

## Chapter 48

### DUMPSTERS ~~AND ROLL-OFF CONTAINERS~~

§ 48-1. Title.

§ 48-2. Definitions.

§ 48-3. Rules and regulations.

§ 48-4. Enforcement.

§ 48-5. Penalties for offenses.

[**HISTORY:** Adopted by the Board of Trustees of the Village of Cold Spring 7-22-1993 as L.L. No. 5-1993. Amendments noted where applicable.]

#### GENERAL REFERENCES

~~Building Construction—See Ch. 40.~~

~~Littering—See Ch. 59.~~

~~Recycling—See Ch. 93.~~

§ 48-1. Title.

This chapter shall be cited as the "Village of Cold Spring ~~Dumpsters and Roll-Off Containers~~Dumpster Law."

§ 48-2. Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

~~BUILDING INSPECTOR—CODE ENFORCEMENT OFFICER~~ – The ~~Building Inspector~~Code Enforcement Officer of the Village of Cold Spring or ~~his or her~~their designated representative.

DUMPSTER, FRONT LOAD - A bin that a specifically designed garbage truck lifts, empties into its hopper and lowers, on the spot.

DUMPSTER, ROLL-OFF - A moveable waste container designed to be brought and taken away by a special collection vehicle. The type of container designed for use with a vehicle containing hydraulic or mechanical capabilities to lift a prefabricated container from the ground onto the truck for transport purposes.

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LESSEE - The person renting the roll-off container or dumpster from the owner-lessor.

OWNER-LESSOR - The person owning or leasing to third parties the roll-off container or dumpster.

PERSON - Any individual, partnership, firm or corporation.

~~ROLL-OFF CONTAINER or DUMPSTER— The type of container designed for use with a vehicle containing hydraulic or mechanical capabilities to lift a prefabricated container from the ground onto the truck for transport purposes or to lift and dump the material contained therein into the body of said truck, the contents of which container is solid waste consisting of refuse, rubbish and other debris.~~

STREET or HIGHWAY - A thoroughfare within the public domain not less than twenty (20) feet in width, curb to curb.

### § 48-3. Rules and regulations.

A. The ~~roll-off container~~Roll-Off Dumpster shall be placed parallel to the curb with the street side of the container not more than eight (8) feet six (6) inches from the nearest curb adjacent to the container.

B. ~~Roll-off containers~~Front Load Dumpsters on private property shall have a permanent enclosure installed around the container of brick, block or ~~suitable~~ fencing such that the dumpster is blocked from view, and to extend at least one (1) foot above the container.

C. The ~~roll-off container~~Roll-Off Dumpster shall not obstruct any part of the sidewalk or the sidewalk areas adjacent to the street, and the contents thereof shall be emptied and disposed of upon reaching the container's water line.

D. ~~Roll-off containers~~Off and ~~dumpsters~~Front Load Dumpsters must be equipped with covers, and all ~~dumpsters and roll-off containers~~Dumpsters must be covered at all times except during filling or emptying.

E. ~~Roll-off containers and dumpsters~~Off Dumpsters placed on the street shall be equipped with a flasher-type warning device located to face oncoming traffic.

F. Front-Load Dumpsters are not permitted on Village Streets, Highways or any other public property.

~~F.G.~~ The owner-lessorOwner-Lessor shall be responsible for the repair of any street, sidewalk and curb damage caused by the placement, movement or removal of any ~~roll-off container~~Roll-Off Container.

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~~G.~~ The Building Inspector shall receiveOwner-Lessor is responsible for filing a Dumpster Permit with the Village Clerk, paying a fee as identified in the Master Fee Schedule, and receiving approval from the Code Enforcement Officer at least forty-eight (48) hours prior notice through a written or verbal communication from the owner-lessor before a roll-off container or dumpsterRoll-Off Dumpster is placed upon any Village ~~street~~Street or ~~other facility.~~

~~H.~~ The Building Inspector shall have the right to prohibit the placement of any roll-off container or to directHighway. At the removal discretion of the Code Enforcement Officer, a permit may be approved with less than 48 hours notice. The Village Board of a roll-off containerTrustees will set the fee amount from time to time by adopting a resolution setting the fee in the Master Fee Schedule.

~~G.I.~~ Placement of a Roll-Off Dumpster may be prohibited from any street location if; in his or her sole judgment, he or she determines it is determined that the placement of any roll-off container at any street locationthe Roll-Off Dumpster shall constitute a public nuisance and/or a hazard because of contour, narrow width, traffic or highway conditions peculiar to the street at or near the proposed location.

~~H.J.~~ Any individual or entity who places/causes a dumpsterRoll-Off Dumpster to be placed in a ~~roadway~~Street or Highway, or upon the Village right-of-way, shall provide a certificate of insurance from the ~~owner-lessor~~Owner-Lessor providing public liability coverage insuring the Village of Cold Spring in an amount not less than one ~~hundred thousand dollars (\$100,000) for personal injury, including wrongful death to any one (1) person, and not less than three hundred thousand dollars (\$300,000) liability for injuries sustained on account of any occurrence; and not less than fifty thousand dollars (\$50,000) liability for property damage on account of any occurrence. million dollars (\$1,000,000) per occurrence/two million dollars (\$2,000,000) general aggregate from and against all claims, damages, demands, losses, expenses, fines, causes of action, suits or other liabilities (including all costs, reasonable attorneys' fees, consequential damages, and punitive damages), whether such claim, damage, demand, loss or expense is attributable~~

to bodily injury, personal injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss or use resulting therefrom. Such certificate shall provide that such insurance policy shall not be cancelled except on thirty (30) ~~days~~' notice to the Village.

L. Permission to place a ~~roll-off container~~ Roll-Off Dumpster on a Village ~~street~~ Street or Highway or upon the Village right-of-way shall be valid for ~~thirty (30)~~ five (5) consecutive days. ~~Said thirty day period~~ and may ~~only~~ be extended by ~~application to the Building Inspector.~~ applying for an additional Dumpster Permit. Failure to remove ~~said container~~ the Roll-Off Dumpster after the ~~thirty day~~ approved period will be deemed a violation of this ~~chapter~~ Chapter.

I.

#### **§ 48-4. Enforcement.**

It shall be the duty of the Police Department of the Village of Cold Spring to enforce the provisions of this ~~chapter~~ Chapter at the request of the ~~Building Inspector~~ Code Enforcement Officer or Village Clerk.

#### **§ 48-5. Penalties for offenses.**

A violation of any of the provisions of this ~~chapter~~ Chapter shall constitute a violation pursuant to the Penal Law. -Any ~~person~~ Person violating any provision of this ~~chapter~~ Chapter shall be subject to a fine of not more than two hundred fifty dollars (\$250) or imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment.