the Town to recycle;

(2) Promote and increase the demand for recycled goods by all consumers, including the Town and its contractors; and

(3) Encourage and support the use of the resources and skills of local existing and newly established recycling businesses and local community organizations and members in effectuating the recycling program.

§ 204-3. Declaration of policy.

It is hereby declared to be the public policy of the Town to reduce environmental pollution and dangers to health; dispose of solid waste generated within the Town in the most economical and environmentally acceptable manner, minimize the size and cost of the proposed solid waste management program and encourage the conservation of valuable natural resources and energy. It is the policy of the Town to promote the recovery of materials from the town's solid waste stream for the purpose of recycling such materials and returning them to the economy. This chapter shall be liberally construed in order to effectuate the purposes set forth in this section.

§ 204-4. Statutory authority for local law.

This local law is adopted pursuant to § 10 of the Municipal Home Rule Law of the State of New York.

§ 204-5. Definitions.

A. The following words and expressions, where used in this chapter, shall have the meanings ascribed to them by this section:

CAN

A container comprised of aluminum, tin, steel or a combination thereof, which formerly contained food and/or beverage.

CARDBOARD

All corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other materials, but shall not mean wax-coated or soiled cardboard.

COMMERCIAL HAULER

Any person engaged in the business of collecting and transporting solid waste and designated recyclables through or upon any street within the town, or any person operating a commercial, industrial or institutional establishment that transports said establishment's solid waste and designated recyclables.

[Amended 6-25-1996 by L.L. No. 10-1996]

COMMINGLED MATERIALS

Source-separated, nonputrescible, noncontaminated recyclable materials that have been placed in the same container.

CONSTRUCTION AND DEMOLITION (C & D) DEBRIS

Waste that includes but is not limited to lumber, bricks, roofing material, tile, sheetrock, electrical wire, concrete and other masonry materials, rock, road spoils and paving materials.

DESIGNATED RECYCLABLE MATERIALS or DESIGNATED RECYCLABLES

Those recyclable materials designated by this local law, and/or by resolution of the Town Board pursuant to this local law, to be separated from other solid waste materials. The term may include but is not limited to newspaper, glass, paper, cardboard, cans, plastics and yard waste.

FOOD/SOILED PAPER

Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food; paper used in connection with such food; soiled facial tissue.

GLASS

All clear (flint), green and brown (amber) colored glass containers, but shall not mean wired glass, crystal, ceramics and plate window, laminated or mirrored glass.

HAZARDOUS WASTE OR HAZARDOUS MATERIAL

(1) A solid waste or a combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

(a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

(2) Such "hazardous waste" shall include but not be limited to explosives, hazardous radioactive materials, toxic substances and those substances which the Superintendent of Sanitation has identified as "hazardous waste" pursuant to the above criteria and has included on a list of hazardous waste promulgated by the Department of Sanitation.

HEAVY BRUSH

Tree limbs and tree trunks that are four inches or greater in diameter and any tree stumps.

HOUSEHOLD HAZARDOUS WASTE or HOUSEHOLD HAZARDOUS MATERIAL

Hazardous waste included on a list promulgated by the Department of Sanitation which can be disposed of on certain specified days and/or times at the town's recycling center, pursuant to resolution passed by the Town Board.

LICENSING REVIEW BOARD

The local agency established by Chapter [156](#) to review complaints against home improvement contractors, decide upon the validity thereof and impose administrative sanctions therefore. These responsibilities are amended to hear appeals of commercial haulers whose permit applications are denied and to review complaints against commercial carters for the purpose of deciding whether to revoke all permits allowing them to do business in the Town as specified in Chapter [204](#). The Review Board shall consist of seven members.

[Added 6-25-1996 by L.L. No. 10-1996]

MIXED CONTAINERS

Commingled cans, glass and plastic.

MIXED FIBERS

Commingled newspapers, cardboard and mixed paper.

MIXED PAPER

All office paper, bond paper, photocopy paper, mimeo paper, magazines, paperback books, school paper, catalogs, junk mail, computer paper, wax-coated food and beverage containers, telephone books and similar cellulosic material, but shall not mean newspaper, food/soiled paper and cardboard.

NEWSPAPER

Includes newsprint and all newspapers and newspaper advertisements, supplements, comics and enclosures.

PAPER

See "mixed paper."

PAYING CUSTOMER

An individual or business that pays a fee to a commercial hauler to collect their solid waste, trash and/or recyclables in East Hampton Town.

[Added 6-25-1996 by L.L. No. 10-1996]

PERMIT

Due authorization in writing as provided in this chapter which allows a person to dispose of solid waste and designated recyclables at a Town recycling center.

PERSON

Any individual, firm, partnership, company, corporation, association, joint venture, cooperative enterprise, trust, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this local law prescribing a fine, penalty or imprisonment, the term "person" shall include the officers, directors, partners, managers or persons in charge of a company, corporation or other legal entity having officers, directors, partners, managers or other persons in charge.

PLASTICS

Containers composed of high-density polyethylene, polyethylene terephthalate, polyvinyl chlorides or other specific plastics as the Town Board may designate.

POST-COLLECTION SEPARATION

The separating of designated recyclables from solid waste materials after the point of collection by a commercial hauler.

RECEPTACLES

Containers or bins set out at a Town recycling center for the disposal of designated recyclables.

RECYCLABLE MATERIAL

See "designated recyclable materials."

RECYCLING

Any process by which materials are collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

RECYCLING CENTER

Any combination of structures, machinery and facilities used for the off-loading, collection, processing, recovery and transport of recyclable and nonrecyclable materials; it shall also include composting and yard waste processing.

RESIDENT

Any individual residing within the boundaries of the Town on a temporary, seasonal or permanent basis. For purposes of this local law, "resident" does not include commercial, industrial or institutional establishments.

