

At a regular meeting of the Board of Commissioners, Commissioner Meekins offered the following RESOLUTION and moved for its adoption:

WHEREAS, the Board of Commissioners of Sanitary District No. 2, in accordance with the power, and authority granted to them under Articles 9 and 13 of the Town Law of the State of New York, as amended, and the Nassau County Civil Divisions Act (Chapter 273 of the Laws of 1939) and any other applicable Law, did ordain and propose an ORDINANCE for the collection and disposal of garbage, rubbish, litter, and recyclables accumulated within the geographical confines of Sanitary District No. 2, Town of Hempstead, Rider "A". And having held a public hearing on April 2, 1997 which was duly published in accordance with all applicable law, and to which all persons interested were invited to attend, and

NOW, THEREFORE, BE IT

RESOLVED, that it being in the public interest, the Commissioners of Sanitary District No. 2, hereby adopt the following Ordinance (which is set forth in its entirety (and shall become effective July 1, 1997, and shall be known as SANITATION ORDINANCE OF SANITARY DISTRICT NO. 2, TOWN OF HEMPSTEAD.

This motion being duly seconded by Commissioner Forte, the foregoing Resolution was duly adopted upon roll call as follows:

AYES - 5

NOES - 0

SANITATION ORDINANCE

Sanitary District No. 2

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Pursuant to the provisions of Articles 9 and 13 of the Town Law of the State of New York, as amended, and the Nassau County Civil Divisions Act (Chapter 273 of the Laws of 1939) the Board of Commissioners of Sanitary District No. 2, Town of Hempstead, does hereby ordain and propose the following ORDINANCE for the collection and disposal of Garbage, Rubbish, Litter, and Recyclables accumulated within the geographical confines of Sanitary District No. 2, Town of Hempstead.

SETTING FORTH: The Authority of the Secretary to the Board of Sanitary District No. 2, Town of Hempstead, PRESCRIBING REGULATIONS FOR THE STORAGE AND COLLECTION OF GARBAGE, RUBBISH, LITTER, AND RECYCLABLES, PROVIDING FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES WITH SANITARY DISTRICT NO. 2, TOWN OF HEMPSTEAD, AND PRESCRIBING PENALTIES FOR VIOLATION OF ITS PROVISIONS.

ARTICLE I

SHORT TITLE:

This Ordinance shall be known as the SANITARY DISTRICT NO. 2, SANITATION ORDINANCE, TOWN OF HEMPSTEAD.

ARTICLE II

DEFINITIONS:

For the purpose of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Board of Commissioners" is the Board of Commissioners of Sanitary District No. 2, Town of Hempstead.

(b) "Collection Vehicle" shall mean a vehicle designed, built, and used for the purpose of collecting refuse or recyclables.

(c) "Commercial Area" shall mean any area where business, industry, light manufacturing enterprises are located or operating, or any area not classified as residential.

(d) "District" is Sanitary District No. 2, Town of Hempstead, and included the geographical areas of Baldwin, Roosevelt, South Hempstead, and portions of North Rockville Centre, Oceanside Terrace, and Uniondale as shown on Map 200-2-2 (including Recycling Ordinance definitions), filed with the Town Clerk on July 3, 1928.

(e) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, and readily combustible material such as paper, cardboard, wood, excelsior, cloth, food cans, glass food containers, and bottles.

(f) "Holidays" shall mean that day on which the holiday is officially celebrated by Sanitary District No. 2.

(g) "Litter" shall mean garbage, refuse, rubbish, or a recyclable, as may be defined herein and other waste material which is thrown out or deposited and which tends to create a danger or nuisance to the public health, safety, and welfare.

(h) "Operate" shall mean to pick up, collect, load, or otherwise perform collection of refuse.

(i) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

(j) "Private Premises" is any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(k) "Private Property" shall mean any property other than that used as a public highway.

(l) "Public Place" is any/all streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parts, squares, spaces, grounds, and buildings.

(m) "Recyclables" - as defined by Sanitary District No. 2 Resolution No. 04/92.

(n) "Refuse" is all putrescible and non-putrescible solid wastes (except body wastes) including garbage and rubbish.

(o) "Residential Area" shall mean an areas primarily zoned and occupied for

residential purposes.

(p) "Rubbish" is non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as non-recyclables metals, wood, non-recyclable glass, bedding, crockery, and similar materials.

(p) "Solid Waste" shall mean all material described as garbage and rubbish as previously defined.

