

(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 Orleans
~~Village~~

Local Law No. 3 of the year 19 91

A local law Establishing Mandatory Recycling
(Insert Title)

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
~~City~~
~~Town~~ of Orleans as follows:
~~Village~~

SECTION 1. PURPOSE.

It shall be the purpose of this Local Law to require and facilitate the maximum recycling practicable on the part of each and every household, business and institution within Orleans County. It shall further be the purpose of this Local Law to establish, implement and enforce minimum recycling related practices and procedures to be applicable to all WASTE GENERATORS within the County. This Local Law is enacted pursuant to the authority and direction of section 120-aa of the New York General Municipal Law and section 226-b of the New York County Law.

SECTION 2. DEFINITIONS.

- 2.1 COUNTY RECYCLABLE MATERIALS: Shall mean and include the following:
 - 2.1.1 PAPER, CLEAN AND UNSOILED, including:
 - a.) newsprint, newspapers, news advertisements, supplements, comic, and enclosures;
 - b.) corrugated boxes and similar corrugated materials.
 - 2.1.2 Clear GLASS food and beverage containers with lids removed.

2.1.3 METALS limited to bimetal cans, tin plated steel cans, aluminum containers, and aluminum household items.

2.1.4 PLASTIC CONTAINERS normally found in the household Type 1 (PETE) and Type 2 (HDEE) plastic containers.

2.2 CURBSIDE COLLECTION: The collection of County Recyclable Materials by use of collection receptacles including, but not limited to RECYCLING CONTAINERS, for residential, commercial, industrial and institutional WASTE GENERATORS and the regular periodic transfer of the contents of such receptacles by a RECYCLABLES COLLECTOR at the location of the WASTE GENERATOR.

2.3 DROP OFF CENTER: A private or publicly operated facility designated by the Orleans County Legislature to which a person can deliver their COUNTY RECYCLABLE MATERIAL for sorting.

2.4 ELIGIBLE UNIT: A household or other property designated by the County as eligible for CURBSIDE COLLECTION and which is required to utilize County RECYCLING CONTAINERS.

2.5 MATERIALS RECOVERY FACILITY: A private or public facility designated by the Orleans County Legislature for receiving and processing recyclable materials into marketable commodities.

2.6 RECYCLABLES: Those materials able to be practically separated from non-recyclable waste for which reuse markets can be accessed for less than the cost of disposal.

2.7 RECYCLABLES COLLECTOR: Any person or business licensed by Orleans County for the purpose of collecting RECYCLABLES from WASTE GENERATORS for delivery to a recycling facility.

2.8 RECYCLING CONTAINER: The bin or other container supplied by the County of Orleans or its designee for the use by ELIGIBLE UNIT within the County. Such containers shall be used exclusively for the storage of COUNTY RECYCLABLE MATERIALS. Such containers shall, at all times, remain the property of the County of Orleans or its designee.

2.9 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 Commissioner of the Department of Environmental Conservation.

2.10 SOURCE SEPARATION: The segregation of disposable materials into RECYCLABLE MATERIALS and non-recyclable waste.

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

2.12 WASTE HAULER: Any person or business which is licensed by Orleans County for the purpose of collecting solid waste from WASTE GENERATORS for disposal at a permitted solid waste facility or a municipal department or other governmental division responsible for collection of solid waste from some or all WASTE GENERATORS in the municipality for disposal at a permitted solid waste facility. A WASTE HAULER may also be a RECYCLABLES COLLECTOR.

SECTION 3. GENERAL PROVISIONS.

3.1 Every WASTE GENERATOR in Orleans County shall SOURCE SEPARATE COUNTY RECYCLABLE MATERIALS from other RECYCLABLES and non-recyclable SOLID WASTE. WASTE GENERATORS, other than ELIGIBLE UNITS, shall deliver COUNTY RECYCLABLE MATERIALS, or cause COUNTY RECYCLABLE MATERIALS to be delivered, to a DROP OFF CENTER or MATERIALS RECOVERY FACILITY.

