

MICHAEL S. CAZZARI  
Town Supervisor

FRANK D. LOMBARDI  
Town Councilman  
Deputy Supervisor

ROBERT KEARNS  
Town Councilman  
SUZANNE MC DONOUGH  
Town Councilwoman

**TOWN OF CARMEL**  
TOWN HALL



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Mahopac, New York 10541  
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ALICE DALY  
Town Clerk

KATHLEEN KRAUS  
Receiver of Taxes

MICHAEL STERN  
Superintendent of Highways  
Tel. (845) 628-7474

**APPLICATION FOR A LICENSE TO COLLECT AND DISPOSE OF COMMERCIAL REFUSE  
IN THE TOWN OF CARMEL  
TO THE TOWN BOARD OF THE TOWN OF CARMEL**

Pursuant to Chapter 95 of the Code of the Town of Carmel, any person or entity who desires to collect or engage in the business of collecting refuse and garbage within the Town of Carmel starting on January 1, 1986, shall file a written, certified application for a license with the Town Board containing the following information. If you require additional space for any item, kindly place it on a separate sheet of paper and attach same to this application.

**PLEASE PRINT CLEARLY**

1. Business Name of Applicant \_\_\_\_\_
- Business Address \_\_\_\_\_
- Business Telephone Number \_\_\_\_\_
- Business Fax Number \_\_\_\_\_
- Emergency Telephone Number \_\_\_\_\_
- Place of Business \_\_\_\_\_
- Employer ID Number \_\_\_\_\_
- Email Address \_\_\_\_\_
- Web Site \_\_\_\_\_

2. Please List a Schedule of the Fees or Rates to be Charged to Customers **(Must Include Recycling)**

Commercial \_\_\_\_\_  
\_\_\_\_\_

Number of Pick Ups per Week: \_\_\_\_\_

3. Billing Cycle:     \_\_\_Monthly\_\_\_Bi-Monthly\_\_\_Quarterly\_\_\_Other\*\*

\*\* If Other, Please Explain: \_\_\_\_\_  
\_\_\_\_\_

4. Trucks or Equipment to be utilized in Service to Customers in the Town of Carmel:

Year	Make	Body Type	Plate No.	Condition	Owned or Lease
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

5. The Approximate Volume and Tonnage Each Vehicle will handle per Day:

Year	Make	Body Type	Plate No.	Average Tonnage Volume per Day
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

6a. Contingency Plans for Providing Service in the Event of Equipment Failure:

\_\_\_\_\_  
\_\_\_\_\_

6b. Contingency Plans for Providing Service in the Event of Labor Disputes or Other Factors which Cause an Interruption of Service:

\_\_\_\_\_  
\_\_\_\_\_

7a. Specifically, what Materials Will Be Recycled? (Please Use Additional Sheets, if Necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7b. Describe the Manner in Which Recyclables will be Collected:**

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**8. Where Will Trucks be Stored?**

**8a. Property Location:** \_\_\_\_\_

**8b. Owner of Property:** \_\_\_\_\_

**9. Names and Location where Refuse will be Disposed (i.e. landfill/waste to energy facility/material recovery station/transfer station):**

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**10. Location(s) of Transfer Station(s) (NOTICE: THERE CAN BE NO TRANSFER OF GARBAGE IN A RESIDENTIAL ZONE OF THE TOWN)**

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**11. Are Your Employees Members of a Union? Yes\_\_\_No\_\_\_If Yes, Please List Union(s)?**

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**12. Please List Names and Addresses of Three (3) Major Creditors:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**13a. Owner(s) of the Applicant Business, if not Incorporated:**

Name	Home Address	Phone Number	Age
<hr/>			
<hr/>			
<hr/>			
<hr/>			

**13b. If Incorporated, List All Officers and Directors:**

Name	Title	Home Address	Home Phone Number
<hr/>			

**14. Any Other Waste Industry Businesses Owned by and/or Associated with the Applicant? \_\_\_\_\_ Yes \_\_\_\_\_ No (If Yes, Please List Name(s) and Address(es) of Business(es))**

Name	Title	Home Address	Home Phone Number
a)	<hr/>		
b)	<hr/>		
c)	<hr/>		
d)	<hr/>		
e)	<hr/>		

**15. Applicant **Must** Submit with its Application a Completed Employer Information Report Detailing the Applicant's Work Force Composition.**