ARTICLE III

I. PROHIBITION OF ACCUMULATION AND DUMPING

- A. The owner, lessee, tenant, or other person having the management of or occupying any lot, or plot of land in the District, excluding any location designated by the Board of Commissioners, or any location controlled or under the jurisdiction of the Town of Hempstead, shall keep such land at all times free and clear of any accumulation of recyclables, rubbish, litter, refuse, garbage, waste materials, offal, or any offensive substances, except such as are deposited in containers or are otherwise secured as provided for in this Ordinance for the collection and disposal by the District.**
- B. No person shall deposit, throw, cast, or bury recyclables, rubbish, litter, refuse, garbage, waste material, offal, or any offensive substances on any vacant lot or plot of land in the District.**

II. COLLECTION BY DISTRICT - JURISDICTION AND EXCEPTIONS

- A. Refuse and recyclables accumulated in the District shall be collected, conveyed, and disposed of by the District. No person shall collect, convey over any of the streets or highways of the District, or dispose of any refuse accumulated in the District, except as provided herein.**
- B. Exception for Actual Producers**
This Ordinance shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this Ordinance and with any other governing

law or ordinances.

C. Exception for Private Collectors

This Ordinance shall not prohibit private collectors, who are duly licensed by the Town of Hempstead, from hauling such refuse over streets and highways situated within the District, provided such private collectors shall comply with the provisions of this Ordinance and with any other governing law or ordinances.

D. Exception for Landscaping Contracting and Building Construction or Demolition. This Ordinance shall not prohibit any person engaged in the occupation or business of landscaping, landscape contracting, landscape gardening, general building construction or demolition, from performing such occupation or conducting such business without benefit of a private refuse collection license as hereinafter provided by the Town of Hempstead, within the District, provided, however, that such persons shall perform, function, and operate vehicles as may be incidental to such occupation or business in such a manner as to prevent the discharge or littering of materials relating to said business or occupation upon any public highway in the District, and further that the disposal of such materials so conveyed, shall be only at a location as may be directed by the Town Board, or at such location which may be authorized, controlled, and under the direct jurisdiction of the Board of Commissioners of Sanitary District No. 2, Town of Hempstead.

III. COLLECTION SCHEDULE

A. REGULAR COLLECTION SCHEDULE - REFUSE

SECTION I - Monday and Thursday.

SECTION II - Tuesday and Friday.

B. RECYCLING COLLECTION

SECTION I - Monday.

SECTION II - Tuesday.

SECTION III - Thursday.

SECTION IV - Friday.

C. HOLIDAYS

There will be no collections on the following holidays: Dr. Luther King's Birthday, ~~Lincoln's Birthday~~, (Removed effective 1/1/2014) Washington's Birthday, Memorial Day, 4th of July, Labor Day, Columbus Day, ~~Election Day~~ (Removed effective 1/1/2011), Veterans' Day, Thanksgiving Day, Christmas, and New Year's Day.

COLLECTION - If a holiday falls on a Sunday or Monday in Section I, the next collection will be on Tuesday. If a holiday falls on Thursday, the next collection will be on Friday.

If a holiday falls on a Sunday, Monday, or Tuesday in Section II, the next collection will be on Wednesday. If a holiday falls on Thursday or Friday, the next collection will be Saturday.

IV. CHARGES, FEES, OR RATES

No charges, fees, or rates other than amounts passed, levied, and collected as other Town taxes, shall be imposed or collected for the collection of refuse, garbage, and recyclables in any portion of the District administered by the Board of Commissioners.

V. SUPERVISION OF COLLECTION AND DISPOSAL IN THE DISTRICT

A. Refuse accumulated in the District shall be collected, conveyed, and disposed of under the supervision of the General Supervisor and/or Secretary to the Board under the direction of the Board of Commissioners. The General Supervisor and/or Secretary to the Board, under the direction of the Board of Commissioners, shall have authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance, and disposal as he(they) shall find necessary, and to change and modify the same after notice, as required by law, provided that such regulations are not contrary to the provisions hereof.

B. The disposal of the refuse shall be consistent with accepted practices as prescribed by the Solid Waste Management Plan provided by the Town of

Hempstead and approved by the Board of Commissioners.

- C. Regulations as to hours of operation at the disposal site, the type and volume of materials considered to be acceptable, or any other regulations concerning the control of refuse, shall be established, modified, and revised by the Supervisor of said disposal site from time to time as operational conditions may require.

VI. PRE-COLLECTION PRACTICES

- A. **RECEPTACLES** - It shall be the duty of every person having the management or control of or occupying any land or building to provide for the exclusive use of such land or building or part thereof, sufficient receptacles to hold garbage, recyclables, and rubbish, in the amount ordinarily accumulated by the occupants of such land or building during ninety-six consecutive hours.

- 1. **Specifications**

Receptacles shall be containers commercially manufactured for that purpose, equipped with suitable handles and tight-fitting covers, and shall be watertight. Recycling containers shall be issued by the District at no charge.

