

1990-5

(Please Use this Form for Filing your 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 Chenango.....
~~Town~~
~~Village~~

Local Law No.5..... of the year 19 . 90

A local law Source Separation Law.....
(Insert title)

Be it enacted by the ...Chenango County Board of Supervisors..... of the
(Name of Legislative Body)

County
~~City~~ of Chenango..... as follows:
~~Town~~
~~Village~~

The Solid Waste Committee offered the following, and moved its adoption:

Introduced as Proposed Local Law No. 7 of 1990

SECTION 1.0 TITLE

1.1 This law shall be known of the "SOURCE SEPARATION LAW".

SECTION 2.0 DECLARATION OF PURPOSE

2.1 The Solid Waste Committee and the Chenango County Board of Supervisors recognizes the importance of recycling as a cost effective and environmentally sound method of solid waste management. It shall be the purpose of this law to encourage maximum recycling practices on the part of each and every household, business, and institution within Chenango County. It shall further be the purpose of the Chenango County Source Separation Law to establish, implement and enforce minimum recycling related practices and procedures to be applicable to all waste generators within the County.

SECTION 3.0 AUTHORITY

3.1 This local law is hereby enacted pursuant to the authority granted by section 10 and section 120-aa of the New York State Municipal Home Rule Law.

SECTION 4.0 DEFINITIONS

4.1 RECYCLABLE MATERIALS: Those materials designated by resolution of the Chenango County Board of Supervisors for inclusion in the mandatory recycling or source separation law, initially including the following:

4.1.1 CORRUGATED CARDBOARD: Corrugated cardboard boxes, containers and packaging which are cleaned of contamination by food wastes, adhesives, metals or plastics and which have been flattened for transport. This does not include press board or craft paper.

4.1.2. GLASS: Clear, green and amber glass jars, bottles and containers that have been rinsed and caps removed. This term excludes ceramic, window glass, auto glass, mirror and kitchenware.

4.1.3. METAL FOOD CANS: Metal food cans, jars and containers which are rinsed. This term excludes aerosol cans, paint cans and metal containers that contained hazardous liquids.

4.1.4. NEWSPAPER: Common machine finished paper made chiefly from wood pulp used for printing newspapers. Must be dry and free of contaminants. This term excludes glossy finished papers, including inserts, and magazines.

(If additional space is needed, please attach sheets of the same size as this and number each)

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4.1.5. HDPE PLASTIC: High Density Polyethylene plastic milk jugs and detergent bottles which are empty, rinsed and caps removed. This term excludes all film, vinyl, rigid and foam plastic materials.

4.1.6. OTHER RECYCLABLES: Any additional items designated by resolution of the Chenango County Board of Supervisors.

4.1.7. TIRES: Rubber tires from automobiles, trucks, farm machinery and any other motorized vehicle.

4.1.8. WHITE GOODS: Major household appliances including refrigerators, washing machines, dryers, stoves, dishwashers, water heater tanks and similar items.

4.2. MATERIALS RECOVERY FACILITY: A public facility approved by resolution of the Chenango County Board of Supervisors for receiving and processing recyclable materials into marketable commodities.

4.3. DROP OFF CENTER: A publicly operated facility approved by the Chenango County Director of Waste Management where a person can deliver their recyclable materials.

4.4. SOURCE SEPARATION: The segregation of disposable materials into recyclable materials and non-recyclable garbage at the site of the waste generator.

4.5. WASTE GENERATOR: Any person/persons or legal entity which produces waste requiring off-site disposal.

4.6. PRIVATE WASTE HAULER: Any person or business who contracts or otherwise arranges with the waste generator to collect and transport recyclable and non-recyclable waste materials for disposal.

SECTION 5.0 GENERAL PROVISIONS

5.1 Every WASTE GENERATOR including governmental entities in Chenango County shall separate RECYCLABLE MATERIALS from other non-recyclable waste and shall further separate recyclable material by the type of material as defined or designated under Section 4.1.

5.2 RESIDENTIAL HOUSEHOLDS shall make RECYCLABLE MATERIAL separated by type of item available for collection by a RECYCLABLES COLLECTOR separate from non-recyclable waste on a schedule established by the recyclables collector. Or shall deliver or cause to be delivered SOURCE SEPARATED RECYCLABLE MATERIAL to a DROP OFF CENTER or MATERIALS RECOVERY FACILITY.

