



**TOWN OF CARMEL
LICENSE APPLICATION
TO COLLECT AND
DISPOSE OF REFUSE**

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN GARRIS
Town Clerk

ROBERT J. RAVALLIO
Town Councilman/
Deputy Supervisor



KATHLEEN KRAUS
Receiver of Taxes

FRANK D. LOMBARDI
Town Councilman
SUZANNE MC DONOUGH
Town Councilwoman

60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 • Fax (845) 628-6836
www.carmelny.org

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

**APPLICATION FOR A LICENSE TO COLLECT AND DISPOSE OF 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.

OFFICE USE ONLY

- New Application
 Renewal Application – Date of Expiration: _____

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 (See Chapter 95 for mandatory services and rates)

Residential

Commercial

Number of Pick Ups per Week: Refuse: _____ Recycling: _____

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
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5. The Approximate Volume and Tonnage Each Vehicle will Handle Per Day:

Year	Make	Body Type	Plate No.	Average Tonnage Volume Per Day
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6. Contingency Plans for Providing Service in the Event of Equipment Failure:

7a. Contingency Plans for Providing Service in the Event of Labor Disputes or Other Factors which Cause an Interruption of Service (if contingency plan is implemented, you must contact the Town of Carmel Engineering Department):

7b. Contingency Plans for providing service in the event of an equipment failure (if contingency plan is implemented, you must contact the Town of Carmel Engineering Department):

8a. Specifically, what Materials Will Be Recycled? (Please Use Additional Sheets, if Necessary. All materials required under Chapter 95 must be recycled):

8b. Describe the Manner in Which Recyclables will be Collected:

9. Where Will Trucks be Stored?

Property Location: _____

Owner of Property: _____

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

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

12. Are Your Employees Members of a Union? Yes___ No___ If Yes, Please List Union(s)?

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

1. _____
2. _____
3. _____

14. Owner(s) of the Applicant Business, if not Incorporated:

Name	Home Address	Phone Number	Age
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. If Incorporated, List All Officers and Directors:

Name	Title	Home Address	Home Phone Number
_____	_____	_____	_____

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
_____	_____	_____	_____

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
_____	_____	_____	_____

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
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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))

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

17. 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.

**18a. Do you hold a License to Collect Refuse in Any Other Municipality?
Yes ___ No ___**

18b. If You Answered Yes, Please List the Names and Addresses:

Name of Municipality

Address

19. 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.

20. 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.

21a. 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 _____

21b. 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 _____

21c. 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 Statues may be Amended from Time to Time? Yes _____ No _____

21d. 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 _____

21e. 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 _____

21f. 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 _____

21g. 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

**RESOLUTION ESTABLISHING 2012 RATES FOR
COLLECTION OF RESIDENTIAL REFUSE AND GARBAGE
PURSUANT TO TOWN OF CARMEL TOWN CODE CHAPTER 95**

RESOLVED that Town Board of the Town of Carmel, pursuant to §95-31 of the Town Code, hereby establishes the following maximum rates permitted to be charged for household garbage and refuse pickup within the Town of Carmel for year 2012:

- For once-per-week collection/pickup of up to 96 (ninety-six) gallons of household refuse/garbage in quantity or less, the maximum monthly rate charged shall not exceed twenty-nine dollars and no/hundredths dollars (\$29.00);
- For twice-per-week collection/pickup of up to an aggregate of 192 (one hundred ninety-two) gallons of household refuse/garbage in quantity or less, the maximum monthly rate shall not exceed thirty four dollars and fifty cents (\$34.50);

Resolution

Offered by: Councilman Lombardi
 Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Frank Lombardi	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

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I, Ann Garris, Town Clerk of the Town of Carmel, Putnam County, New York, do hereby certify that the foregoing resolution is a true and exact copy of the original on file in my office which was adopted by the Town Board of said Town at a duly called and held meeting on the 4th day of **January, 2012**; and of the whole thereof.

Ann Garris

 Ann Garris, Town Clerk

January 5, 2012
 Dated

RESOLUTION AMENDING 2011 USER FEE SCHEDULE

RESOLVED that the Town Board of the Town of Carmel hereby amends, effective immediately, the Town of Carmel User Fee Schedule for Fiscal Year 2011, with the addition of the following fee(s):

License for Collecting, Hauling or Transporting of Refuse and Garbage:

New License Application: \$2,000 annually plus \$100 per truck inspection annually

Renewal of Existing License: \$1,500 annually plus \$100 per truck inspection annually

Resolution

Offered by: Councilwoman McDonough

Seconded by: Councilman Ravallo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

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I, Ann Garris, Town Clerk of the Town of Carmel, Putnam County, New York, do hereby certify that the foregoing resolution is a true and exact copy of the original on file in my office which was adopted by the Town Board of said Town at a duly called and held meeting on the 24th day of **August, 2011**; and of the whole thereof.

