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County City Town x Village

(Select One)

of Island Park

Local Law No. 26 of the year 2017

A local law establishing the guidelines for placement of Roll-Off Containers on public streets in the Incorporated Village of Island Park.

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County City Town x Village

(Select One)

SECTION 1. LEGISLATIVE INTENT

The Village of Island Park is establishing guidelines for placement of Roll-Off Containers on public streets in the Incorporated Village to ensure the safety of residents, pedestrians, and vehicular traffic.

SECTION 2. DEFINITIONS

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

Annual Permit

The permit issued hereunder on a calendar year basis which allows a person to place roll-off containers within the Village of Island Park

Chief Building Inspector

The Chief Building Inspector of the Village of Island Park or his/her designated representative.

Container Permit

The permit issued on an annual calendar-year basis and to be place on each and every container owned by the owner-lessor which is placed within the Village of Island Park.

SECTION 3. PERMIT REQUIRED

It shall be unlawful and an offense against this chapter for any person to place or caused to be places as a roll-off container upon any public street within the Village without first obtaining a permit therefore in accordance with the requirements prescribed by this chapter.

SECTION 4. RULES AND REGULATIONS

- A. A container permit shall be prominently displayed on each and every container to be placed within the Village of Island Park.
- B. The street upon which any roll-off container is to be placed and must meet a minimum width requirement of 30 feet, curb to curb.
- C. The roll-off container must be placed parallel to the curb with the street side of the container not more than eight feet six inches from the nearest curb adjacent to the container.
- D. Roll-off containers shall have a permanent installation of not less than 16 square feet of diagonal reflectorized stripping material on each and every side of the roll-off container and shall also have stenciled or otherwise printed thereon, in English letters at least two inches in height, the name, address, and telephone number of the owner-lessor
- E. The roll-off container shall not obstruct any part of the sidewalk or the sidewalk area adjacent to the street and the contents thereof shall be emptied and disposed of upon reaching the containers waterline.
- F. The owner-lessor shall be responsible for the repair of any street, sidewalk, and curb damaged caused by the placement, movement, or removal of any roll-off container.
- G. The Chief Building Inspector shall receive at least 48 hours' prior written notice from the owner-lessor before a roll-off container or dumpster is placed upon any street located within the Village or on any Village owned property.
- H. The Chief Building Inspector shall receive written notice from the owner-lessor within 48 hours of the removal of a roll-off container or dumpster from a street located within the Village or on any Village owned property
- I. The Chief Building Inspector reserves the right to refuse the placement of any roll-off container from any street location if, in his judgment, he determines that the placement of any roll-off container at any street location shall constitute an obstruction or public nuisance or a hazard because of contour, narrow width, traffic or other highway conditions peculiar to the street at or near the proposed location.
- J. No roll-off container or dumpster shall be permitted to remain in a particular location for a period of time exceeding 14 days. The placement application may be renewed by notifying the Chief Building Inspector in writing and submitting an additional placement fee.

- K. There shall be a \$20 placement fee for each roll-off container or dumpster that is placed upon any street located within the Village or on any Village-owned property. This fee covers a fourteen-day period.
- L. The provisions of Local Law 29 of 2016 and Ordinance No. 5 regarding garbage and rubbish shall be fully complied with.
- M. The owner-lessor shall be responsible for ensuring that the roll-off container placement adheres to all alternate-side parking laws, including moving the roll-off container on appropriate days.

SECTION 5. APPLICATION FOR PERMIT

The Chief Building Inspector may issue an annual permit for the use of a roll-off container upon any Village roads or other Village owned facilities as a temporary street obstruction, prior to the placement thereof, upon written application by the owner-lessor in accordance with the following terms and conditions.

A. Each annual permit shall be of one year's duration and shall require a written application to renew for each successive calendar year. A company doing business under more than one name shall be required to obtain an annual permit for each and every subsidiary or business name under which it operates.

B. Each application for an annual permit hereunder shall be accompanied by a certificate of insurance from the owner-lessor indicating public liability coverage insuring the Village in an amount not less than \$1,000,000 for personal injuries, including wrongful death to any person, and subject to the same limit for each person, in an amount not less than \$3,000,000 on account of each occurrence; and a certificate of insurance from the owner-lessor indicating property damage insuring the Village in an amount not less than \$500,000 on account of any occurrence, and in an amount not less than \$1,000,000,00 on account of all occurrences.

C. A filing fee in the amount of \$100 shall accompany each application for an annual permit hereunder.

D. There shall be a \$3 fee per container permit per year.

E. The owner-lessor shall also be responsible to the Commissioner for providing not only its own name and address in the original application and renewals thereof but in providing the name and address of the lessee for each and every rental of a roll-off container or dumpster.

SECTION 6. REMOVAL OF ROLL-OFF CONTAINERS

- A. The Chief Building Inspector reserves the right to remove a roll-off container from any street location upon violation of any section of this chapter or if, in his judgement, he determines that the placement of any roll-off container at any street location shall constitute an obstruction or public nuisance or hazard because of contour narrow width, traffic or other highway conditions peculiar to the street at or near the roll-off container location.

B. Notice.

- (1) Upon determination that the provisions of Subsection A herein have been violated, the Chief Building Inspector shall cause to be served a written notice upon the owner-lessor that such roll-off container must be removed. The owner-lessor shall have five days from the date of the written notice to remove the roll-off container.
- (2) The written notice shall be by personal service or certified mail, postage paid, returned receipt requested, and addressed to such owner-lessor's last known address, and, if by certified mail, a copy of the notice shall be posted on the roll-off container.

- C. In the event that the owner-lessor fails to remove the roll-off container within the time period stated in Subsection B herein, the Chief Building Inspector shall cause such roll-off container to be removed. The owner-lessor shall be liable to the Village of Island Park for any costs incurred in such removal and subsequent storage of such roll-off container, together with any dumping charge to remove any material in the roll-off container.

SECTION 7. ENFORCEMENT

The police officers of the Nassau County Police Department and Chief Building Inspector of the Village of Island Park shall have authority to enforce the provisions of this chapter and issue appearance tickets for offenses against this chapter..

SECTION 8. PENALTIES FOR OFFENSES

- A. Any person committing an offense against this chapter or any section or provision thereof shall be guilty of a violation punishable by a fine not exceeding \$500.00 or by imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment.
- B. Each day of continued violation shall constitute a separate offense.
- C. In addition, to the penalties stated herein, this chapter may be enforced by civil action, including an injunction, in a court of competent jurisdiction for violations of this chapter.

SECTION 9. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgement shall not effect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

SECTION 10. EFFECTIVE DATE

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