

Chapter 117: SOLID WASTE MANAGEMENT: COLLECTION, RECYCLING AND DISPOSAL ^[1]

[HISTORY: Adopted by the Town Board of the Town of Huntington 6-28-1994 as part of L.L. No. 5-1994. ^[2] Amendments noted where applicable.]

GENERAL REFERENCES

Department of Environmental Waste Management — See Ch. 27.

Sanitation Advisory Commission — See Ch. 61.

Distribution of circulars — See Ch. 73.

Dumpsters and compactors — See Ch. 111, Art. XXXIV.

Housing standards — See Ch. 124.

Junkyards — See Ch. 130.

Littering — See Ch. 133.

Property maintenance; nuisances — See Ch. 156.

Sewer use management — See Ch. 164.

[1]:

Editor's Note: The title of this chapter was changed from "Garbage, Rubbish and Refuse Disposal" 9-26-2000 by L.L. No. 27-2000.

[2]:

Editor's Note: This local law also repealed former Ch. 117, Garbage and Refuse Disposal, adopted 6-3-1969 as Ch. 23 of the 1969 Code of the Town of Huntington, as amended.

Chapter 117: SOLID WASTE MANAGEMENT: COLLECTION, RECYCLING AND DISPOSAL

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§ 117-1_Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

ACCEPTABLE WASTE

All solid waste that is normally disposed of by and collected from residential, commercial, industrial, governmental or institutional establishments, except that acceptable waste shall not include hazardous or medical waste, or cow or horse manure.

[Amended 9-26-2000 by L.L. No. 27-2000; 9-8-2009 by L.L. No. 10-2009]

ASHES

The noncombustible residue from the burning of combustible substances such as wood, coal, coke and paper, as well as loose inorganic material from fires to structures.

BATTERIES

Carbon-zinc, alkaline, lithium, nickel-cadmium and all other household batteries, excluding lead-acid batteries.

BULK ITEM

Residential solid waste which is larger than two (2) feet by two (2) feet by four (4) feet in any one of its dimensions or weighs more than fifty (50) pounds, such as mattresses, nonmetal furniture and rugs.

CARDBOARD

All unsoiled corrugated and noncorrugated paperboard used for packing, mailing, shipping or containerizing goods or merchandise, except paperboard that contains significant quantities of any substance other than paper, such as wax-coated or plastic-coated cardboard.

COLLECT

To pick up, remove, load or otherwise perform the collection and disposal of solid waste. The picking up, removal, loading or transporting upon or across streets within the Town of solid waste shall constitute prima facie evidence of operating, engaging in, conducting or causing the operation of a business engaged in the collection and disposal of such waste.

[Amended 9-26-2000 by L.L. No. 27-2000]

COLLECTION VEHICLE

A vehicle that must be permitted by the Town to operate commercially within the Town for the purpose of collecting and transporting solid waste.

[Amended 9-26-2000 by L.L. No. 27-2000]

COMPACTOR UNIT

A closed-top roll-off container used for the collection of solid waste employing a self-contained mechanism for the compression of such waste.

CONSTRUCTION AND DEMOLITION MATERIAL

All uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of structures and roads, as well as land clearing and grubbing debris, including but not limited to bricks, concrete and other masonry materials, soil, rock, wood, drywall, plaster, shingles, asphalt, glass and structural metals.

DEPARTMENT

The Department of Environmental Waste Management of the town.

[Added 7-1-1998 by L.L. No. 31-1998]

DIRECTOR

The Director of the Department of Environmental Waste Management of the town.

[Amended 7-1-1998 by L.L. No. 31-1998]

DUMPSTER

A solid waste storage and collection container with a permanently attached cover used for putrescible or nonputrescible waste.

EXPLOSIVES

A chemical compound, mechanical mixture or article containing any oxidizing or combustible ingredients in such proportions, quantities or packing that an ignition by fire, friction, concussion, percussion or detonation of any part of the compound, mixture or article may cause sudden generation of highly heated gases such that the resultant gaseous pressures are capable of producing destructive effects on surrounding life, limb or property.

GARBAGE

Putrescible animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods.

GLASS

All food and beverage containers composed of silica, soda ash and limestone, being transparent, translucent, green or amber, but not including ceramics, light bulbs, window panes or mirrors.

HAZARDOUS WASTE

Any wastes which, according to any applicable law from time to time in effect, are defined or classified as "hazardous" or as requiring special handling in their collection, storage, treatment or disposal, including those described in NYCRR Title 6, §§ 371.3 - 371.4, including but not limited to cleaning fluids, crankcase oils, acids, caustics, poisons, explosives and substances of similar nature.

LICENSEE

Any person licensed pursuant to the provisions of this chapter.

LIQUID WASTE

The liquid and waste solids contained in on-site sanitary wastewater disposal systems, subsurface sewage disposal systems and appurtenances, wastewater from laundry operations and industrial wastewater.

MEDICAL WASTE

All infectious and noninfectious medical waste, including but not limited to surgical, pathological and biological waste.

METAL CANS

All food and beverage containers composed of aluminum, steel or tin, or any combination thereof.

MIXED PAPER

All unsoiled paper, except newspaper, such as discarded mail, stationery and loose leaf paper, but not including paper that contains significant quantities of any substance other than paper, such as foil-coated or carbon paper.

NEWSPAPER

All newsprint and newspaper advertisements, supplements and enclosures.

NONPROCESSIBLE WASTE

Hazardous or medical waste or that component of acceptable waste, including construction and demolition material, white goods, large items of machinery and equipment, liquid waste, sludges, batteries and other material, the processing of which is likely to constitute a threat to health or safety or adversely affect the operation of the resource recovery facility or cause the violation of any applicable law or permit for said facility.

OWNER

The person having legal title to property and also the person shown as the owner of the property on the current assessment rolls of the town.

PERSON

Any individual, partnership, association, firm, company, corporation or organization of any kind.

PLASTIC

All household containers composed of high-density polyethylene (HDPE) or polyterephthalate (PET) used to contain such liquids as milk, juice, bleach, detergents, cleaners and automobile fluids.

PUTRESCIBLE

The quality attributed to organic matter regarding its tendency to decompose with the formation of malodorous by-products.

RECEPTACLE

A waste storage and collection container which is durable, rust-resistant, nonabsorbent, watertight and capable of being tightly sealed.

RECYCLABLE ITEM

Any item normally discarded as solid waste that has the potential for reclamation or reuse and is designated as such by the Director for the purpose of waste stream reduction and/or resource conservation, including batteries, cardboard, glass, metal cans, mixed paper, newspaper, plastic and any other item deemed recyclable by the Director.

REFUSE

All putrescible and nonputrescible materials (except body wastes) that are discarded or rejected as useless or worthless, including but not limited to garbage, rubbish, ashes, scrap metal and yard waste.