**16. Applicant Must Provide Certificates of Insurance Satisfactory to the Town of Carmel with this Application in Accordance with Chapter 95 of the Town Code as follows:**

- A. Public Liability      \$1,000,000 Single Coverage;  
                                     \$100,000 Per Person;  
                                     \$300,000 Per Accident.
- B. Motor Vehicle Bodily  
    Injury:                      \$500,000 Per Person;  
                                     \$1,000,000 Per Occurrence;  
                                     \$50,000 Property Damage
- C. Property Damage      \$100,000 Per Occurrence
- D. Workers' Compensation Insurance
- E. Disability Insurance

**All Required Insurance shall be carried Throughout the Term of the License.**

**The Town of Carmel shall be Noticed as "Additional Insured" on All Insurance Certifications.**

**All Insurance Policies shall Specify that They Cannot be Canceled, Materially Changed or Modified Without at Least Thirty (30) Days Prior Written Notice, by Certified Mail, Return Receipt Requested to the Town Clerk, Town of Carmel, 60 McAlpin Avenue, Mahopac, NY 10541.**

**The Applicant Warrants that These Insurance Specifications have been Reviewed with the Insurance Agent or Broker and That the Agent or Broker has been Instructed to Procure the Insurance Coverage Required Herein and to Comply with all Requirements Involving Policy Conditions, Additional Insured(s) and Prompt Delivery of Proper Certificates of Insurance, Binders of Insurance and Actual Insurance Policies.**

**17. Do you hold a License to Collect Refuse in Any Other Municipality?**  
**Yes\_\_\_No\_\_\_**

**17a. If You Answered Yes, Please List the Names and Addresses:**

**Name of Municipality**

**Address**


**18. The Attention of the Applicant (and all Officers, Directors, Partners and Employees of Said Applicant) is called to the Federal, State and Local Rules and Regulations Regarding Environmental Matters that must be Observed by the Applicant in the Performance of the Licensed Work, Consisting, of Among Others, Safety of Operations, Noise Control, Prevention and/or Control of Air Pollution, Removal of Waste Materials, Storage of Containers, Minimum Disturbance of Pedestrian and Vehicular Traffic, Maintaining use of Public Facilities and Protection Against Dust Hazards. This enumeration is not a Complete List of Environmental Matters to be Observed.**

**19. The Applicant shall Furnish to the Town of Carmel all Relevant Documents or information as requested. Failure to Answer Any of These Questions will Result in a Follow-Up Why the Question Was Not Answered. While a "Yes" Answer to Any Question will not Automatically Result in a Negative Finding on the Question of the Applicant.**

**20a. During the Past Three (3) Years, Has the Applicant or Any Principal, Director, Officer, or Shareholder Owning 50% or More of the Stock of the**

Applicant (if a Corporation) or Managerial Employee thereof, in Connection with the Business of the Applicant or any Other Firm which is Related by Common Ownership, Control or Otherwise, been Convicted of or Adjudicated as Having Violated any Federal or New York State Environmental Law, Including, But Not Limited to, The Federal Water Pollution Control Act (a/k/a the Clean Water Act), 33 U.S.C. Sections 1251 et Seq.; the Oil Pollution Sections 136 et Seq.; Toxic Substances Control Act, 15 U.S.C. Sections 2601 et Seq.; the New York State Public Health Law; the New York State Environmental Conservation Law; the New York State Navigation Law; the Westchester County Source Separation Law; and the Westchester County Solid Waste and Recycling Collection Licensing Law? Yes No \_\_\_\_\_

20b. During the Past Three (3) Years, has the Applicant, or any Principal, Director, Officer or Shareholder Owning 50% or More of the Stock of the Applicant (if a Corporation) or Managerial Employee Thereof in Connection with the Business of the Firm or any Other Firm which is Related by Common Ownership, Control or Otherwise been Convicted of or Adjudicated by a Court of Competent Jurisdiction in New York as Having Committed Unfair Trade Practices or Conduct in Restraint of Competition, Including but not Limited to the Violation of the Sherman Anti-Trust Act (15 U.S.C. §1, §2), the Clayton Act (15 U.S.C. §18) the Robinson Patman Act (15 U.S.C. § 12 et Seq.), the Federal Trade Commission Act (15 U.S.C. §45 et Seq.) Section 340 et Seq. of the New York State General Business Law or Equivalent Violation of the Laws of any other Jurisdiction? Yes\_\_\_\_\_ No \_\_\_\_\_

