

# NYSAR RECYCLING CONFERENCE

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2014 – Otesaga, Cooperstown, New York  
Community Relations and Municipal Codes

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# Paul T. Neske

## Code Enforcement Office

### Town of Oneonta

#### Background / Resume

Code Enforcement Officer Town of Oneonta since 2005

Zoning Enforcement Officer in Town of Maryland and Village of Milford since 2003

Southern Tier Building Officials Association – Currently serve as President

New York State Building Officials Association

New York State Fire Marshalls and Inspectors Association

Nation Fire Protection Association

Schenevus Fire Department - Assistant Fire Chief

# Clothing Bins

What are we talking about?



# Clothing Bins

Why are we concerned?



Not too bad, right?



You never know what the next call may be.....



Could it get worse?



Yes, it can....





# So how do we deal with this issue?

- Accountability
- Municipal oversight thru local laws, site plan review, and enforcement
- Building Codes
- Fire Codes

## Accountability

NYSAR3 supports the following “Textile Bin Best Management Practices,” and strongly urges all private and not-for-profit entities to consistently follow these practices in order to maintain the public’s confidence in and support for their collection operations:

Textile Bin Best Management - Practices DRAFT

- 1) Bins should clearly identify the name, phone number, and web address of the company/organization responsible for maintaining the bin.
- 2) Bins should clearly list all types of items/materials accepted for donation. In keeping with the goals of NYSAR3’s statewide textile reuse and recycling campaign, NYSAR3 strongly urges all bin owners/operators to accept non-wearable clothing and other types of textiles in addition to wearable clothing.
- 3) For-profit companies should clearly disclose the profit nature of your business on the bin; and refrain from using deceptive or ambiguous labels/logos on bins that imply donations will go to support a particular cause if there is no underlying affiliation with a charity.
- 4) All companies and organizations should obtain written consent from a property owner prior to placing and/or moving a collection bin on private property.
- 5) Bins should be regularly serviced to avoid accumulation of donated items or debris about the bins.
- 6) Property owners of locations “hosting” bins should be provided with contact information for bin providers, and a written commitment from them to respond within 24 hours to any complaints regarding box maintenance.
- 7) Bin owners must comply with all applicable local, state and municipal zoning and permitting requirements.

# Municipal Oversight

Local laws

Land use regulations

Site plan review

- Local laws and codes are all different. You need to contact the Municipality and speak with them about what the rules are.
- Local laws and regulations are the road map of land use compliance a municipality sets for new development and property use.
- If a community has land use or zoning regulations in place, they are based on the Comprehensive Plan of the Municipality.
- The Comprehensive Plan is a visionary document that outlines the direction a municipality desires to head in and serves as the basis of the road map to get there.
- Site Plan Review is a tool that the municipality uses to protect both the entity desiring to place a use on a property and the adjoining owners. Creating a balance and harmony in the community.

# Municipal Oversight

Local laws

Land use regulations

Site plan review

- **Town of Oneonta, NY**
  - Treat clothing bins as accessory structures and use
  - Site plan review is required. Items addressed are vehicle circulation, pedestrian traffic, exterior material accumulation, security, contact information for responsible party.
- **Town of Pawling, NY**
  - Clothing containers may be permitted on private property or at locations approved by the Town Board. The owners are responsible for maintenance and no outside storage of clothing is allowed outside of the container.
- **City of Deerfield Beach**
  - The purpose of their Limitation on Donation Bins Chapter shall be to provide rules, regulations, and standards for the limited placement and use of donation clothing bins, in order to promote the public health, safety, convenience, and welfare of the city.

## Building Codes

Why do we have codes?

“...in order to provide a basic minimum level of protection to all people of the state from the hazards of fire and inadequate building construction.”

- The objective of Code Enforcement is compliance through prevention and abatement.
- NYS Law mandates that the NYS Uniform Fire Prevention and Building Code (UFPBC) be enforced.
  - This enforcement is through the local municipality, county government, or the Department of State.
  - The findings and purpose of the UFPBC reflects that prior to 1984 there was no single uniform standard to provide a minimum level of protection from the hazards of fire and equal protection to residential and non residential buildings and their immediate premises.
- The UFPBC addresses exterior property areas, and their hazards thru the Property Maintenance and Fire Codes of New York State.

# From a Property Maintenance Code standpoint what's wrong?



# Fire Code

Purpose?

- Provides minimum requirements for:
  - Life safety
  - Property protection
  - Hazards from fire and explosion
  - Dangerous conditions
- **Combustible Waste Material (Chapter 3)**
  - No accumulation of combustible material in buildings or structures or upon premises.
  - Combustible waste material is prohibited on courts, yards, alleys, and parking lots
  - Combustible waste material shall not be stored in a manner that will be a nuisance or hazard to safety, health, and welfare.
  - Combustible waste materials storage containers must be listed, labeled and placed in accordance with the fire code to prevent fire extension.
  - Not within 10 of property lines or within 5 feet of combustible construction.

Can this be prevented, YES, it can....





You can't protect everyone, but if best management practices and judicious code enforcement is applied we can minimize these incidents



# Contact Information

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