

Chapter 103. SOLID WASTE MANAGEMENT

[HISTORY: Adopted by the Town Board of the Town of Riverhead 11-19-1991 by L.L. No. 8-1991; *Editor's Note: This local law also repealed former Ch. 103, Waste Disposal, Art. I, General Provisions, adopted 12-16-1975 by Ord. No. 15, as amended; and superseded former Art. II, Landfill Fees, adopted 12-18-1984, as amended.* amended in its entirety 6-19-2012 by L.L. No. 8-2012. Subsequent amendments noted where applicable.]

Article I. General Provisions

§ 103-1. Title.

This chapter shall be known as the "Solid Waste Management Law of the Town of Riverhead."

§ 103-2. Legislative intent.

The purpose of this chapter is to protect and promote the health, safety and welfare of the residents of the Town of Riverhead by controlling the storage and disposal of solid waste generated within the Town in the most economical and environmentally acceptable manner; provide for the orderly collection of solid waste; implement the Town of Riverhead Solid Waste Management Plan; comply with the requirements and further the purposes of the New York State Solid Waste Management Act; and to protect the drinking water supply in the Town of Riverhead. In addition, the Town Board finds that increased efforts to recover and reuse recyclable materials will protect and enhance the Town's physical environment and promote the health and safety of persons and property within the Town. The provisions set forth herein seek not only to facilitate the implementation and operation of an environmentally sound solid waste management program and conservation of natural resources but to promote the recovery of materials from the Town's solid waste stream for the purpose of recycling such materials by source separation. Accordingly, the Town Board finds it is necessary to expand the Town's recycling program to provide opportunities for nonresidential, commercial, industrial and institutional establishments to recycle. Nothing herein is intended or should be construed to modify or amend any terms or conditions of any contracts for solid waste services to which the Town of Riverhead is a party in effect on the effective date of this chapter.

§ 103-3. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR

A person, individual, partnership or corporation or employer or agent thereof authorized by contract or license with the municipality to collect solid waste from residential, commercial, industrial and institutional properties as herein defined under the terms and conditions of this chapter. In the event of municipal collection, this definition shall include the governing body and employees thereof.

BULK ITEMS

Large items such as sofas, upholstered chairs, mattresses and box springs, but excluding white goods such as refrigerators, stoves, dishwashers, washers, dryers, etc., which are considered recyclable.

COLLECTOR

The person, firm, agency or public body or employee or agent thereof who is engaged in the collection of and/or transportation of solid waste.

COMMERCIAL OPERATIONS

All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments with more than three units, condominiums, trailer parks, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONTAINER

A can, bin, box, bag or other unit used for storage of solid waste or recyclable materials.

FACILITY

Any solid waste management facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or land spreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

GARBAGE

That portion of municipal solid waste consisting of putrescible materials and shall include animal, vegetable, fruit and table scraps. It shall exclude yard waste.

HAZARDOUS WASTE

Solid waste that is especially harmful or potentially harmful to the public health. This shall include but not be limited to explosives, toxic or infectious materials and medical waste. For purposes of this chapter, hazardous waste does not include small quantities of such waste as generated by a resident or homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.).

INSTITUTION

An organization or establishment devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE; SOLID WASTE (MSW)

All putrescible and nonputrescible materials, including garbage, refuse, bulk items, white goods and other discarded solid materials, including but not limited to solid waste materials resulting from residential, industrial, commercial and agricultural operations and from community activities. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON

Any individual, firm, partnership, association, corporation or other entity.

PORTABLE TRANSFER CONTAINER

An enclosed, portable, metal container with a capacity of one cubic yard or greater used for the temporary storage of solid waste or recyclable materials and which is emptied by mechanical means into a collection truck.

PRIVATE COLLECTOR

An individual, firm, corporation or legal entity providing for the collection of MSW and/or recyclable materials. To operate in the Town of Riverhead, a private collector shall be required to obtain a license from the Town and shall be subject to the rules and regulations of the Town (see definition of "authorized collector").

