

## **ARTICLE III. Mandatory Recycling**

### **§ 97-17. Legislative declaration.**

Believing that a significant amount of recyclable or reusable material can be removed from the solid waste stream being generated within the Town of Bethlehem and in order to facilitate the conservation of vital and natural resources through recycling and in recognition of the established public policy of the State of New York to encourage local governments to implement comprehensive materials recycling programs as part of their solid waste management strategies, the Town Board hereby finds that it is in the general public interest to implement environmentally sound, yet economically feasible, recycling programs to complement the Town's solid waste management system. In so doing the Town Board acknowledges those findings and recommendations of the Town of Bethlehem New York Solid Waste Task Force, contained in its Recycling Plan, dated June 1989, revised July 25, 1989.

### **§ 97-18. Definitions.**

For purposes of this article, those terms defined in §§ [97-1](#) and [97-10](#) of this chapter shall have the meanings indicated therein unless a different meaning or context is set forth or required in this article. The following additional terms shall have the meanings indicated:

#### **COMMERCIAL WASTE**

Solid waste other than residential or industrial waste.

#### **COMMERCIAL WASTE COLLECTOR**

Any person who collects residential, industrial or commercial waste from more than one household or from any business, institution or commercial establishment or industrial facility within the Town of Bethlehem or who otherwise transports or disposes of such wastes collected from said sources or who performs such service for a fee.

#### **CORRUGATED CARDBOARD**

Cardboard containers, boxes and packaging which is cleaned of contamination by food wastes, adhesives, metals, plastics and excess tape and which has been flattened or baled for transport. It excludes cereal or food-type packaging.

#### **GLASS CONTAINER**

Clear, green and amber (brown) glass jars, bottles and containers, empty, rinsed and with rings and caps removed.

#### **METAL CANS**

Tin, aluminum or other ferrous or nonferrous or composite cans and containers used for food or beverages. All metal cans shall be cleaned of contaminants, with labels removed.

#### **NEWSPAPER**

Common machine-finished paper, made chiefly from wood pulp, used for printing newspapers.

#### **OFFICE PAPER**

All bond paper, including computer printout, stationary, photocopy and ledger-free commercial wastepaper. Paper must be free of tape, adhesives, labels, rubber

bands, paper clips, binders and other contaminants. This term excludes carbon paper, chemical transfer paper, windowed envelopes, glossy paper and other waste papers of nonbond quality.

#### **PLASTIC CONTAINERS**

All high-density polyethylene (HDPE) and PET plastic containers clean of contaminants and with tops removed. If crushed, these containers do not break. The following "plastic containers" are acceptable: detergent bottles, plastic liquor bottles, peanut butter jars, soda bottles, milk and juice containers, shampoo containers, etc. This term excludes all film, vinyl, foam plastic materials, yogurt, cottage cheese and pudding type containers, pens, tops, bags, etc.

#### **RECYCLABLE MATERIALS**

Those materials specified by the Town of Bethlehem or the State of New York by law, ordinance, rule or regulation which are not hazardous and which are to be separated from the waste stream and held for reuse or which have, or may have in the future, market or other value. These materials shall include but not be limited to glass containers, plastic containers, corrugated cardboard, newspapers and metal cans as defined herein. The Superintendent of Highways may, with the approval of the Town Board, designate other kinds of solid wastes that shall constitute recyclable material.

#### **RESIDENTIAL WASTE**

All solid waste generated or produced by persons occupying buildings containing three or fewer dwelling units.

#### **WASTE SEPARATION**

The segregation or separation of recyclable or reusable materials from the solid waste stream at the source of its generation or production.

### **§ 97-19. Mandatory recycling requirements.**

A. The use by a resident, pursuant to a resident permit issued pursuant to Article [II](#) of this chapter, of any solid waste facility within the Town shall be conditioned upon said resident having separated recyclable materials as required herein from the solid waste to be disposed of.

B. As a condition for obtaining any permit required by this chapter or for the use of any solid waste facility within the Town, all commercial waste collectors shall have filed with and obtained the approval by the Superintendent of Highways of a recycling plan setting forth the procedures, means and methods by which said commercial waste collector shall perform or require the separation from the solid waste so collected of recyclable materials. Each plan must require that recyclables from residential waste will be collected as often and on the very same day as the other residential waste collected by said commercial waste collector. Such plan shall also provide a schedule for the collection of recyclables from commercial waste.

