

LOCAL LAW NO. 3 OF THE YEAR 1991

A LOCAL LAW ENTITLED 'TOWN OF CAMBRIA RECYCLING LAW'

ADOPTED BY TOWN OF CAMBRIA TOWN BOARD DECEMBER 5, 1991

Be it enacted by the Town Board of the Town of Cambria as follows:

Section 1. Legislature Intent.

The Town Board of the Town of Cambria 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 and other materials for recycling from the residential, commercial, industrial and institutional establishments in the Town will protect and enhance the Town's physical and visual environment, as well as promote the health, safety and well being of persons and property within the Town by minimizing the potential adverse effect of landfilling, facilitating the implementation and operation of other forms of solid waste management, conserving natural resources, and assisting the Town in complying with the mandates of the New York State Solid Waste Management Act of 1988. The promotion and use of recyclable materials, goods produced from recyclable materials and goods which facilitate recycling will further serve the same purposes by encouraging and facilitation recycling.

Section 2. Definitions.

For the purposes of this Local Law, the following terms, phrases, words and derivatives shall have the following meanings:

- (a) "Recyclables" shall mean any materials which can be collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product, which materials include, but are not limited to the following:
 - (1) Paper, clean and unsoiled, including newsprint, newspapers, news advertisements, supplements, comics and enclosures, corrugated boxes, cardboard, cardboard cartons and similar corrugated materials.
 - (2) Unbroken glass, glass bottles or types of containers, but not including dishes, crockery, ceramics, window glass, safety glass or pyrex type glass.
 - (3) Metals limited to bimetal cans, tin plated steel cans, aluminum containers, aluminum household items.
 - (4) Plastic containers normally found in the household, including containers used primarily for laundry products, dishwashing detergents, milk, water and similar items including PET (Polyethylene Terephthalate) and HDPE (High Density Polyethylene) and other common plastic resin types.
 - (5) Such other items and materials, including garden and yard waste as may later be included pursuant to agreement between the Town and its refuse collection contractor, provided however, that nothing in this Local Law shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural, horticultural, gardening or landscaping purposes.

- (b) "Nonrecyclables" shall mean that portion of the waste stream not included under "recyclables," and not treated separately as (1) hazardous waste under Section 27-0903 of the New York Environmental Conservation Law; (2) source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954; or (3) low level radioactive waste as defined in Section 29-0101 of the New York Environmental Conservation Law. "Nonrecyclables" included but are not limited to the following:
- (1) "Garbage" – Putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in home kitchens, storage areas, markets, restaurants and other places where food is stored, prepared or served.
 - (2) "Rubbish" – Rags, sweepings, rubber, leather, excelsior, crockery, shells, clothing, straw, dirt, filth, ashes, wastepaper and similar waste material.
 - (3) "Large household furnishings" – Large and/or bulky articles actually used in the home and which equip it for living (as chairs, sofas, tables, beds, carpets, large appliances).
 - (4) "Construction and demolition debris" – Waste resulting from construction, remodeling, repair and demolition of structures, road building and land clearing. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock spoils, paving material and tree or brush stumps.
- (c) "Waste material" shall include all "recyclables" and "nonrecyclables" which make up the waste stream eligible for curbside pickup under this Local Law. "Waste material" does not include dead animals, fecal matter or material treated separately as (1) hazardous waste under Section 27-0903 of the New York Environmental Law; (2) source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954; or (3) low level radioactive waste as defined in Section 29-0101 of the New York Environmental Conservation Law.
- (d) "Hazardous Waste" may include, but is not limited to the following products and their empty containers; insecticides, herbicides, petroleum products, caustic chemicals, paint and batteries. Hazardous wastes generally display one or more of the qualities of ignitability, corrosivity, reactivity or toxicity.
- (e) "Person" shall mean any individual, firm, partnership, company, corporation, association, joint venture, cooperative enterprise, trust, municipality other governmental agency or any other entity or any group of such person which is recognized by law as the subject of rights and duties. In any provisions of this Local Law 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.
- (f) "Administrator" means the person or persons designated by resolution of the Town Board to monitor and enforce this local law. The Town Board shall act as Administrator unless a separate designation is made.

Section 3. Establishment of Curbside Program.