PRIVATE SUBSCRIPTION

The collection of MSW and recyclable materials where the resident contracts directly with the private collector of the subscriber's choice.

RECYCLABLE MATERIALS

Those materials specified by the municipality for separate collection in accordance with recycling regulations. Such materials may include, but are not limited to:

A. **METAL CONTAINERS** — Containers fabricated primarily of aluminum, steel or tin or bimetal cans of steel, tin and/or aluminum.

B. **GLASS FOOD AND BEVERAGE CONTAINERS** — New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass or flat glass.

C. **PLASTIC FOOD AND BEVERAGE CONTAINERS** — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET), designated respectively as No. 2 and No. 1 on the recycling code located on the containers.

D. **PAPER** — All high-grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeo paper, duplication paper, magazines, paperback books, school paper, catalogs, junk mail, computer paper, telephone books, newspaper, newspaper supplements, newspaper advertisements, corrugated cardboard, and similar cellulose material, but shall not mean wax paper, plastic or foil-coated paper, Styrofoam, wax-coated food and beverage containers, carbon paper, blueprint paper, food-contaminated paper, soiled paper, and wax-coated or soiled cardboard.

E. **WHITE GOODS** — Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal but excluding air conditioners, microwaves and televisions.

<p>*The above materials will be reviewed quarterly and will be modified as the need arises by the Town Board.</p>

RECYCLING

Any process by which materials, which otherwise become solid waste, are collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or products.

REFUSE

That portion of municipal solid waste consisting of nonputrescible materials. It shall exclude bulk items and white goods.

RESIDENT

Any person residing within the Town on a temporary or permanent basis, but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTY

Properties used as dwellings, including buildings having up to and including three dwelling units in one building. Multiple-dwelling residential buildings containing more than four dwelling units, for purposes of this chapter, shall be treated as commercial properties.

SOLID WASTE MANAGEMENT

The purposeful, systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE SEPARATE

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

YARD WASTE

Organic yard and garden waste, leaves, wood chips, grass clippings and brush, including sod and rocks not more than four inches in diameter; and biodegradable waste approved for the yard waste composting program by the Town Board or the Sanitation Superintendent. "Yard waste" shall not include food waste; plastics and synthetic fibers; lumber; wood waste or tree limbs which exceed four inches in diameter or four feet in length; or soil contaminated by hazardous waste or household hazardous waste products.

§ 103-4. Severability.

If any term, part, provision, section, subdivision or paragraph of this chapter shall be held unconstitutional or ineffective, in whole or in part, then, to the extent that it is not unconstitutional or ineffective, this chapter and such term, part, provision, section, subdivision or paragraph thereof shall be in full force and effect; and such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions or paragraphs thereof.

Article II. Solid Waste Generated at Residences located within Solid Waste District

The Town of Riverhead established a Solid Waste Collection and Disposal District ("District"), which, at the time of this chapter, subject to amendment by resolution of the Town Board, consists of six contract bid areas for the collection of all residential solid waste within the District. The District does not provide for the collection of solid waste from commercial operations or institutions as defined in § [103-3](#).

§ 103-5. Containers; duty of owners and occupiers of property.

A. Every owner or occupier of any residence within the District shall provide or cause to be provided at all times suitable and sufficient containers for garbage and refuse that may accumulate upon said premises.

B. All garbage and refuse containers shall be watertight, with proper, tight covers and handles of adequate strength or disposable plastic bags, securely tied or fastened. No garbage and refuse container shall exceed 32 gallons' capacity or weigh more than 50 pounds when filled.

C. All garbage and refuse containers shall be designed for such purposes, either of metal or plastic material, except that bushel baskets with handles, disposable plastic bags or cartons of heavy cardboard or other durable material, securely tied and fastened, may be used. No container, basket, bag or carton shall weigh more than 50 pounds when filled.

D. Newspapers, magazines and other printed matter need not be placed in a container but must be bundled to prevent littering.

