

## TOWN CLERK

**PUBLIC HEARING**  
Town Hall/ Board Room  
655 Main Street  
Islip, NY 11751

**May 12, 2020**  
**2:00 p.m.**

- 
- 1. The transfer of 9 Washington Avenue, East Islip under the CDA's Direct Sale Program.**
  
  - 2. To consider amending the Town of Islip Uniform Traffic Code as follows:**
    - Schedule G Stop and Yield Intersections Amend to Read**
      - Apricot Street at Ferndale Blvd. (CIS)
      - Fairfax Road at Hunter Road (WIS)
    - Schedule G Stop and Yield Intersections Add**
      - Fairfax Avenue at Hunter Avenue (WIS)
      - Lakeland Avenue (CR93) at Ocean Avenue (RNK)
      - Ocean Avenue at Third Street (RNK)
      - Seventh Street at Third Avenue (BWD)
    - Schedule J Parking, Stopping and Standing Regulations Add**
      - Moffitt Blvd North (ISL)
      - Ocean Avenue West (RNK)
      - Roosevelt Place East (WIS)
      - Roosevelt Place West (WIS)
  
  - 3. To consider a one year contract with the Village of Ocean Beach for fire protection and ambulance services to the Atlantique Fire Protection District.**

- 4. To consider a one year contract with Incorporated Village of Ocean Beach for the Fire Island Fire Protection District.**
- 5. To consider a one year contract with the Village of Ocean Beach for fire protection and ambulance services to the Seaview Fire Protection.**
- 6. To consider a one year contract with the Village of Ocean Beach for fire protection and ambulance services to the Atlantique Marina Fire Protection District.**
- 7. To amend Local Law No. 2-1993 Chapter 21: Solid Waste of the Islip Town Code.**

**Anyone wishing to address the Board at the conclusion of these hearings may do so. Please clearly print your full name and address by registering with the Aide in the lobby. Any disabled person who needs a sign language interpreter or special accommodations to attend this meeting, is asked to please contact Constituent Services at 631-224-5380 as early as possible in order for the Town to accommodate.**

**Dated at Islip, NY  
TOWN OF ISLIP  
April 20, 2020  
Published  
OHM/tb**

**TOWN BOARD,**

**By: OLGA H. MURRAY  
TOWN CLERK**

**RESOLUTION**

**WHEREAS**, the Town of Islip Community Development Agency has selected the following purchasers as qualified and eligible Sponsor for the purchase of the below listed property:

<u>Name/Property Address</u>	<u>Tax Map</u>	<u>Purchase Price</u>
Aracelis Rodriguez 9 Washington Avenue, East Islip	0500-321-03-96	\$320,000.00

**WHEREAS**, said sponsor intend to occupy said premise as the owner-occupant; and

**WHEREAS**, the Board deems it in the best interest of the residents of the Town of Islip for the Town of Islip Community Development Agency to convey said premise to said Sponsor; and

**NOW THEREFORE**, on a motion of  
seconded by

**RESOLVED**, that the Town Board hereby approves the sale of said property described above from the Town of Islip Community Development Agency to convey said premise to said Sponsor, that the sale of said premise to the Sponsor is subject to permissive referendum.

**UPON A VOTE** being taken, the result was:

**THIS RESOLUTION IS SUBJECT TO PERMISSIVE REFERENDUM**

**PLEASE TAKE NOTICE**, the Town of Islip held a public hearing on Tuesday, May 12, 2020, at Islip Town Hall, 655 Main Street Islip, New York, 11751 to amend the Islip Town Uniform Traffic Code.

**NOW THEREFORE**, on a motion made by Councilperson,  
 Seconded by Councilperson,  
 Be it, resolved that the Uniform Traffic Code has been amended.  
 Upon a vote being taken the result was:

**SCHEDULE G  
 STOP AND YIELD INTERSECTIONS  
 AMEN TO READ**

<b>INTERSECTION</b>	<b>SIGN</b>	<b>CONTROLLING TRAFFIC</b>
Apricot Street at Ferndale Blvd. (CIS)	Stop	East/ West on Apricot Street; <u>North/ South on Ferndale Blvd.</u>
Fairfax Road at Hunter Road <del>Avenue</del> (WIS)	Stop	North/ <del>South</del> on Fairfax Road