RESOURCE RECOVERY FACILITY

The waste-to-energy facility and appurtenant structures located at or near 99 Town Line Road in East Northport in the town.

ROLL-OFF CONTAINER

An open-top container used on a temporary basis for the collection of nonputrescible waste, including but not limited to construction and demolition material.

SOLID WASTE

All putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discharge or rejection, including but not limited to refuse, industrial and commercial waste, sludges from air or water control facilities, tires, contained gaseous material, construction and demolition material and recyclable items, but not including sewage and other highly diluted water-carried materials or substances and those in noncontainerized gaseous form.

SPOT MARKET WASTE

All nontown solid waste accepted for processing at the Resource Recovery Facility for the purpose of maintaining adequate fuel inventory.

[Added 7-1-1998 by L.L. No. 31-1998]

STREET

Any road, avenue or other public highway in the Town of Huntington.

TOWN

The Town of Huntington, Suffolk County, New York.

TOWN BOARD

The duly elected and constituted legislative body of the town.

TOWN FACILITY

An area or facility designated by the Town for the storage, transportation, recycling, processing, separation, treatment or disposal of solid or liquid waste.

WHITE GOODS

Metal household appliances such as stoves, refrigerators, washing machines and dishwashers or other large metal household waste items.

YARD WASTE

Solid waste consisting of vegetation generated by landscaping activities, including but not limited to grass clippings, weeds, branches and leaves.

§ 117-2 License and/or permit required; dates of issuance and expiration.

A.

Collection. It shall be unlawful for any person except the Town of Huntington or other municipal agency to operate, engage in, conduct or cause the operation of a business engaged in the collection of solid or liquid waste from the premises of any person or transporting such waste upon or across any street without having first obtained a license and permit(s) issued by the Town Clerk.

[Amended 9-26-2000 by L.L. No. 27-2000; 9-25-2001 by L.L. No. 13-2001]

B.

Permit required.

(1)

A collection vehicle permit shall be affixed on the driver's side of the cab of each collection vehicle used by the licensee for collection in the town.

[Amended 9-25-2001 by L.L. No. 13-2001]

(2)

A container permit shall be affixed to every dumpster, compactor unit and roll-off container used by the licensee for collection in the town. All container permits issued to a licensee shall be affixed by the licensee within two (2) weeks of receipt of the permits. A permit shall only be affixed provided the dumpster, compactor unit or roll-off container is in good condition, free from leakage and in working order and if the name and telephone number of the owner appears on two (2) opposite sides of the container in letters at least four (4) inches in height. All compactor units and roll-off containers shall have their permits affixed so that the permit is as close to the cab as possible on the driver's side of the vehicle transporting such containers. Upon the sale or transfer of a container, a permit issued to the new owner and the new owner's name and telephone number shall be affixed to the container prior to placing it in service.

[Amended 9-25-2001 by L.L. No. 13-2001]

(3)

Any vehicle owned or operated by a landscaper, Suffolk County licensed electrician or home improvement contractor or Town of Huntington licensed plumber which is used to transport waste generated in the Town by the owner or operator's compensated activity shall have a permit affixed before entering a Town facility. The Town Clerk shall issue these permits and the Department shall establish rules and regulations thereto.

[Amended 7-1-1998 by L.L. No. 31-1998; 9-26-2000 by L.L. No. 27-2000]

C.

An owner or occupant may remove wastes generated on his premises without requiring a license or permit. It shall be a violation of this chapter for any person delivering waste to a Town facility to represent himself as an owner or occupant when said waste has been generated from a compensated activity.

D.

Date of permit.

(1)

New and renewal collection vehicle permits and container permits shall be effective as of January 1 of the year specified on the permit and shall expire on December 31 of that year, unless sooner suspended or revoked by the Town Board.

[Amended 9-25-2001 by L.L. No. 13-2001]

(2)

A permit issued to a landscaper, Suffolk County licensed electrician or home improvement contractor or town-licensed plumber shall be effective as of the date of issuance and shall expire on that date of the succeeding year.

§ 117-3_Application for license; contents.

A.

Applicants for such license shall apply on a form provided by the Department. Every applicant for a license to collect solid waste in the Town shall be the owner or lessee of the vehicle or vehicle(s) to be used for such collection. Every person who desires to engage in or conduct the business of the collection of solid or liquid waste within the Town of Huntington shall file with the Department, not later than November 15, a completed application, verified under oath, containing the following statement:

[Amended 7-1-1998 by L.L. No. 31-1998; 9-25-2001 by L.L. No. 13-2001]

(1)

The name, address, and date of birth of the applicant, specifying, in the case of any unincorporated association, the name, address, date of birth and citizenship of each member thereof and, in the case of any

corporation, the name, address, date of birth and citizenship of each officer or director and each stockholder owning more than twenty (20%) percent of the stock thereof.

[Amended 9-26-2000 by L.L. No. 27-2000]

(2)

The experience of the applicant or each member thereof, if an unincorporated association, or each director and officer thereof, if a corporation, in the business of collection and disposal of refuse and similar material.

(3)

Whether the applicant or a member thereof, if an unincorporated association, or, if a corporation, any director or officer, and any stockholder owning twenty (20%) percent or more of the stock thereof has a record of a prior conviction or convictions within the past five (5) years of a felony or a crime which would now be classified as a Class A or Class B misdemeanor. Where there has been such a conviction or convictions, the applicant shall set forth in which court when, where, upon what charges and the sentence of the court, including the docket, index, indictment or file number in such court that imposed such conviction(s). If a certificate of relief from civil disabilities has been issued by a court of competent jurisdiction, the applicant shall submit a certified copy of same.

[Amended 9-26-2000 by L.L. No. 27-2000; 9-25-2001 by L.L. No. 13-2001]

(4)

The number of collection vehicles to be operated by the applicant and a description of each such vehicle, including the ownership of the vehicle, the make, year, model of chassis and body type, the cubic capacity, color of vehicle, serial number, current registration and motor vehicle license plate number. Each vehicle shall comply with § **117-22D** or **E**. In the event that a vehicle is not owned by the applicant, the name, address and telephone number of the owner is to be so stated, and, in the event that said owner is either an unincorporated association or a corporation, the owner shall be listed with the same detail as provided in Subsection **A(1)** of this section.

[Amended 9-25-2001 by L.L. No. 13-2001]

(5)

A statement of the location of the storage area of the vehicle referred to above.

(6)

The name, residence address, operator's or chauffeur's license number of the person who shall operate such vehicle or shall be assigned to work on such vehicle.

(7)

A daily route sheet and pickup schedule, showing the customers to be serviced by the commercial carting applicant. This information shall be submitted in duplicate.

(8)

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

(9)

Any other relevant information that the Director may require.

