

LOCAL LAW NO. \_\_\_\_ OF 2019

TOWN BOARD  
TOWN OF NEW CASTLE  
LOCAL LAW TO AMEND  
CHAPTER 72, SECTION 2, AND CHAPTER 73, SECTIONS 4, AND 5 OF THE  
CODE OF THE TOWN OF NEW CASTLE

A LOCAL LAW to amend Chapter 72, Section 2, and Chapter 73, Sections 4, and 5 of the Town Code of the Town of New Castle concerning collection of recyclables.

BE IT ENACTED by the Town Board of the Town of New Castle as follows:

**Section 1.** Chapter 72, Section 2, of the Code of the Town of New Castle entitled "Definitions" is hereby amended as follows:

**§ 72-2. Definitions.**

As used in this chapter, the following terms shall have the meanings defined herein:

**APPROVED CONTAINERS**

Includes any cylindrical, light-gauge steel, plastic or galvanized receptacle closed at one end and open at the other, furnished with a top or lid, with two handles and of not more than 32 gallons' capacity and not weighing more than 60 pounds when full. Household garbage that cannot be placed in standard containers shall be put in containers, bundled or otherwise secured and placed at the curb. Such bundles or containers shall not exceed 60 pounds in weight and shall be limited to six feet in length and three feet in height, width or diameter.

**CONSTRUCTION AND DEMOLITION WASTES**

Lumber, concrete, pipe, roofing, brick, masonry and any other materials from buildings and other structures.

**CONTAINERIZED SERVICE**

The collection of wastes in centralized steel containers of two to six cubic yards' capacity. Containers may be of the front-load or rear-load type conforming to the New Castle Code, § 73-5A.

## **CONTRACTOR**

The person or company with whom the district contracts for town-wide residential refuse and garbage collection.

## **CURB**

An area containing no obstruction within four feet of the side or edging of the street (public or private) in front of the respective service unit, but not the paved portion thereof.

## **DISTRICT**

The Town of New Castle Residential Refuse and Garbage District, a special district of the Town created pursuant to Article 12 of the Town Law.

## **GARBAGE**

All waste and accumulation of animal, fruit or vegetable matter that attends or results from the preparation, use, handling, cooking, serving or storing of meats, fish, fowl, fruit, vegetable matter or any matter whatsoever which is subject to decay, putrefaction and the generation of noxious and offensive gases or odors or which may serve as breeding or feeding material for flies and/or other germ-carrying insects.

## **HAZARDOUS MATERIALS**

Wastes that are hazardous by reason of their pathological, flammable, explosive, radiological or toxic characteristics. These wastes are defined more particularly by 6 NYCRR 371, the applicable provisions of which regulation are incorporated herein by reference.

## **HOUSEHOLD GARBAGE**

Includes refuse normally generated by daily residential activity, including food wastes and trash placed in approved containers. Household garbage shall not include construction and demolition wastes; newspapers and magazines; yard waste; bulky trash items; commercial, office or industrial waste; hazardous materials; special materials; or move-in/move-out waste, as herein defined.

## **HOUSEHOLD TRASH**

Includes combustibles, such as paper and wood, and noncombustibles, such as metal and glass, generated by residential activity. Trash also includes miscellaneous discarded household items such as furniture and appliances but not construction and demolition wastes.

## **MIXED RECYCLABLES**

The following materials which may be ~~mixed together~~ recycled:

- A. Glass bottles and jars, clean and free of food particles and other residue and without screw caps. Examples are glass food bottles and jars, juice bottles, liquor bottles, baby food jars, soda bottles and wine bottles, but not ceramics, crystal, glass doors, light bulbs, mirrors, Pyrex, window panes or windshields.
- B. Metal cans, clean and free of food particles and with paper labels removed. Examples are metal food cans, soda cans, pet food cans, metal juice containers and beer cans, but not aerosol cans, batteries, oil or paint cans or hazardous chemicals containers.
- C. Plastics 1-6, clean and free of food particles or residue and without screw caps. Examples are plastic soda bottles, liquor bottles, juice bottles, detergent bottles and food containers.
- D. Paper, newspapers, magazines, direct mail, packaging and corrugated cardboard.

#### REFUSE

All putrescible and nonputrescible refuse wastes, except body waste, including any waste referred to as "garbage," "rubbish," "trash," "yard waste" and "ash."

#### SENIOR CITIZEN

Any person who owns and occupies a service unit and is the age of at least 65 years.

#### SERVICE UNIT or SERVICE UNITS

A dwelling unit used or which may lawfully be used for residential purposes or, in the case of new dwelling construction, dwelling units which are substantially completed, whether or not a certificate of occupancy has been issued, but not including:

- A. Dwelling units on properties which are primarily devoted to nonresidential use;  
or
- B. Accessory or incidental residential dwelling units used in connection with principal institutional or nonresidential uses. Each dwelling unit in a multifamily building and attached townhouses shall be considered a separate service unit for the purposes of this chapter.

#### SPECIAL MATERIALS

Includes bulky materials or other special wastes that are not stored in approved containers and cannot be picked up by normally used collection vehicles.

#### TOWN

The Town of New Castle, a municipality of the State of New York, or the responsible officials thereof.

#### TRASH

whatsoever shall be intermingled with the mixed recyclables. The Town requires dual stream collection of recyclables. Paper and cardboard are to be placed in one container. Glass, metal and plastics 1-6 are to be placed in a separate container. Paper and cardboard are not to be intermingled with glass, metal and plastics 1-6. Said containers of mixed recyclables shall be placed at the curbside or other appropriate location no later than 7:00 a.m. on the scheduled mixed recyclable collection day. Such containers shall only be permitted at curbside from 7:00 a.m. of the day before a scheduled collection until 10:00 a.m. the day following a scheduled collection. Mixed Recyclables may be collected only by persons authorized by the Town Board of the Town of New Castle.