**SCHEDULE G  
 STOP AND YIELD INTERSECTIONS  
 ADD**

<b>INTERSECTION</b>	<b>SIGN</b>	<b>CONTROLLING TRAFFIC</b>
Fairfax Avenue at Hunter Avenue (WIS)	Stop	South on Fairfax Avenue
Lakeland Avenue (CR 93) (southwest leg) At Ocean Avenue, (RNK)	Stop	South on Ocean Avenue
Ocean Avenue at Third Street (RNK)	Stop	East/ West on Third Street; South on Ocean Avenue
Seventh Street at Third Avenue (BWD)		South on Seventh Street

**SCHEDULE J  
 PARKING, STOPPING AND STANDING REGULATIONS  
 ADD**

<b>LOCATION</b>	<b>REGULATION</b>	<b>HOURS/DAYS</b>
Moffitt Blvd./ North From 275ft. w/o Islip Avenue to Robbins Avenue (ISL)	No Parking	
Ocean Avenue/ West From 100ft. north of Michigan Street To Michigan Street (RNK)	No Parking	
Roosevelt Place/ East From its terminus 355 ft. south of Muncey Road north for 170 feet (WIS)	No Parking	
Roosevelt Place/ West From 320 ft. south of Muncey Road to Its terminus at 355 ft. south of Muncey Road (WIS)	No Parking	

WHEREAS, the Town of Islip and the Incorporated Village of Ocean Beach were parties to a contract to provide ambulance and fire protection for an area of Fire Island designated as the Atlantique Fire Protection District, which agreement has expired on December 31, 2019; and

WHEREAS, in accordance with the Town Law of the State of New York, a public hearing is required to be held prior to the entering into a new contractual agreement; and

WHEREAS, a public hearing was duly held before the Town Board of the Town of Islip on \_\_\_\_\_, at 2:00 p.m., for the purposes of considering contracting with Ocean Beach for the same fire protection as was rendered in the past for an additional one (1) year term commencing retroactively January 1, 2020, and terminating December 31, 2020, for payment of consideration of \$80,920.00 for the year; and

WHEREAS, at the time of said hearing, all persons desiring to be heard were given an opportunity to do so; and

WHEREAS, it has been determined by the Town Board that it is in the public interest to enter into a new contract with the Incorporated Village of Ocean Beach as heretofore described;

NOW THEREFORE, on motion of Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_  
be it

RESOLVED, that the Supervisor be and hereby is authorized to execute a new contract with the Incorporated Village of Ocean Beach for the Atlantique Fire Protection District.

Upon a vote being taken the result was:

(AtlantiqueFPContractReso)

, 2020

WHEREAS, the Town of Islip and the Incorporated Village of Ocean Beach were parties to a contract to provide ambulance and fire protection for an area of Fire Island designated as the Fire Island Fire Protection District, which agreement has expired on December 31, 2019; and

WHEREAS, in accordance with the Town Law of the State of New York, a public hearing is required to be held prior to the entering into a new contractual agreement; and

WHEREAS, a public hearing was duly held before the Town Board of the Town of Islip on \_\_\_\_\_, 2020, at 2:00 p.m., for the purposes of considering contracting with Ocean Beach for the same fire protection as was rendered in the past for an additional one (1) year term commencing retroactively January 1, 2020, and terminating December 31, 2020, for payment of consideration of \$164,758.00 for the year; and

WHEREAS, at the time of said hearing, all persons desiring to be heard were given an opportunity to do so; and

WHEREAS, it has been determined by the Town Board that it is in the public interest to enter into a new contract with the Incorporated Village of Ocean Beach as heretofore described;

NOW THEREFORE, on motion of Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_

be it

RESOLVED, that the Supervisor be and hereby is authorized to execute a new contract with the Incorporated Village of Ocean Beach for the Fire Island Fire Protection District.

Upon a vote being taken the result was:

(FireIslandFPContractReso)

, 2020

WHEREAS, the Town of Islip and the Incorporated Village of Ocean Beach were parties to a contract to provide ambulance and fire protection for an area of Fire Island designated as the Seaview Fire Protection District, which agreement has expired on December 31, 2019; and

WHEREAS, in accordance with the Town Law of the State of New York, a public hearing is required to be held prior to the entering into a new contractual agreement; and

WHEREAS, a public hearing was duly held before the Town Board of the Town of Islip on  
2020, at 2:00 p.m., for the purposes of considering contracting with Ocean Beach for the same fire protection as was rendered in the past for an additional one (1) year term commencing retroactively January 1, 2020, and terminating December 31, 2020, for the payment of \$305,638.00 for the year; and

WHEREAS, at the time of said hearing, all persons desiring to be heard were given an opportunity to do so; and

WHEREAS, it has been determined by the Town Board that it is in the public interest to enter into a new contract with the Incorporated Village of Ocean Beach as heretofore described;

NOW THEREFORE, on motion of Councilperson \_\_\_\_\_, seconded by  
Councilperson \_\_\_\_\_  
be it

RESOLVED, that the Supervisor be and hereby is authorized to execute a new contract with the Incorporated Village of Ocean Beach for the Seaview Fire Protection District.