E. (Reserved)

F. All recyclables other than those set forth in Subsection D shall be placed in containers bearing a label provided by the Town of Riverhead, "Recyclables."

§ 103-6. Times for placement and collection within District; storage of containers.

A. The Town Board of the Town of Riverhead or the Superintendent of the Sanitation Department shall designate times for the removal of garbage and refuse from the streets of the Town.

B. All garbage and refuse to be collected, except that in portable transfer containers, shall be placed at the curb, but in no event shall refuse for collection be placed at the curb before 6:00 p.m. of the day preceding the scheduled collection.

C. All containers shall be removed from the curblane or other place of collection by the owner or occupant of premises before 11:00 p.m. in the evening of the day on which collection is made from the premises.

D. All garbage and refuse containers, except portable transfer containers, shall be stored in such fashion as to be screened from public view and, to the extent applicable, subject to conditions, restrictions or covenants recorded pursuant to site plan approval.

E. All recycling containers shall be placed at the curb at the dates and times as may be specified from time to time by resolution of the Town Board of the Town of Riverhead.

§ 103-7. Collection of seasonal or special items.

A. All bulk items, white goods (refrigerators, washers, stoves, etc.) and other large items not capable of being enclosed in containers may be placed at the curblane or pavement line for collection on the days specified by the refuse collector(s) servicing the District as per the contract specification and/or direction of the Superintendent of the Sanitation Department. It shall be the sole responsibility of the owner to dismantle or secure the appliance or item of furniture so that it will not be a hazard to the public. Doors or broken glass shall be properly secured or removed from the appliance or item of furniture before placing it at the curb for collection. The refuse collector may accept or decline collection of any such material in accordance with his considered judgment of the ability of the refuse collector to handle and dispose of such items. Collection and disposal by the refuse collector of such appliances or items of furniture shall extend only to those appliances or items of furniture actually used in a residence in the Town of Riverhead. The refuse collector will also have the right to refuse the collection of any refuse which, in his opinion, is composed of in part or in violation of any of the previously defined unacceptable wastes.

B. Any contractor creating debris from construction or from tree pruning or removal shall remove and dispose of said debris in a sanitary manner at no cost to the Town of Riverhead. In the event that any such debris results from work performed personally by an owner or resident within the District, the debris may be placed at the curb for collection and removal by the refuse collector if the quantity of said debris does not exceed six containers and/or bundles of not more than 50 pounds in any week. Quantities of debris in excess of this amount shall be removed by the property owner or resident at his or her own expense.

C. Yard waste such as trees, tree trimmings, logs, tree branches and trunks shall be cut to a length not exceeding four feet in length and four inches in diameter and securely tied in bundles not more than two feet thick. In no event shall any bundle exceed 50 pounds in weight. For purposes of collection of solid waste within any Town residential solid waste district, yard waste consisting of grass clippings shall be excluded and will not be collected by the authorized collector.

D. Holiday trees may be placed at the curblane or pavement line for collection on such days as specified by the Superintendent of the Sanitation Department during the months of December and January and there shall be no requirement that the trees be cut and bundled as otherwise herein required, except that trees greater than eight feet in length must be cut such that the length of all portions of the tree shall not exceed eight feet in length and no greater than four inches in diameter.

§ 103-8. Source separation of recyclable materials.

A. Owners and occupiers of all properties within the District shall be required to source-separate recyclable materials from municipal solid waste. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection.

B. Recyclable materials shall be placed at the curbline or pavement line at the same time as regular weekly refuse in designated containers as determined by the Town of Riverhead. Recyclables are to be separated but placed next to regular weekly refuse.

C. Any and all collectors collecting residential MSW generated within the District shall refuse to collect MSW from any person or party who has clearly failed to source-separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the collector. A written explanation shall be provided to the person or party of the reason for the refusal for collection of the materials by the collector and a copy shall be delivered to the Sanitation Superintendent.

