

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~ of Sheldon

Town
~~Village~~

Local Law No. 1 of the year 19 92

A local law establishing source separation and recycling
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~ of Sheldon as follows:

Town
~~Village~~

Section 1: Purpose.

a. The Town of Sheldon finds that the removal of certain materials from the Solid Waste stream will decrease the amount of Solid Waste disposed in landfills and aid in the conservation of valuable resources.

b. The Town finds that the New York Solid Waste Management Act of 1988 requires all municipalities to adopt a Local Law by September 1, 1992 requiring separation of recyclable and reusable material from Solid Waste.

c. The Town finds that in order to protect the health, safety and welfare of the people of the Town, it is necessary for the Town to enact this Local Law in order to encourage and facilitate the maximum recycling practicable on the part of every residence and every commercial, industrial and institutional enterprise.

d. The Town declares that the purpose of this Local Law is to establish, implement and enforce recycling-related practices and procedures to be applicable to all Waste Generators within the Town and to all Waste Haulers which operate within the Town.

Section 2: Definitions.

- a. Authorized Facility shall mean a public or private facility or facilities where Recyclables may be delivered for disposal, including but not limited to, drop-off centers, materials recovery facilities or other such public or private facilities designated by the Town.
- b. Economic Market shall mean when the full cost of proper collection, transportation and disposal of a component of Solid Waste is equal to or greater than the cost of the sale of the component.
- c. GLOW Recycling Administrator shall mean that staff member of the GLOW Region Solid Waste Management Committee.
- d. Recyclables shall mean paper, glass, metal, plastic, garden and yard waste and any other component of Solid Waste for which an Economic Market exists; or any component so designated by the Town.
- e. Solid Waste shall mean all putrescible and nonputrescible solid waste, including but not limited to, materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as industrial, commercial and agricultural waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly-diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act

of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the New York Commissioner of Environmental Conservation.

f. Source Separation shall mean the segregation of Recyclable material from the Solid Waste stream at the point of generation for separate collection, sale or other disposition.

g. Town shall mean the Town of Sheldon, County of Wyoming, New York.

h. Waste Generator shall mean any person, household, business, governmental agency, municipality or other legal entity which produces Solid Waste requiring off-site disposal.

i. Waste Hauler shall mean all persons engaged in the commercial collection, transportation and/or disposal of Solid Waste and/or Recyclables generated, originated or brought within the Town.

Section 3: Administration.

To the extent necessary and consistent with other municipal enactments of a similar nature, the Town shall be primarily responsible for all ministerial and administrative duties described or reasonably required by the terms of this Local Law.

Section 4: Preparation of Recyclables for Collection.

a. Each Waste Generator in the Town shall provide for the removal of Recyclables from the property on which they are generated either through a service provided by a municipality, or a private hauler or by direct haul by the individual Waste Generator to an Authorized Facility.

b. Nothing in this Local Law is intended to prevent any Waste Generator from making arrangements for the reuse, private collection, sale or donation of Recyclables.

Section 5: Waste Haulers.

a. All Waste Haulers in the Town shall offer or cause to be offered to their customers collection, transportation and disposal services for Recyclables to the same extent any such Waste Hauler offers collection, transportation and disposal services for Solid Waste. Such services shall be provided on the same day(s) as Solid Waste collection, transportation and disposal services are provided.

b. No Waste Hauler shall be required to accept for collection Solid Waste which has not been Source-Separated or is a hazardous waste.

c. Waste Haulers shall recycle or cause to be recycled no less than eighty-five percent (85%), by weight, of the Recyclables collected in the Town.

d. All Waste Haulers must maintain all records and supply the GLOW Recycling Administrator with a quarterly report of its activities. Such quarterly report shall indicate: the tonnage of Solid Waste collected in the Town; the location of disposal of Solid Waste collected in the Town; the tonnage of Recyclables collected in the Town; and the market(s) for the Recyclables collected in the Town.

e. Quarterly reports shall be provided no later than thirty (30) days after the end of the quarter with the first quarter being January, February and March; the second quarter being April, May and June; the third quarter being July, August and September and the fourth quarter being October, November and December.

Section 6: Enforcement.

a. The Town may inspect all portions of vehicles and/or containers used in the collection, transportation and/or disposal of Solid Waste and/or Recyclables, including but not limited to, containers placed at the curbside of residences, to ascertain compliance with the terms and conditions of this Local Law.

b. Any Waste Generator or any Waste Hauler not in compliance with this Local Law shall be subject to enforcement proceedings not inconsistent with the provisions of any local law providing for enforcement of mandated Source-Separation and recycling.

c. Violation of this Local Law shall be a violation as defined in Article 10, Subdivision 3, of the Penal Law and punishable by a minimum fine of Fifty Dollars (\$50.00) and not to exceed One hundred Dollars (\$100.00) and/or imprisonment for a period of fifteen (15) days.

i. An action or proceeding may also be maintained in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this section.

Section 7: Regulations.

The Town is authorized to further implement the purposes of this Local Law by promulgating regulations from time to time as necessary.

Section 8: Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Local Law is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Local Law.

Section 9: Effective Date.

This Local Law shall become effective upon the filing with the Secretary of State.