

Local Law No. 7 of 1989

A local law providing for mandatory source separation of recyclable materials.

Section 1. Legislative Declaration.

It is declared that a reduction of solid waste through separation and removal of recyclable materials from the waste stream is of importance to the economic welfare of the residents of the County of Columbia and will help to promote the health and general welfare of its citizens.

Section 2. Definitions.

When used in this Local Law:

a) "Commercial Sector" shall mean those persons generating solid waste at businesses, including retail stores, banks and financial institutions, business and professional offices, personal service establishments, mortuaries and funeral homes, restaurants, taverns, hotels, motels, theatres, recreational establishments, pet shops and veterinary establishments, automobile sales establishments, gasoline stations, car washes, and agricultural endeavors and such other business endeavors although not specifically defined herein.

b) "Household collection" shall mean the practice whereby solid waste, including separated recyclables, generated by the residential sector is placed at or near the roadside, or other appropriate location at residential property, to be picked up by a hauler for transportation to a solid waste management facility.

c) "Director" shall mean the Director of Solid Waste for Columbia County.

d) "Drop-off area" shall mean any area designated from time to time by the Director of Solid Waste where persons can bring recyclables for aggregation and further transport to a solid waste management facility.

e) "Industrial sector" shall mean those persons generating solid waste at establishments primarily concerned with manufacturing or other substantial physical/chemical processing of materials, which operations result in strong or offensive odors; vibrations; excessive noise, smoke, dirt; or heavy truck traffic, including: manufacturing establishments; warehouses and wholesale distributors; freight and trucking terminals; and heavy machinery sales, service, and repairs.

f) "Institutional sector" shall mean those persons generating solid waste at public, eleemosynary, and similar establishments, including schools, churches, hospitals, psychiatric centers, government offices and garages, and nursing homes.

g) "Recyclables" shall mean the following materials: newsprint; unbroken clear (flint), green and brown glass containers; tin cans; aluminum, copper, brass and stainless steel; corrugated cardboard; high density polyethylene (HDPE) containers; motor vehicle batteries; motor vehicle tires up to and including size 9.00/16.5 (metric 235/85R16); and scrap metal, including miscellaneous iron, steel and white metals (appliances).

i) "Residential sector" shall mean those persons generating solid waste at single and multiple residences, boardinghouses, dormitories, mobile home parks, temporary residences and camps.

Section 3. Source Separation of Recyclables.

1. Generally

a. The Director may from time to time determine that certain materials contained in solid waste generated or brought within the County are "recyclables" or that certain materials included or hereafter included in this local law's definition of "recyclables" are no longer recyclable. Upon any such determination, the Director shall submit a written report to the Board of Supervisors recommending that such materials be added to, or deleted from, the definition of "recyclables" and providing the reasons and data supporting such inclusion or deletion. The Director's determination shall in all cases be based on an evaluation whether economic markets exist for alternate uses of such materials. The term "economic markets" refers to instances in which the full avoided costs to the County of Columbia of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost to the County of Columbia of collection, transportation and sale of said material less the amount received from the sale of said material by the County of Columbia.

b. In making recommendations pursuant to this subdivision, the Director may recommend that a material be recyclable only for the residential sector, commercial sector, industrial sector, or institutional sector, or any combination thereof.

c. All persons shall separate recyclables from other solid waste when preparing the same for transportation, collection, pickup or removal by placing recyclables in one or more separate containers. It shall be a violation of this local law for any person to place for collection any container which contains recyclables mixed with other solid wastes. It shall be a violation of this local law for any person to deliver to a drop-off area or a solid waste management facility any load which contains recyclables mixed with other solid wastes.

d. Recyclables delivered to a solid waste management facility shall be prepared in accordance with all rules or regulations promulgated by the Director, which rules and regulations shall be filed with the Clerk of the Board of Supervisors. Such rules and regulations for preparation may include, but shall not be limited to:

- i) removal of glossy inserts or wet or damp materials from newsprint;
- ii) washing of glass and/or metal containers;
- iii) flattening of cans and plastic containers;
- iv) removal of caps, lids, and metal or plastic neck bands from glass containers;
- v) removal of broken glass;
- vi) placement in designated or properly labeled containers, where practical;
- vii) sorting into different categories of recyclables.