RUBBISH

Nonputrescible solid wastes, including but not limited to nonrecyclable paper, wrappings, cigarettes, bedding, furniture and similar materials which are not designated recyclable materials.

SELF-HAULERS

Individuals who self-deliver designated recyclables and other solid waste generated at their residences to the town's recycling center for disposal.

SOLID WASTE

All putrescible and nonputrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including, without limitation, food/soiled paper, rubbish and yard waste. Materials intended for recycling are also "solid waste" within the meaning of this chapter.

SOURCE-SEPARATE

To separate designated recyclable materials from the solid waste stream at the point of waste generation.

TOWN

The Town of East Hampton located within the County of Suffolk, State of New York.

TOWN BOARD

The duly elected and constituted legislative body of the Town of East Hampton.

TOWN CLERK

The duly elected Town Clerk of the Town of East Hampton.

UNLOADING AREA

A specified area within a Town recycling center where self-haulers and/or commercial haulers shall be directed by Town personnel for disposal of designated recyclables and solid waste.

WHITE GOODS

Discarded household appliances such as stoves, refrigerators, washing machines, boilers and other old metal items.

YARD WASTE

Organic yard and garden waste, leaves, grass clippings and brush.

B. Words used in the singular in this chapter shall include the plural, and vice versa. The word "shall" is always mandatory.

[§ 204-6. through § 204-9. \(Reserved\)](#)

[Article II. Recycling; Self-Haulers](#)

[§ 204-10. Recycling by self-haulers.](#)

There is hereby established a program that requires the separation of designated recyclable materials from other solid waste by Town residents who self-haul solid waste materials generated at their residences to the town's recycling center for disposal. Participation in said program is mandatory. Failure to participate may render a self-hauler liable to penalties set forth in Article IX.

§ 204-11. Designated recyclables.

A. The Town Board, by resolution, shall set forth the recyclable materials to be separated from all other solid waste pursuant to this article.

B. Designated recyclables may include one or more of the following:

(1) Newspaper.

(2) Mixed paper.

(3) Cardboard.

(4) Glass.

(5) Cans.

(6) Plastics.

(7) Heavy brush.

(8) Yard waste.

(9) Tires.

(10) Batteries.

(11) Scrap metal.

(12) Household hazardous waste.

(13) Food/soiled paper.

(14) Used motor oil.

(15) Other recyclable materials as designated by resolution of the Town Board.

C. Resolutions passed by the Town Board pursuant to Subsection A shall set forth the effective date for mandatory separation of the designated recyclables. Publication of notice of the adoption of such resolutions in the official newspaper of the Town is required prior to the effective date.

D. The list of designated recyclables may be amended from time to time; however, at least once a year, at the Town Board's annual organizational meeting, the Town Board shall pass a resolution listing the designated recyclables. Said list shall be published in the town's official newspaper.

§ 204-12. Disposal in appropriate receptacles.

Each self-hauler shall be responsible for disposing of designated recyclables, separated from all other solid waste, into the appropriate receptacles provided at the town's recycling center or as otherwise directed by Town personnel.

§ 204-13. Storage of solid waste and recyclables.

[Added 5-21-1993 by L.L. No. 11-1993; amended 6-2-2000 by L.L. No. 11-2000]

Any and all solid waste and designated recyclables, when stored outside a building, shall be placed in securely covered containers. Such containers shall be placed only in a side or rear yard and, except as provided below, shall not be placed any nearer than 20 feet to the street line of a parcel. Placement of such containers at curbside is expressly prohibited. The Ordinance Enforcement Department may

modify any of the foregoing requirements in response to a written request by a property owner or contractor, on a form supplied by the Ordinance Enforcement Department, that demonstrates hardship with regard to compliance with this section.

§ 204-14. through § 204-19. (Reserved)

Article III. Recycling; Commercial Haulers

§ 204-20. Recycling by commercial haulers.

There is hereby established a program that requires the separation of designated recyclables from other solid waste prior to a commercial hauler's delivery of said designated recyclables and solid waste at the town's recycling center. Participation in the program is mandatory. Failure to participate may render commercial haulers liable to penalties set forth in Article IX.

§ 204-21. Designated recyclables.

A. The Town Board, by resolution, shall set forth the recyclable materials to be separated from all other solid waste pursuant to this article.

B. Designated recyclables may include one or more of the following categories of materials:

(1) Food/soiled paper.

(2) Mixed fibers.

(3) Mixed containers.

(4) Other recyclable materials as designated by resolution of the Town Board.

C. Resolutions passed by the Town Board pursuant to Subsection A shall set forth the effective date for separation of the designated recyclables. Publication of notice of the adoption of such resolutions in the official newspaper of the Town is required prior to the effective date.

D. The list of designated recyclables may be amended from time to time; however, at least once a year, at the Town Board's annual organizational meeting, the Town Board shall pass a resolution listing the designated recyclables. Said list shall be published in the town's official newspaper.

§ 204-22. Collection; delivery to town's recycling centers.

A. Each person who uses the services provided by a commercial hauler shall be responsible for the separation of designated recyclables from other solid waste. The designated recyclables shall be set forth in resolutions passed by the Town Board pursuant to § 204-21.

B. A commercial hauler may require its customers to place designated recyclables into different receptacles for collection on such day or days as the commercial hauler shall designate.

C. The ultimate responsibility for the proper separation of designated recyclables from other solid waste shall rest upon the commercial hauler. The Town shall refuse to accept solid waste and designated recyclables delivered by a commercial hauler to the town's recycling center where said solid waste and recyclables have not been separated in the manner required pursuant to resolutions of the Town Board as provided for in § 204-21.