3.1.1 Every owner of a property other than ELIGIBLE UNITS occupied by one or more WASTE GENERATORS shall provide or require that the occupying WASTE GENERATORS provide a recycling receptacle for COUNTY RECYCLABLE MATERIALS.

3.2 ELIGIBLE UNITS shall make SOURCE SEPARATED COUNTY RECYCLABLE MATERIAL available for curbside collection in single or multiple RECYCLING CONTAINERS by a RECYCLABLES COLLECTOR separate from non-recyclable waste on a schedule established by the RECYCLABLES COLLECTOR or deliver or cause to be delivered SOURCE SEPARATED COUNTY RECYCLABLE MATERIAL to a DROP OFF CENTER or MATERIALS RECOVERY FACILITY.

3.3 It shall be a violation for a WASTE GENERATOR or a RECYCLABLES COLLECTOR to attempt to dispose of COUNTY RECYCLABLE MATERIALS as waste.

3.4 All COUNTY RECYCLABLE MATERIALS when placed for CURBSIDE COLLECTION or when delivered to a DROP OFF CENTER or a MATERIALS RECOVERY FACILITY shall become the property of the County of Orleans and it shall be a violation for anyone, except a licensed RECYCLABLE COLLECTOR, to pickup, remove, take or possess such COUNTY RECYCLABLE MATERIALS.

3.5 It shall be unlawful for any person, whether acting as owner, lessee, agent, tenant or otherwise, to throw, cast, deposit or place, or to cause, permit to run, drop, remain or to be thrown, cast or deposited, scattered or spilled by the wind, any SOLID WASTE, including as a passenger in, owner of, or driver of any cart, truck, automobile, boat, bicycle or any other vehicle, in or on any public highway, street, alley, sidewalk, park or public building or in any running water, body of water, land adjoining any highway or street, or in or on any other land, public or private, in the County except at such places designated or lawfully established by the New York State Department of Environmental Conservation or the County Department of Health; provided, however, that SOLID WASTE may be temporarily kept in reasonable quantities in suitable cans, bags, vessels, tanks, dumpsters, and/or containers which are watertight with tightly fitting covers, but only in such manner as to prevent same from being scattered, dropped or spilled by the wind. Nothing in this subsection shall be construed as to prohibit the depositing of animal manure or fertilizers upon any property for the purpose of cultivation or improvement.

3.6 There shall be no Open Dumps in the County. This shall not be construed as to prohibit disposal areas located within the property boundaries of a farm for SOLID WASTE generated from that farm as otherwise permitted by law except in cases creating a public health nuisance.

SECTION 4. RECYCLING CONTAINERS.

4.1 OWNERSHIP AND USE: RECYCLING CONTAINERS shall, at all times, remain the property of Orleans County or its designee and are provided for the use and convenience of ELIGIBLE UNITS in complying with this Local Law. It shall be a violation for any person to: (1) remove a RECYCLING CONTAINER from the County; (2) willfully destroy a RECYCLING CONTAINER; (3) dispose of a RECYCLING CONTAINER other than by returning such container to the County or its designee at a designated location; (4) use such container for other than the temporary storage of COUNTY RECYCLABLE MATERIALS.

4.2 TRANSFER OF RECYCLING CONTAINERS: RECYCLING CONTAINERS shall be distributed and maintained on the basis of dwelling units. When an ELIGIBLE UNIT moves from a dwelling unit, it shall leave its RECYCLING CONTAINER for the subsequent occupant of the dwelling unit or alternatively return the RECYCLING CONTAINER to the County or its designee

at a designated location. Any ELIGIBLE UNIT moving into a dwelling unit which does not have a RECYCLING CONTAINER shall, within two (2) weeks of taking possession of the dwelling unit, obtain a container from the County or its designee at a designated location. Failure to comply with this provision shall be a violation.

