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Town of Rensselaerville

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RE: Recycling

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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
Town of RENSSELAERVILLE
Village

Local Law No. 2 of the year 1991

A local law ENACT SOLID WASTE MANAGEMENT AND RECYCLING LAW
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County
City
Town of RENSSELAERVILLE as follows:
Village PUBLIC LAW NUMBER 2 FOR 1991

Section 1. Legislative Findings, Intent.

The Town Board of the Town of Rensselaerville finds that the reduction of the amount of solid waste and the conservation of recyclable materials are an important public concern. The separation and collection of newspaper, paper, cardboard, glass, cans, plastic containers, vegetative yard waste and other materials for recycling from the residential, commercial and institutional establishment in the Town will protect and enhance the Towns physical and visual environment as well as promote the health, safety and well being of persons and property within the Town by facilitating the implementation and operation of other forms of solid waste management, conserving natural resources, ensuring conformance with the New York State Solid Waste management plan for the Town as a whole. The promotion and use of recyclable materials, goods produced from recyclable materials, and goods which facilitate recycling will further serve the same purpose by encouraging and facilitating recycling.

Section 2. Definitions.

As used in this law, the following definitions shall apply:

(a) CANS shall mean containers comprised of aluminum, tin, steel, or combinations thereof, which contain or formerly contained only food and/or beverage substances.

(b) CARDBOARD shall mean all corrugated cardboard normally used for packing, mailing, shipping of containerizing goods, merchandise or other material, but shall not mean wax-coated or soiled cardboard.

(c) SUPERINTENDENT shall mean the Superintendent of Highways.

(d) DEPARTMENT OF HIGHWAYS shall mean the Town of

Rensselaerville Highway Department.

(e) RECYCLABLE shall mean those recyclable materials designated by this law and/or by determination of the Superintendent to be the source separated. The term includes, but is not limited to, newspaper, glass, paper, cardboard, cans, plastic containers and vegetative yard waste.

(f) DISPOSITION or DISPOSITION OF DESIGNATED RECYCLABLE MATERIALS shall mean the transportation, placement, or arrangement for transportation or placement of designated recyclable materials for all possible end uses to the City of Albany ANSWERS facility.

(g) GARBAGE shall mean putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(h) GLASS shall mean all clear (Flint), green, and brown (Amber) colored glass containers.

(i) HAZARDOUS MATERIALS or HAZARDOUS WASTE shall mean a solid waste, or a combination of solid waste, which, because of its quality, concentration or physical, chemical or infectious characters, may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. Such materials or waste shall include, but are not limited to explosives, hazardous radioactive materials, toxic substances and those substances which the Superintendent has identified as a hazardous waste pursuant to the above criteria and has included on a list of hazardous waste promulgated by the Department of Highways.

(j) MULTI-RESIDENTIAL COMPLEX shall mean five (5) or more resident units located on a single property or contiguous properties under common ownership, control or management. For this purpose, RESIDENTIAL UNIT shall mean an enclosed space of one or more rooms designated for use as a separate residence and shall include, but not limited to, an apartment condominium unit, town house cooperative unit, mobile home, living unit in a group home, and room or set of rooms in a boarding house shall not include rooms within a single family resident, motel or hotel.

(k) NEWSPAPER shall include newsprint and all newspaper and newspaper advertisement, supplements, comics and enclosures.

(l) PAPER shall mean all high-grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeo

paper, duplicating paper, magazines, paperback book, school paper, catalogs, junk mail, computer paper, telephone books, and similar cellulosic material, but shall not mean newspaper, wax paper, plastic paper, plastic or foil coated paper, styrofoam, wax coated food and beverage containers, carbon paper, blueprint paper, food contaminated paper, soiled paper, and cardboard.

(m) PERSON shall mean any individual, firm, partnership, company, corporation, association, joint venture, cooperative enterprise, trust, municipality, or other governmental agency or other governmental agency or other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this ordinance prescribing a fine, penalty, or imprisonment, the term PERSON shall include the officers, directors, partners, managers, or persons in charge of a company, corporation or other legal entity having officers, directors, partners, managers, or other persons in charge.

(n) PLASTIC CONTAINERS shall mean containers composed of high-density polyethylene, polyethylene terephthalate or other specific plastics as the Town may designate.

(o) RECYCLABLE MATERIAL shall mean a material which would otherwise become solid waste, which can be collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

(p) RECYCLING shall mean any process by which materials, which would otherwise become solid waste, are collected separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

(q) RECYCLING COLLECTION AREA shall mean any facility designated and operated solely for the receiving and storing of source-separated designated recycling materials.

(r) RESIDENT shall mean any person residing within the Town on a temporary or permanent basis, but excluding persons residing in hotels or motels. For the purpose of this ordinance, RESIDENT does not include commercial, industrial or institutional establishments.

(s) RUBBISH shall mean nonputrescible solid waste consisting of both combustible and noncombustible waste, including, but not limited to, non-recyclable paper, wrappings, cigarettes, wood, wires, glass, bedding, furniture, and similar materials which are not designated recyclable materials.

(t) SOLID WASTE shall mean all putrescible and non putrescible materials or substances discarded or rejected as having served their original intended use or as being spent, unless, worthless or in excess to the owners at the time of

such discard or rejection, including garbage, refuse, litter, rubbish, industrial waste, but no including designated recyclable materials, solid waste or dissolved matter in domestic sewage or substances, materials or waste.

(u) SOURCE SEPARATED shall mean to separate recyclable materials from the solid waste stream at the point of waste generation.

(v) VEGETATIVE YARD WASTE shall mean organic yard waste and garden waste, leaves, grass clippings and brush.

Section 3. Requirements Applicable to Source-Separation and Collection of Designated Recyclable.