D. Nothing in this section shall prohibit a commercial hauler from providing post-collection separation beyond what is stated in § 204-22A and B such as separation of solid waste and designated

recyclables at the commercial hauler's properly licensed facility prior to delivery at a Town recycling center.

[Amended 6-25-1996 by L.L. No. 10-1996]

E. No commercial hauler shall encourage, direct or instruct any paying customer to avoid compliance with any provisions of this chapter or to use as a marketing tool the promise of not requiring a paying customer to abide by the sections of this chapter.

[Added 6-25-1996 by L.L. No. 10-1996]

§ 204-23. Storage of solid waste and recyclables.

[Added 5-21-1993 by L.L. No. 11-1993; amended 6-2-2000 by L.L. No. 11-2000]

Any and all solid waste and designated recyclables, when stored outside a building, shall be placed in securely covered containers. Such containers shall be placed only in a side or rear yard and, except as provided below, shall not be placed any nearer than 20 feet to the street line of a parcel. Placement of such containers at curbside is expressly prohibited. The Ordinance Enforcement Department may modify any of the foregoing requirements in response to a written request by a commercial hauler, on a form supplied by the Ordinance Enforcement Department, that demonstrates hardship with regard to compliance with this section.

§ 204-24. through § 204-29. (Reserved)

Article IV. Recreational Area Recycling

§ 204-30. Recreational area recycling program established.

There is hereby established a program for the separation of designated recyclable materials from solid waste at the town's recreational areas. Participation in said program is mandatory. Failure by a person using the recreational area to participate may render that person liable to penalties set forth in Article IX.

§ 204-31. Designated recyclables.

A. The Town Board, by resolution, shall set forth the recyclable materials to be separated from all other solid waste.

B. Designated recyclables may include one or more of the following categories of materials:

(1) Glass.

(2) Cans.

(3) Plastics.

(4) Other recyclable materials as designated by resolution of the Town Board.

C. Resolutions passed by the Town Board pursuant to Subsection A above shall set forth the effective date for mandatory separation of the designated recyclables. Publication of notice of the adoption of such resolutions in the official newspaper of the Town is required prior to the effective date.

D. The list of designated recyclables may be amended from time to time; however, at least once a year, at the Town Board's annual organizational meeting, the Town Board shall pass a resolution listing the designated recyclables. Said list shall be published in the town's official newspaper.

§ 204-32. Disposal in appropriate receptacles.

Each person using a Town recreational area shall be responsible for disposing of designated recyclables, separated from other solid waste, into the appropriate receptacles provided at the town's recreational areas.

§ 204-33. No disposal of other solid waste.

The only materials that are permitted to be disposed of at the town's recreational areas are designated recyclable and solid waste generated at said recreational areas. Solid waste and designated recyclables generated at a person's home, business or other location shall not be placed in the receptacles provided at the town's recreational areas.

§ 204-34. through § 204-39. (Reserved)

Article V. Town Recycling Centers

§ 204-40. Operation of recycling centers.

A. The recycling centers shall be open only during such hours and only for the disposal of such solid waste and recyclables as may be designated by resolution of the Town Board adopted from time to time.

B. The Town personnel in charge of the recycling centers shall have full power and authority to direct the manner of disposal of solid waste and designated recyclables at different locations within the center. Any person using the recycling centers shall obey the instructions of Town personnel and shall deposit the solid waste and designated recyclables only in the unloading areas or receptacles designated for such materials.

C. The Town personnel shall designate unloading areas by posting appropriate signs. Any oral instructions given by a Town employee authorized to implement the provisions of this chapter shall take precedence over any sign or displayed instructions. No person other than Town personnel may go beyond the signs and enter unloading areas reserved for the deposit of solid waste and designated recyclables.

D. The Town personnel at the recycling centers shall be responsible for directing the movement of traffic within said center. Any person operating a vehicle within said centers shall obey the traffic instructions of said personnel. No person shall park a vehicle between the signs designating an unloading area except for the purpose and time required to dispose of solid waste and designated recyclables.

E. No person shall remove, destroy, alter, deface or otherwise damage any sign or signs placed or erected at any recycling center except upon and at the direction of the Superintendent of Sanitation.

§ 204-41. Recycling centers for Town use only.

[Amended 6-25-1996 by L.L. No. 10-1996]

No solid waste or designated recyclables, irrespective of their origin, that are transported from outside the limits of the Town may be deposited in any Town recycling area.

§ 204-42. Weight scale house.

A. All commercial haulers shall check in at the weight scale house upon arrival at a Town recycling center. Town personnel shall determine whether the commercial hauler shall pay a fee by weight, pursuant to § 204-62, or a fee by volume, pursuant to § 204-43.

B. A self-hauler who desires to dispose of any special items listed by Town Board resolution pursuant to § 204-43 shall check in at the weight scale house upon arrival at a Town recycling center and follow Town personnel's instructions regarding the payment of the fee owed.

§ 204-43. Disposal of special items.

A. The Town Board, by resolution, shall establish a schedule of fees to be paid to the Town for the disposal of particular items or of classes, types or quantities of items whose handling or ultimate disposal involves added expenses for the town.

B. The special items may include one or more of the following:

(1) Junked cars.

(2) White goods.

(3) Tires.

(4) Yard waste.

(5) Heavy brush.

(6) Other special items as designated by resolution of the Town Board.

C. Resolutions passed by the Town Board pursuant to Subsection A shall set forth the effective date for said fees to take effect. Publication of notice of the adoption of such resolutions in the town's official newspaper is required prior to the effective date.

D. The list of special items and their fees may be amended from time to time; however, at least once a year, at the Town Board's annual organizational meeting, the Town Board shall pass a resolution listing the special items and their fees. Said list shall be published in the town's official newspaper.