Upon a vote being taken the result was:

(SeaviewFPContractReso)

WHEREAS, the Town of Islip and the Incorporated Village of Ocean Beach were parties to a contract to provide ambulance and fire protection for the Town of Islip owned and operated Atlantique Marina, located in Atlantique, Fire Island, which agreement has expired on December 31, 2019; and

WHEREAS, in accordance with the Town Law of the State of New York, a public hearing is required to be held prior to the entering into a new contractual agreement; and

WHEREAS, a public hearing was duly held before the Town Board of the Town of Islip on \_\_\_\_\_, at 2:00 p.m., for the purposes of considering contracting with Ocean Beach for the same fire protection as was rendered in the past for an additional one (1) year term commencing retroactively January 1, 2020, and terminating December 31, 2020, for the payment of consideration of \$29,983.00 for the year; and

WHEREAS, at the time of said hearing, all persons desiring to be heard were given an opportunity to do so; and

WHEREAS, it has been determined by the Town Board that it is in the public interest to enter into a new contract with the Incorporated Village of Ocean Beach as heretofore described;

NOW THEREFORE, on motion of Councilperson \_\_\_\_\_,

Councilperson \_\_\_\_\_

be it

RESOLVED, that the Supervisor be and hereby is authorized to execute a new contract with the Incorporated Village of Ocean Beach for the Atlantique Marina, Atlantique, Fire Island.

Upon a vote being taken the result was:

(Atlantique Marina FPContractReso)



May 12, 2020  
Resolution #

WHEREAS, the Department of Environmental Control has reviewed Chapter 21 of the Islip Town Code to ensure compliance with the Solid Waste Management Plan of the Town of Islip and the laws of New York State; and

WHEREAS, the Commissioner of Environmental Control has recommended modifications to Chapter 21 to ensure the health, safety and welfare of the people within the Town of Islip; and

WHEREAS, referral of the proposed local law to the Suffolk County Planning Commission is not required pursuant to General Municipal Law §239-m; and

WHEREAS, the Town Board held a public hearing on April 21, 2020 at 5:30 p.m.; and

NOW, THEREFORE, on a motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_, be it