SECTION 5. LICENCES.

5.1 No WASTE HAULER or RECYCLABLES COLLECTOR, except a Town or Village, shall collect or transport SOLID WASTE and/or RECYCLABLES in Orleans County without obtaining a Waste Permit issued by the County, which permit shall authorize the holder to collect and transport SOLID WASTE or to collect and transport RECYCLABLES or to collect and transport both SOLID WASTE and RECYCLABLES as specified in the Waste Permit. A Waste Permit may limit the area of the County in which it shall be valid.

5.2 Applications for a Waste Permit or a renewal thereof shall be made and verified to the County on forms provided by the County accompanied by a fee of One Hundred Dollars (\$100.00) and a Certificate of Insurance showing coverage for the operations of the applicant of at least \$500,000.00 per accident or occurrence.

5.3 Waste Permits shall expire on the next June 30 following the date of issue and shall not be transferrable. Any Waste Permit may be revoked or suspended for a violation of any provision of this Local Law or any applicable law, rule, regulation or code applicable to Solid Waste or recyclable collection, transportation or disposal by the holder thereof.

5.4 Any Waste Permit issued pursuant to this Local Law shall be in the nature of a privilege subject to the terms and conditions set forth in this Local law and shall not be deemed to create a property interest with respect to the Waste Permit in the holder.

SECTION 6. ENFORCEMENT.

6.1 Failure of a WASTE GENERATOR to comply with those provisions of this Local Law designated as violations shall carry a fine of Fifteen Dollars (\$15.00) for the first violation; Thirty Dollars (\$30.00) for the second; Fifty Dollars (\$50.00) for the third, and One Hundred Dollars (\$100.00) for each subsequent violation.

6.2 During any twelve (12) consecutive months, the failure of a RECYCLABLES COLLECTOR to comply with Section 3.3 hereof shall carry a fine of Two Hundred Fifty Dollars (\$250.00) for

the first violation; Five Hundred Dollars (\$500.00) for the second violation and One Thousand Dollars (\$1,000.00) for each subsequent violation.

6.3 Any other violation of this Local Law shall be punishable by a fine not exceeding Two Hundred Fifty and 00/100 (\$250.00) Dollars or by imprisonment for a term not exceeding fifteen (15) days or by both such fine and imprisonment.

6.4 Upon a showing of a violation of this Local Law by any person, the County shall be entitled to obtain an injunction in any court of competent jurisdiction against such person prohibiting further violations.

6.5 On an application by the County for preliminary injunctive relief in such a proceeding, the County shall not be required to show irreparable harm or to post security in any form. On a hearing or trial with respect to the County's entitlement to a permanent injunction, the County shall not be obligated to show a likelihood that the defendant will commit further violations.

6.6 Upon obtaining any permanent injunction under this Local Law, the County shall be entitled to a further award and judgment for its costs, expenses, disbursements, and reasonable attorneys' fees in connection with the action or proceeding.

6.7 One hundred percent (100%) of the fines collected in the enforcement of this Local Law shall be retained by the County.

SECTION 7. EFFECTIVE DATE.

This Local Law shall become effective on October 1st, 1991.

NYS DEPARTMENT OF STATE
BUREAU OF STATE RECORDS
162 Washington Avenue
Albany, NY 12231-0001

RECEIVED
SEP 10 1991
CLERK OF COURTS
ORLEANS COUNTY

DATE: 9/6/91

MUNICIPALITY		
County of Orleans		
LOCAL LAW(S) NO.	YEAR	FILING DATE
3 thru 5	1991	9/6/91

Local Law Acknowledgment

| LOIS M BRANDT |
ORLEANS COUNTY LEGISLATURE |
COURT HOUSE SQUARE |
ALBION NY 14411 |

The above-referenced material was received and filed by this office as indicated.

|
DOS-236 (Rev. 6/90) |

Additional local law filing forms will be forwarded upon request.