20c. During the Past Three Years has the Applicant, or any Principal, Director, Officer or Shareholder Owning 50% or More of the Stock of the Applicant (if a Corporation) or Managerial Employee thereof, in Connection with the Business of the Applicant or any other Firm which is Related by Common Ownership, Control or Otherwise, been Convicted of Racketeering Activity, Including but not Limited to an Offense Listed in §1961(1) of the Racketeer Influence and Corrupt Organizations Statute (18 U.S.C. §1961, et Seq.) or an Offense Listed in Subdivision 1 of §460.10 of the Penal Law as Such Statutes may be Amended from Time to Time? Yes\_\_\_\_\_ No \_\_\_\_\_

20d. To the Best of Your Knowledge, is the Applicant or Any Principal, Director, Officer, or Shareholder Owning 50% or More of the Stock of the Applicant (if a Corporation) or Managerial Employee Thereof, in Connection with the Business of the Firm or any other Firm which is Related by Common Ownership, Control or Otherwise, Currently the Subject of Pending Investigation by any Grand Jury, Commission, or Other Entity or Agency or Authority in the State of New York in Connection with any Conduct Listed in 16A and/or B above? Yes\_\_\_\_\_ No \_\_\_\_\_

20e. During the Past Three (3) Years, has the Applicant, or any Principal, Director, Officer or Shareholder Owning 50% or More of the Stock of the Applicant (if a Corporation) or Managerial Employee Thereof, in Connection with the Business of the Applicant or any Other Firm which is Related by Common Ownership, Control or Otherwise, been the Subject of a Civil or Criminal Investigation involving Environmental Laws or Regulations of the State of New York, Including but Not Limited to Those Listed in Question 16A above, or Unfair Trade Practices or Conduct in Restraint of Trade, Including but Not Limited to Those Listed in Question 16B Above? Yes\_No \_\_\_\_\_

20f. As a Result of Any Such Investigation, Referenced in any Subparagraph Above, has any Determination been made by any Federal, New York State or Local Governmental Authority? Yes\_\_\_\_\_ No \_\_\_\_\_

**20g. Has the Applicant, or any Principal, Director, Officer or Shareholder Owning 50% or More of the Stock of the Applicant, if a Corporation, or Managerial Employee Thereof, ever been Denied or Refused a Collection License in the State of New York? Yes\_\_\_\_\_ No \_\_\_\_\_**

**If the Answer to Any of the Above Subparagraphs is "Yes," Please Annex to this License Application a Response Setting Forth the Court or Agency in which the Conviction or Determination was Made, the Agency Number, Civil Action Number or Index Number of the Determination, a Copy of the Conviction, Plea Agreement or Determination and a Description of the Conviction or the Determination; and**

**If You have Answered "Yes" to the Subparagraph Inquiring, About an Investigation, Please Set Forth the Court or Agency Conducting or that Conducted the Investigation, the Approximate Date that the Investigation Commences and, if Applicable, Concluded, the Subject Matter of the Investigation and the Identity of the Person or Entity Involved, and the Result of Said Investigation.**

**If a Written Determination was Issued, Enclose a Copy of Said Determination.**

**I DO HEREBY CERTIFY AND DECLARE UNDER PENALTIES OF PERJURY:**

- 1. That of the Statements Herein Contained are True and Correct**
- 2. That I have Received a Copy of and have Read and Understand and Shall Comply with all of the Provisions of Chapter 95 of the Code of the Town of Carmel**
- 3. That all Personnel have Been Instructed to Comply with the Provisions of Chapter 95 of the Code of the Town of Carmel**

\_\_\_\_\_  
**Authorized Signature of Officer**

\_\_\_\_\_  
**Name and Title of Authorized Officer (Please Print)**

\_\_\_\_\_  
**Date**

Revised January 2024

Close

Print

*Town of Carmel, NY  
Monday, August 4, 2014*

## Chapter 95. GARBAGE, RUBBISH AND REFUSE

[HISTORY: Adopted by the Town Board of the Town of Carmel as indicated in article histories. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Public assemblies — See Ch. 43.

Boats — See Ch. 55.

Fees — See Ch. 80.

Property maintenance — See Ch. 114.