E. Any Town Board resolution establishing or amending such fee schedule may also provide for the method and procedure by which the Town shall collect the fees established therein.

§ 204-44. through § 204-49. (Reserved)

Article VI. Self-Hauler Permit and Fees

[Amended 3-5-1993 by L.L. No. 3-1993]

§ 204-50. Self-hauler permit.

A. Primary self-hauler permit.

(1) Residents who self-haul solid waste and designated recyclables generated at their residences to a Town recycling center for disposal shall be required once a year to purchase one primary self-hauler permit.

(2) The cost of a primary self-hauler permit for a passenger car, station wagon, pickup truck, van or trailer of three-fourths-ton capacity or less shall be \$40 or such other amount as may be set from time

to time by Town Board resolution. The permit shall be valid from April 1 to March 31. The permit amount shall not be prorated, regardless of the date of purchase.

[Amended 12-16-1994 by L.L. No. 19-1994; 2-14-2002 by L.L. No. 1-2002]

(3) Each applicant for a primary self-hauler permit shall submit to the Town Clerk for inspection one of the following:

(a) A valid New York State vehicle registration card in the name of the applicant, setting forth an address located within the town, the Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the town.

(b) A valid tax receipt stub for the current year in the name of the applicant for any taxable property within the town, the Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the town, together with a vehicle registration card in the applicant's name.

(c) A valid voter registration card in the name of the applicant indicating a place of residence located within the town, the Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the town, together with a vehicle registration card in the applicant's name.

(d) A signed lease in the name of the applicant indicating a place of residence located within the town, the Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the town, together with a vehicle registration card in the applicant's name.

B. Secondary self-hauler permit.

(1) Residents who self-haul solid waste and designated recyclables generated at their residences to a Town recycling center for disposal shall be allowed to purchase one secondary self-hauler permit.

(2) The cost of a secondary self-hauler permit for a passenger car, station wagon, pickup truck, van or trailer of three-fourths-ton capacity or less shall be \$5 or such other amount as may be set from time to time by Town Board resolution. The permit shall be valid from April 1 to March 31. The permit amount shall not be prorated, regardless of the date of purchase.

[Amended 2-14-2002 by L.L. No. 1-2002]

(3) Each applicant for a secondary self-hauler permit shall provide the Town Clerk with the following information:

(a) The full name of the holder of the primary self-hauler permit. The Town Clerk will use this information to verify the Town Clerk's office records that a primary self-hauler permit has been previously purchased. This information will also be used to determine the address listed on the primary self-hauler permit.

(b) The vehicle registration card of the vehicle for which the applicant is purchasing the secondary self-hauler permit.

(c) One of the following documents to establish that the applicant and the holder of the primary self-hauler permit share the same residence address and are members of the same household located within the town, Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the town:

[1] A valid driver's license in the name of the applicant.

[2] A valid voter's registration card in the name of the applicant.

[3] A valid vehicle registration card in the name of the applicant.

[4] A valid tax receipt stub in the name of the applicant for the current year for taxable property located within the town, the Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the town.

[5] A marriage certificate issued to the applicant and the holder of the primary self-hauler permit.

[6] A utilities statement in the name of the applicant.

[7] A signed lease in the name of the applicant for property within the town, the Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the town.

[8] Other evidence that meets the satisfaction of the Town Clerk or the Deputy Town Clerk.

(4) The Town Clerk is authorized to sell only one secondary self-hauler permit for each primary self-hauler permit sold.

C. The Town Clerk shall inspect and determine the validity of the qualifications presented. Upon approval of the presented qualifications and payment of the permit amount, the self-hauler permit shall be issued and inscribed with the vehicle's license plate number.

D. A self-hauler permit for a leased vehicle shall be inscribed with the vehicle's license plate number followed by "(L)." A permit issued for a leased vehicle shall be surrendered to the Town Clerk when applying for a new permit for a different vehicle.

E. A self-hauler permit shall be permanently affixed to the vehicle's front bumper.

F. The self-hauler permit shall have an expiration date of March 31. A new permit may be issued at no cost during the permit period if the original permit becomes illegible or if the vehicle for which it was issued is sold or has its license numbers changed, provided that the original permit is surrendered to the Town Clerk at the time the new permit is issued.

G. No self-hauler shall purchase more than one secondary self-hauler permit for each primary self-hauler permit sold pursuant to this § 204-50. If a self-hauler violates this subsection, the Town Clerk shall revoke the primary and secondary self-hauler permits issued to that self-hauler's household. The Town Clerk shall provide the self-hauler with written notice which sets forth a list of the permits that have been revoked. A self-hauler whose permits have been revoked shall regain access to the Town recycling centers only after paying the required permit amounts and obtaining from the Town Clerk new yearly permits pursuant to this section. A violation of this subsection shall also be punishable pursuant to § 204-84 of this chapter.

§ 204-51. (Reserved)

§ 204-52. Fees.

A. A self-hauler who has purchased a self-hauler permit pursuant to § 204-50 shall not be charged a fee for the disposal of solid waste and designated recyclables, except as set forth in Subsection B hereof.

B. A self-hauler who desires to dispose of any of the special items listed by Town Board resolution pursuant to § 204-43 shall be required to stop at the weight scale house upon arrival at a Town recycling center. The Town personnel shall determine the fee owed by the self-hauler. After checking in at the weight scale house, the self-hauler shall proceed into the recycling center and dispose of any special item as directed by Town personnel and/or posted signs.

C. An individual who is a guest or visitor to the Town and who does not have a self-hauler usage permit pursuant to § 204-50 may, for a per-load fee to be set from time to time by resolution of the Town

Board, dispose of solid waste generated at a residence within the town, the Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the town, at a Town recycling center. Said individual shall not be permitted to dispose of any of the special items listed by Town Board resolution pursuant to § [204-43](#).

