

Local Law Filing

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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 Green Island
 Town
 Village

Local Law No. Two of the year 20 08

A local law to amend the Code of the Village of Green Island to hereby repeal Chapter 97 - Article II
(Insert Title)
in its entirety and add a new Article II - Source Separation of Recyclables.

Be It enacted by the Board of Trustees of the
(Name of Legislative Body)

- County
 City of Green Island as follows:
 Town
 Village

Pursuant to the Authority conferred in Section 7 - 700 of the Village Law of the State of New York, the Board of Trustees of the Village of Green Island hereby adopts and enacts Local Law No. 2 of 2008 as follows:

§97-3. Legislative findings; intent.

The Board of Trustees of the Village of Green Island finds that the reduction of the amount of solid waste and the conservation of recyclable materials are important public concerns. The separation and collection of newspaper, paper, cardboard, glass, cans, plastic containers, vegetative yard waste and other materials for recycling from the residential, commercial, industrial and institutional establishments in the Village will protect and enhance the Village's physical and visual environment, as well as promote the health, safety and well-being of persons and property within the Village by minimizing the potential adverse effects of landfilling through reduction of the need for landfills and conservation of existing landfill capacity, 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 and facilitating the implementation of a solid waste management plan for the Village 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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

§ 97-4. Definitions.

As used in this article, the following definition shall have the meanings indicated.

CANS – Containers comprised of aluminum, tin, steel or a combination thereof which contain or formerly contained only food and/or beverage substances.

CARDBOARD – 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 (i.e.: pizza boxes).

COMMISSIONER – The Commissioner of the Department of Public Works.

DISPOSITION or DISPOSITION OF DESIGNATED RECYCLABLE MATERIALS – 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 or any other facility designated by the Village of Green Island Board of Trustees.

GARBAGE – Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GLASS – All clear (flint), green and brown (amber) colored glass containers.

HAZARDOUS MATERIAL or HAZARDOUS WASTE – A solid waste or a combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or 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 material or wastes shall include, but are not limited to, explosives, hazardous radioactive material, toxic substances and those substances which the Federal, State and County of Albany have identified as a hazardous waste pursuant to the above criteria and has included on a list of hazardous waste promulgated by any of them.

MULTIRESIDENTIAL COMPLEX – Five or more residential units located on a single property or continuous properties under common ownership, control or management. For this purpose, "residential unit" shall mean an enclosed space consisting of one or more rooms designed for use as a separate residence and shall include, but not be limited to, an apartment, condominium unit, townhouse cooperative unit, mobile home, living unit in a group home and room or set of rooms in a boardinghouse but shall not include rooms within a single-family resident, motel or hotel.

NEWSPAPERS – Newsprint and all newspapers and newspaper advertisements, supplements, comics and enclosures.

PAPER – All high-grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeo paper, duplication paper, magazine, paperback book, school paper, catalogs, junk mail, computer paper, telephone books and similar cellulosic material, but shall not mean wax paper, plastic or foil coated paper, Styrofoam, wax-coated food and beverage containers, carbon paper, blueprint paper, food-contaminated paper, soiled paper and cardboard.

PERSON – Any individual, firm, partnership, company, corporation, association, joint venture, cooperative enterprise, trust, municipality or other governmental agency or any 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 article 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.

PLASTIC CONTAINERS – Containers composed of high-density polyethylenes, polyethylene terephthalate or other specific plastics as the Village may designate.

RECYCLABLE MATERIAL – 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.

RECYCLABLES – Those recyclable materials designated by this article and/or by determination of the Village of Green Island Board of Trustees to be source-separated. The term includes, but is not limited to, newspaper, glass, paper, cardboard, cans, plastic containers and vegetative yard waste.

RECYCLING – Any process by which material, which would otherwise become solid waste, are collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

RECYCLING COLLECTION AREA – Any facility designed and operated solely for the receiving and storing of source-separated designated recyclable materials.

RESIDENT – Any person residing within the Village on a temporary or permanent basis, but excluding persons residing in hotels or motels. For purposes of this article, "resident" does not include commercial, industrial or institutional establishments.

RUBBISH – Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to nonrecyclable paper, wrappings, cigarettes, wood, wires, glass, bedding, furniture and similar material, which are not, designated recyclable materials.

SOLID WASTE – All putrescible and nonputrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter, rubbish and industrial waste but not including designated recyclable material, solid or dissolved matter in domestic sewage or substances, material in noncontaincrized gaseous form or hazardous material or waste.

SOURCE-SEPARATED – To separate recyclable materials from the solid waste stream at the point of waste generation.

VEGETATIVE YARD WASTE – Organic yard and garden waste, leaves, grass clippings and brush.

§ 97-5. Requirements applicable to source separation and collection of designated recyclables for the curbside program.

All designated recyclables placed for collection or at another location by residents for collection pursuant to the curbside programs established by the Village of Green Island Board of Trustees shall be prepared for collection in accordance with regulations promulgated by the Board of Trustees.

§ 97-6. Required applicable to source separation and placement of designated recyclables in recycling collection areas.

Designated recyclables required to be placed in recycling collection areas pursuant to this article shall be prepared for collection in accordance with regulations promulgated by the Board of Trustees.

§ 97-7. Enforcement; rules and regulations.

The Department of Public Works is authorized to enforce the provisions of this article and to administer the recycling programs established herein. The Board of Trustees of the Village of Green Island may adopt and promulgate amend and repeal rules and regulations implementing this article in order to carry out and effectuate the intent and purposes thereof.

§ 97-8. Unlawful activities.

A. It shall be unlawful for:

- (1) Any person, other than those persons so authorized, to collect any designated recyclable which has been placed at the roadside for collection or within a recycling collection area pursuant to this article.
- (2) Any person to violate or to cause to assist in the violation of any provision of this article or any implementing rule or regulation promulgated by the Board of Trustees.
- (3) Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling collection area.

B. All unlawful conduct set forth in this section shall constitute a violation.

§ 97-9. Noncollection of solid waste contaminated by designated recyclables

The Department of Public Works may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables designated under an applicable section of this article at any solid waste disposal facility to which solid wastes are delivered by the Village of Green Island.

§ 97-10. Noninterference with existing contracts.

- A. Nothing contained in this article shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the Village on the effective date of this article.

- B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this article, unless renewal of such contract shall conform to the requirements of this article.

§ 97-11. Penalties for offenses.

Any person who engages in unlawful conduct as defined in this article may, upon conviction thereof, in a proceeding before a court of competent jurisdiction, be sentenced to imprisonment for a term not to exceed 15 days or to a term on community service related to the purposes of this article or to pay a fine of not more than \$250 and not less than \$25, or any combination of the above penalties, including all associated court costs.

§ 97-12. Injunction; concurrent remedies.

- A. In addition to any other remedy provided herein, the Village of Green Island may institute a suit in equity where unlawful conduct exists for an injunction to restrain a violation of this article.
- B. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Village from exercising any other remedy provided herein or otherwise provided at law or equity.
- C. The terms and provisions of this article are to be liberally construed, so as best to achieve and effectuate the goals and purposes hereof.

§ 97-13. Severability.

- A. The provisions of this article are severable. If any provision of this article or its application to any person or circumstances is held invalid, said invalidity shall not affect any other provision or application, which can be given effect without the invalid provision or application of the article.
- B. All provisions of any other local law or ordinance, which are inconsistent with the provisions of this article, are hereby repealed.

This Local Law shall take effect upon filing with the office of the Secretary of State.