(10)

All license applications shall be accompanied by a set of fingerprints from each applicant and member thereof, if an unincorporated association, or, if a corporation, each director or officer, and each stockholder owning

twenty (20%) percent or more of the stock thereof. Each set of fingerprints shall be submitted to the Town Clerk, with a processing fee of fifty (\$50.) dollars which shall be in addition to the fee charged by the New York State Division of Criminal Justice Services appropriate fee. In the case of a foreign corporation, directors or officers, and stockholders owning twenty (20%) percent or more of the stock who do not reside in the State of New York, shall not be required to submit fingerprints in compliance with this section, provided that with respect to such corporations there shall be fingerprints obtained from at least one responsible management official of the corporation who resides in the state and who oversees the operations for which the application is made. In the case of such foreign corporations, there shall be submitted an affidavit from each director or officer, and each stockholder owning twenty (20%) percent or more of the stock, stating whether they have been convicted of any:

[Amended 11-23-1999 by L.L. No. 21-1999; 7-25-2000 by L.L. No. 19-2000; 9-25-2001 by L.L. No. 13-2001]

(a)

Felony-level offenses anywhere;

(b)

Other violations of law anywhere relating to the collection, transportation and/or disposal of liquid or solid waste;

(c)

Federal, state or local environmental or RICO laws; or

(d)

Any violation of the Town Code.

(11)

In the event of any change in any of the information contained in the application, such information shall be forwarded and delivered to the Director within five (5) days after the same has been effected. Any false or misleading statements in any license application shall be grounds for invalidation of the license by the Town Clerk.

[Amended 9-25-2001 by L.L. No. 13-2001]

(12)

In the event that any property, real or personal, of any applicant defined herein is either pledged or mortgaged, the name and address of the pledgee or mortgagee, and the amount pledged or mortgaged are to be submitted.

[Amended 9-25-2001 by L.L. No. 13-2001]

(13)

In the case of a foreign corporation, that the corporation is authorized to do business in the State of New York, in accordance with the requirements of the New York State Business Corporation Law.

[Added 7-25-2000 by L.L. No. 19-2000]

B.

Any person who maintains an up-to-date Suffolk County home improvement or electrician's license may apply for a permit to deliver all acceptable waste to a Town facility. This permit shall be issued by the Town Clerk upon the presentation of a copy of the license, not the ID card, which shall be attached to the application.

[Amended 7-1-1998 by L.L. No. 31-1998; 9-26-2000 by L.L. No. 27-2000]

C.

Upon proper presentation of proof, landscapers and town-licensed plumbers shall be issued a permit by the Town Clerk to deliver all acceptable waste to a Town facility.

[Amended 9-26-2000 by L.L. No. 27-2000]

D.

Any license application submitted after the November 15 deadline shall be deemed a late filing and shall be subject to a late filing fee of one hundred (\$100.) dollars.

[Added 9-25-2001 by L.L. No. 13-2001]

§ 117-4 Issuance or denial of license.

[Amended 7-25-2000 by L.L. No. 19-2000; 9-26-2000 by L.L. No. 27-2000; 9-25-2001 by L.L. No. 13-2001]

A.

Upon compliance with the terms hereof, the Town Clerk shall issue the license, unless the applicant, including a majority stockholder thereof:

[Amended 10-13-2004 by L.L. No. 31-2004]

(1)

Has been convicted of an offense under this chapter within five (5) years prior to the date of submission of a completed application for a license. Where an applicant has previously been convicted of a violation of an offense under this chapter, the Town Clerk shall issue the license, provided that the Director or their designee has recommended that the license be issued based upon a determination that the code violations in question are minor and not likely to impact on the quality of service provided or otherwise impact on the applicant's ability to comply with the Town Code in the future and, where applicable, to be in compliance with the town's contractual requirements;

(2)

Has been convicted of a felony or a crime which would now be classified as a Class A or Class B misdemeanor within five (5) years prior to the date of submission of a completed application for a license, unless a satisfactory certificate of relief for the felony or Class A or Class B misdemeanor has been issued.

B.

Notice of denial of a license shall be given in writing by certified mail, return receipt requested. Such denial shall set forth the grounds therefor and advise the applicant of the right to an appeal hearing.

[Amended 2-10-2004 by L.L. No. 5-2004]

§ 117-5 Appeal from denial of license.

[Amended 9-25-2001 by L.L. No. 13-2001; 2-10-2004 by L.L. No. 5-2004]

A.

Any applicant who is refused a license or permit may appeal the decision of the Town Clerk by making a written request for a hearing to determine his/her fitness to hold such a license or permit, notwithstanding the convictions set forth in § 117-4.

B.

The Town Board may appoint an administrative hearing officer to conduct an appeal hearing on the denial of any permit or license issued under this chapter. The hearing officer shall submit his/her written findings and recommendations to the Town Board pursuant to the procedural requirements of § 117-17C of this chapter.

§ 117-6_(Reserved)

§ 117-7_License and permit fees.

[Amended 7-1-1998 by L.L. No. 31-1998; 11-23-1999 by L.L. No. 21-1999]

A.
New license and permit(s). Every license application shall include payment of an application fee of five hundred (\$500.) dollars. The application fee includes the cost of permitting one collection vehicle. The fee for each additional vehicle shall be two hundred (\$200.) dollars and twenty-five (\$25.) dollars for each dumpster, compactor unit or roll-off container the applicant will use for collection in the Town at any time during that license year.

[Amended 9-26-2000 by L.L. No. 27-2000; 9-25-2001 by L.L. No. 13-2001]

B.
Substitute collection vehicle permit. The Town Clerk, upon the licensee's presentation of proper proof and payment of a fee of two hundred (\$200.) dollars, may issue a substitute permit in the event that the original permit is lost, destroyed or otherwise rendered illegible.

C.
Replacement collection vehicle permit. In the event of the replacement of a permitted collection vehicle with another collection vehicle, the Town Clerk may issue a replacement permit for the replacement vehicle upon payment of a fee of two hundred (\$200.) dollars.

D.
New permit. The fee for a permit to enter a Town facility for landscapers, Suffolk County licensed electricians and home improvement contractors and town-licensed plumbers shall be one hundred (\$100.) dollars for the first vehicle and fifty (\$50.) dollars for each additional vehicle.

E.
Substitute permit. As to those permit holders specified in Subsection D herein, the Town Clerk, upon the permit holder's presentation of proper proof and payment of a fee of fifty (\$50.) dollars, may issue a substitute permit in the event that the original permit is lost, destroyed or otherwise rendered illegible.

[Amended 9-26-2000 by L.L. No. 27-2000]

F.
Replacement permit. As to those permit holders specified in Subsection D herein, in the event that a permitted vehicle is replaced with another vehicle, the Town Clerk may issue a replacement permit for the replacement vehicle upon payment of a fee of fifty (\$50.) dollars.