[Amended 4-5-1996 by L.L. No. 4-1996]

[D](#). The method and procedure for collection of the fees referenced in Subsection [C](#) shall be established by the Town Board by resolution.

[§ 204-53. through § 204-59. \(Reserved\)](#)

[Article VII. Commercial Hauler Permit and Fees](#)

[§ 204-60. Yearly permit.](#)

[Amended 3-5-1993 by L.L. No. 4-1993; 12-16-1994 by L.L. No. 18-1994; 6-25-1996 by L.L. No. 10-1996]

[A](#). A commercial hauler shall be required to obtain from the Town Clerk one permit for each vehicle and to provide roll-off container service by said commercial hauler that collects and transports solid or liquid waste through or upon any street within the town.

[B](#). Application for permit.

[\(1\)](#) A commercial hauler applying for said permit(s) shall fill out and submit an application form to the Town Clerk for approval.

[\(2\)](#) Solid waste deposited by a commercial hauler at a Town recycling center shall be limited to solid waste collected within the town, the Village of East Hampton or the part of the Incorporated Village of Sag Harbor located within the boundaries of the Town and must comply with § [204-41](#).

[\(3\)](#) Each applicant for such permit(s) shall provide the following information on the application form. The applicant shall answer all questions on the permit application and provide any other information required by any applicable law or ordinance or deemed necessary by the Town Board to determine the fitness of the applicant. One application form that provides the following information may be used by applicants who are applying for multiple permits. A list attached to the application identifying each vehicle and/or piece of equipment requiring a permit will be required.

[\(a\)](#) The name and address of the applicant and of all persons having a financial interest in the business.

[\(b\)](#) A brief description of the vehicles intended to be used within the town, including the manufacturer, factory number, type of body (for example, tank, enclosed pickup, packer, van and so forth), weight of the vehicle unladen, maximum load to be carried and New York State registration number.

[\(c\)](#) A sworn affidavit guaranteeing the number of customers and the minimum dollar criteria outline in Subsection [D\(1\)](#) of this section. If the receiver of the application needs corroboration, he or she may ask for it and it shall be made available by the applicant.

[\(d\)](#) The location where the vehicle and container are stored or garaged when not in use.

[\(e\)](#) The place or places where the applicant shall dispose of the garbage, refuse, rubbish, trash, recyclables or liquid waste collected and the manner of disposal.

(f) Whether the applicant or any of the persons having a financial interest in the business has ever been convicted of a crime or has ever had an operator's license revoked or suspended in this or any other state.

(g) Proof of financial responsibility in the event of injury to persons or property by reason of the negligent operation of any vehicle used in the business.

C. Said application shall also designate the specific type of permit applied for. Said permits shall be available in four separate categories, defined as follows:

(1) G Permit: required for any vehicle which fits into one of the following two categories:

(a) G-1: any vehicle used by a person collecting and hauling for hire residential and/or commercial solid waste, including, without limitation, food/soiled paper and designated recyclables. An application for a G-1 permit shall require the commercial hauler to provide proof of Suffolk County Department of Health inspection of such vehicle and Department of Health approval, if necessary.

(b) G-2: any vehicle used by a person operating a commercial, industrial or institutional establishment that solely transports said establishment's solid waste and designated recyclables through or upon any street within the town.

(2) R Permit: required for any vehicle employed to collect and haul refuse other than residential and commercial solid waste, including, without limitation, trees or any part thereof, brush, vegetation, surplus farm products, shipping cartons or crates, furniture, white goods, scrap iron, tires, junk or rubbish of any kind permitted within the provisions of this chapter in accordance with the following schedule:

(a) R-1: one ton and over.

(b) R-2: less than one ton (commonly known as "one-half-ton and three-fourths-ton vehicles").

(c) R-3: tractor-trailer and semi-trailer.

(3) C Permit: required for any vehicle employed in pumping and hauling the contents of cesspools or septic tanks.

(4) A Permit: required for roll-off container service.

(a) Any person who has obtained a roll-off container permit without having also obtained a permit to transport solid waste in the Town of East Hampton shall not collect within the Town any solid waste other than construction and demolition debris and shall not transport such debris other than within roll-off containers.

(b) All roll-off containers used within the Town shall be in a suitable condition so as to prevent the scattering or deposit of their contents during collection and transportation. Each container and each vehicle used to transport the container shall bear the name of the permittee on each side of the vehicle and container in letters at least six inches in height. In addition, each container shall bear the capacity of the container in cubic yards.

D. In addition to providing acceptable answers to the information required to be provided on the application form, the following criteria must be met by applicants for a G-1 permit for a vehicle with a gross maximum vehicle weight of 10 tons or more:

(1) Applicants for a license shall possess and upon request of the designated Town official provide a proposed collection route which shall consist of the following:

(a) Two hundred paying customers that are residential houses within the town;

(b) Forty paying customers that are commercial stops within the town;

(c) Two thousand dollars of receivables (on average) for residential business per month in town; or

(d) Six thousand five hundred dollars of receivables (on average) for commercial business per month in town.

(2) Every vehicle of 10 or more tons gross maximum vehicle weight used for the collection of solid or liquid waste within the Town shall:

(a) Have an enclosed, watertight body or suitable provisions for covering the body.

(b) Be kept clean, sanitary and in good working order.

(c) Have lettering of contrasting color to the background on the sides of the vehicle indicating the company name with lettering at least six inches high.

(d) Have both the vehicle's unladen vehicle weight in pounds, its gross maximum vehicle weight in pounds and its capacity in cubic yards, or, in the case of C Permit vehicles, its capacity in gallons, displayed on the driver's and passenger's side.