Refuse receptacles shall not exceed forty-five gallon capacity and, when filled, shall not exceed seventy-five pounds in total weight.

Exception: The District will not pick up or collect from dumpsters.

- 2. **Maintenance**

Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this Ordinance, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents, shall be promptly replaced upon notice. The District shall have the authority to refuse collection for failure to comply herewith. Each of such receptacles shall be watertight, kept covered with a cover, and maintained in a sanitary condition by periodic cleaning.

Each such receptacle containing garbage or rubbish, shall be free of water or wetted materials.

3. Alternatives

Any waste material other than garbage, which cannot be readily deposited in any receptacles, may be compacted and securely bundled, which bundles are not to exceed four feet in length, nor to exceed twenty-five (25) bundles on any one collection day, tied or packed so as to be easily handled, but not weighing more than seventy-five (75) pounds and not likely to be scattered, and when packed and secured, may be placed alongside such a receptacle.

Plastic bags (polyethylene) may be used for all refuse, provided such bags are securely tied at the top and are not over filled and not torn, ripped, or otherwise not capable of being lifted and placed in a refuse truck. Maximum size bag for garbage or leaves is thirty-two gallon capacity.

B. PLACE OF COLLECTION

Refuse and recycling containers, as well as yard waste and items for special collection, shall be placed for collection in a visible and accessible area between the sidewalk line and the curb line immediately in front of the premises. No collections will be made from any private property except when for reason of employee safety and with the approval of the District.

C. TIME OF COLLECTION

Refuse and recycling containers, as well as other items for collection, shall be placed at the curb between 5:00 p.m. the evening preceding collection and 6:00 a.m. the day of collection. No refuse, recycling containers, bundles, etc. may be placed at the curb prior to 5:00 p.m. preceding collection.

D. EVICTIONS

Landlords who evict tenants must immediately notify the District. All items placed on the property line must not be disposed of for at least forty-eight (48) hours after eviction notification to the District. After forty-eight (48) hours the items placed out for eviction must be removed from the curb and properly disposed of by the landlord.

VII. COLLECTIONS IN THE DISTRICT

The District shall make regular collection of refuse as often and during such specified hours as shall be prescribed by the General Supervisor and/or Secretary to the Board.

Collection shall be made from receptacles when placed at the curb in front of any premise or such accessible locations as shall be approved by the General Supervisor and/or Secretary to the Board.

A. RESIDENTIAL

1. Collection from residential areas begins at 6:30 a.m. every normal working day from Monday through Saturday, with the exceptions of June, July, and August. These months, collections may begin at 6:15 a.m.
2. All refuse shall be in a container commercially manufactured for this purpose, and not exceeding thirty-two (32) gallons in size, have a tight fitting cover, with a maximum filled weight of seventy-five (75) pounds.
 - a. Refuse - The equivalent of twenty-five (25) thirty-two (32) gallon containers each collection day.
 - b. Large household Items - All large household items, such as furniture, refrigerators (from which the doors must be removed), tires, and cast or heavy metal items: bicycle frames, 55-gallon drums, cast metal, and metal pipes over 4' in length, etc. are to be collected from the curb area by special vehicle, by appointment scheduled with Sanitary District No. 2
3. Each individual apartment unit must conform to the above residential guidelines. Note: all items of collection must be placed at the curb or area designated by the District.

B. COMMERCIAL

The following restrictions apply to collection practices of the District and are not to apply to private collection operations unless shown elsewhere in the Ordinance.

1. Quantities. The maximum amount of garbage and rubbish which will

be collected on each scheduled collection day is based upon the size of the building, as follows:

- All businesses will be guided by residential regulations for the first 5,000 square feet.
- One additional thirty-two (45) gallon container for every additional 10,000 square feet.

2. **Exceptions of Maximum Amounts.** The computed maximum amounts to be collected above shall not apply to buildings or buildings used as follows:

Schools - private or publics

Firehouses

Houses of worship

Public libraries

Post Offices

Municipal use buildings

Veterans' and Fraternal organization buildings

3. **Prohibitions.** Use of barrels, drums, kegs, cardboard boxes, or cloth or paper bags for the containment of garbage or rubbish is prohibited.

- (i) Refuse and recycling receptacles shall be stored on private property only on a location adjacent to a principal or accessory use building, but in no case, shall such receptacle be stored forward of the front building line of the principal structure.
- (ii) It shall be hereinafter illegal for any person to construct, place, or build facilities for the storage of receptacles below property grades (underground).
- (iii) Receptacles shall not be placed for collection inside or within any building, accessory use building, or garage, except as so designated by the District.
- (iv) No rear door or rear yard collection service shall be provided by the District.