5.3 It shall be a violation for a WASTE GENERATOR or a RECYCLABLES COLLECTOR to attempt to dispose of RECYCLABLE MATERIALS as waste or to fail to separate recyclable material by type under section 4.1 as defined or designated.

5.4 If plastic bags are used for non-recyclable waste, these plastic bags must be clear plastic. This provision is not applicable to waste generators that do not collect waste in plastic bags.

SECTION 6.0 ADMINISTRATION

6.1 The administration of this law shall be the responsibility of the Chenango County Board of Supervisors through the Chenango County Department of Waste Management. Said Board shall take such action as it deems necessary and appropriate to effectuate the intent and provisions hereof.

SECTION 7.0 ENFORCEMENT

7.1 Enforcement of the provisions of this law shall be by any law enforcement officer or agency exercising jurisdiction within Chenango County by any County official acting in his or her official capacity.

7.2 In addition to any fines or penalties provided for herein, the County may utilize any other remedy including injunction available from a court of proper jurisdiction.

SECTION 8.0 CRIMINAL PENALTIES

- 8.1 Failure of a WASTE GENERATOR to comply with the provisions of this law shall be designated as a violation and shall be punishable by a maximum fine of Fifteen Dollars (\$15.00) for the first offense:

Thirty Dollars (\$30.00) for the second offense within twelve (12) months; Fifty Dollars (\$50.00) for the third offense within twelve months, and One Hundred Dollars (\$100.00) for each subsequent offense within twelve months.
- 8.2 Failure of a PRIVATE WASTE HAULER to comply with this law shall be a designated violation and shall be punishable by a maximum fine of Two Hundred Fifty Dollars (\$250.00) for the first offense; Five Hundred Dollars (\$500.00) for the second offense within twelve (12) months and One Thousand Dollars (\$1,000.00) for each subsequent offense within twelve (12) months.
- 8.3 One hundred percent (100%) of the criminal fines collected in the enforcement of this law shall be returned to the enforcing municipality for which the sentencing Court sits and shall be used for environmental improvement programs.

SECTION 9.0 CIVIL PENALTIES

- 9.1 In addition to the criminal fines imposed under sections 8.1 and 8.2 above, the offender shall pay a civil penalty in an additional amount equal to that of the criminal fine.
- 9.2 The County shall have the right to pursue civil penalty or other remedies regardless of whether a criminal proceeding is, has been or is to be commenced.
- 9.3 Should an offender not make payment of a fine or penalty within thirty (30) days of imposition, said offender shall be banned from the use of all Chenango County Landfills until payment is made.
- 9.4 All civil penalties shall be payable directly to the Chenango County Treasurer and utilized by the Chenango County Department of Waste Management for recycling purposes.

SECTION 10 SAVINGS CLAUSE

If any part of this local law is found to be illegal by a court of competent jurisdiction, the remaining parts hereof shall remain in full force and effect.

SECTION 11 EFFECTIVE DATE

11.1 This Source Separation Law shall become effective on January 1, 1991.

Seconded by Mr. Crouch

Results of a roll call vote were: Yes-2,257, No-31, Absent-183

No: Supervisor Brown

Absent: Supervisor Maltzan

The Chairman declared the Local Law duly adopted.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ... 5 ... of 19 90...
County
of the ~~City~~ of ... Chenango ... was duly passed by the . Chenango County Board of Supervisors
~~Town~~ (Name of Legislative Body)
~~Village~~ XXXX
on August 13 19 90 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ of was duly passed by the
~~Town~~ (Name of Legislative Body)
~~Village~~
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ of was duly passed by the
~~Town~~ (Name of Legislative Body)
~~Village~~
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ of was duly passed by the
~~Town~~ (Name of Legislative Body)
~~Village~~
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was subject to a permissive referendum and
no valid petition requesting such referendum was filed as of 19,
in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of §36 §37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special general election held on 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative. (If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

[Signature]
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 17, 1990



Chenango County, SS
Recorded on this 17th Day
of August 1990 at 3:43
o'clock P. M., In Liber 1 of
Tacal Laws
at Page 75 and examined
Fred A. Meda Clerk

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Chenango

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Richard W. Bresh
Signature
County Attorney
Title

Date: August 17, 1990

County
~~City~~ of Chenango
~~Town~~
~~Village~~