E. Fee schedule and expiration of permits.

(1) Fees shall be charged for the permits set forth in Subsection C above according to the following schedule:

[Amended 7-17-2008 by L.L. No. 14-2008; 6-2-2011 by L.L. No. 8-2011]

(a) G-1: \$300.

(b) G-2: \$150.

(c) R-1: \$200.

(d) R-2: \$200.

(e) R-3: \$250.

(f) C: \$250.

(g) A: \$1,000 for general permit to operate a roll-off container service.

(2) Permits set forth in Subsection C shall be valid from July 1 to June 30. No extensions shall be permitted, and permits shall expire at the close of the business on the date indicated. The fee shall not be prorated regardless of the date of purchase.

F. Procedure for issuance of permits. Through resolution, the Town Board may designate an official or an employee of the Town to review applications for permits, to approve or deny the issuance of these permits or to revoke said permit(s). These decisions are appealable to the Licensing Review Board whose decision shall be final. The issuance of a permit(s) may be denied where one or more of the following grounds is found to exist:

(1) The applicant has been found to be unfit and unable to properly perform the service proposed and the applicant is unable to provide sufficient or suitable equipment to meet the requirements of the town.

(2) The applicant has failed and/or refused without reasonable cause to collect and dispose of solid waste, except in a situation where a contract between the permittee and his customer has been lawfully terminated.

(3) The applicant has failed to account for or pay any permit or tipping fees due to the Town in a manner deemed timely by the Town Board.

(4) The applicant is insolvent or has made a general assignment for the benefit of creditors or has been adjudged bankrupt or a money judgment has been secured against him upon which an execution has been returned wholly or partly satisfied.

(5) The applicant has failed to keep and maintain any records required by the Town or has refused to allow the inspection thereof.

(6) The applicant has violated any of the provisions of this chapter or has failed to comply with any of the requirements stipulated herein, including, but not limited to, § 204-22.

(7) The applicant has ceased to operate as a commercial solid waste or liquid waste collector for which a permit was previously issued.

(8) The applicant has made a false statement in his permit application.

(9) The applicant has been found to have collected solid or liquid waste from outside the Town and to have disposed of the same in a public disposal facility with the town.

(10) The applicant has been found to have disposed of waste upon the surface of the ground within the Town or within the waterways of the Town or in a disposal facility not approved for such use by the New York State Department of Environmental Conservation.

(11) The applicant has been found to have violated any of the posted rules pertaining to safe operation of the town-owned recycling centers.

G. Any applicant whose application is denied shall not be allowed to hold any single permit for any vehicle or piece of equipment. Additionally, the Licensing Review Board may hear complaints against specific haulers for the purpose of deciding whether such haulers should have all permits to do business in the Town revoked.

H. With respect to any permit issued by the Town Clerk pursuant to the Town Board authorization, receipt shall be issued with an individual identification number which shall be permanently assigned and displayed on each vehicle. A copy of the receipt shall be kept available within the vehicle for inspection upon demand.

I. The permanent permit number shall be printed on the permit. The permit shall be permanently affixed to the window on the driver's side of the vehicle. A new permit may be issued at no cost during the permit period if the original permit becomes illegible or if the vehicle for which it was issued is sold or has its license numbers changed, provided that the original permits are surrendered to the Town Clerk at the time the new permit is issued.

§ 204-61. Per-load permit.

A. The Department of Sanitation shall be authorized to issue a per-load permit to a commercial hauler that desires to dispose of solid waste collected within the town, the Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the town.

B. The per-load fee shall be set, from time to time, by resolution of the Town Board. The Board may establish differing fees or institute new fees. The Office of the Town Clerk and the Sanitation Department shall maintain a current copy of all such fees and shall make the same available to any member of the public wishing to obtain a copy of the same.

[Amended 4-5-1996 by L.L. No. 4-1996]

C. The method and procedure for collection of the fee prescribed by this section shall be established by the Town Board by resolution.

§ 204-62. Fees.

A. All commercial haulers shall check in at the weight scale house upon arrival at a Town recycling center. Each commercial hauler shall either present permit documentation for inspection by Town personnel or purchase a per-load permit pursuant to § 204-61. Town personnel shall determine whether the commercial hauler shall pay a fee by weight, pursuant to Subsection B hereof, or a fee by volume, pursuant to § 204-43.

B. The Town Board, by resolution, shall establish a fee by weight per ton, including any part of a ton. A resolution passed by the Town Board pursuant to this subsection shall set forth the effective date for said fee to take effect. Publication of notice of the adoption of such resolution in the town's official newspaper is required to occur at least 30 days prior to the resolution's effective date.

C. A commercial hauler shall pay a fee by weight, unless the items to be disposed of are specified in a fee schedule established pursuant to § [204-43](#).

D. The method and procedure for collection of the fees prescribed by this section shall be established by the Town Board by resolution.

E. The privilege of possessing a commercial hauler permit may be suspended or revoked pursuant to § [204-63](#) or [204-64](#) if fees owed to the Town by the commercial hauler pursuant to this chapter are not paid on or before the date the same shall be due.

[Added 3-5-1993 by L.L. No. 4-1993]

§ 204-63. Suspension of permit.

[Added 3-5-1993 by L.L. No. 4-1993]

A. If a commercial hauler fails to pay all of the fees owed to the Town pursuant to this chapter by the payment due date set forth on its billing statement, the permit for each vehicle used by the commercial hauler to deposit solid waste and recyclables at the Town recycling centers shall be suspended.

B. The suspension of the commercial hauler permits shall take effect on the day following the payment due date set forth on the billing statement. Upon the suspension of the permits, the commercial hauler's vehicles shall be denied access to the Town recycling centers.

C. Access to the Town recycling centers shall be reinstated, and the suspension of the permits terminated, only after the occurrence of one of the following:

(1) The commercial hauler has made payment in full of all of the fees owed to the Town pursuant to this chapter.