C. In all instances, except where the commercial waste collector shall itself perform waste separation as defined herein, said commercial waste collector shall require its customers to separate recyclable waste at its source or generation point. Each commercial waste collector shall provide its residential customers with at least one

Town-approved plastic bin or container, from 14 to 40 gallons in capacity, for the placement of recyclables prior to their collection by the commercial waste collector.

D. Each commercial waste collector shall, as a condition of maintaining a permit required by this chapter, file with the Superintendent of Highways written reports, not less than every 30 days, containing any requested amendments to the collector's recycling plan, which shall be subject to the approval of the Superintendent of Highways, and also report concerning the amount of solid waste collected or transported by the commercial waste collector and further quantifying the amount of each recyclable segregated and the location and manner of the disposal of such recyclable materials.

E. The Superintendent of Highways may, subject to the approval of the Town Board, adopt rules and regulations concerning the specific methods by which said recyclable materials shall be segregated prior to their acceptance for disposal at any solid waste facility operated pursuant to Article [II](#) of this chapter.

F. No solid waste will be accepted by any solid waste management facility within the Town of Bethlehem if it contains recyclables which are mixed or commingled with other solid waste.

#### **§ 97-20. Further designation of recyclable materials.**

The above listing of recyclable materials shall not prohibit the establishment, by way of regulation promulgated by the Superintendent of Highways with the approval of the Town Board, of such further or additional recyclable items or materials that must be separated pursuant to this article.

#### **§ 97-21. Administration.**

A. The Superintendent of Highways shall be responsible for administering the mandatory recycling requirements of the Town of Bethlehem and for the issuance of rules or regulations implementing this chapter. The Town Building Inspector shall be responsible for the enforcement of any violations of this chapter or the rules and regulations issued there under.

B. The Town Board may establish one or more sites for the operation by or on behalf of the Town of Bethlehem of a recycling facility and shall establish the days and hours of operation of all such facilities.

C. The Superintendent of Highways shall be empowered to:

(1) Establish rules and regulations concerning the operation and use of such recycling facilities.

(2) Suspend any permit pending a hearing for revocation pursuant to § [97-22B\(1\)](#). Said suspension shall not exceed a period of 30 days. A permit may be temporarily suspended as provided for by this subsection in the event that the Superintendent of Highways determines, in his discretion, that a person holding said permit is in violation of this chapter and said violation constitutes or may create a danger to the aesthetics and environment of the Town or the health and safety of its inhabitants or that a person is utilizing said permit for a purpose or in a matter that is inconsistent

with this chapter or is allowing said permit to be utilized by a person other than the issuee of said permit.

**§ 97-22. Penalties for offenses.**

A. Any person who shall commit an offense against any of the provisions of this article or fail to comply therewith or with any of the provisions thereof shall be guilty of a violation and, upon conviction thereof be punishable by a fine not exceeding \$250 for each offense or by imprisonment for a term not to exceed 15 days, and/or by both fine and imprisonment. Each act or day of continuance shall constitute a separate violation.

B. Additional penalties.

(1) In addition to the penalties above provided, after a hearing the Town Supervisor may revoke any permit issued pursuant to this article if the Town Supervisor at such hearing determines that the holder of such permit is a persistent violator or incapable of or unwilling to comply with the provisions of this article or has intentionally or negligently acted or failed to act in a manner that has harmed or created a risk of harm to the aesthetics and environment of the Town and the health or safety of its inhabitants or has utilized said permit in a manner inconsistent with this article or has allowed said permit to be utilized by other than its issuee. The permittee shall have an opportunity to be heard at such hearing, which shall be held after such permit tee shall be served by written notice of such hearing in person or by registered mail, return receipt requested, not less than 15 days prior to the date of such hearing.

(2) The Town shall also have such other remedies as are provided by law.

**§ 97-23. Severability.**

If any clause, sentence, paragraph, section, article or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 97-24. Effective date.**

This chapter shall take effect September 1, 1990, and when the appropriate certified copies hereof are filed with the Secretary of State pursuant to the applicable provisions of the Municipal Home Rule Law.