

TOWN OF NORTH CASTLE

Local Law No. 7 For the Year 2007 (Adopted 3/28/2007)

A Local Law to amend Chapter 160 entitled 'Refuse, Recyclables and Trash' of the Code of the Town of North Castle.

Be It Enacted by the Town Board of the Town of North Castle as follows:

1. Section 160-5, entitled License required; applications; fees; conditions, is hereby amended to add:

§160.5. License required; applications; fees; conditions.

- A. License required. It shall be unlawful for any person, firm or corporation to collect refuse or other material described herein within the Town, except from his own residence or business property, without first obtaining a license from the Town.
- B. Application. Application for a license to collect refuse shall be made at the office of the Highway Department of the Town of North Castle on forms provided by said office. The applicant shall file, with his application, a certificate or affidavit of insurance as hereinafter set forth and shall pay the required license fee. Upon receipt of such application properly executed, the Highway Department shall have the opportunity to conduct inspections of the applicant's vehicles. Upon satisfactory inspection and approval from the Highway Department, a representative from the Highway Department shall submit the application with a recommendation, along with the requisite fees and certificate of insurance, to the Town Clerk for placement on an agenda of the Town Board for approval. The approval herein referred to shall include a determination by the Town Board that the applicant has the capability, financial capacity and equipment to perform the services required of a licensee hereunder.
- C. Permits.
 1. Upon approval by the Town Board, the Town Clerk will issue the permit, with copies to the Police Department, the Building Department and the Highway Department.
- D. Insurance
 1. Certificates of insurance shall be filed with the application and shall be executed by an authorized representative of a duly qualified insurance company, licensed to do business in the State of New York, evidencing that said insurance company has issued liability and property damage insurance policies covering the following:

- a. All operations of the applicant, or any other person, firm or corporation employed by him, in the collection of refuse within the corporate limits of the Town of North Castle
 - b. The disposal of such refuse to and within the designated and approved disposal area
 - c. Protecting the public and any person from injuries or damages sustained by reason of carrying on the work of refuse collection and disposal
2. The certificate or affidavit shall specifically evidence the following amounts of insurance coverage, which shall remain in effect for the term of the license, and shall provide that written notice shall be given the Town Clerk 30 days prior to any change in the conditions of the certificate or affidavit or any expiration or cancellation thereof:
- a. Public liability insurance; \$300,000 per person, \$500,000 per accident
 - b. Motor vehicle bodily injury liability: \$300,000 per person, \$1,000,000 per accident
 - c. Property damage: \$100,000 per accident
 - d. Workers' Compensation Insurance
- E. Issuance of license. Upon receipt of approval from the Town Board, the filing of the proper certificates or affidavit of insurance and the payment of the license fee, the Town Clerk shall thereupon issue the applicant a license. All licenses shall expire on March 31 of the year following issuance, and renewal applications therefor shall be filed not later than 30 days prior to the licensing period. Such license of all persons and/or corporations licensed under this chapter may be renewed for a term of one year upon the payment of the fee herein provided provided that there has been satisfactory compliance with this chapter by the collector during the previous license period.
- F. License fee. The license fees shall be as follows:
- a. For trucks with a capacity of less than 10 yards: \$25.00 per year, per normal working truck.
 - b. For trucks with a capacity of 10 yards or more: \$50.00 per year, per normal working truck.
- G. Assignment. No license issued hereunder shall be assigned, sold or transferred without the written consent of the Town Board
- H. Complaints. Each collector licensed hereunder shall provide an adequate and prompt response to all complaints from patrons on missed service and improper handling. Such service shall also be promptly available to service complaints from any resident or Town official for any material deposited improperly within the

limits of streets or highways during transit. Collectors' telephone numbers shall be filed with the Town Board. Collectors shall remedy all complaints within 24 hours following receipt thereof, excepting Sundays. The licensee hereunder shall have available and shall furnish to the Town Board a list of complaints received each week, which list shall contain the date of the alleged complaint and the name of the complainant and the nature of the alleged complaint and the manner in which it was resolved, and said list shall be reviewed from time to time by the Town Board.

- I. Responsibility for administration. The licensee shall be directly responsible to its customers and to the Town Board of the Town of North Castle and shall collect and dispose of refuse in accordance with the rules and regulations as to service and rates of charge as herein stated or as may be subsequently approved by the Town Board.
2. Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.