(2) The commercial hauler has entered into an agreement to pay all of the fees owed to the Town pursuant to this chapter and such payment agreement has been accepted by the Town Board pursuant to Town Board resolution.

§ 204-64. Revocation of permit.

[Added 3-5-1993 by L.L. No. 4-1993]

A. The permit for each vehicle used by a commercial hauler to deposit solid waste and recyclables at the Town recycling centers shall be revoked by the Town Clerk upon either of the following occurring:

(1) Sixty calendar days have passed since the payment due date set forth on the commercial hauler's billing statement and the commercial hauler has failed to pay in full all of the fees owed to the Town pursuant to this chapter.

(2) The commercial hauler is in default of any of the terms and conditions required by a payment agreement executed pursuant to § [204-63C\(2\)](#).

B. The Town Clerk shall provide the commercial hauler with written notice which sets forth a list of the permits that have been revoked and the date of each revocation. The commercial hauler's receipt of the Town Clerk's notice shall not be construed as altering the date of revocation set forth in said written

notice, the effective date of the revocation being the occurrence of one of the two events set forth in § [204-64A\(1\)](#) and.

[C.](#) A commercial hauler whose permits are revoked shall regain access to the Town recycling centers only after the occurrence of both of the following:

[\(1\)](#) The commercial hauler:

[\(a\)](#) Has made payment in full of the fees owed to the Town pursuant to this chapter;

[\(b\)](#) Has corrected its default of one or more of the terms and conditions required by a payment agreement executed pursuant to § [204-63C\(2\)](#) and such correction has been accepted by the Town Board pursuant to Town Board resolution; or

[\(c\)](#) Has entered into an agreement to pay all of the fees owed to the Town pursuant to this chapter and such payment agreement has been accepted by the Town Board pursuant to Town Board resolution.

[\(2\)](#) The commercial hauler has submitted permit applications, paid the required permit amounts and obtained from the Town Clerk new yearly permits pursuant to § [204-60](#).

[§ 204-65. through § 204-69. \(Reserved\)](#)

[Article VIII. Town Purchase of Recycled Products and Materials](#)

[§ 204-70. Purchase of recycled products and materials.](#)

[A.](#) When purchasing or bidding products or materials, Town department heads shall give preference to products or materials which contain recycled materials and/or are reusable whenever the price is reasonably competitive and the quality adequate for the purpose intended.

[B.](#) For purposes of this section:

[\(1\)](#) "Products or materials" shall mean, without limitation, photocopy paper, stationery, janitorial supplies, plastic lumber and asphalt with modified rubber or recycled glass content.

[\(2\)](#) "Reasonably competitive" shall mean a comparable recycled product with a cost premium of no greater than 10%.

[§ 204-71. Symbol or statement of recycled product.](#)

Whenever recycled paper products are purchased or printing is ordered on recycled paper, a printed statement or symbol shall be used to indicate that the paper is recycled.

[§ 204-72. through § 204-79. \(Reserved\)](#)

[Article IX. Enforcement; Regulations; Penalties](#)

[§ 204-80. Enforcement.](#)

[Amended 8-6-1999 by L.L. No. 21-1999]

It shall be the duty of the Superintendent of Sanitation, the Landfill Supervisor, their duly appointed agents, the Ordinance Enforcement Officer, the Sanitation Inspectors, the police and peace officers to administer and enforce the provisions of this chapter.

§ 204-81. Promulgation of rules and regulations.

The Town Board hereby designates the Superintendent of Sanitation to be responsible for the supervision and regulation of the disposition of all or part of any of the solid waste located within the town. The Superintendent of Sanitation may adopt and promulgate, amend and repeal rules and regulations implementing this chapter in order to carry out and enforce the intent and purposes hereof. A copy of such rules and regulations shall be kept on file in the Town Clerk's office.

§ 204-82. Unlawful activities.

A. The following activities shall be unlawful:

(1) No self-hauler shall place any material other than a designated recyclable in or near such designated recyclable's receptacle at the town's recycling centers. Furthermore, no person who uses the services of a commercial hauler shall fail to separate designated recyclables from other solid waste prior to collection by the commercial hauler, except as provided for in § 204-22D.

(2) No commercial hauler shall deliver for disposal at the town's recycling centers solid waste and designated recyclables that have not been separated into the categories set forth by Town Board resolutions pursuant to § 204-21.

(3) No person shall place or cause to be placed solid waste and recyclables generated at a location other than the town's recreational areas in the receptacles at said recreational areas.

(4) No person shall deposit at any Town recycling center solid waste material that is transported from outside the boundaries of the town, the Village of East Hampton or that portion of the Incorporated Village of Sag Harbor located within the boundaries of the town.

(5) No person shall deposit at any Town recycling center hazardous waste material except for household hazardous waste that has been designated for specific disposal by Town Board resolution.

(6) No person shall deposit any solid waste on land of the Town outside the areas designated for the deposit of those materials.

(7) No person shall deposit any solid waste outside the gates of a recycling center at any time.

(8) No person other than Town recycling center personnel shall set fire to any material within the grounds of a recycling center.

(9) No person shall deposit any solid waste or designated recyclables at the Town recycling center unless said person's vehicle properly displays a valid Town recycling center permit or the person has paid a per-load fee as provided in § 204-52 or 204-61.

(10) No person shall dispose of construction and demolition debris at a Town recycling center except as provided for by Town Board resolution.

(11) No person shall remove any materials from the town's recycling center without the prior consent of the Town employees on duty at the recycling center, unless said materials are located in a specifically designated area for exchange and scavenging.

(12) No person shall permit or cause any solid waste materials or recyclable materials within his control to become a hazard or potential hazard to public travel, health or safety or to become a nuisance of any sort.