## Article I. Littering

[Adopted 1-29-1975 by L.L. No. 1-1975 (Ch. 25A of the 1972 Code)]

### § 95-1. Title.

This article shall be known and may be cited as the "Litter Control Local Law."

### § 95-2. Intent.

A clean, wholesome, attractive environment is declared to be of importance to the health, safety and welfare of the inhabitants of the Town, the safeguarding of their material rights against unwarrantable invasion, the protection, preservation or maintenance of property values and to minimize nuisances, as well as to protect against health hazards.

### § 95-3. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

#### **ABANDON**

Relinquishment of any item of personal property and/or litter with the intention of not reclaiming it or resuming its ownership or enjoyment; and this intent shall be presumed at the expiration of 48 consecutive hours from the time of abandonment.

#### **LITTER**

A. Includes:



- (1) Garbage, refuse, trash or rubbish or any nauseous or offensive matter. The term "garbage" means waste animal or vegetable matter, such as material from a kitchen, store, delicatessen, restaurant, food stand, etc.
- (2) All waste materials customarily handled or collected by refuse collectors or junk dealers.
- (3) Items known as "junk," regardless of size, discarded or abandoned by reason of obsolescence, age or state of repair or intended to be discharged, abandoned or junked, including but not limited to discarded household furnishings or appliances, crates, boxes, cartons, building materials, vehicles, machines, farm equipment, parts of vehicles or machines or equipment.
- (4) Signs, handbills, discarded reading material, newspapers, magazines or similar paper goods.
- (5) Cans, bottles, containers, boxes, cartons or wrappers, with or without contents.

B. The term "litter" shall not include:

- (1) Equipment in actual use by the owner of property for farming, gardening, construction or improvements on the property site.
- (2) Vehicles carrying current registration plates, unless abandoned by the owner thereof for 48 hours or more.
- (3) Firewood or construction material, reserved and stored upon the premises for future use upon said premises, except that the same must be stored and stacked in an orderly fashion and be free from debris not intended or designed to be used in such future construction.<sup>[1]</sup>
- (4) Contractors' supplies or materials stored on the premises during periods of construction for which a building permit has been issued, and prior to the issuance of a certificate of occupancy.
- (5) Recreation equipment in actual use by the owner of the property and his family, or his tenants.

**PERSON**

Includes an individual, partnership, corporation or other legal entity, or association, organization or company.

## **THROWING, DEPOSITING or ABANDONING**

Includes "throwing" from a vehicle of any type, an aircraft or boat.

## **TOWN**

The Town of Carmel, New York.

[1]: *Editor's Note: Amended at time of adoption of code (see Ch. 1, General Provisions, Art. I).*

### **§ 95-4. Littering prohibited.**

No person shall throw, deposit or abandon litter on any property within the Town, whether public or private, and whether or not owned by such person; nor shall any property owner use his land for the dumping of litter or permit dumping or the accumulation of litter on his property by others, except that the owner or person in control of private property shall maintain private receptacles for the collection of litter in such a manner that litter will not be carried or deposited by the elements upon the yard, yards or premises of others, or upon the streets, roads and highways, or public place or places.

### **§ 95-5. Storage of waste material.**

Litter not contained in receptacles as aforesaid shall not be stored or piled on land within the Town, except to facilitate delivery to the vehicle of a refuse collector, salvage dealer, licensed junk dealer, or a person, firm or charitable organization customarily engaged in the removal, purchase, collection or salvage of discarded articles, and in such case shall not be so stored in anticipation of such collection for a period in excess of 48 hours.

### **§ 95-6. Property maintenance.**

Owners or persons in charge or control of all private property, whether resident thereon or not, shall at all times maintain the premises free of litter, except as provided in §§ 95-4 and 95-5 of this article.

### **§ 95-7. Vacant premises.**

No person shall throw, deposit or abandon litter upon any open or vacant property within the Town, regardless of the ownership thereof.

### **§ 95-8. Public places.**

No person shall throw, deposit or abandon litter in or upon any street, highway, walk, park, parking area or other public place within the Town, except in public receptacles; provided, however, that no litter defined as "garbage" shall at any time be thrown or deposited in public receptacles, unless such receptacles are specifically designated and marked for the reception of

garbage.