- (a) Upon the effective date of this Local Law, there is hereby established a program for the separation, preparation for collection and collection of waste materials. The program shall be under the supervision of the Town of Cambria, its administrator and its collection agent or contractor.
- (b) The Town Board and its administrator will determine recyclables and notify town residents by publishing said information in the official Town newspaper or newspapers at least 30 days before said declaration will be incorporated into the Town program.
- (c) All waste material shall be separated, prepared for collection and collected in accordance with Sections 4 and 5 of this Local Law.
- (d) The Town of Cambria, its administrator and its collection agent or contractor shall have no obligation to pick up and remove any waste material not prepared for collection in accordance with this Local Law.
- (e) The Town of Cambria, its administrator and its collection agent or contractor shall have no obligation to pick up and remove any waste material which was not used in the residence or business or other establishment placing such waste material at the curbside for pickup.
- (f) The Town of Cambria, its administrator and its collection agent or contractor shall have no obligation to pick up or remove any waste material which is not provided for pursuant to the Town's contract for waste removal with a contractor, or otherwise provided for by a Town administered pickup and removal program. Certain businesses, industries and residences may not be provided for in Town of Cambria pickup and removal programs.

Section 4. Preparation of Recyclable Materials for Collection. No person shall dispose of waste material except as follows:

- (a) Waste material shall be prepared for collection in accordance with subsection (1) through (4) of this section.
 - (1) Each person shall provide separate, sealable galvanized iron cans or other suitable sanitary sealable containers or heavy duty plastic bags for non-recyclables unless stipulated otherwise in this Local Law. Such cans or containers shall not exceed thirty (30) gallons capacity and when filled shall not exceed sixty (60) pounds in weight. All cans or containers shall be placed at the curb or roadside for collection.
 - (2) Recyclable aluminum, cans and items, glass bottles and plastic items shall be separated from non-recyclables and placed in the recyclable collection container.
 - (3) Recyclable metal cans, aluminum, cans, glass and plastic containers and other items so separated shall be rinsed of contents and placed in the recyclable collection container.
 - (4) Newsprint shall be separated from nonrecyclables and either placed in the recyclable container or properly secured into bundles not to exceed 25 pounds in weight and placed at the curb or in the recyclable container or

roadside next to the recyclable container for collection. Effort is to be made to keep the newsprint clean and dry and contamination free.

- (5) Other items to be included for recycling are to be prepared as set forth from time to time by resolution of the Town Board according to such expansions of the curbside collection program as may be established by the Town from time to time.
- (6) Recyclable containers shall be provided by each person and shall conform in color, logo, shape and material and other specifications to the material established from time to time by the Town Board.

Section 5. Collection. Waste materials shall be collected in a manner consistent with the terms of the Town of Cambria collection contract.

Section 6. Ownership of Recyclables Placed for Collection.

- (a) When any person properly places any recyclable materials at or near any curb, sidewalk, street or road for the purposes of collection by the Town of Cambria or its contractor, those recyclable materials shall thereupon immediately become the property of the Town of Cambria or its authorized agent. No person not acting under authority of the Town of Cambria or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed, any recyclable materials to placed for collection; each such unauthorized collection, pick up or removal shall constitute a separate violation of this Local Law.
- (b) Notwithstanding the provisions of Section 6 (a), where the Town or its agent or contractor has refused to collect certain recyclables because they have not been placed or treated in accord with the provisions of this Local Law, the person responsible for initially placing those materials for collection may and shall promptly remove those materials from any curb, sidewalk, streetside or roadside and assume possession, control and responsibility for the proper disposal of same.
- (c) Nothing herein shall prevent any person from making arrangements for the private collection of recyclables; provided that recyclables to be privately collected shall not be placed curbside on or immediately preceding the day for municipal collection of such recyclables.
- (d) The Town of Cambria, its administrator and its authorized agent shall not be required to collect any waste material which has not been separated and secured pursuant to the provisions of this Local Law or the applicable regulations of the Town of Cambria.

Section 7. Importation of Waste Materials.

- (a) No person shall cause to be imported into the Town of Cambria waste material for garbage collection.
- (b) No persons shall cause to be imported into the Town of Cambria waste material for garbage collection.

Section 8. Penalties. A violation of this Local Law, other than Section 6 (a), shall constitute a violation punishable upon conviction thereof, by a fine not exceeding \$250.00 for each offense. A violation of Sections 6(a) or 7 shall constitute a misdemeanor punishable upon conviction thereof by not more than six (6) months imprisonment or a fine not exceeding \$1,000,000, or both.

Section 9. Severability. The provisions of this Local Law shall be severable and if any phrase, clause, sentence or provision of this Local Law, or the applicability thereof to any person or circumstance shall be held invalid, the remainder of this Local Law and the application thereof shall not be affected thereby.

Section 10. Effective Date. This Local Law shall take effect upon filing with the Secretary of State, however, its provisions are suspended until such date that a contract is implemented by the Cambria Town Board for recycling in the Town of Cambria.