[Amended 9-26-2000 by L.L. No. 27-2000]

G.
Any additional revenue derived herefrom shall be deposited into the designated revenue account in the Town of Huntington general fund to offset the cost of increasing enforcement by the Department of Environmental Waste Management in the Town of Huntington general fund.

H.
All references in this chapter to the Town Clerk solely indicate their status as Town licensing agent and all documents issued thereby shall be done so on the advice and recommendation of the Department of Environmental Waste Management.

§ 117-8 Insurance; deposit.

Prior to a license being issued by the Town Clerk, each applicant shall file with the Town Clerk the following:

A.
Insurance. Proof of the following insurance coverage, consisting of a certificate of an insurance carrier naming the Town of Huntington as certificate holder and an additional insured:

[Amended 9-25-2001 by L.L. No. 13-2001]

(1)

Workers' compensation insurance.

(2)

Disability benefits insurance.

(3)

Bodily injury, personal injury and property damage insurance; automobile insurance. The minimum limits should be one million (\$1,000,000.) dollars for each occurrence of bodily injury and property damage. Coverage for owned, nonowned and hired vehicles shall be for the same limits set forth herein.

B.

Security deposit.

(1)

Each applicant who obtains a charge account for solid waste from the Town shall submit a security deposit to the Town in the form of cash or surety bond in such form as may be acceptable to the town. A cash deposit shall be no less than ten thousand (\$10,000.) dollars, and a surety bond shall be no less than twenty-five thousand (\$25,000.) dollars, and shall be from a bonding company authorized to do business in the State of New York with an AM Best rating of "A-" or better, in such form as may be acceptable to the Town. The amount of the security deposit shall be determined by the Director.

[Amended 7-1-1998 by L.L. No. 31-1998; 9-26-2000 by L.L. No. 27-2000; 9-25-2001 by L.L. No. 13-2001]

(2)

In the event that a licensee's account balance exceeds that licensee's cash deposit of ten thousand (\$10,000.) dollars for any two (2) months of a twelve-month billing period, the Director shall require that licensee to submit an additional cash deposit in an amount the Director determines is reasonable under the circumstances.

[Amended 9-26-2000 by L.L. No. 27-2000]

(3)

In the event that the account balance of a licensee who has submitted cash deposits totaling twenty thousand (\$20,000.) dollars exceeds twenty thousand (\$20,000.) dollars for any two (2) months during a twelve-month billing period, the Director shall require that licensee to substitute for the cash deposits a payment bond from a bonding company authorized to do business in the State of New York with an AM Best rating of "A-" or better, in such form as may be acceptable to the town, of no less than twenty-five thousand dollars (\$25,000.). The amount of the payment bond shall be determined by the Director.

[Amended 7-1-1998 by L.L. No. 31-1998; 9-26-2000 by L.L. No. 27-2000]

(4)

The security deposit less payments due shall be returned to the licensee within thirty (30) days after termination, revocation or surrender of the license.

(5)

In the event that the Director determines that a licensee's unpaid charges are in an amount which the Director reasonably believes exposes the Town to financial loss, the Director may immediately suspend the licensee's privileges and access to Town facilities. Upon payment by the licensee of amounts owed to the Town together with sufficient security as may be determined by the Director, the Director shall restore the licensee's privileges and access to Town facilities.

[Added 9-26-2000 by L.L. No. 27-2000^[1]]

[1]:

Editor's Note: This local law also repealed former Subsection C, regarding security deposits by liquid waste collectors.

§ 117-9_Collection vehicle inspection.

Each license applicant shall produce each collection vehicle listed in the application for inspection at a time and place to be named by the Director. Failure of an applicant to produce any collection vehicle at the time and place fixed by the Director shall be deemed an abandonment of the application for a permit for that vehicle, unless such vehicle is produced at such subsequent time and place as the Director shall fix; and no application shall be processed by the Town Clerk for the issuance of a license and permit(s) until the vehicle or vehicles listed in the application have passed such inspection.

§ 117-10_Reinspection of collection vehicle.

After the issuance of a license and permit(s), each licensee shall produce each permitted collection vehicle for reinspection upon request at a time and place designated by the Director. When, upon reinspection, a vehicle is found not to be in full compliance with this chapter or the rules and regulations adopted hereunder, the permit for such vehicle may be suspended until remedial action by the licensee places the vehicle again in full compliance with this chapter and the rules and regulations adopted hereunder.

§ 117-11_Substitute collection vehicle.

[Amended 7-1-1998 by L.L. No. 31-1998; 9-26-2000 by L.L. No. 27-2000]

In the event that a permitted collection vehicle is temporarily removed from service, a licensee may place a substitute collection vehicle in service only after having submitted a completed substitute vehicle request form to the Department and obtaining the permit and paying the fees as specified in § 117-7 herein. One form shall be completed for each substitute collection vehicle. Any collection vehicle operating as a substitute collection vehicle without authorization shall be denied entry to Town facilities.

§ 117-12_License and permit issuance; transferal; surrender.

A.

If the Town Clerk shall find from the statements contained in a license application that the applicant is qualified and able to conduct the business of collection of solid waste and that said applicant complies with the provisions of this chapter and the rules and regulations as may be adopted hereunder, then the Town Clerk shall issue a license stating the name and address of the applicant and the date of issuance thereof. The Town Clerk shall also issue a collection vehicle permit for each authorized collection vehicle.

[Amended 9-26-2000 by L.L. No. 27-2000]

B.

Any license issued pursuant to the provisions of this chapter shall not be transferred or assigned to any person nor used by any person other than the licensee to whom it was issued.

C.

If a permitted collection vehicle is sold or transferred, the licensee must surrender the permit held for it to the Town Clerk.

§ 117-13 License and permit renewal.

[Amended 6-5-2007 by L.L. No. 27-2007]

Any licensee making application for renewal license and permit(s) who has an existing charge account balance shall be denied such renewal if that licensee carries a past due balance of over thirty (30) days at the time of application. Denied renewal applications shall be reconsidered upon payment of the past due balance and all late charges as provided in § **117-28C(1)**.

§ 117-14 Markings and identification on collection vehicles, roll-off containers and dumpsters.

[Amended 10-19-1999 by L.L. No. 18-1999]

A.

Each permitted collection vehicle, roll-off container or dumpster shall have painted or otherwise permanently affixed on the outside of each door of the cab, or side of the roll-off container or dumpster, the name and telephone number of the licensee, in letters not less than two (2) inches in height. This section shall not apply to substitute collection vehicles which display proof of authorized use as provided in § **117-11**.

[Amended 9-26-2000 by L.L. No. 27-2000]

B.