## § 95-9. Maintenance of business properties.

No person owning or operating a place of business shall sweep or deposit litter from any building or lot in or into any street or public parking area, and the frontage of such business properties along streets, public parking areas or access drives leading to parking areas shall be kept free of litter.

## § 95-10. Water bodies.

No person shall throw, deposit or abandon any litter or foreign matter of any kind whatsoever in any fountain, pool, pond, lake, stream, culvert, reservoir or its tributaries or watershed or any body of water in a park or elsewhere within the Town, except that this provision shall not prohibit the authorized treatment and control of pools or reservoirs to control or regulate water purity or aquatic vegetation by persons or corporations having all required permits issued by state, county, Town or watershed authorities having jurisdiction over such treatment, or such permits.

## § 95-11. Advertising posters.

Signs or posters advertising an event shall be removed by the persons or organizations responsible for the erection or affixing of such signs or posters within 10 days after the happening of the advertised event.

## § 95-12. Construal of provisions.

The prohibitions contained herein against the deposit of litter shall include activities known as "dumping," the maintenance of dumps for any purpose, including landfill operations, or the use of any property in the Town as a dumping ground for the benefit of the owner or any other person.

## § 95-13. Penalties for offenses.

- A. Each and every violation of this article shall constitute and shall be a violation as defined in Article 10, § 10, Subdivision 3, of the Penal Law of the State of New York and shall, for a first conviction thereof, be punished by a fine of \$100 and 10 hours of community service picking up litter within the Town of Carmel; for a second such conviction within 10 years, such person shall be punished by a fine of \$250 and 25 hours of community service picking up litter within the Town of Carmel; upon a third or subsequent conviction within 10 years, such person shall be punished by a fine of \$1,000 and 40 hours of community service picking up litter within the Town of Carmel.

[Amended 6-13-1979 by L.L. No. 7-1979; 5-22-1985; 11-1-2006 by L.L. No. 7-2006; 7-16-2008 by L.L. No. 4-2008]

- B. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such article.
- C. This article shall be enforced by any official authorized to issue and serve appearance tickets under Chapter 3 of the Code of the Town of Carmel or the laws of the State of New York.  
[Added 3-7-1979 by L.L. No. 1-1979; amended 1-17-2007 by L.L. No. 1-2007]

## Article II. Recycling

[Adopted 4-14-1976 by L.L. No. 1-1976 (Ch. 35 of the 1972 Code)]

### § 95-14. Intent.

The Town Board of the Town of Carmel hereby finds that it is in the public interest to prolong the life of landfill facilities and conserve natural resources by requiring the separation and recycling of newspapers, cardboard and magazines.

### § 95-15. Mandatory separation of certain paper products.

It shall be mandatory for persons who are owners, tenants or occupants of residential and commercial buildings in the Town of Carmel to package or bag newspapers, cardboard and magazines for collection and recycling by the Town of Carmel or its duly authorized agents.

### § 95-16. Bundling.

Newspapers, cardboard and magazines shall be separately tied with rope or cord or placed in paper bags not exceeding 50 pounds in weight per bundle or bag.

### § 95-17. Placement for collection.

- A. All bundles and bags shall be placed for collection within the vicinity of the curb or at such location and at such times as are specified by the Town of Carmel, or its duly authorized agents.
- B. When bundles or bags are placed within the vicinity of the curb or other location, as provided for herein, they shall become the property of the Town of Carmel.

## § 95-18. Penalties for offenses.

[Added 11-1-2006 by L.L. No. 7-2006]

Any person who violates any provision of this article shall, upon conviction thereof, be subject to a fine not to exceed \$250 or to imprisonment for a term not to exceed 15 days, or both.

## Article III. Storage, Collection and Disposal

[Adopted 5-8-1985 (Ch. 24 of the 1972 Code); amended in its entirety 5-11-2011 by L.L. No. 4-2011]

## § 95-19. Intent.

It is the purpose of this article to protect and enhance the public health and welfare of the Town of Carmel by regulating the storage, collection and transportation for disposal of solid waste and recyclable materials within the Town of Carmel, including the licensing and regulation of persons and vehicles engaged in such collection and transportation.

## § 95-20. Definitions.

For the purposes of this article, certain words and terms used herein are defined as follows:

### **COMMERCIAL CUSTOMER**

Any customer of a refuse collector who stores refuse and garbage in the containers referred to in § 95-21C herein.