- (v) No employee of the District, in the course of his duties, shall be required to enter a building or structure to gather or collect any refuse except as directed by the District; no employee shall solicit any gratuity for the performance of his duties, or solicit money for any purpose in connection therewith.

VIII. EXCESSIVE ACCUMULATION OF REFUSE

- A. Any accumulation of refuse resulting from failure of any person to comply with any provision of this Ordinance or from the failure of such person to take advantage of the regular collection service maintained by the District, and any waste building materials from construction, remodeling and repair operations on houses and buildings, not performed by the owner or occupant, must be removed by the owner, his agent, or his contractor at his own expense. Permission for dumping of such material must be obtained by calling the Town of Hempstead Sanitation Department. Sanitary District No. 2 does not provide any disposal area for construction debris. Construction and demolition material will not be collected by or disposed of by Sanitary District No. 2.
- B. No person engaged in the business or occupation of landscape gardening, general contracting, or in the performance of such work in the care and maintenance of properties including, but not limited to, grass cutting, raking, tree pruning, and general lawn care, general building repairs, maintenance, roofing, siding, masonry or cement work, shall perform or conduct such business or occupation in such a manner as to leave the residual of the performance of such work on, about, or around the property where such work has been performed. A person so engaged in such business or occupation shall be required, through the use of his own manpower and equipment, to dispose of all such residual materials at a disposal site maintained by the Town of Hempstead.
- C. Sanitary District No. 2 will collect on scheduled days amounts of all classes of refuse from the premises in accordance with limitations set forth in Section VII, but where abnormal amounts are placed for collection, Sanitary District

No. 2 reserves the right to refuse the materials, to defer the collection, to collect the material in part, or to make a special collection thereof.

- D. Trees, tree branches and trimmings, large bushes, logs, wood, etcetera, shall be securely tied in bundles not in excess of seventy-five (75) pounds, nor more than four (4) feet in length, and twenty-four (24) inches in any other dimension. These items are considered yardwaste and must be placed at the curb on the appropriate collection day.

IX. LITTERING

- A. Litter in public places. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the District except in public receptacles, in authorized private receptacles for collection.
- B. Placement of litter in receptacles. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.
- C. Sweeping litter into gutters prohibited. No person shall sweep into or deposit in any gutter, street, or other public place within the District the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- D. Merchant's duty to keep sidewalks free of litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the District the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the District shall keep the sidewalk in front of their business premises free of litter.
- E. Litter thrown by persons in vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the District or upon private property.
- F. Truck loads causing litter. No person shall drive or move any truck or other

vehicle within the District unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the District, the wheels or tires of which carry onto or deposit in any street, alley, or other public place, mud, dirt, sticky substances, litter, or foreign matter of any kind.

- G. Throwing or distributing handbills in public places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, or public place within the District. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the District for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.
- H. Depositing handbills on uninhabited or vacant premises. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.
- I. Distribution of handbills where property posted. No person shall throw, deposit, or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.
- J. Distributing handbills at inhabited private premises; exception. No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in the Article,

such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

- K. **Litter on occupied private property.** No person shall throw or deposit litter on any occupied private property within the District, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property.
- L. **Owner to maintain premises free of litter.** The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.
- M. **Litter on vacant lots.** No person shall throw or deposit litter on any open or vacant private property within the District, whether owned by such person or not.

X. ENFORCEMENT OF THE ORDINANCE

By virtue of the adoption of this Ordinance, the General Supervisor, Secretary to the Board, and Supervisors, or any other persons designated by the Board of Commissioners, shall be empowered to enforce the prohibitions and regulations under all sections of this Ordinance, subject to direction of the Board of Commissioners of Sanitary District No. 2.

XI. PENALTIES FOR VIOLATIONS

- A. Any person or persons, association or corporation committing an offense against this chapter or any section thereof, is guilty of violation, punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period of not exceeding fifteen (15) days for each such offense, or by both such fine and imprisonment.**
- B. Each day an offense against this chapter shall be permitted to exist shall constitute a separate offense.**
- C. In addition to any other remedy provided in this Ordinance, the District may institute a suit in equity where unlawful conduct exists as defined in this chapter for an injunction to restrain a violation of this Ordinance.**
- D. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent. The existence or exercise of any remedy shall not prevent this District from exercising any other remedy provided by this Ordinance or otherwise provided at law or equity.**

XII. VALIDITY OF ORDINANCE

If any clause, sentence, paragraph, section, or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in which said judgment shall have been rendered.

XIII. EFFECTIVE DATE

This Ordinance shall take effect on July 1, 1997.

Amended Dated: March 19, 2014, August 21, 2019

**Board of Commissioners
Sanitary District No. 2
Town of Hempstead**