LOCAL LAW NO. ___ OF THE YEAR 2025

TOWN OF GARDINER, ULSTER COUNTY, NEW YORK

A LOCAL LAW REGULATING THE PLACEMENT, SETBACK, AND ENCLOSURE OF RESIDENTIAL DUMPSTERS IN THE TOWN OF GARDINER

BE IT ENACTED by the Town Board of the Town of Gardiner, Ulster County, New York, as follows:

§ 1. Purpose.

The purpose of this Local Law is to protect the health, safety, welfare, and aesthetic character of residential neighborhoods in the Town of Gardiner by regulating the placement, setback, and screening of dumpsters on residential properties. This Local Law is intended to prevent dumpsters from being placed in a manner that obstructs roadways, creates visual blight, encourages vermin, or constitutes a nuisance to neighboring properties.

§ 2. Applicability.

This Local Law shall apply to all residential properties within the Town of Gardiner, Ulster County, New York, where a dumpster is placed, whether on a temporary or permanent basis. This Local Law does not apply to temporary roll-off containers placed in connection with an active, permitted construction or demolition project, provided such containers comply with all applicable setback and safety requirements during the permitted project period.

§ 3. Definitions.

As used in this Local Law, the following terms shall have the meanings set forth below:

(A) "Dumpster" means any large container having capacity of 1 yard or more, a receptacle, or bin used or intended for use in the collection, storage, or removal of solid waste, refuse, rubbish, or recyclable materials, whether permanent or temporary in nature.

(B) "Enclosure" means a structure consisting of opaque walls or fencing on a minimum of three (3) sides, with a gate or operable panel on the fourth side, designed to fully screen a dumpster from public view and from adjoining properties.

(C) "Offloading" means the active and ongoing emptying or removal of waste from a dumpster by a licensed waste hauler or authorized service provider.

(D) "Front yard setback" means the minimum distance required under the Town of Gardiner Zoning Law, Chapter 220, between the front property line and any

structure or use on the subject parcel, as applicable to the zoning district in which the property is located.

(E) "Residential property" means any parcel of land located in the Town of Gardiner that is used or zoned primarily for residential purposes.

§ 4. Setback Requirements.

No dumpster shall be placed on a residential property in violation of the following setback requirements:

(A) Front Yard: No dumpster shall be placed in the front yard of any residential property. Any dumpster placed on a residential property must be set back from the front property line a distance no less than the minimum front yard setback required for the applicable zoning district under Chapter 220 of the Town of Gardiner Code.

(B) Side and Rear Yards: Dumpsters shall comply with the applicable side and rear yard setback requirements for the zoning district in which the property is located, as set forth in Chapter 220 of the Town of Gardiner Code.

(C) Road Frontage: No dumpster shall be placed at the edge of, or adjacent to, any public or private road, right-of-way, or highway. Under no circumstances shall a dumpster be placed so as to obstruct the sight lines, travel lanes, or shoulders of any roadway.

§ 5. Enclosure and Screening Requirements.

(A) General Requirement. Except as provided in § 6 of this Local Law, all dumpsters on residential properties shall at all times be enclosed within a fully enclosed screening structure that is opaque and a minimum of five (5) feet in height, or higher than the dumpster itself, whichever is greater.

(B) Design Standards. The enclosure shall screen the dumpster on all sides visible from any public road, right-of-way, or adjoining property. The enclosure shall be constructed of durable materials including, but not limited to, wood, masonry, vinyl fencing, or other materials approved by the Building Department. Chain-link fencing without opaque screening inserts shall not satisfy the requirements of this section.

(C) Maintenance. The enclosure and its gate or access panel shall be maintained in good repair at all times. Damaged or deteriorating enclosures shall be repaired or replaced within thirty (30) days of notice from the Code Enforcement Officer.

§ 6. Permit Required for Enclosure Construction.

(A) Building Permit Required. Prior to the erection, construction, or installation of any dumpster enclosure required or permitted under this Local Law, the property owner shall obtain a building permit from the Town of Gardiner Building Department Section 92-4(B) of the Town of Gardiner building code does not apply to this law,

(B) Application. Applications for a building permit shall be submitted to the Building Department on forms prescribed by the Building Department and shall include such

plans, specifications, and information as the Building Department may require to evaluate compliance with this Local Law and all applicable building codes.

(C) Building Department Approval. No enclosure shall be erected or used until the Building Department has reviewed and approved the permit application and issued the building permit. The Building Department may impose reasonable conditions of approval to ensure compliance with this Local Law, the New York State Uniform Fire Prevention and Building Code, and any other applicable law or regulation.

(D) Certificate of Compliance. Upon completion of the enclosure, the property owner shall request an inspection by the Building Department. No enclosure shall be placed into use until the Building Department has confirmed that the enclosure complies with the terms of the building permit and this Local Law.

§ 7. Exception for Active Offloading.

The enclosure requirements of § 5 shall not apply during the active offloading of a dumpster by a licensed waste hauler or authorized service provider. Offloading activities shall be conducted only during the following hours:

Monday through Saturday: 7:00 a.m. to 7:00 p.m.

Sunday: No offloading permitted.

Upon completion of offloading, the dumpster shall be returned to its fully enclosed position within a reasonable time, not to exceed two (2) hours.

§ 8. Enforcement.

This Local Law shall be enforced by the Town of Gardiner Code Enforcement Officer or Building Inspector. Upon finding a violation of this Local Law, the Code Enforcement Officer shall issue a written notice of violation to the property owner by personal service or by certified mail, return receipt requested. The notice of violation shall describe the violation and require correction within a reasonable time, not to exceed ten (10) days from the date of the notice, unless the nature of the violation presents an immediate hazard, in which case immediate correction may be required.

§ 9. Penalties.

(A) Any person, firm, corporation, or entity found to be in violation of any provision of this Local Law shall be subject to a fine of Three Hundred Fifty Dollars ($350.00) per violation.

(B) Each day that a violation continues after the expiration of the cure period set forth in the notice of violation shall constitute a separate and distinct violation subject to an additional fine of Three Hundred Fifty Dollars ($350.00) per day.

(C) The imposition of fines under this section shall not preclude the Town from seeking injunctive relief or any other remedy available at law or in equity to compel compliance with this Local Law.

§ 10. Severability.

If any section, subsection, paragraph, clause, phrase, or provision of this Local Law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining portions of this Local Law, it being the intent of the Town Board that this Local Law shall stand notwithstanding the invalidity of any part.

§ 11. Supersession.

This Local Law is adopted pursuant to Municipal Home Rule Law § 10 and is intended to supersede any inconsistent provision of the Town Law of the State of New York to the extent permitted by law.

§ 12. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York in accordance with the Municipal Home Rule Law.

_____

Town Supervisor, Town of Gardiner

Adopted by the Town Board of the Town of Gardiner

on the _____ day of _____, 20___.

Attested by:

_____

Town Clerk, Town of Gardiner