Each roll-off container or dumpster shall have attached a valid permit with a unique identification number. The permit shall be issued in conformance with § **117-7A**. In addition, it shall be clearly marked on each side with reflective safety markings as specified in regulations issued by the Superintendent of Highways or designee pursuant to this chapter.

C.

Each roll-off container which is to be placed on Town property, including its streets and sidewalks, shall have an additional permit issued after approval of an application, by the Highway Department, which will describe the exact proposed location. Upon the review of this application, and the receipt of a nonrefundable twenty-five (\$25.) dollars fee, a permit for the specified period of time the box will be located at the site will be issued. The roll-off container or dumpster must be removed by the date specified in the permit unless an extension is obtained. The roll-off container or dumpster must be removed or emptied within forty-eight (48) hours of a notice issued by the Town to the licensee if said box is full. A roll-off container or dumpster shall be deemed full if any portion of the contents of same extend above the rim of such container. The permit may be rescinded by the Town if the location or condition is deemed hazardous by the Superintendent of Highways or their designee. The Town is authorized to dispose of the roll-off container or dumpster if it is not removed within twenty-four (24) hours of a notice issued to the licensee by delivery to the licensee's address; the cost for said removal to be a charge against the licensee and recovered from such licensee.

D.

A violation of this section shall be punishable by a minimum penalty of two hundred (\$200.) dollars and a maximum of seven hundred fifty (\$750.) dollars. A second violation of this section within one (1) year shall be grounds for revocation of any license issued to said licensee pursuant to this chapter, after a hearing by the Town Board or a duly appointed administrative hearing officer, in addition to the penalty above and other remedies available to the Town as provided by law.

[Amended 2-10-2004 by L.L. No. 5-2004]

§ 117-15_(Reserved)

§ 117-16_(Reserved)

§ 117-17_Suspension and revocation of license; hearing.

[Amended 9-25-2001 by L.L. No. 13-2001; 2-10-2004 by L.L. No. 5-2004]

A.
Suspension or revocation. Any license issued hereunder may be suspended by the Town Clerk if the licensee or any director, officer or agent, or any stockholder owning twenty (20%) percent or more of the licensee's corporation thereof shall be:

(1)
Convicted of a violation of any provision of this chapter of the Code, including the failure to maintain the scheduled collection or making a false statement or misrepresentation in the application; or

(2)
Convicted of a felony or Class A or B misdemeanor; or

(3)
Determined to have breached a Town contract for the collection, transportation or disposal of residential solid waste, yardwaste, or recyclables.

B.
Hearing officer. It is the intention of the Town Board to protect the legal rights of the public by insuring every applicant under this chapter receives fair and expeditious due process by providing for an administrative hearing officer to alternatively preside over license suspension and application denial hearings. In order to accomplish this goal, the Town Board is exercising its authority under § 10(1)(ii)(a)(12) of the Municipal Home Rule Law, § 136(1) and § 137 of the Town Law and any other applicable provision of law now or hereafter enacted, to supersede and/or expand upon the applicable provisions of § 137 of the Town Law, and any other applicable or successor law, in order to permit an appointed administrative hearing officer to preside over license suspension and application denial appeal hearings.

C.
Hearings. Whenever the Town Clerk makes a determination to deny or suspend a license, certificate or permit pursuant to § 117-4 or 117-17A, an opportunity to appear before the Town Board or a duly appointed hearing officer shall be scheduled in accordance with this chapter. The hearings shall be held as follows:

(1)
All hearings contemplated under this chapter shall be administered by the Town Board or a duly appointed administrative hearing officer.

(2)
All hearings shall be recorded.

(3)
Where the Town Board administers the public hearing, a determination based on the facts and evidence presented must be made declaring:

(a)

Reversal. The Town Board may reverse the suspension and reinstate said license, certificate or permit. The Town Board may reverse the denial of the permit application and allow said application to proceed pursuant to the provisions of this chapter; or

(b)

Affirmation. The Town Board may affirm the suspension of the license, certificate or permit. The Town Board may affirm the denial of the permit application.

(4)

The hearing officer must file his/her written findings and recommendations with the Town Board no later than thirty (30) days from the close of the hearing. The Town Board may accept or deny the recommendations of the hearing officer in whole or in part, and render its decision as in § 117-17C(3) herein.

(5)

The hearing officer shall send his/her written findings and recommendations to the applicant by regular or certified mail no later than thirty (30) days from the close of the hearing. The applicant may file written exceptions to the findings and recommendations of the hearing officer. The written exceptions shall be filed with the Town Board at least five (5) days prior to a scheduled Town Board meeting.

D.

In addition to such suspension or revocation, any such license, officer, director, officer, agent or stockholder owning twenty (20%) percent or more of the licensee's corporation, may also be subject to imposition of penalties pursuant to this chapter in lieu of or in addition to whatever other remedies may be available pursuant to law or in contract.

E.

Procedure and decisions.

(1)

At the time and place set for hearing and appeal, the Town Board or a duly appointed administrative hearing officer shall hear the Town Clerk (or his/her designee), the appellant and all other persons wishing to be heard on the refusal rejection, denial, suspension of the license, certificate or permit issued under this chapter.

(2)

The decision of the Town Board is final and shall be mailed to the applicant and filed with the Town Clerk.

(3)

Fees and outstanding charges. The fee for such hearing shall be five hundred (\$500.) dollars, which shall be in addition to any other outstanding payments due and owing to the Town. Upon revocation of a license, the person whose license has been revoked shall make any and all outstanding payments due and owing to the Town.

§ 117-18_Routes to Town solid waste facility.

[Amended 7-1-1998 by L.L. No. 31-1998; 9-26-2000 by L.L. No. 27-2000]

The Director shall have the right to route any and all vehicles to and from any Town solid waste facility; and it shall be unlawful for any vehicle to use any route which shall not have been authorized by the Director.

§ 117-19_Powers of Director; approval of regulations.

[Amended 7-1-1998 by L.L. No. 31-1998; 9-26-2000 by L.L. No. 27-2000]

The Director, or their designee, shall govern the complete operation and usage of any Town solid waste facility and the operation and usage of all vehicles entering, leaving and conducting any activity upon or with respect to said solid waste facility; and the Director, or their designee, shall make such rules and regulations as they shall see fit concerning the same. The regulations annexed hereto are approved.^[1]

[1]:

Editor's Note: Copies of the regulations are on file in the office of the Town Clerk.

§ 117-20 General maintenance and operation of collection vehicles.

Every collection vehicle shall be maintained, operated and used at all times only in full compliance with all applicable provisions of federal, state and local law and all applicable rules and regulations as may be adopted thereunder.^[1]

[1]:

Editor's Note: See also Ch. 111, Fire Prevention, § 111-190C.

§ 117-21 Standards for storage of waste.

A.

Storage of residential solid waste prior to collection.