December 8, 2011
Dated

Ann Garris
Ann Garris, Town Clerk

Town of Carmel
Local Law #6 of the Year 2011

A Local Law Amending Chapter 95 of the Town Code of the Town of Carmel
Entitled, "Garbage, Rubbish and Refuse"

BE IT ENACTED by the Town Board of the Town of Carmel as follows:

Chapter 95 of the Town Code of the Town of Carmel Entitled Garbage, Rubbish and Refuse is hereby amended to read as follows:

§ 95-30 Period/Term of License and Renewal.

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 pro-rated 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.

Local Law Filing

(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 Village
(Select one.)

of Carmel _____

Local Law No. 6 of the year 2011

A local law Amending Chapter 95 of the Town Code of the Town of Carmel Entitled,
(Insert Title)
"Garbage, Rubbish and Refuse"

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Carmel _____ as follows:

BE IT ENACTED by the Town Board of the Town of Carmel as follows:

Chapter 95 of the Town Code of the Town of Carmel Entitled Garbage, Rubbish and Refuse is hereby amended to read as follows:

§ 95 30 Period/Term of License and Renewal.

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 pro-rated 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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2011 of the (County)(City)(Town)(Village) of Carmel was duly passed by the Town Board on September 21, 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ and was deemed duly adopted (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____.
(Name of Legislative Body)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Ann Garrie

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: September 23, 2011

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Putnam

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]

Signature
Town Legal Counsel

Title

County
City of Carmel
Town
Village

Date: September 27, 2011

**CODE OF THE TOWN OF CARMEL, NEW YORK, v9 Updated 06-01-2011 / PART II:
GENERAL LEGISLATION / Chapter 95, GARBAGE, RUBBISH AND REFUSE /
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]**

**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]**

**CODE OF THE TOWN OF CARMEL, NEW YORK, v9 Updated 06-01-2011 / PART II:
GENERAL LEGISLATION / Chapter 95, GARBAGE, RUBBISH AND REFUSE /
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.**

§ 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.

**CODE OF THE TOWN OF CARMEL, NEW YORK, v9 Updated 06-01-2011 / PART II:
GENERAL LEGISLATION / Chapter 95, GARBAGE, RUBBISH AND REFUSE /
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] / § 95-20.
Definitions.**

§ 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.

CODE OF THE TOWN OF CARMEL, NEW YORK, v9 Updated 06-01-2011 / PART II: GENERAL LEGISLATION / Chapter 95, GARBAGE, RUBBISH AND REFUSE / 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] / § 95-21. Storage.

§ 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.

CODE OF THE TOWN OF CARMEL, NEW YORK, v9 Updated 06-01-2011 / PART II: GENERAL LEGISLATION / Chapter 95, GARBAGE, RUBBISH AND REFUSE / 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] / § 95-22. Point of collection.

§ 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.

CODE OF THE TOWN OF CARMEL, NEW YORK, v9 Updated 06-01-2011 / PART II: GENERAL LEGISLATION / Chapter 95, GARBAGE, RUBBISH AND REFUSE / 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] / § 95-23. Collection hours.

§ 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.

CODE OF THE TOWN OF CARMEL, NEW YORK, v9 Updated 06-01-2011 / PART II: GENERAL LEGISLATION / Chapter 95, GARBAGE, RUBBISH AND REFUSE / 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] / § 95-24. Remedy of service.

§ 95-24. Remedy of service.

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

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§ 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.

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License required.**

§ 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.

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License application; insurance requirements.**

§ 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.

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§ 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.

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§ 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.

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1972 Code); amended in its entirety 5-11-2011 by L.L. No. 4-2011] / § 95-30.
Renewal of license.**

§ 95-30. Renewal of license.

- A. All licenses shall, unless properly renewed, expire one year after the effective date thereof. In seeking a license renewal, the licensee shall submit an application pursuant to § 95-28 herein.
- B. In seeking renewal of a license issued pursuant to this article, the applicant shall submit a completed application pursuant to § 95-27, together with the applicable fee(s) no later than 45 calendar days prior to the expiration date of the current license. The submission of a completed application and fees pursuant to this section shall be deemed compliance with the licensing provisions of this article 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 expire on its expiration date.

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1972 Code); amended in its entirety 5-11-2011 by L.L. No. 4-2011] / § 95-31.
Collection fees and service requirements.**

§ 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:

**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] / § 95-32.
Nontransferability of license.**

§ 95-32. Nontransferability of license.

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

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1972 Code); amended in its entirety 5-11-2011 by L.L. No. 4-2011] / § 95-33.
Records.**

§ 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.

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1972 Code); amended in its entirety 5-11-2011 by L.L. No. 4-2011] / § 95-34.**

Suspension or revocation of license.

§ 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.

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1972 Code); amended in its entirety 5-11-2011 by L.L. No. 4-2011] / § 95-35.
Additional rules and regulations.**

§ 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.

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1972 Code); amended in its entirety 5-11-2011 by L.L. No. 4-2011] / § 95-36.**

Penalties for offenses.

§ 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.

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1972 Code); amended in its entirety 5-11-2011 by L.L. No. 4-2011] / § 95-37. When
effective.**

§ 95-37. When effective.

This article shall take effect immediately.