D. Yard waste.

(1) Yard waste to be picked up by the residential contractor shall be in tied bundles, each weighing no more than 60 pounds, or contained in compostable bags made entirely of paper, at curbside no later than 7:00 a.m. on scheduled yard waste collection days and no earlier than five days prior to a scheduled pickup day.

(2a) Up to one cubic yard per carload or truckload of yard waste originating solely within the Town of New Castle may be left at the Town of New Castle compost site at Hunts Lane by residents at no cost. Residents with more than one cubic yard per carload or truckload of yard waste originating solely within the Town of New Castle from their own residential property or residential property of a relative may be charged an additional fee pursuant to the Master Fee Schedule.

(2b) Disposal of carloads or truckloads in excess of four cubic yards of yard waste originating solely within the Town of New Castle shall be subject to a surcharge per cubic yard or any part thereof greater than four cubic yards as determined by Town Board resolution. The depositing of yard waste shall be further regulated by the Town Board by the issuance of such regulations as the Town Board may determine consistent with the provisions of this chapter.

E. Bulk household trash shall be permitted at curbside for up to 24 hours prior to 7:00 a.m. on the scheduled collection day.

F. For apartments and condominiums provided with containerized service for household garbage collection by the contractor, containers shall be kept and maintained in a clean and sanitary condition and shall be completely closed at all times, except when actually being used for deposit of household garbage, and shall be adequately secured to prevent spillage by dogs, raccoons or other animals.

- G. The proper disposal of all other refuse and debris that is not collected under these provisions shall be the responsibility of the resident.
- H. Enforcement. The Commissioner of Public Works or his designee will investigate all violations of this chapter. Any items placed out for pickup as household garbage may be periodically checked for recyclable materials. Any household garbage found to contain designated recyclables shall not be the responsibility of the Town carter to collect, until all recyclable materials are separated by the resident. Failure to comply with the provisions of §73-4 shall be subject to enforcement under provisions set forth in §73-8.

Section 3. Chapter 73, Section 5, of the Code of the Town of New Castle entitled "Nonresidential collection practices" is hereby amended as follows:

**§73-5. Nonresidential collection practices.**

- A. Owners and occupiers of nonresidential properties in the Town of New Castle who contract for or permit on their property containers for the purpose of storage of refuse in excess of the maximum capacity permitted as stated in §73-4A shall comply with the following requirements with respect to such containers:
- (1) Such containers shall be kept and maintained in a clean and sanitary condition with lids completely closed at all times, except when actually being used for deposit of refuse. No refuse, litter or debris shall be left on the ground near the container or otherwise outside of the container.
  - (2) The Planning Board shall approve the size, location and screening of refuse containers when it approves site plans. Failure of owners or occupiers of a property to install and maintain the refuse container as approved by the Planning Board shall be deemed a violation of Chapter 60, Zoning, of the Town Code.
- B. Commercial carters licensed to provide containers within the Town of New Castle shall comply with the following requirements with respect to such containers:
- (1) Such containers shall be kept and maintained in a clean and sanitary condition and in good repair with operating lids and shall be completely closed at all times, except when actually being used for deposit of refuse. No refuse, litter or debris shall be left on the ground near the container or otherwise outside of the container.
  - (2) All containers, including roll-offs, shall be posted with a conspicuous sign or signs, decals or other legend, as required by the Town Engineer, who shall

approve the location, size and content of the sign or signs, which shall advise that members of the public are prohibited from depositing refuse in, on top of or adjacent to such containers. Each container, including roll-offs, shall be labeled with the names, phone numbers and addresses of authorized users and the licensed carter. All authorized users and carters shall be jointly and severally responsible for any violation of this chapter at their container.

(3) Newspapers, magazines and other papers, yard waste, mixed recyclables and any other material designated by the Town of New Castle shall not be intermingled with either garbage, trash or other refuse and shall be recycled in accordance with applicable federal, New York State, Westchester County and Town of New Castle laws and regulations. The licensed carter shall provide the means to store and collect the recyclables.

(4) Construction waste, demolition waste, hazardous materials and/or special materials shall be separated from recyclables and disposed of in accordance with federal, New York State, Westchester County and Town of New Castle laws and regulations.

(5) Except in time of emergency, collection of refuse from bulk refuse containers shall be between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, with no service to take place on Sunday.

C. No unauthorized person or entity as hereinafter defined shall deposit refuse in a bulk refuse container within the Town of New Castle. No unauthorized person or entity shall deposit refuse collected or accumulated at a business or residential property in any Town-owned garbage or trash receptacle located on public property. No person or entity shall deposit refuse in a container utilized for recycling purposes in any location within the Town of New Castle. The finding of refuse in any such containers, which refuse in part contains material bearing the name or other identifying mark of a person or entity as addressee, shall create a rebuttable presumption that the person or entity to whom such material was found to be addressed deposited such refuse without authorization and in violation of this chapter. "Unauthorized person or entity," as used herein, shall mean a person or entity utilizing a bulk refuse container owned, leased or contracted for by another person or entity without the consent of such person or entity.

D. The provisions of this section shall take place immediately and shall apply to existing containers in the Town of New Castle.

#### **Section 4. Ratification, Reoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapters 72 and 73 of the Town Code of the Town of New Castle are otherwise to remain in full force and effect and are otherwise ratified, readopted and confirmed.

#### **Section 5. Numbering for Codification**

It is the intention of the Town of New Castle and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of New Castle; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

#### **Section 6. Severability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

**Section 7.** This local law shall take effect immediately upon filing with the Office of the Secretary of State.