

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of New Paltz
Village

Local Law No. of the year 2018

A local law to amend the Code of the Town of New Paltz to add a new Chapter 88, "Town of New Paltz Residential Solid Waste Collection Law" to read as follows:

Be it enacted by the Town Board of the
County
City
Town of New Paltz as follow:
Village

Be it enacted by the Town Board of the Town of New Paltz as follows:

Section 1. Amendment.

1. The Code of the Town of New Paltz is hereby amended to add a new Chapter 88, "Town of New Paltz Residential Solid Waste Collection Law" to read as follows:

CHAPTER 88, RESIDENTIAL SOLID WASTE, COLLECTION OF

§ 88-1. Title.

This chapter shall be known and may be cited as the "Town of New Paltz Residential Solid Waste Collection Law."

§ 88-2. Purpose.

The purpose of this Local Law is to institute a licensing plan for the collection and management of residential solid waste and recyclable materials generated or originated in

the Town of New Paltz, to promote the safety, health and well-being of persons and property within the Town. It has been determined jointly by the Town and Village of New Paltz that it is appropriate to award a single hauling license to an entity that has submitted a proposal to the Town and Village through the competitive bidding process that is determined to be most beneficial to Town and Village residents.

§ 88-3. Authority-License Required.

No person shall engage in the business of removing, collecting, transporting or disposing of garbage, rubbish or other refuse or waste material from residential properties within the Town of New Paltz without first obtaining a license therefor issued by the Licensing Officer of the Town of New Paltz.

§ 88-4. Licensing Procedure.

A.

Licensing Officer; application.

(1)

Licensing Officer. The Town Clerk shall serve as Licensing Officer for the purposes of this section.

(2)

Application. Application for a residential garbage, rubbish and recyclables collector's license shall be made in writing to the Town Clerk and shall be issued upon approval of such application and payment of the required annual fee. The application shall be furnished by the Town Clerk on forms approved annually by resolution of the Town Board.

B.

Conditions.

(1)

Assumption of liability. As a condition to the issuance of a license under this chapter, the private residential garbage and rubbish collector shall assume all liability for injury to person or property growing out of performance of the work required and shall agree to indemnify and save harmless the Town of New Paltz from all demands, claims, suits and actions on account of any injury or alleged injury to persons or property that may occur in the performance of the work or on account of any act or omission or alleged act or omission of the private garbage or rubbish collector, its agents, servants or employees.

(2)

Insurance.

(a)

As a condition to the issuance of a license under this chapter, the private residential garbage and rubbish collectors shall procure, at its own expense, a motor vehicle liability insurance policy and a general public liability insurance policy in which it is the named insured with policy limits as follows:

[1]

For bodily injury: as set annually by resolution of the Town Board per person.

[2]

For property damage: as set annually by resolution of the Town Board.

(b)

The said liability insurance policies shall insure the private residential garbage and rubbish collector against any and all claims, demands, causes of action and judgments which may arise in any manner whatsoever, out of the collection and disposal of garbage, for damages to person or property caused by the negligence of the private garbage and rubbish collector, his agents, servants or employees.

(c)

Certificates of insurance shall be filed with the Town Clerk which shall be revocable only on thirty (30) days' notice in writing. It is understood that the collection and disposal of residential garbage and rubbish under this chapter shall be performed under the direction of and to the satisfaction of the Town of New Paltz, and as a condition to the issuance of a license under this chapter, the private residential garbage and rubbish collector must agree to comply with all reasonable regulations of the Town of New Paltz relating to the collection and disposal of residential garbage and rubbish, along with all conditions set forth in any Franchise Agreement entered into between the licensee, Town and Village, and to comply with all the laws of the State of New York relating to the collection and disposal of residential garbage, rubbish and recyclable materials.

(3)

Sanitation Code; recycling.

(a)

Ulster County Sanitation Code. In addition to the conditions and requirements of the Town, the licensee shall comply with all of the requirements of the Sanitation Code of the Ulster County Health Department and shall apply for and receive from such department the permit provided for in said code and shall also comply with all of the requirements of the Ulster County Health Commissioner in the issuance of such permit. All definitions set forth in the Ulster County Sanitation Code shall apply to this Local Law.