### **CURBSIDE COLLECTION**

Placement of contained garbage or refuse designated for collection within 10 feet of a private, Town, county or state right-of-way from which a residence derives access.

### **GARBAGE**

All putrescible animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food or the storage and sale of produce.

### **HAZARDOUS WASTE**

All those wastes that can cause serious injury or disease during the normal storage, collection and disposal cycle, including but not limited to explosives, inflammables, pathological and infectious wastes, radioactive materials, poisons, acids and dangerous chemicals or combinations of chemicals and any material designated as hazardous waste by federal and state agencies having jurisdiction.

### **PERSON**

Any individual, group of individuals, partnership, firm, corporation or association.

### **RECYCLABLES or RECYCLABLE MATERIALS**

Raw or processed material that can be recovered from a waste stream for reuse as defined in Chapter 205 et seq. of the Code of Putnam County, New York, as may be amended.

## **REFUSE**

All putrescible and nonputrescible solid waste, including garbage, rubbish, rubble, trash, small dead animals, ashes, solid commercial and industrial waste, but not including human or rendering waste, junk motor vehicles, dirt or rocks.

## **REFUSE COLLECTOR**

Any person duly licensed or authorized, pursuant to this article, to engage in the business of collecting, storing, hauling or transporting of refuse and garbage in the Town of Carmel.

## **RESIDENTIAL CUSTOMER**

Any customer of a refuse collector who stores refuse and garbage in the manner described in § 95-21A and B herein.

## **SOLID WASTE**

All matter of useless, unwanted or discarded solid or semisolid domestic, commercial, industrial, institutional, construction and demolition waste material, including garbage and refuse, but excepting human or rendering waste.

## **§ 95-21. Storage.**

- A. Except as otherwise provided, all garbage and refuse shall be stored in containers, commercially manufactured for that purpose, equipped with suitable handles and tight-fitting covers and which shall be watertight and capable of being properly cleaned and sanitized. Such containers shall not exceed 96 gallons in capacity.
- B. Plastic (polyurethane) bags may be used for storage of all refuse, provided that such bags are securely tied or otherwise fastened at the top, are free from holes, rips or tears and are of sufficient strength to permit normal handling without rupture.
- C. Containers, larger than those permitted in Subsection A of this section, may be used on commercial properties and other properties where the type of collection equipment and/or collection methods permit the handling of such containers without endangering health or safety.
- D. Any waste material, other than garbage which cannot readily be deposited in containers, may be compacted and securely bundled, tied or packed so as to not be likely to be spilled or scattered when so packed and secured.
- E. Hazardous waste shall not be stored, placed for collection nor collected, except on special permission by the Town Board or approval by federal or state agencies having jurisdiction and only in conformance with the regulations applicable thereto.

## § 95-22. Point of collection.

- A. Where collection is provided at the roadside, containers shall be placed in a visible and accessible area and shall not interfere with sidewalk or vehicular traffic or parking.
- B. Where collection is provided at the roadside, the refuse collector shall place containers back onto the owner's property in a neat fashion with covers on.
- C. The refuse collector shall not leave refuse or garbage upon streets or public or private property which may have dropped from containers or the collector's equipment.

## § 95-23. Collection hours.

Collection shall be restricted to the hours of 6:00 a.m. to 6:00 p.m., Monday through Saturday, and shall be carried on by the refuse collector with a minimum of discomfort to property owners and residents.

## § 95-24. Remedy of service.

Refuse collectors shall remedy any and all missed or improper service within 24 hours, excepting Sundays.

## § 95-25. Collection vehicles.

- A. All vehicles used to collect, haul or transport refuse and garbage shall be of metal or other impervious material, shall be constructed and maintained to prevent refuse and garbage from accumulating in or on the body, shall be capable of being completely emptied and shall be kept in a clean and sanitary condition.
- B. Any vehicle used to collect, haul or transport refuse and garbage shall be of such design and construction so as to prevent escape of refuse, garbage or recyclables or other contents, and such preventative design shall be implemented at all times during the hauling or transportation of refuse and garbage.
- C. All vehicles used by any refuse collector shall display the name of the collector and vehicle number clearly printed and readily visible on each side of the vehicle, as well as display any Town-of-Carmel-issued inspection/license stickers as have been issued by the Town of Carmel, in a conspicuous location designated by the Town of Carmel.
- D. All vehicles used to collect, haul or transport refuse and garbage shall be subject to

inspection by the Town of Carmel.