D. The Town of Riverhead shall from time to time determine by resolution which items must be source-separated as recyclables. The list of recyclables shall be posted on the Town sign board and published in a local newspaper. Enforcement of items newly included on said list shall not take place until 30 days following adoption. Any authorized collector shall have the right to request the Town Board to remove any item from such list. Upon receipt of satisfactory information indicating that such item would not be required to be recycled in accordance with federal or state law or regulations and that a market in such item is not readily available, the Town Board may, in its reasonable discretion, delete said item from the list of recyclables.

Article III. Solid Waste Generated at Commercial and Institutional Operations within Town

§ 103-9. Containers; duty of owners and occupiers of property.

A. Every owner or occupier of any building, premises or place of business within the Town of Riverhead shall provide or cause to be provided at all times suitable and sufficient containers for garbage and refuse that may accumulate upon said premises.

B. All garbage and refuse containers shall be watertight, with proper, tight covers and handles of adequate strength or disposable plastic bags, securely tied or fastened.

C. All garbage and refuse containers shall be designed for such purposes, either of metal, plastic or other durable material, securely tied, fastened, closed or sealed. Such containers shall be emptied or replaced whenever full and at least once each week if containing garbage. Such containers shall be maintained in a manner so as to prevent dispersal of the contents about the premises.

D. The portable transfer containers used for outdoor storage of refuse on premises occupied for commercial, industrial, or institutional uses are permitted subject to such other provisions of the Town Code and/or conditions, restrictions or covenants related to a site plan. Such containers shall be emptied or replaced whenever full and at least once each week if containing garbage. Such containers shall be maintained in a manner so as to prevent dispersal of the contents about the premises.

E. All private, industrial, institutional or commercial establishments shall provide suitable recycling containers dependent on their specific needs, which containers must prevent dispersal of the contents about the premises and shall be subject to the approval of the Superintendent of the Sanitation Department of the Town of Riverhead.

§ 103-10. Source separation of solid waste, including recyclable materials.

A. Owners and occupiers of all properties within the Town of Riverhead shall be required to source-separate recyclable materials and such other solid waste as set forth in Subsection **B** from municipal solid waste. It shall

be unlawful for any person to place out for collection any solid waste mixed with any of the materials listed in Subsection B or to commingle solid waste collected, transported or stored following collection.

B. All owners and occupiers shall separate the following materials from all other solid waste placed out for collection or transport to a solid waste facility:

(1) Hazardous wastes.

(2) Recyclables as defined in § 103-3 or as may be designated by the Town Board.

(3) Yard waste.

(4) Construction and demolition debris.

(5) Bulk wastes.

(6) Tires.

C. Collectors collecting commercial and/or institutional MSW generated within the Town of Riverhead shall refuse to collect MSW from any person or party who has clearly failed to source-separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the collector. A written explanation shall be provided to the person or party of the reason for the refusal for collection of the materials by the collector and a copy shall be provided to the Sanitation Superintendent.

D. The Town of Riverhead shall from time to time determine by resolution which items must be source-separated as recyclables. The list of recyclables shall be posted on the Town sign board and published in a local newspaper. Enforcement of items newly included on said list shall not take place until 30 days following adoption. Any authorized collector shall have the right to request the Town Board to remove any item from such list. Upon receipt of satisfactory information indicating that such item would not be required to be recycled in accordance with federal or state law or regulations and that a market in such item is not readily available, the Town Board may, in its reasonable discretion, delete said item from the list of recyclables.

Article IV. License Requirement for Collectors of Solid Waste Generated at Commercial and Institutional Operations

§ 103-11. Authorized collectors; license required.

A. All authorized collectors must obtain a solid waste collection license from the Town of Riverhead. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year. The Town of Riverhead reserves the right to waive the license fee for collectors collecting on behalf of the Town of Riverhead under a municipal contract.

B. All authorized collectors shall have the name of the collector prominently displayed on each vehicle operated by or on behalf of the authorized collector.