(1)

It shall be the responsibility of the owner, tenant or occupant of a residential property to provide receptacles of sufficient capacity to contain the solid waste ordinarily generated on that property during ninety-six (96) consecutive hours. The receptacles shall be kept closed and maintained in good and sanitary condition by periodic cleaning, and, when filled, each receptacle shall not exceed fifty (50) pounds in total weight or thirty-nine (39) gallons in volume. Said receptacles shall be placed for collection in an accessible area adjacent to the curb immediately in front of the property no earlier than 6:00 p.m. the day before the day of collection and removed no later than 12:00 p.m. the day after the day of collection to a location to the rear of the front line of the main dwelling.

(2)

Any solid waste which cannot be readily deposited in a receptacle may be placed alongside the receptacle after it has been compacted and securely bundled, tied or packed so as to be easily handled when collected. Each bundle shall not exceed two (2) feet by two (2) feet by four (4) feet in any one (1) of its dimensions or fifty (50) pounds in weight.

(3)

No more than six (6) receptacles, bags or bundles in combination, exclusive of yard waste, may be placed for any one collection. Any owner, tenant or occupant of a residential property who places for collection any waste not generated on that property shall be in violation of this chapter.

(4)

Refrigerators and similar white goods shall have the doors removed prior to placement at the curb for collection so as to assure that no person or animal might accidentally be locked in the interior of such appliance.

(5)

Yard waste shall be kept separate and apart from other waste when placed for collection. It shall be unlawful to commingle or cause to be commingled yard waste with other solid waste. All yard waste that is not securely bundled as described in Subsection A(2) of this section shall be placed for collection in uncovered receptacles or transparent plastic bags only. Grass clippings shall not be placed for regularly scheduled collections.

B.

Storage of residential recyclable items prior to collection.

(1)

Every owner, tenant or occupant of a residential property shall sort and store separately all recyclable items discarded as waste. It shall be unlawful to place for collection any receptacle or other container that contains a mixture of recyclable items and nonrecyclable waste.

(2)

Glass, metal cans and plastic, after being emptied and cleaned, shall be placed in a container provided by the Town or any rigid container with handles adequate for lifting that has two (2) recycling decals provided by the Town permanently affixed on opposite sides. Such containers shall not exceed fifty (50) pounds when full and shall be used exclusively for recyclable items.

(3)

Newspaper and mixed paper may be commingled and shall be placed in paper supermarket bags or tied into bundles not weighing more than fifty (50) pounds or exceeding twelve (12) inches in height.

(4)

Cardboard shall be flattened and tied into bundles not exceeding four (4) feet in length and placed alongside newspaper and mixed paper when placed for collection.

(5)

Recyclable items shall be placed for collection in an accessible area adjacent to the curb immediately in front of the property no earlier than 6:00 p.m. the day before the day of collection. All recyclable item containers shall be removed no later than 12:00 p.m. the day after the day of collection to a location to the rear of the front line of the main dwelling.

(6)

This subsection shall not be construed to limit the right of residents to deliver their recyclable items directly to the Town recycling center or to redeem their cans or bottles for any deposits paid.

C.

Storage of commercial or industrial solid waste prior to collection.

(1)

All commercial establishments shall provide for storage of waste on site. Any owner, user or occupant of commercially or industrially zoned property who removes any acceptable waste generated on that property and does not deliver it directly to a Town facility shall be in violation of this chapter.

(2)

Any owner, user or occupant of commercially or industrially zoned property in the Town having evening manual collection of solid waste shall place such waste at the curb or on the sidewalk in front of or abutting the subject premises no earlier than 4:00 p.m. nor later than 4:45 p.m. on any regularly scheduled collection day.

(3)

Commercial or industrial solid waste to be manually loaded into collection vehicles shall be deposited in tightly sealed plastic bags or receptacles equipped with adequate handles and tightly fitted covers. Cardboard shall be separated from other solid waste and placed for collection in a separate receptacle or in flattened and tied bundles not to exceed four (4) feet in length. Once placed for collection as described in § 117-21C(2), the receptacles shall be removed from the collection area no later than 12:00 p.m. the day after the day of collection. No boxes, pails or barrels shall be used for storage of waste, and collectors shall be required to remove all such containers.

(4)

Commercial or industrial solid waste which is to be mechanically loaded into collection vehicles shall be deposited in dumpsters, compactor units or roll-off containers equipped with tightly fitted covers or loading doors that shall be kept closed at all times except during loading operations. Such covers or loading doors shall not be required for roll-off containers used exclusively for construction and demolition material. Such containers shall be placed as designated in the site plan or at the rear of the building if readily accessible to the collection vehicle, and in no case shall any container be placed so as to obstruct or interfere with vehicular or pedestrian traffic. It shall be unlawful to place on any property in the Town a container that does not comply with the provisions set forth in § 117-2B(2).

(5)

In the event that a commercial establishment ceases operations, moves or otherwise discontinues the use of a dumpster, compactor unit or roll-off container, the container owner shall remove the container from the premises or secure it in such fashion as to ensure that it remains empty until such time that the container is placed back in service. Any out-of-service container that does not remain empty shall be emptied promptly by the container owner at the owner's expense.

D.

Unlicensed dumpsters, compactor units and roll-off containers.

[Added 11-16-2004 by L.L. No. 38-2004¹¹]

(1)

No person, partnership, company, corporation or other entity shall maintain, place or keep on their land any unlicensed or otherwise unlawful dumpster, compactor unit or roll-off container.

(2)

Any unlicensed dumpster, compactor unit or roll-off container placed on any public property shall be deemed abandoned and a hazard to the general public.

(3)

The Town shall have the right to seize, without notice, any dumpster, compactor unit or roll-off container that is in violation of § 117-21D(2). The Town shall remove and store the unlicensed dumpsters, compactor units and/or roll-off containers at the sole expense of the owner.

(4)

Where any person, partnership, company or corporation or other entity is licensed pursuant to this chapter, but is in violation of § 117-2B(2) herein, the Town shall have the right to seize any dumpster, compactor unit or roll-off container in violation of § 117-2B(2) so long as notice of pending seizure is sent to the owner via certified mail and the violation has not been cured within forty-eight (48) hours of receipt of said notice. The notice must identify the location and contain a description of the dumpster, compactor unit and/or roll-off container.

(5)

Any dumpster, compactor unit or roll-off container seized under this section shall be returned to the owner upon the following conditions being met

(a)

The owner provides sufficient proof of ownership of the dumpster, compactor unit and/or roll-off container. If ownership cannot be determined and at least five (5) days have elapsed since the seizure, the Town may release the dumpster, compactor unit and/or roll-off container to the claimant, so long as the claimant provides sufficient identification and contact information and pays a refundable five hundred (\$500.) dollars deposit,

which is to be returned to the claimant after three (3) months have elapsed and no claim of ownership has been made.