## § 95-26. License required.

- A. Except as otherwise provided herein, it shall be unlawful for any person to operate, engage in, conduct or cause the operation of a business engaged in the collection and disposal of refuse and garbage in the Town of Carmel without first having obtained a license from the Town Board as well as any permits or approvals required by state and county agencies having jurisdiction, or to use in such collection of refuse and garbage any vehicle other than one approved in such license.
- B. Nothing provided herein shall prohibit the actual producers of refuse and garbage, or the owners of premises upon which refuse and garbage has accumulated, from personally collecting, conveying and disposing of such refuse and garbage without the license provided herein, provided that it is done in compliance with all other relevant provisions of this article.
- C. A copy of the current license must be kept in all vehicles used for the collection and disposal of garbage and refuse for any person or corporation licensed under this article.

## § 95-27. License application; insurance requirements.

- A. Every person who desires to collect or engage in the business of collecting refuse and garbage within the Town of Carmel shall file a written, certified application for a license in form and content as approved by the Town Board of the Town of Carmel.
- B. Before a license may be issued by the Town Board, each applicant shall file satisfactory proof of the following insurance coverage:
  - (1) Worker's compensation insurance.
  - (2) Disability benefits insurance.
  - (3) Public liability insurance with minimum limits of \$1,000,000 per occurrence for bodily injury and \$100,000 per occurrence for property damage.
  - (4) Automobile liability insurance with minimum limits of \$500,000 per person and \$1,000,000 per accident for bodily injury and \$50,000 for property damage.



## § 95-28. Issuance of license.

If the Town Board shall find from the statements contained in the application and after investigation of other relevant factors that the applicant is qualified and able to conduct the business of collection of refuse and garbage and conforms to the provisions of this article and any other applicable rules and regulations of the Town of Carmel, and if it appears that the issuance of a license is in the public interest, then the Town Board shall issue a license stating the name and address of the applicant, the number of collection vehicles the applicant is authorized to operate, the date of the issuance thereof and the effective date of the license.

## § 95-29. License fee.

Each application for a license or license renewal shall be accompanied by a nonrefundable annual fee, which license fee shall be established annually by the Town Board and shall be on file with the Office of the Clerk.

## § 95-30. Term and renewal of license.

[Amended 9-21-2011 by L.L. No. 6-2011]

- A. All licenses issued hereunder shall be for a term of the calendar year, commencing January 1 and concluding December 31 of each year. All licenses shall, unless properly renewed, expire on December 31 of each year of issuance. In seeking a license renewal, the licensee shall submit an application pursuant to § 95-28 and appropriate fees pursuant to § 95-29 herein. Upon the enactment of this provision, any license fees previously paid by an applicant for existing licensed issued hereunder shall be prorated and/or credited toward any renewal and/or new application fees due from applicant.
- B. In seeking renewal of a license issued pursuant to this chapter, the applicant shall submit a completed application pursuant to § 95-28, together with the applicable fee(s) no later than November 15 of each year. The submission of a completed application and fees pursuant to this section shall be deemed compliance with the licensing provisions of this chapter and shall be deemed a valid current license in the absence of any action to the contrary by the Town Board of the Town of Carmel.
- C. The failure of the applicant to submit the renewal application in strict accordance with Subsections A and B above shall be deemed a new license application pursuant to § 95-29 herein and any existing license shall be deemed expired.
- D. Any new license applications submitted and received subsequent to January 1 shall, upon approval of the Carmel Town Board, be valid from the date of approval until December 31. License fees shall not be reduced for any application submitted after January 1, notwithstanding the fact that the license term may be for a period of less than one year.

## § 95-31. Collection fees and service requirements.

Every person or entity licensed pursuant to this article shall, in addition to all other requirements set forth within this article, provide the following services with respect to residential refuse and garbage collection within the Town of Carmel:

- A. Provide recyclable item pickup for items as defined in Article II of this chapter for residential customers at a minimum interval of one time per week.
- B. Provide curbside bulk pickup for residents' households at a minimum interval of two times per year, subject to the following:
  - (1) Curbside bulk pickup applies to household items only and must be at the curb by the night before the scheduled pickup;
  - (2) The curbside bulk pickup requirement is limited to three cubic yards per household per pickup. Any amount in excess of three cubic yards per pickup shall be governed by private agreement between the hauler and the property owner and/or occupant.
  - (3) The following items are not included for curbside bulk pickup: paint, chemicals, liquids, stumps, trees, masonry, lumber, logs, brick, used oil, batteries, stone, tires, propane tanks, construction, renovation or remodeling debris, including kitchens, baths, decks and windows, as well as hazardous waste as defined herein.
  - (4) The refuse collector shall not be responsible for curbside bulk pickup of refrigerators, freezers, air conditioners, etc., unless same have been decharged and certified by an individual or entity licensed accordingly by the State of New York.
- C. Provide discarded Christmas tree pickup during the week of January 7 through January 14 each year. This provision shall not apply to artificial Christmas trees.
- D. Establish and maintain its periodic and/or unit-cost rates for household garbage and refuse pickup in accordance with and not exceeding the periodic and/or unit cost rates set by the Town Board of the Town of Carmel by resolution annually, subject to the following:
  - (1) For once-per-week collection the rate established by the Town Board shall include pickup of 96 gallons of refuse/garbage in quantity or less, collected at curbside.
  - (2) For twice-per-week collection the rate established by the Town Board shall include pickup of the aggregate of 192 gallons of refuse/garbage in quantity or less, collected at curbside.

- E. Any person or entity licensed pursuant to this article may provide collection containers to any residential customer at no additional charge.
- F. Any person or entity licensed pursuant to this article may provide services in excess of those set forth in Subsection E above at an agreed-upon cost with the residential customer, including but not limited to excess volume of garbage and refuse, or bulk pickup, increased frequency of collection, driveway service, etc.
- G. Licensees shall provide a ten-percent discount to all residential customers 65 years of age or older.

## § 95-32. Nontransferability of license.

No license issued hereunder shall be assigned, sold or transferred.

## § 95-33. Records.

- A. Every licensee shall keep complete and accurate books of account with respect to the operation of his business in which shall be entered and which shall show, among other things, a current schedule of fees charged to customers, all income derived or received from each of his customers and all other sources, together with details of all expenses and disbursements made or incurred in the operation of his business in the Town of Carmel. Such books of account shall be kept current on a monthly or quarterly basis and brought up to date not later than 30 days after the expiration of such period. All such records shall be retained by the licensee for at least three years.
- B. The Town of Carmel shall have the right to inspect such books of account and records maintained by the licensee.
- C. Every licensee shall provide the Town of Carmel with a financial statement for the preceding calendar year which shall be certified by an accountant and which shall include the licensee's total income derived from customers in the Town of Carmel, the number of said customers, the sources of revenue relative to the Town of Carmel, together with the details of all expenses and disbursements made or incurred by the licensee in the operation of the licensee's business in the Town of Carmel. Said financial statement shall be filed with the Town Clerk within 90 days following each calendar year.

## § 95-34. Suspension or revocation of license.

- A. Any license issued under the provisions of this article may be suspended by the Town Board

for a period not exceeding 30 days, or the Town Board may revoke such license, where one or more of the following situations is found to exist:

- (1) That the licensee has failed to reasonably fulfill his obligations as a private refuse collector to a customer.
- (2) That the licensee is insolvent or has made a general assignment for the benefit of creditors or has been adjudged as bankrupt or a money judgment has been secured against him upon which an execution has been returned wholly or partly unsatisfied.
- (3) That a licensee has failed to keep and maintain records or has refused to allow the inspection thereof as provided herein.
- (4) That a licensee has violated any of the provisions of this article.
- (5) That a licensee has ceased to operate as a private refuse collector within the Town of Carmel.

- B. No such suspension shall be sustained nor any license be revoked except after a hearing by the Town Board upon at least 10 days' written notice thereof to such licensee.

## § 95-35. Additional rules and regulations.

The Town Board of the Town of Carmel may adopt such further rules and regulations as it may deem necessary or expedient in the implementation and administration of this article.

## § 95-36. Penalties for offenses.

- A. Any person committing an offense against this article shall be guilty of a violation punishable by a fine not exceeding \$500 or imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment.
- B. Each day an offense against this article shall continue to exist shall constitute a separate offense.
- C. In addition to the above-provided penalties, the Town of Carmel may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.

- D. This article and its provisions shall be enforced by the Police Department of the Town of Carmel.

## § 95-37. When effective.

This article shall take effect immediately.