C. Authorized collector applications may be denied if the applicant or licensee, including owners, partners, officers or principal shareholders of such applicant, has been convicted of a misdemeanor or felony which renders the applicant unfit to hold such a license or if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this chapter during the preceding calendar year.

D. All authorized collectors licensed by the Town of Riverhead shall indemnify and hold harmless the Town of Riverhead from any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this chapter.

E. Authorized collectors shall offer collection services for all recyclable materials to all residential customers for whom they provide MSW collection services at the same times and on the same days as services are provided to their customers for solid waste collection.

F. Required information:

- (1) Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the MSW and recyclable materials (plan for recycling) from its residential, commercial, industrial and institutional customers.
- (2) Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector which include the following information:
 - (a) The location and number of units in which the solid waste or recyclable material was generated.
 - (b) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (c) The quantity, by ton, of recyclable material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (d) The quantity, by ton, of solid waste delivered to each facility.
- (3) Reports containing the information required as stated above shall be compiled and delivered to the Town Clerk or other designated individual for each reporting period as designated by the regulations, but which shall be no more frequently than quarterly.
- (4) Authorized collectors shall not accept for collection MSW which has not been source-separated in conformity with this chapter.
- (5) All vehicles used by authorized collectors for the transportation of solid waste on or through any street or public highway in the Town of Riverhead shall be covered or equipped such that no solid waste shall blow, leak or spill from such vehicle onto any street or public highway. Every license, vehicle permit decal and roll-off or container permit decal issued hereunder shall be nontransferable.

§ 103-12. Approval, denial, suspension or revocation of license; notice and hearing; noncompliance; penalties for offenses.

A. When the designated public official determines that a failure to comply with this chapter may have occurred, she/he shall recommend to the municipality that the authorized collector application or the license be denied, suspended or revoked or its holder subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty. The designated public official shall be authorized to disregard de minimus amounts of recyclables that inadvertently are mixed with garbage and refuse.

B. Notice. The designated public official shall notify the affected generator, applicant or licensee of the alleged failure in writing.

(1) The notice shall include the following information:

- (a) A statement of the condition allegedly violated, referring to the pertinent ordinance, law, rule or regulation.
- (b) A short and plain statement of the alleged misconduct.
- (c) A statement of the time, place and nature of the hearing.

(2) The notice shall be personally served or sent by certified mail to the generator's, applicant's or licensee's last known address at least 10 days before the hearing date, with a copy to the administrator.

C. Hearing.

(1) Hearings shall be held before the Town Board within a reasonable period, which shall be at least 10 days after service of notice but not more than 30 days after service of notice unless the time is extended by the Town Board of the Town of Riverhead.

(2) The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.

(3) Within 20 days after the close of the hearing, the Town Board shall:

- (a) Determine whether the alleged failure to comply with this chapter has occurred; and

(b) If such a failure has occurred, decide whether the generator or applicant shall be subject to fine or penalty, the application shall be denied or an existing solid waste license or authorized collector status shall be suspended or revoked or its holder subjected to a reprimand and issued an order carrying out this decision.

D. Determinations, decisions and orders.

(1) Disposition may be made by stipulation, agreed settlements, consent, order, default or other informal method.

(2) The Town Board shall promptly notify the applicant or licensee, in writing, of the final determination, decision or order.

E. Enforcement.

(1) Inspections and appearance tickets.

(a) All portions of vehicles and containers used to haul, transport or dispose of recyclable materials, including such containers placed outside residences, shall be subject to inspection to ascertain compliance with this chapter by any police officer, peace officer, code officer and any other public official designated by the Town of Riverhead.

(b) Police officers, peace officers, code officers and the specified public servants are hereby authorized and directed to issue appearance tickets for violations of this chapter.