(13) No person shall hinder, obstruct, prevent or interfere with the performance of any duty carried out by persons authorized to enforce this chapter.

(14) No person shall harass Town personnel operating a recycling center. Harassment shall include acts where a person, with the intent of harassing, annoying or alarming Town personnel:

(a) Strikes, shoves, kicks or otherwise subjects Town personnel to physical contact or attempts or threatens to do the same; or

(b) Uses abusive or obscene language or makes an obscene gesture.

(15) No person shall violate or cause or assist in the violation of any provision of this chapter, any rule or regulation promulgated by the Superintendent of Sanitation pursuant to this chapter or any Town Board resolution adopted pursuant to this chapter.

B. All unlawful conduct set forth in this section shall constitute a violation of this chapter.

§ 204-83. Rejection of loads; seizure of evidence.

A. By a vehicle's entry into a Town recycling center area, the owner and operator of that vehicle shall be deemed to consent to the examinations hereinafter provided.

B. Any materials removed from a vehicle for disposal at a Town recycling center area may be examined by Town employees authorized to enforce this chapter to determine compliance with the laws and regulations requiring, without limitation, separation of designated recyclables from solid waste, prohibition against hazardous substances and prohibition against solid waste generated or collected outside the town.

C. Any person who is authorized to enforce this chapter pursuant to § 204-80 shall have the authority to reject loads that do not conform to the requirements set forth in this chapter or in resolutions, rules and regulations promulgated under this chapter. If the load is rejected subsequent to the vehicle's departure from the Town recycling center, the Town shall have the right to reject the load and require the vehicle to return to the recycling center and reclaim the load. Failure of a person to reclaim the load within 24 hours of receiving notice from the Town shall make said person liable for the penalties set forth in this Article IX.

D. Any person who is authorized to enforce this chapter pursuant to § 204-80 shall have the power to seize, without a warrant, for conservation, health, safety or evidentiary purposes, any item he has cause to believe is a hazardous substance or solid waste generated or collected outside the Town that has been or is being disposed of in violation of this chapter. Any item seized under this subsection shall be disposed of as deemed appropriate by the Superintendent of Sanitation.

§ 204-84. Penalties for offenses.

A. Any action by any person other than a commercial hauler which violates or does not comply with any provision of Articles II, III, IV, V, VI and IX or any regulation or resolution promulgated thereunder shall be punishable as follows:

(1) For a first conviction: a fine of not less than \$50 and not more than \$250, and, in addition, anyone convicted of a first offense hereunder may be liable to pay a civil penalty of not more than \$250.

(2) For a second conviction within one year: a fine of not less than \$100 and not more than \$500 or imprisonment of not more than 15 days, or both, and, in addition, anyone convicted of a second offense hereunder may be liable to pay a civil penalty of not more than \$500.

(3) For a third or subsequent conviction within one year: a fine of not less than \$250 and not more than \$1,000 or imprisonment of not more than 30 days, or both, and, in addition, anyone convicted of a third or subsequent offense hereunder may be liable to pay a civil penalty of not more than \$1,000.

B. Any action by a commercial hauler which violates or does not comply with any provision of Articles III, IV, V, VII and IX or any regulation thereof shall be punishable as follows:

(1) For a first conviction: a fine of not less than \$500 and not more than \$1,000 or imprisonment of not more than 15 days, or both, and, in addition, anyone convicted of a first offense hereunder may be liable to pay a civil penalty of not more than \$1,000.

(2) For a second conviction within one year: a fine of not less than \$750 and not more than \$1,500 or imprisonment of not more than 30 days or suspension or revocation of the commercial hauler's permit for a period not to exceed six months, or any or all of the above, and, in addition, anyone convicted of a second offense hereunder may be liable to pay a civil penalty of not more than \$1,500.

(3) For a third or subsequent conviction within one year: a fine of not less than \$1,000 and not more than \$2,000 or imprisonment of not more than 60 days or suspension or revocation of the commercial hauler's permit for a period not to exceed one year, or any or all of the above, and, in addition, anyone convicted of a third or subsequent offense hereunder may be liable to pay a civil penalty of not more than \$2,000.

C. Any self-hauler who violates or does not comply with § [204-83](#) may be subject to the following civil penalties in lieu of the civil penalties set forth in § [204-84A](#):

(1) First offense: twice the cost to the Town of clearing away the offending materials.

(2) Second offense: twice the cost to the Town of clearing away the offending materials.

(3) Third or subsequent offense: twice the cost to the Town of clearing away the offending materials.

D. Any commercial hauler who violates or does not comply with § [204-83](#) may be subject to the following civil penalties in lieu of the civil penalties set forth in § [204-84B](#):

(1) First offense: twice the cost to the Town of clearing away the offending materials.

(2) Second offense: twice the cost to the Town of clearing away the offending materials.

(3) Third or subsequent offense: twice the cost to the Town of clearing away the offending materials.

E. Each continuing day of violation of this chapter shall constitute a separate offense.

F. In addition to the above provided penalties, the Town may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

§ 204-85. through § 204-89. (Reserved)

Article X. Miscellaneous

§ 204-90. Construal of provisions.

The terms and provisions of this local law are to be liberally construed so as best to achieve and effectuate the goals and purposes hereof.

§ 204-91. Severability.

The provisions of this local law are severable. If any provision of this local law or its application to any person or circumstances is held invalid, said invalidity shall not affect any other provision or application of this local law which can be given effect without the invalid provision or application of the local law.

§ 204-92. Repealer.

Upon the effective date of this local law, the preexisting ordinance entitled "Sanitary Landfill" at Chapter 121 of the Town Code shall be repealed.

§ 204-93. When effective.

This local law shall take effect immediately upon filing with the Secretary of State as provided for by law.