(b)

Recycling mandated. The applicant must agree to provide and collect all recyclable materials produced at residential properties in question, pursuant to § 304-13A of the Ulster County Code. Failure to provide recycling containers, or failure to provide an adequate number of recycling containers shall result in a fine as determined by the Town Board at the last meeting at which the amount of such fine was established or amended, in addition to any fine or fee payable to any other state or local government entity with jurisdiction.

C.

Grounds for refusal. If the Licensing Officer shall determine that the applicant is not a fit and proper person to carry on the business of garbage and rubbish collection, the Licensing Officer may refuse to grant a license. Upon written request of the applicant, the Licensing Officer shall specify in writing the grounds for refusal. For purposes of this local law, the term "fit and proper person" shall mean the applicant for such license with which the Town

of New Paltz has entered into a Franchise Agreement effective as of the date of the issuance of the license.

§ 88-5. License Fee; expiration

A.

License fee. At the time of the issuance of a license, the Town Clerk shall collect a fee therefor, the amount of which shall be that determined by the Town Board by annual resolution, in addition to any fee payable to any other state or local governmental entity having jurisdiction over the licensee.

B.

License expiration. The license issued pursuant to this chapter shall expire twelve (12) months following the date of issuance.

§ 88-6. Operating Regulations.

A.

Pick up schedule. Any person or firm licensed under the provisions of this chapter shall maintain a pick-up schedule of at least once a week for all of customers.

B.

Blocking of traffic. Any licensee under the provisions of this chapter shall not operate or permit to be operated any vehicle or equipment so as to block any crosswalk or interfere with the movement of traffic on any public street or highway.

C.

Use of containers. Garbage, refuse and recycling containers shall be provided in accordance with the Franchise Agreement awarded to the licensee and of sufficient strength and size to securely contain such waste material and shall be kept covered at all times except for loading and unloading. Such containers shall not be stored or placed in front of the building line of the principal residential building on each lot except to facilitate refuse collection during a period beginning not earlier than six hours prior to 12:01 a.m. on the day regularly scheduled for such removal and ending not later than six hours after 11:59 p.m. on the day regularly scheduled for such removal.

§ 88-7. Revocation of license; hearing; appeal.

A.

Revocation. Whenever the Licensing Officer shall determine that a licensee is violating any applicable provision of the Town of New Paltz Municipal Code, the Franchise Agreement or any applicable state or county law, rule or regulation, the Licensing Officer, after notice and hearing, may revoke said license upon recommendation of the Town Board.

B.

Notice of hearing. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint, and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address, at least 10 days prior to the date set for hearing.

C.

Appeals. Any person aggrieved by the action of the Licensing Officer in the denial of an application for a license or in the decision of the Licensing Officer with reference to the revocation of a license as provided for in this section shall have the right to appeal to the Town Board. Such appeal shall be taken by filing within 14 days after notice of the action complained of has been mailed to such person's last known address, together with a written statement setting forth fully the grounds for the appeal. The Town Board shall set a time and place for hearing on such appeal and notice of such hearing shall be mailed to the applicant at his last known address at least five days prior to the date set for the hearing. The decision and order of the Town Board on such appeal shall be final and conclusive.

D.

Suspension. In case of an emergency or a serious threat to public safety, health or welfare, the Licensing Officer may suspend a license until such time as a final determination can be had on the revocation of a license under this section. For a good cause, the Town Board may remove such suspension pending final determination subject to such terms and conditions as it deems appropriate or necessary to safeguard the public safety, health or welfare.

§ 88-8. Penalties for offenses; enforcement.

Any person or firm who shall violate any provisions of this chapter shall be guilty of a violation pursuant to the Penal Law; provided, however, in no case shall the fine imposed exceed \$250. In addition, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

§ 88-9. Conflict between Franchise Agreement and this Chapter.

In the event that the terms of any Franchise Agreement for the collection of residential solid waste and recyclable materials entered into between the licensee and the Town and Village conflict with or deviate from this Chapter, the terms of the Franchise Agreement then in effect shall govern.

Section 2 Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3 Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4 Effective Date

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