(b)

The owner pays all statutory fees outlined in § 117-21D(6).

(6)

The owner or claimant of any dumpster, compactor unit or roll-off container seized pursuant to this chapter shall be assessed an impound fee of five hundred (\$500.) dollars per container and fifty (\$50.) dollars for each day the dumpster, compactor unit or roll-off container is in the Town's possession. Any dumpster, compactor unit or roll-off container impounded for greater than thirty (30) days will be declared abandoned property and title will forfeit to the Town.

[1]:

Editor's Note: This local law also repealed former Subsection C(6), pertaining to dumpsters, which originally appeared immediately above this subsection.

§ 117-22_Standards for collection.

A.

No collection shall be made between the hours of 3:30 p.m. and 6:00 a.m. or on Sundays or holidays when the town's facilities are closed. This section shall not apply to the town, school districts, fire departments or other municipal agencies.

[Amended 9-8-2009 by L.L. No. 10-2009]

B.

Collections are to be made at all times in such a manner and by such methods as to avoid the making of unnecessary noise and to prevent the discharge of dust and the spilling of waste upon the streets and sidewalks. Every collection vehicle operator shall immediately remove all waste spilled, littered or thrown upon the streets and sidewalks from loading operations or while in transit.

C.

The Director shall regulate the times that recyclable items are to be collected from residences. Recyclable items shall be collected exclusively at such times, and at no other time shall a licensee remove recyclable items from any residential property.

D.

Collection vehicles transporting nonputrescible solid waste may be of an open body type, provided that such vehicle is securely fitted with a canvas or other cover to prevent the discharge of any material while the vehicle is in transit.

E.

Collection vehicles transporting putrescible solid waste or liquid waste shall be of a closed body type, being completely enclosed and watertight.

F.

All loading doors, accessory doors, covers and other enclosures of loader openings of every collection vehicle shall be kept closed and secured at all times except during loading operations.

G.

Solid waste loaded in or on any collection vehicle shall not be reworked, resorted, rehandled or transferred to another vehicle while the collection vehicle is on the streets. Such waste shall be carried at all times solely within the vehicle body or solely within containers on or in the vehicle body.

H.

Every collection vehicle and container shall be cleaned frequently both inside and outside and periodically disinfected with germicides and insecticides so as to be maintained in clean and sanitary condition.

I.

~~(1)~~ It shall be unlawful to store or garage any collection vehicle containing any form of waste.

[1]:

Editor's Note: Former Subsection I, regarding liquid waste, was repealed 9-26-2000 by L.L. No. 27-2000, and former Subsection J was renumbered as Subsection I.

§ 117-23 Residential source separation.

A.

Upon the effective date of this chapter, there is established within the Town a curbside recycling program for separate collection of recyclable items from all residences receiving residential curbside collection service.

B.

Collection of recyclable items shall occur once each week, with the collection of cardboard, commingled mixed paper and newspaper alternating weekly with the collection of commingled glass, metal cans and plastic. Collection days shall be designated in a schedule advertised by the town. No collection of recyclables shall be made earlier than 6:00 a.m.

[Amended 9-8-2009 by L.L. No. 10-2009]

C.

Expansion of program.

(1)

The Town Board, by resolution, may expand the curbside recycling program to include other recyclable items for which the Director has determined economic markets exist pursuant to § 117-24B.

(2)

The expanded curbside recycling program shall be established sixty (60) days after publication of notice in the official newspaper of the town.

(3)

Collection of additional recyclable items shall occur in accordance with a schedule advertised by the town.

D.

Residents receiving curbside collection service shall separate and place for collection their recyclable items in accordance with the provisions set forth in § 117-21B.

§ 117-24 Commercial source separation.

A.

All generators of commercial or industrial solid waste and residences not receiving curbside collection service shall separate from their nonrecyclable waste those recyclable items, as designated by the Director, for which economic markets exist.

B.

For the purposes of this section and § 117-23, the term "economic markets" shall mean the instances in which the full avoided costs of proper collection, transportation and disposal of source-separated recyclable items are equal to or greater than the cost of collection, transportation and sale of those recyclable items less the amount received from the sale of the recyclable items.

C.

The arrangement for collection and disposition of designated recyclable items shall be the responsibility of the person who owns, manages or operates the commercial, industrial or institutional establishment at which the recyclable items are generated or the person contractually obligated to arrange for collection of the establishment's solid waste. Such arrangements may include, without limitation, contracts with licensees for separate collection of any or all recyclable items, direct marketing of recyclable items or direct delivery to a recyclable processing facility.

D.

A licensee collecting commercial or industrial solid waste may require its customers to place designated recyclable items into separate receptacles for collection on such days as the licensee shall designate.

E.

The Director shall from time to time publish a list of designated recyclable items for which economic markets exist pursuant to Subsection B of this section. The effective date for separation of such designated recyclable items shall be sixty (60) days after publication of said list in the official newspaper of the Town.

§ 117-25 Unacceptable waste.

[Amended 9-8-2009 by L.L. No. 10-2009]

No licensee shall collect and no person shall place for collection, for delivery to a Town facility, any hazardous waste, medical waste, mixed loads of construction and demolition material, or cow or horse manure.

§ 117-26 Bulk items.

No licensee shall collect and no person shall place for collection, except as a bulk item pickup, any of the following:

A.

Any object more than five (5) inches in diameter and more than four (4) feet long of the nature of trees.

B.

Boxes, containers and packing crates in bulk unless these items are dismembered into boards not more than four (4) feet long.

C.

Building materials and lumber in pieces more than four (4) feet long.

D.

Carpet and linoleum rolls in sections more than four (4) feet long.

E.

Doors and screens of which any dimension is greater than four (4) feet unless these items are dismembered so that no piece is more than four (4) feet long.

F.

Limbs and branches in bulk unless the same are reduced by clipping and the limbs and branches are reduced to less than four (4) feet in length.

G.
Machinery platforms and palettes that are whole unless the same are dismembered into individual boards not more than four (4) feet long.

H.
Fence sections, poles, sticks, signs, etc., unless the same are dismembered or broken into a reduced size of not more than four (4) feet long.

§ 117-27 Regulations on use of Town facilities.

[Added 7-1-2003 by L.L. No. 27-2003^[1]]

A.
No collection shall be made on holidays when the Town facilities are closed. The Town Board, by resolution, shall establish the hours of operation of Town facilities.

B.
It shall be unlawful for any person other than Town employees to enter a Town facility for any purpose other than the delivery of acceptable waste.

C.
It shall be unlawful for any person to deposit or cause to be deposited any substance of any kind at solid or liquid waste facilities of the Town, except at the places and in the manner directed by the Town, whether such direction is given orally or by any other means, including by signage.