All designated recyclable places for collection, or other location, by residents for collection shall be prepared for collection in accordance with regulations promulgated by the Superintendent.

Section 4. Establishment of Private Collection Program for Multi-residential Complexes.

(a) In any area designated by the Superintendent, there is also established a program ("private collection program") for the source separation, collection and delivery of newspaper and any other designated recyclable material included in the curbside program from all non-physically disabled residents of multi-residential complexes.

(b) The owner, manager or superintendent of every multi-residential complex subject to paragraph (a) above, shall provide and maintain, in a neat and sanitary condition, recycling collection areas to receive newspaper and other designated recyclable which are generated by the residents of the complex. In cases where a condominium, cooperative, homeowner, or similar association exists, the association shall be responsible for the provisions and maintenance of the recycling collection area. Said recycling collection area shall be constructed and capable of receiving newspaper and other designated recyclable within 180 days.

(c) Once the recycling collection area recycling collection area for a particular multi-residential complex has been constructed and is capable of receiving newspaper and other designated recyclable of all non-physically disabled residents of such complex shall source separate such materials by placing them in the appropriate containers or areas within the collection area.

(d) The owner, manager or superintendent of each multi-residential complex subject to paragraph (a) above, shall arrange for collection for recycling of

newspaper and other designated recyclable from the recycling collection area.

(e) The number and design of the recycling collection areas required by this Section for each multi-residential complex shall be consistent with guidelines provided by the Superintendent.

Section 5. Requirements Applicable to Source Separation and Placement of Designated Recyclable in recycling Collection Areas.

Designated recyclable required to be placed in recycling collection areas pursuant to Section 4 of this law shall be prepared for collection in accordance with regulations promulgated by the Superintendent. Section 6.

Mandatory Commercial, Industrial and Institutional Source Separation Programs.

(a) All commercial, industrial and institutional establishments within an area of the Town shall source separate and arrange for the collection of recycling of: newspaper and other designated recyclable.

(b) Designated recyclable for the mandatory commercial, industrial and institutional source separation program may consist of the following materials:

- (i) Newspaper;
- (ii) High-grade paper, including but no limit to white letterhead paper, white bond paper, white bond typing paper, white copier paper, white note paper, white writing paper, white envelopes without glycine windows, other non-glossy white office paper without plastic, computer printout paper, computer tab cards and white onion skin paper;
- (iii) corrugated cardboard;
- (iv) Glass containers, plastic containers, and cans generated by food and beverage service establishments;
- (v) Vegetable yard waste; and
- (vi) Other recyclable materials as designated by resolution of the Town at all thirty (30) days after said designation and publication of notice in an official newspaper of the Town or a newspaper of general circulation within the County.

(c) The arrangement for collection of designated

recyclable for designation hereunder shall be the responsibility of the person who owns, manages or operates the commercial, industrial or institutional establishment at which the recyclable are generated ("generator") or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste.

Section 7. Special provisions regarding vegetative yard waste.

Nothing in this law shall be constructed as preventing any person from utilizing vegetative yard waste for compost, mulch, or other agricultural, horticultural, silvicultural, gardening or landscaping purposes.

Section 8. Enforcement: Rules and Regulations.

The Department of Highways is authorized to enforce the provisions of this law and to administer the recycling programs established herein. The Superintendent may adopt and promulgate, amend and repeal rules and regulations implementing this law in order to carry out and effectuate the intent and purpose thereof.

Section 9. Unlawful Activities.

- (a) It shall be unlawful for:
- (i) Any person, other than those persons authorized, to collect any designated recyclable which has been placed at the roadside for collection or within a recycling collection area pursuant to this law.
 - (ii) Any person who violates or to cause to assist in the violation of any provisions of this law or any implementing rule or regulation promulgated of the Superintendent of Highways.
 - (iii) Any person who places or to cause to place any material other than a designated recyclable in or near a recycling collection area;
- (b) All unlawful conduct set forth in this Section shall constitutes a violation.

Section 10. Non-collection of Solid Waste Contaminate by Designated Recyclable.

The Department of Highways may refuse to collect solid waste from any person who clearly failed to source separate recyclable designated under an applicable section of this law and any solid waste disposal facility.

Section 11. Non-interference with Existing Contracts>

- (a) Nothing contained in this law shall be constructed to

interfere with or in any way modify the provisions of any existing contracts in force in the Town on the effective date of this law.

(b) No renewal of any existing contracts upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclable shall be entered into after the effective date of this law, unless renewal of such contract shall conform to the requirements of this law.

Section 12. Penalties.

Any person who engages in unlawful conduct as defined in this law may, upon conviction thereof, in a proceeding before a court of competent jurisdiction be sentenced to imprisonment for a term not to exceed fifteen (15) days or to a term of community service related to the purpose of this law or to pay a fine of not more than Two Hundred Fifty Dollars (\$250.00) and not less than Twenty-five Dollars (\$25.00), or any combination of the above penalties.

Section 13. Injunction; Concurrent Remedies

(a) In addition to any other remedy provided herein, the Town of Rensselaerville may institute a suit in equity where unlawful conduct exists for an injunction to restrain a violation of this law.

(b) The penalties and remedies prescribed by this law shall be concurrent. The existence or exercise of any remedy shall not prevent the Town from exercising any other remedy provided herein or otherwise provided at law or equity.

(c) The terms and provisions of this law are to be liberally construed, so as best to achieve and effectuate the goals and purposes hereof.

Section 14. Severability.

The provisions of this law are severable. In any provision of this law or its application to any person or circumstances is held invalid, said invalidity shall not effect any other provisions or application which can be given effective without the invalid provision or application of the law.

All provisions of any other local law which are inconsistent with the provisions of this Local Law are hereby repealed.

Section

15. Effective Date.

This law shall become effective January 1, 1992.