

RESOLUTION 58-2023

ADOPT ADDENDUM TO THE TOWN OF RANDOLPH ZONING LAW TO INCLUDE A NEW SECTION ON GARBAGE REMOVAL

On a motion of Councilmember Beach, seconded by Councilmember Learn, the following resolution was

ADOPTED Ayes 5 Senn, Beach, Learn, Root, Frame
 Nays 0

Resolved that the Board adopts the Addendum to the Town of Randolph Zoning Law as follows:

TOWN OF RANDOLPH GARBAGE REMOVAL

Purpose

The purpose of this article shall be to protect and promote the health, safety and welfare of the people in the Town of Randolph by controlling littering and regulating the storage of garbage and refuse within the Zoning Codes Areas of R=(Residential), E-1=(Expressway) and C=(Commercial).

Definitions

For the purpose of this article, the following words, phrases and terms and their derivations shall have the meanings given herein. When not inconsistent with the number include the singular, words used in the singular number include the plural and words in the masculine include the feminine. The word "shall" is always mandatory and not merely directory.

GARBAGE and RUBBISH

Decaying animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. Solid waste consisting of both combustible and noncombustible wastes, such as but not limited to paper wrappings, cardboard, plastic, tin cans, wood, glass, bedding, and crockery.

LITTER

Garbage, refuse, and rubbish, as defined herein, and all other waste materials, which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare or tends to create blight.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES

Any house, building or other structure not owned or operated by the Town, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, ground, parking lot, walk, driveway, porch steps, vestibule, or mailbox belonging or appurtenant to such house, building or other structure.

PUBLIC PLACE

Any and all streets, highway rights-of-way, sidewalks and other public ways and any and all public or quasi-public parks, spaces, grounds and buildings, including school grounds.

TOWN

The Town of Randolph

ZONING CO

R = (Residential)

E-1 = (Expressway)

C = (Commercial)

TOTES

Totes with a capacity not exceeding 96 gallons or 12.8 cubic feet

DUMPSTERS

Dumpsters with a capacity exceeding 96 gallons or 12.8 cubic feet requiring a mechanical lift to empty.

Construction Dumpster

Open top roll-off container with a capacity to hold 10 to 40 cubic yards.

Town of Randolph Regulations for Garbage and Trash removal within the Zoning Code Areas R, E-1 and C.

A. Garbage Totes

- a. It shall be unlawful to deposit or leave any garbage, garbage totes, ashes or refuse of any kind upon the sidewalks, curbs or gutters of the Town of Randolph, on any streets in the R, E-1 and C Code Areas, except that such garbage, garbage totes may be placed on the sidewalks or curbs only from the night before the designated garbage remove date and removed the night of the garbage collection.
- b. At all other times the garbage container must be set back behind the front of the property and not between the house and the road. The lid on the container must be closed at all times.
- c. Exception for leaf pick-up in the fall, leaves may be raked to the curb for pick-up on scheduled days by the highway dept.

B. No dumpster shall be permitted in the R, E-1 and C Code Areas, subject to the following exceptions and conditions.

a. Exceptions:

- i. Use exceptions: Dumpsters may be placed on the following properties.
 - 1. Places of public assembly, including churches, school and fire hall.
 - 2. Commercial properties.
 - 3. Buildings that house 2 or more Apartments.
- ii. Temporary construction dumpsters, (roll-offs) for which the property owner and/or contractor shall obtain a temporary dumpster permit from the Town Clerk's Office. Such permit shall be valid for 60 days from the date of issuance and may be renewed up to two times for the same term upon showing that work on the project is continuing and a dumpster is required to complete it.
- b. General Standards:
 - i. Location :Totes and dumpsters shall be located to the side and rear of the property to the greatest extent practicable. Certain situations might limit the location of a dumpster; in that respect it must be off the Town Right-of-Way.
 - ii. Covers: Totes and dumpsters shall be equipped with covers or lids, maintained in working order, that shelter and secure their contents.
 - iii. Totes shall be emptied weekly: Dumpsters must be emptied at minimum, Bi-Weekly: No dumpster shall be allowed to overflow. No noxious odors shall be allowed as a result of garbage in the dumpster.
- c. Preexisting Dumpsters
 - i. Residential Dumpsters in place at the time of the enactment of this chapter shall be Grandfathered yet must abide by the standards set forth. Any failure to comply with these standards, the dumpster will be removed by the container company.
 - ii. Any residential dumpsters that are removed from the property shall NOT be replaced.

C. Enforcement

- a. These regulations will be enforced by the Town of Randolph. Failure to comply with the regulations will result in a citation and a fine.
 - i. Fines:
 - 1. First offense: Written Warning
 - 2. Second offense: Citation to appear in Town Court whereas the Town Justice will have discretion with regards to the fine.
- b. These regulations refer to current as well as future use of garbage totes and small and large dumpster use

TERMS and CONDITIONS

- A. Conflicting Statutes: All local laws or ordinances or parts of local laws or ordinances in conflict herewith are hereby repealed

Severability: Should any clause, sentence, paragraph, subdivision, section or other part of this local law be adjudicated by any court or competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof directly involved in the controversy in which such judgement, decree or order shall have been rendered and to this end, the provisions of each section of this local law are hereby declared to be severable.