D.
The Director shall be authorized to regulate the conduct and operation of all vehicles and persons while at the Town's solid or liquid waste facilities, and to exclude or expel any person who fails to comply with the Town's rules and regulations.

E.
Prohibited materials. The following materials shall not be delivered to a Town facility under any circumstance:

(1)
Nonprocessable waste.

(2)
Hazardous or medical waste.

(3)
Construction or demolition material in any vehicle or container with a load capacity greater than five (5) cubic yards, unless authorized by resolution of the Town Board.

(4)
Passenger vehicle tires in excess of four (4) tires per delivered load.

[1]:
Editor's Note: This local law also repealed former § 117-27, Illegal dumping. For current provisions, see § 117-31.

§ 117-28 Fees for use of Town facilities.

[Added 7-1-2003 by L.L. No. 27-2003]

A.

Acceptable waste. The fee for the delivery of solid waste to any Town facility shall be eighty (\$80) dollars per ton and shall be payable for all delivered acceptable waste, regardless of its origin or by whom delivered.

[Amended 11-16-2004 by L.L. No. 39-2004; 11-15-2012 by L.L. No. 17-2012]

B.

Exemptions:

(1)

All recyclables generated exclusively on residential properties within the Town which are delivered to the Town of Huntington recycling center shall be exempt from the payment of a fee.

(2)

The fee for spot market waste delivered to the resource recovery facility to satisfy fuel inventory shall be subject to prevailing local waste disposal market conditions, as determined from time to time by the Director or his/her designee, with available disposal capacity being first offered to the spot market waste hauler paying the highest per-ton fee, and offered successively to each such hauler paying the next-highest per-ton fee, until fuel inventory requirements are satisfied. The Director, or his/her designee, shall determine from time to time the interval with which to calculate fuel inventory requirements. All haulers delivering spot market waste to the resource recovery facility shall submit a payment security to the Town as set forth in § **117-8B**.

C.

Late payment charges.

(1)

A monthly late charge of one and one-half (1 1/2%) percent of the outstanding balance will be charged on all balances due over thirty (30) days.

(2)

In the event a licensee fails to make payment for any charges within ninety (90) days of the initial billing date, the Director shall suspend the licensee's license. In addition, the licensee shall be subject to all other penalties provided for in this chapter.

§ 117-29 Back-door service.

[Added 9-26-2000 by L.L. No. 27-2000; amended 7-1-2003 by L.L. No. 27-2003^[1]]

A.

A homeowner may contract for back-door service directly with the carting contractor, who must provide such service upon request. Back-door service consists of a contractor collecting refuse, yardwaste and recyclables from a residential dwelling at a location other than the curbside immediately adjacent to the front or side of the residential dwelling. The charge shall be reasonable and negotiated between the homeowner and the contractor, and shall be billed and collected from the homeowner by the contractor without any assistance from the Town.

B.

The contractor and homeowner shall each execute a hold harmless agreement with the Town prior to commencement of service.

[1]:

Editor's Note: This local law also repealed former § 117-29, Deposit on streets and sidewalks prohibited, and redesignated former §§ 117-30 and 117-31 as §§ 117-29 and 117-30, respectively.

§ 117-30_Vandalism; care in handling receptacles.

[Amended 7-1-2003 by L.L. No. 27-2003]

It shall be unlawful for any person other than the owner to disturb any receptacle or recyclable item container provided for collection or interfere with its contents unless authorized by the Director. Collectors shall exercise all reasonable care in handling such receptacles and containers.

§ 117-31_Illegal dumping.

[Added 7-1-2003 by L.L. No. 27-2003]

It shall be unlawful for any person to deposit or cause to be deposited solid or liquid waste anywhere in the Town except a Town facility, nor shall any person use, operate, maintain or permit the use of any property as a dumping ground or transfer station for solid or liquid waste. This section shall not be construed to limit the right of any person to place waste for collection as provided in § 117-21.

§ 117-32_(Reserved) ^[1]

[1]:
Editor's Note: Former §§ 117-32, Removal of waste by home improvement contractors, and 117-33, Accumulations on vacant and/or unimproved lots or premises prohibited, as amended, were repealed 7-1-2003 by L.L. No. 2-2003.

§ 117-33_(Reserved)

§ 117-34_Penalties for offenses.

[Added 7-1-2003 by L.L. No. 27-2003^[1]]

A.

In addition to any other penalty set forth in this chapter and the Penal Law, any person committing an offense against this chapter, except as provided in § 117-34B, shall be guilty of a misdemeanor, punishable by a fine of not less than two hundred fifty (\$250.) dollars nor more than three thousand five hundred (\$3,500.) dollars, or imprisonment for a period not exceeding six (6) months, or punishable by both a fine and imprisonment, for the first such offense; and, for each subsequent offense, by a fine of not less than five hundred (\$500.) dollars nor more than five thousand (\$5,000.) dollars, or imprisonment for a period not exceeding one (1) year, or by both a fine and imprisonment. Each day or part thereof such offense continues shall constitute a separate offense and shall be punishable in like manner.

B.

In addition to any other penalty set forth in this chapter and the Penal Law, any person committing an offense against § 117-2B, § 117-21, § 117-22, or § 117-26 shall be guilty of a violation punishable by a fine of not less than one hundred (\$100.) dollars nor more than two thousand five hundred (\$2,500.) dollars, or imprisonment for a period not exceeding fifteen (15) days, or by both a fine and imprisonment for the first violation; and by a fine of not less than two hundred fifty (\$250.) dollars nor more than three thousand five hundred (\$3,500.) dollars, or imprisonment for a period not exceeding fifteen (15) days, or punishable by both a fine and imprisonment for a second or subsequent violation. Each day or part thereof such violation continues shall constitute a separate offense and shall be punishable in like manner.

C.

The penalties set forth in § 117-34A and B shall be in addition to and not in lieu of any other remedy available to the Town, in law or in equity; or pursuant to Town rule or regulation; or by the provisions of any contract with the Town.

D.

In addition to all of the penalties set forth above, the Town may maintain an action for civil penalties in the sum of not less than one hundred (\$100.) dollars nor more than two thousand five hundred (\$2,500.) dollars for each offense against this chapter.

E.

The Town may also bring an action or proceeding to recover the costs incurred by the Town for cleaning up or otherwise remedying conditions brought about by an offense against this chapter.^[2]

[2]:

Editor's Note: Former §§ 117-35, Failure to remove accumulations, as amended; 117-36, Fees for use of Town facilities, as amended; 117-37, Penalties for offenses, as amended; 117-38, Regulations on use of Town facilities, as amended; 117-39, Severability; and 117-40, When effective, all of which immediately followed this section, were repealed 7-1-2003 by L.L. No. 27-2003.

[1]:

Editor's Note: This local law also repealed former § 117-34, Accumulations on occupied premises prohibited, as amended.