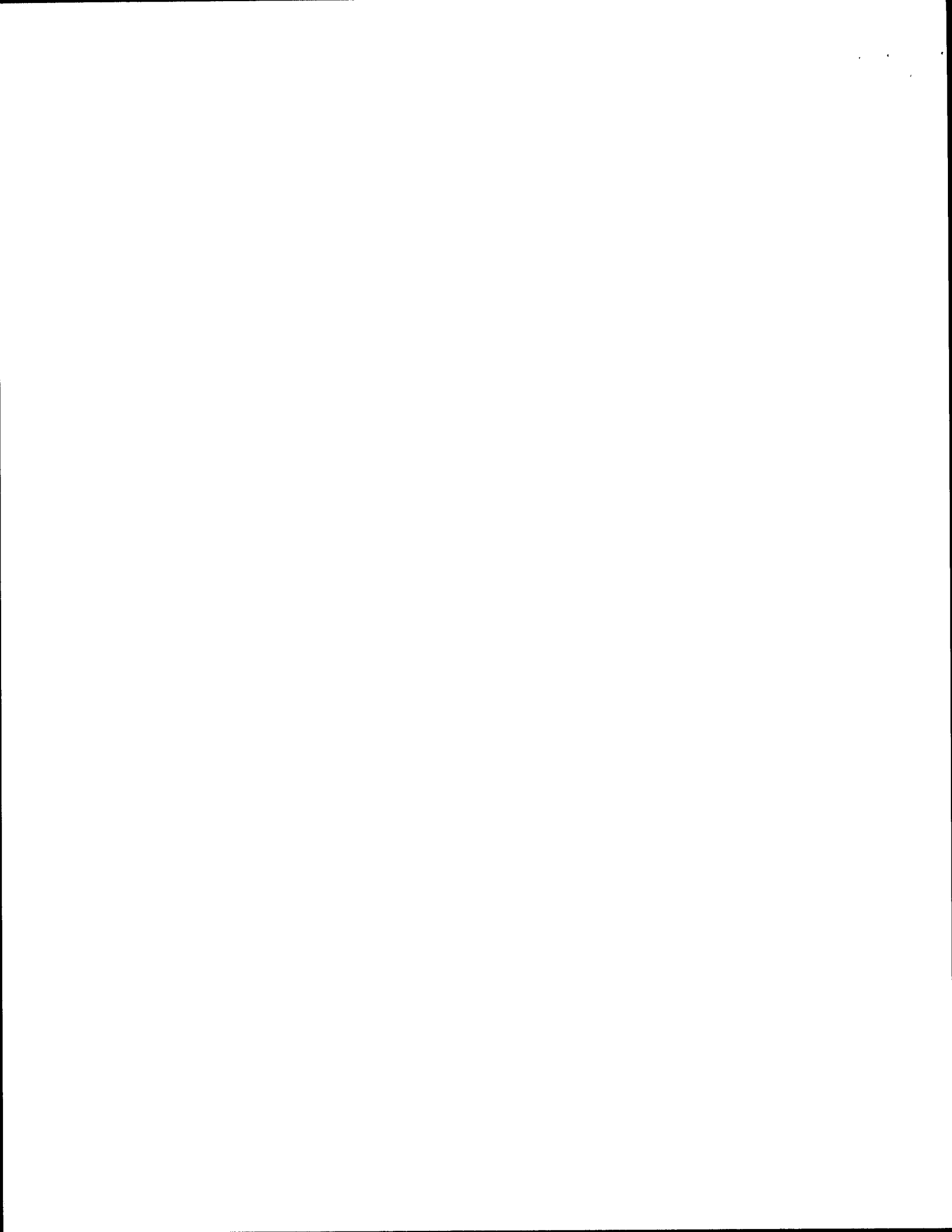
RESOLVED, that the Town Board of the Town of Islip hereby adopts Local Law No. \_\_\_\_\_ of 2020 amending Local Law No. 2-1993 Chapter 21: Solid Waste as follows:

**SEE ATTACHED**

Additions are indicated by UNDERLINING

DELETIONS are indicated by STRIKEOUTS

Upon a vote being taken, the result was:



Chapter 21 Solid Waste and Recyclables

§ 21-1 Legislative intent.

§ 21-2 Definitions.

§ 21-3 Determination of ~~Recyclables, solid waste~~.

§ 21-4 Provisions for residences in the Special Garbage and Refuse District; penalties for offenses.

§ 21-5 Provisions for ~~nonresidences commercial solid waste and multiple residences~~; penalties for offenses recyclables disposal.

§ 21-6 ~~Recyclables generated at nonresidences and multiple residences~~ Reserved.

§ 21-7 Disposal.

§ 21-8 Dumping prohibited.

§ 21-9 ~~Permits for~~ Solid waste and recyclables collection services.

§ 21-10 ~~Obligations of permit holders; exceptions~~ Transfer Station/Recycling center.

§ 21-11 ~~Hours of collection~~ Donation Drop-off bins.

§ 21-12 ~~Transfer station/recycling center~~ Landscapers.

§ 21-13 ~~Transfer station/recycling center permit~~ Reserved.

§ 21-14 ~~Additional nonresidence and multiple residence requirements~~ Reserved.

§ 21-15 Denial, suspension and revocation of accounts, permits and registrations; penalties for offenses.

§ 21-16 Administrative hearings.

§ 21-17 Seizure of evidence.

§ 21-18 ~~Clothes dropoff bins~~ Reserved.

§ 21-19 Severability.

§ 21-20 When effective.

## **Chapter 21 Solid Waste**

[HISTORY: Adopted by the Town Board of the Town of Islip 9-1-1993 by L.L. No. 2-1993.[1] Amendments noted where applicable.]

### **GENERAL REFERENCES**

Junkyards — See Ch. 29.

~~Issuance of licenses and permits — See Ch. 31.~~

Littering — See Ch. 32.

Water quality — See Ch. 66.

[1] Editor's Note: This local law superseded former Chapter 21, Solid Waste, adopted 10-21-1986 by L.L. No. 5-1986, as amended.

### **§ 21-1 Legislative intent.**

The purpose of this chapter is to safeguard the health, safety and welfare of the people of the Town of Islip through the regulation of solid waste and recyclables collection and disposal pursuant to the power granted the Town of Islip under Chapter 632 of the Laws of 1982, as amended, and consistent with the Solid Waste Management Plan of the Town of Islip and the laws of the State of New York. Nothing herein is intended or should be construed to modify or amend any terms or conditions of any contracts for solid waste and recyclables services to which the Town of Islip is a party in effect on the effective date of this chapter.

### **§ 21-2 Definitions.**

As used in this chapter, the following words are intended to include and be defined as follows:

#### **ACCOUNT AND REGISTRATION**

A listing for the fees in connection with accounts and registrations issued under this chapter as determined by the Commissioner.

#### **ASH RESIDUE**

All of the solid residue and any entrained liquids resulting from the combustion of solid waste or solid waste in combination with fossil fuel at a solid waste incinerator, including bottom ash, boiler ash, fly ash or the solid residue of any air pollution control device used at a solid waste incinerator.

#### **BULK WASTE**

An item of solid waste or recyclables larger than two by two by four feet or heavier than 50 pounds.

#### **COMMERCIAL**

Any solid waste or recyclable collection services at a residence, non-residence, multiple residence or other parcel not serviced in a Special Garbage and Refuse District or other Town program.

#### **COMMERCIAL SERVICE CUSTOMER**

Any person, resident, property owner, managing agent, contractor, business or otherwise form of representative of a parcel that obtains commercial collection services.

## **COMMISSIONER**

The Commissioner of the Department of Environmental Control for the Town of Islip, or authorized personnel. For purposes of this definition, said personnel shall include officers or employees of the Islip Resource Recovery Agency.

## **CONSTRUCTION AND DEMOLITION DEBRIS**

Any solid waste material defined under 6 NYCRR 360-1.2(6), (22) and (33), except as said material may be restricted or conditioned for acceptance at a ~~Town of Islip disposal facility operated by or on behalf of the Town of Islip or the Islip Resource Recovery Agency.~~

## **CONTAINER**

Any box, can, drum, compactor or other receptacle provided by persons licensed to provide solid waste and recyclables services to nonresidences and multiple residences in the Town of Islip and used for the storage of solid waste or recyclables pending collection.

## **DISPOSAL FACILITY**

Any solid waste or recyclables management facility or site operated by private individual(s), an entity, or by, or on behalf, of the Town of Islip or the Islip Resource Recovery Agency, including facilities located outside of the Town of Islip and designated as such by the Commissioner.

## **DISPOSAL FEE SCHEDULE**

The fee charged to receive and dispose of solid waste and/or recyclables at a disposal facility, which fee may be modified from time to time owned or operated by or on behalf of the Board of Directors of the Town of Islip or the Islip Resource Recovery Agency. Disposal fees may be modified by the President of the Islip Resource Recovery Agency.

## **DONATION DROP-OFF BIN**

A closed container, metal or otherwise, having an opening through which only new or used clothing or household goods can be deposited and stored.

## **FOR-PROFIT**

An organization not formed pursuant to NYS N-PCL §102(5).

## **HAZARDOUS SUBSTANCE**

Has the same meaning as set forth in 6 NYCRR Part ~~364~~371, as the same may be amended from time to time.

## **ISLIP RESOURCE RECOVERY AGENCY**

That public authority created pursuant to Chapter 632 of the Laws of 1982, as amended, the members of which ~~consist of~~include the Town Board ~~of the Town of Islip~~

## **LANDSCAPER**

Any person or entity providing the service of cleaning, servicing or maintaining the exterior grounds of a parcel within the Town of Islip.

## **MECHANIZED CONTAINER**

A container used for the storage of solid waste or recyclables on the premises of a generator which is equipped with any mechanical device to compact the solid waste stored therein.

### **MULTIPLE RESIDENCE**

Any building or parcel of land not receiving solid waste and recyclables services through any Town of Islip Special Garbage and Refuse District and containing four or more rental units, including but not limited to mobile homes and cooperative apartment units, or condominium units occupied as residential dwellings.

### **NOT-FOR-PROFIT**

Any organization formed pursuant to New York State N-PCL §102(5).

### **NONRESIDENCE**

Any building or parcel of land not used as a residence or a multiple residence as defined in this section.

### **ORGANIZATION**

An individual, business, partnership, association, firm, company or corporation of any kind.

### **OWNER**

The organization or person having legal title to the bin. Said legal title shall be established by a bill of sale, a chattel mortgage, a titled document or any other documentation evidencing ownership.

### **PERMIT FEE SCHEDULE**

A listing for the fees in connection with permits issued under this chapter as determined by the Town Clerk.

### **PERSON**

Any individual, entity, organization, partnership, association, firm, corporation or any and all combinations of individuals acting in concert.

### **RECYCLABLES**

Those components of the solid-waste stream generated within the Town of Islip which are capable of being recycled or reused in place of virgin materials and for which economic markets exist. Said components/commodities shall be determined pursuant to this chapter, but shall include newspaper, corrugated cardboard, ferrous metals, glass, plastics, aluminum and yard waste, unless otherwise determined by the Commissioner or the President of the Islip Resource Recovery Agency.

### **REFUSE**

Components of the waste stream generated by an individual or entity that include unwanted or unusable materials which are discarded after primary use or are worthless, defective, and/or no longer of use to said individual or entity.

### **REGISTRANT**

An organization or person that registers a donation drop-off bin with the Town pursuant to the provisions of this chapter.

### **REGULATED MEDICAL WASTE**

All material so defined under 6 NYCRR ~~360-17219.1~~ and relevant sections of the Public Health Law of the State of New York.

### **RESIDENCE**

A building or parcel of land having three or fewer dwelling units, ~~located within and~~ serviced through a Special Garbage and Refuse District of the Town of Islip.

### **RESIDENT**

A person residing in or owning a residence.

### **SOLID WASTE**

Materials or substances discharged or rejected as being spent, useless, worthless or unwanted by the owner at the time of such discard or rejection, except sewage and other highly diluted water-carried materials or substances and those in gaseous form. Such wastes shall include but are not limited to ~~garbage~~ refuse, sludge, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal, abandoned vehicles, tires, agricultural waste, industrial waste, commercial waste and construction and demolition debris.

### **SOLID WASTE AND RECYCLABLES DISPOSAL ACCOUNT**

The payment account registration of any person who delivers commercial solid waste and recyclables ~~from a single nonresidence or multiple residence to a Town disposal facility operated by or on behalf of the Town of Islip or the Islip Resource Recovery Agency.~~

### **SOLID WASTE AND RECYCLABLES SERVICES**

The business of handling, removal, storage or disposal of solid waste and recyclables, including but not limited to placing or removing containers for solid waste on or from sites within the Town not owned by the person placing or removing the containers and transporting solid waste from or to any location within the Town.

### **SOURCE SEPARATION**

Dividing solid waste into some or all of its component parts at the point of generation or disposal facility; including the separation of recyclables from each other or the separation of recyclables from other solid waste.

### **SPECIAL GARBAGE AND REFUSE DISTRICT**

District established as allowed for by Islip Town Code §3-5 to provide municipal waste collection services for household waste from residences with three or fewer dwelling units.

### **TOWN**

The Town of Islip.

### **TOWN BOARD**

The Town Board of the Town of Islip or the Board of Directors of the Islip Resource Recovery Agency, unless otherwise stated herein.

### **TOWN CLERK**

The Town Clerk of the Town of Islip.

## TRANSFER STATION/RECYCLING CENTER

Any combination of structures, machinery and facilities used for the off-loading of solid waste and recyclables from collection vehicles, ~~the recovery of recyclables from said solid waste source separation~~ and the reloading of ~~nonrecyclable~~ solid waste and recyclables into vehicles for disposal.

## YARD WASTE

Leaves, ~~grass clippings, garden debris,~~ shrubs, branches and similar ~~material~~ agricultural waste as designated by the Commissioner.

### § 21-3 Determination of ~~Recyclables~~ solid waste.

For purposes of General Municipal Law § 120-aa, the determination of whether any component of the solid waste stream generated within the Town of Islip is capable of being reused or recycled and is a component for which economic markets exist, as that term is defined in General Municipal Law § 120-aa, shall be made by the Commissioner after notice and the opportunity for a public hearing, unless any such component is so determined by action of the State of New York. As of the effective date of this section, such components shall be deemed to be newspapers, corrugated cardboard, ferrous metal, aluminum beverage containers, plastic beverage containers, ~~and glass~~ textiles and electronic waste, pending any subsequent determination by the Commissioner. Nothing herein shall be deemed to prohibit the recycling or reuse of any material or substance in any market which may appear from time to time absent action by the Commissioner or the State of New York.

### § 21-4 Provisions for Residences in the Special Garbage and Refuse District; penalties for offenses.

~~A. It shall be the responsibility of all residents of the Town of Islip to separate and place out for collection all recyclable components of solid waste generated at their residences.~~ **Household Waste Collection**

#### 1. Refuse receptacles

- a. Any person receiving residential household waste collection services shall provide suitable standard metal or plastic refuse receptacles for deposit of household waste. Said receptacles shall be watertight, kept covered with a lid and maintained in a sanitary condition by periodic cleaning. Said pails, when full, shall weigh no more than 50 pounds and not exceed a capacity of 40 gallons, unless otherwise provided by a Special Refuse and Garbage District carter.
- b. When household waste is wet or contains animal carcasses or other putrescible material, said waste shall be double bagged in a manner that prevents insects, vector or any other public health and safety hazards. Said bags shall weigh no more than 30 pounds.
- c. Refuse receptacles are to be placed at the curb no earlier than 4:00pm on the day before collection and shall be removed from the collection point to a location to the rear of the front line of the main dwelling no later than 10:00am the day after the day of collection.
- d. All household waste and receptacles set out for collection at a residence shall be placed to the paved roadway in one location, extending no further than four feet into the roadway and no closer than four feet from any adjacent parcel. Household waste shall be placed in an area without overhead obstruction and no closer than three feet to any vehicles or other personal property.



## 2. Unauthorized Household Waste Disposal

- a. It shall be unlawful for any owner, person in managing possession or occupancy of a residence to transport to or otherwise allow for the placement of waste generated at a location other than that of said residence for storage, collection or any other purpose.
- b. It shall be unlawful for any person to place a hazardous substance out for collection.
- c. It shall be unlawful for any person to place regulated medical waste out for collection.
- d. It shall be unlawful for any resident to place grass clippings out for collection by the Town of Islip or its designated contractors at any time.
- e. It shall be unlawful for any person delivering waste to a disposal facility operated by or on behalf of the Town of Islip or the Islip Resource Recovery Agency to represent themselves as a Special Garbage and Refuse District residence owner or occupant when the waste has been generated from a location other than said residence.
- f. Refuse generated at residences in the Special Garbage and Refuse District that are rental properties and not owner occupied are subject to all disposal fees at a Disposal facility operated by or on behalf of the Town of Islip or the Islip Resource Recovery Agency.

~~B. The Commissioner shall have the authority to designate the recyclable components of the residential waste stream and to further designate the day or days upon which said recyclables and/or any other component of the residential waste stream shall be placed out for collection by the Town of Islip or its designated agents.~~**Recyclable Commodities.**

1. **Designation of Recyclables.** The Commissioner shall have the authority to designate the recyclable commodities of the residential waste stream and to further designate the day or days upon which said recyclables and/or any other commodity of the residential waste stream shall be placed out for collection by the Town of Islip or its designated agents.
2. **Requirements of Household Waste Separation** It shall be unlawful for any resident to place out for collection with solid waste any recyclables designated by the Commissioner for separate collection.
3. **Right of Ownership** Ownership of recyclables set out for collection shall thereupon vest in the Town. It shall be unlawful for a person to collect, remove or dispose recyclables which are the property of the Town without first having obtained the license required by this chapter. Persons who collect or remove recyclables which belong to the Town shall deliver and dispose of the same at such location as the Commissioner shall designate for that purpose.

~~C. Ownership of recyclables set out for collection at residences shall thereupon vest in the Town. It shall be unlawful for a person to collect, remove or dispose of recyclables which are the property of the Town without first having obtained the license required by this chapter. Persons who collect or remove recyclables which belong to the Town shall deliver and dispose of the same at such location as the Commissioner shall designate for that purpose.~~**Penalties.**

A violation of §21-4A and §21-4B shall be considered a violation of law and shall be punishable by a fine of no less than \$100 and no more than \$500 or by a term of imprisonment not to exceed 15 days, or both.

D. It shall be unlawful for any resident to place out for collection with solid waste any recyclables designated by the Commissioner for separate collection. It shall be unlawful for any resident to place grass clippings out for collection by the Town of Islip or its designated contractors at any time.**Obstruction of Municipal Service.**

It shall be unlawful for any person or entity to obstruct a Special Garbage and Refuse District service vehicle and/or individual from the duty of collection or inspection by physical presence of their person or personal property.

**1. Penalties**

A violation of this subsection shall be considered a violation of the law and punishable by a fine no less than \$250 and no greater than \$1,000 may be subject to the cost of alternate collection for any residences which the service vehicle was unable to collect, or by a term of imprisonment not to exceed 15 days, or both.

**E. Garbage receptacles: Hours of Collection**

[Added 6-10-2008 by L.L. No. 5-2008(1)]

(1) Any person receiving residential solid waste collection services shall provide suitable standard metal or plastic garbage receptacles for deposit of garbage and household solid waste. Said receptacles shall be watertight, kept covered with a cover and maintained in a sanitary condition by periodic cleaning.

(2) When household garbage is wet or contains animal carcasses or other putrescible material, said garbage shall be bagged in a manner that prevents insects, vector or any other public health and safety hazards.

(3) Garbage receptacles are to be placed at the curb no earlier than 4:00 p.m. on the day before collection and shall be removed from the collection point to a location to the rear of the front line of the main dwelling no later than 12:00 noon the day after the day of collection.

[1] Editor's Note: This local law also redesignated former Subsection E as Subsection F.

It shall be unlawful for any Special Garbage and Refuse District carter to collect waste prior to 6:00am or later than 5:00pm without prior authorization from the Commissioner.

**1. Penalties**

A violation of this subsection shall be considered a violation of the Special Garbage and Refuse Contract and punishable by a fine set forth in said contract.

**F. Penalties.** Any violation of this section shall be considered a violation of law and shall be punishable as follows:

(1) For a first offense, by a fine not to exceed \$50.

(2) For a second offense, by a fine not to exceed \$100.

(3) For a third or subsequent offense, by a fine not to exceed \$500 or by a term of imprisonment not to exceed 15 days, or both.

**§ 21-5 Provisions for nonresidences Commercial Solid Waste and multiple residences; penalties for offenses Recyclables Disposal.**

**A. Recycling Requirements**

~~It shall be unlawful for any the responsibility of all persons owning or in possession of any nonresidences or the record owner or managing agent of any multiple residence in the Town of Islip to provide for the collection separation of the solid waste from said nonresidence or multiple residence and recyclables generated at said nonresidences into recyclable components as defined in §21-3 hereof. by any person not licensed to provide solid waste services pursuant to this chapter; provided, however, that any such person may deliver solid waste generated only at that nonresidence or multiple residence to Town disposal facilities upon the payment of the proper fee therefor and in conformance with the rules of the facility and the laws of the County of Suffolk and the State of New York governing the transport of waste material over the public roads. Such persons may establish a solid waste disposal account at a Town disposal facility for the regular delivery of such waste.~~

**B.** ~~It shall be unlawful for any person to place solid waste into a container provided for collection by, or for the use of, another person without the express written consent of the person providing said container.~~ **Permitted Services.**

1. It shall be unlawful for any person to obtain solid waste and recyclables services by any person not permitted in accordance to this Chapter.
2. It shall be unlawful for any owner or managing agent of a parcel to allow for the placement of a donation drop-off bin on said parcel by any person not permitted in accordance with this Chapter.

**C.** ~~It shall be unlawful for any person to dispose of waste generated at nonresidences in Town of Islip waste or recycling containers placed on the public streets or other locations, except those expressly designated for such waste.~~ **Container Placement.**

1. It shall be unlawful for a commercial services customer to allow for the placement of a container upon public roads, Town-owned property, right-of-ways, and sidewalks, or in any way outside the confines of the parcel originating the refuse unless prior approval has been granted in writing by the Town of Islip.
2. It shall be unlawful for a commercial services customer to allow for the placement of a container less than four feet from a public road unless prior approval has been granted in writing by the Town of Islip, or less than 4 feet from a neighboring parcel, unless prior approval has been granted in writing by the adjacent owner.

**D.** ~~Penalties. Any violation of this section shall be considered a violation of law and shall be punishable by a fine or imprisonment as set forth in § 21-4E.~~ **Container Capacity.**

It shall be unlawful for commercial service customer to allow for a container to be filled beyond the upper brim of said container.

**E. Maintenance Responsibility.**

It shall be the responsibility of all commercial service customers to maintain a minimum of six feet surrounding their container or container enclosure should one exist, free of all debris, spills and litter. This shall not supersede the need for owners of a parcel to maintain their properties free of litter and debris as set forth in this Chapter and the Town Code.

**F. Theft of Commercial Service.**