F. Penalties.

(1) Penalties for collectors. During any 12 consecutive months, the failure of any person engaged in the business of collecting MSW and/or recyclable materials or rendering solid waste and/or recycling services who is not authorized by the Town or who collects, picks up, removes or causes to be collected, picked up or removed MSW or recyclable materials in a manner not in compliance with this chapter shall be guilty of a violation punishable by a fine of not less than \$500 and not exceeding the sum of \$1,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.

(2) Penalties for waste generators. Failure of a waste generator to comply with the provisions in this chapter designated as violations shall be punishable as follows:

(a) For the first conviction: by a written warning clearly stating the nature of the violation and a schedule of fines for future convictions.

(b) For the second conviction within one year: by a fine of not less than \$100 nor more than \$250.

(c) For the third conviction within one year: by a fine of not less than \$250 nor more than \$500.

(d) For a fourth and each subsequent conviction within one year: by a fine of not less than \$500 nor more than \$1,000.

(3) In addition, any such conviction imposing a fine shall also be punishable by a term of imprisonment of not more than 15 days, or by both such fine and imprisonment.

(4) Any penalties or damages recovered or imposed under this chapter are in addition to any other remedies available at law or equity.

(5) No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to January 1, 2012, in order to permit persons regulated hereunder to come into compliance with this chapter.

Article V. General Provisions Applicable to Solid Waste for all Properties and Uses

§ 103-13. Accumulation of solid waste; responsibility of owner and occupant.

A. No person shall accumulate or permit the accumulation of municipal solid waste on any premises owned or occupied by him or her within the Town of Riverhead except for the purpose of collection by the refuse collector.

B. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the municipality, except that in the case of recyclables, bulk

items or white goods, such goods may be allowed to accumulate for such longer period specified by the Town if collection is provided for but on a longer period between collections.

C. Owners and occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof.

D. All municipal solid waste accumulated on any residential property in the municipality shall be collected, conveyed and disposed of by an authorized collector under contract with the Town (or by a licensed private collector under private subscription) and in accordance with the provisions of this chapter.

E. All municipal solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors under contract with or licensed by the Town of Riverhead. In such case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector.

F. The owner, lessee or occupant of every building within the Town of Riverhead shall keep the same free, clear and clean of all refuse, maintain sidewalks and yard areas free and clear of all refuse and, upon notice, shall within five days cause to be removed any unsanitary or unsafe condition on or about the premises owned, used or occupied by said person within the Town of Riverhead.

G. Any compost or mulch pile within the limits of the Town of Riverhead shall be maintained in such fashion so as not to attract rodents or cause the development of obnoxious odors or other hazards to the health of the occupants of neighboring properties.

H. Toxic, medical, flammable or hazardous waste, the disposal of which is routinely regulated by public authority, shall be disposed of in a manner which is determined by said authority and/or by law.

I. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Town of Riverhead, except as provided in this chapter.

§ 103-14. Collection of recyclable materials placed at curbside.

A. Only authorized collectors who are acting under authority of the Town of Riverhead shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this chapter; provided, however, that where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accordance with the provisions of this chapter, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or streetside.

B. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the curbside.

§ 103-15. Burning.

No person shall ignite, burn or cause to be ignited or burned any refuse or yard waste within the Town of Riverhead unless said burning is in conformity with all rules and regulations set forth by the State of New York and a permit is obtained from the Town Board and the New York State Department of Environmental Conservation, as applicable.

§ 103-16. Deposit on public or private property.

No refuse shall be carted to, dumped or deposited in any manner upon any private or public property in the Town of Riverhead except under the supervision and direction of the Superintendent of the Sanitation Department of the Town of Riverhead. Nothing in this section shall be construed to prohibit the proper use of receptacles placed upon the streets or other public places in the Town of Riverhead for the depositing of

refuse; provided that such public receptacles shall not be used for the deposit of accumulated household garbage or the deposit of solid waste in containers or receptacles placed by the owner or occupant of private property in commercial use of the deposit of litter by members of the public invited onto such property for commercial purposes.

§ 103-17. Applicability.

This article shall apply only to residents, owners or occupants of property located within the Town of Riverhead.