

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Adding a New Chapter 94 entitled 'Dumpsters and Garbage' to the Code of the Town of Highlands."

SECTION 2 - ADDING NEW CHAPTER.

A new Chapter 94 entitled "Dumpsters and Garbage" is hereby added to the Code of the Town of Highlands to read as follows:

"CHAPTER 94

DUMPSTERS AND GARBAGE

§94-1. Purpose.

This chapter is adopted in view of the detrimental affects on neighborhoods and the community of the unscreened placement of dumpsters containing garbage, rubbish, construction and demolition debris, other offensive materials, and abandoned personal property in the Town of Highlands. It is the intent of the Town Board to restrict and regulate, in a manner consistent with the interest of the residents of the Town of Highlands, the placement of dumpsters, dumping, disposal and accumulation of various wastes in order to promote the health, safety and general welfare of the persons and property within the Town of Highlands. Dumpsters shall be placed and maintained in conformity with the standards hereinafter set forth so as to assure that they will not adversely affect the neighborhood or the community at large.

§94-2. Definitions.

As used in this Chapter the following terms shall have the meaning indicated:

DUMPSTER — A bulk storage container for garbage, rubbish, construction and demolition debris and other waste materials that can be hauled directly to the point of disposal or emptied into a large compactor-type truck or other conveyance for disposal.

GARBAGE — Includes, but is not limited to:

- A, Food waste of all kinds.
- B. Used food containers or parts thereof, whether metal, paper, wood, glass, plastic or synthetics.

- C. Paper materials used in food packaging.
- D. Construction and demolition debris.
- E. Dead animals or parts thereof.
- F. Any other matter which shall be capable of fermentation or decay.

LUMBER — Includes but is not limited to:

- A. Wood of growing trees sawed or split into boards or planks.
- B. Wood pallets.
- C. Wood used in packing and/or shipping.

MULTI-FAMILY DWELLING – Any building containing four or more dwelling units.

RUBBISH --

- A. Combustible paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, tires, plastics, styrofoam and synthetics, wood furniture and bedding, dunnage and all other material subject to burning.
- B. Noncombustible metal, tin cans, metal furniture, glass, crockery and minerals, ashes, cinders and pottery.

SOLID WASTE — Any matter that is defined as solid waste by 6 NYCRR Part 360.

TOXIC MATERIALS — Materials listed or defined as hazardous by either of the following:

- A. New York State Department of Environmental Conservation; or
- B. United States Environmental Protection Agency.

§ 94-3. Prohibitions and restrictions.

A. Placement of dumpsters is restricted as follows:

- (1) Dumpsters shall be placed in rear yards and behind buildings so that the dumpster is not visible from the public right of way. If such placement of a dumpster is not feasible due to the configuration of the property or

inability to access the rear yard, then the dumpster shall be screened by either opaque fencing or landscaping which is at least the same height as the dumpster so that the dumpster is not visible from the public right of way. The screening shall be of sufficient length to also screen recycling and bulk materials from the public right of way. In the event the dumpster must be accessed through a gate for collection, the gate shall be constructed or configured so that it will not be blocked by snow or ice accumulation and the access route shall not be used as a snow storage area. Gates shall be kept closed except when the dumpster is being loaded or unloaded. Dumpsters utilized for construction and demolition debris for on-going building or demolition projects shall be exempt from this requirement for a period of ninety (90) consecutive days after which they shall be placed or screened in accordance with the requirements herein.

- (2) In the event a dumpster serves a condominium or other residential community, the dumpster shall be located within such community as placed upon the final approved plans for the development of the community, or as otherwise approved by the Town Planning Board.
- (3) No dumpster shall be located in or on a public right-of-way.
- (4) No dumpster shall be located in areas regularly used or previously approved by the Planning Board as designated parking spaces for commercial or business uses, without the Building Department's approval.
- (5) Garbage and other waste material must be completely contained within the dumpster. No accumulation of garbage or other materials, such as rubbish, will be permitted outside the confines of the dumpster, nor will it be permitted to accumulate so that the dumpster cover cannot be firmly closed.
- (6) All dumpsters shall be kept in good repair, be structurally sound, leakproof and easily opened and closed. Dumpsters shall be painted as necessary to prevent the showing of rust and deterioration and be so constructed as to stand firmly upright.
- (7) All dumpsters shall have the name of the company or individual owning such dumpster clearly printed on either the front or the back of such dumpster.

B. Dumping, disposing, burying or burning of any of the following on any public or private lands in the town is prohibited:

- (1) Construction and demolition debris, subject to the following: The storage of construction and demolition debris that is awaiting collection and removal in a

manner which does not impair the public health or safety shall not be deemed to be prohibited by this section; provided, however, that said debris is removed from the site within forty-five (45) days from the issuance of a building demolition permit.

(2) Toxic materials.

(3) Lumber, except:

- (a) Lumber awaiting use in any construction project stored in a manner which does not impair the public health or safety.
- (b) This section shall not be deemed to prevent the storage of untreated lumber intended for the use as firewood so long as the same shall not be stored in or near any highway or town road right-of-way, or at or near any intersection in such a manner as to obstruct or impair the line of sight for vehicular or pedestrian traffic. No storage of firewood shall be allowed in the front yard of any residential dwelling.

C. Unlawful acts. It shall be unlawful for any person to dispose of residential waste, ashes, junk goods, recyclable materials, by means of the following:

- (1) Placing the above-stated materials at the pickup area of another residence, business or public park.
- (2) Placing the above-stated materials in the containers belonging to the place of business or residence of another or the containers of a public park or street.
- (3) Disposing of any of the above-stated materials other than through the town or a private hauler provided by the owner or resident.
- (4) Disposing of recyclable materials being collected under the town or county recycling program with other residential waste or garbage.
- (5) For any nonresident of the Town of Highlands, whether it be person and/or corporation, to deposit any junk goods, recyclable materials, garbage or wastes at any site in Highlands, including but not limited to the pickup area of a resident, business or public park, in containers belonging to a place of business or residence of another or in containers of a public park, except for food and beverage waste personally generated in the use of public parks or eating establishments.

§94-4 Requirements.

A. Unless a multi-family dwelling, permitted accessory buildings and structures, parking spaces and driveway occupy the entire area of a lot so as to make the placement