2. Procedures for Residential Sector

The following procedures shall apply to the residential sector:

a. Wherever household collection of recyclables is available from a commercial or municipal hauler, persons choosing to use such collection services shall place their recyclables for collection properly separated, prepared, and containerized, and in accordance with any rules established by said commercial or municipal hauler.

b. Wherever household collection of recyclables is not available, or where persons choose not to use such collection service, persons wishing to dispose of recyclables must deliver or make arrangements to have them delivered, properly separated and prepared, to a solid waste management facility or to any drop-off area which the Director may from time to time designate. It shall be a violation of this local law for any person without authority of the County to collect, pick up, remove, or cause to be collected, picked up, or removed, any recyclables placed for collection at a drop-off area. Each such unauthorized collection, pick up, or removal from a drop-off area shall constitute a separate and distinct violation of this local law.

c. It shall be a violation of this local law for any person in the residential sector to dispose of recyclables within the County of Columbia otherwise than as provided by this subsection (2).

3. Procedures for the Commercial, Industrial and Institutional Sectors

The following procedures shall apply to the commercial, industrial and institutional sectors:

a. Persons wishing to dispose of recyclables shall deliver or make arrangements with a commercial or municipal hauler to deliver recyclables, properly separated and prepared, to a solid waste management facility duly designated pursuant to this local law.

b. Although all persons from the commercial, industrial, or institutional sectors must separate recyclables from other solid waste in accordance with the general provisions of this local law, they need not deliver or make arrangements with a hauler to deliver said recyclables to a duly designated solid waste management facility in the following circumstances:

- i) they have access to markets for recyclables which provide a material economic benefit compared to disposal at the designated solid waste management facility, actually deliver or cause to be delivered recyclables to such markets on a regular basis, and can document access, material economic benefit, and actual delivery with contracts, receipts, bills of lading, affidavits, letters of intention, or other suitable records indicating the facts justifying exemption;
- ii) they file on an annual basis an application for exemption with the Director, which application shall set forth on a prescribed form all information or facts justifying exemption from the operation of subdivisions (a) and (b) hereinabove. They shall include copies of all pertinent documentation with such application; and
- iii) they obtain written approval of the exemption from the Director, which approval shall not be unreasonably withheld or delayed.

c. It shall be a violation of this local law for any person in the commercial, industrial or institutional sectors to dispose of recyclables otherwise than as provided by this subsection (3).

4. Disposal of Collected Recyclables by Haulers

a. Municipal or commercial haulers engaged in collecting recyclables generated within the County by the residential,

commercial, industrial, or institutional sectors shall keep recyclables separate from other solid wastes, shall handle recyclables in such a manner that they are not contaminated or destroyed, and shall deliver recyclables only to a solid waste management facility duly designated pursuant to this local law.

b. Haulers need not deliver collected recyclables to a duly designated solid waste management facility in the following circumstances:

- i) they have access to markets for recyclables which provide a material economic benefit compared to disposal at the designated solid waste management facility, actually deliver or cause to be delivered recyclables to such markets on a regular basis, and can document access, material economic benefit, and actual delivery with contracts, receipts, bills of lading, affidavits, letters of intention, or other suitable records indicating the facts justifying exemption;
- ii) they file on an annual basis an application for exemption, with the Director, which application shall set forth on a prescribed form all information or facts justifying exemption from the operation of subdivision (a) hereinabove. They shall include copies of all pertinent documentation with such application; and
- iii) they obtain written approval of the exemption from the Director, which approval shall not be unreasonably withheld or delayed.

c. It shall be a violation of this local law for any municipal or commercial hauler to collect, handle or dispose of recyclables otherwise than as provided by this subsection (4).

Section 4. Rules and Regulations.

The Director of Solid Waste shall have the power to adopt and promulgate, amend and repeal such rules and regulations as in his discretion are necessary or desirable to carry out, interpret, and enforce the intent and purposes of this local law. Notwithstanding this power, any failure to adopt and promulgate such rules and regulations shall not impair the enforceability of this local law in a Court of competent jurisdiction.

Section 5. Penalties for Offenses.

(a) Any violation of this local law shall be punishable by imprisonment in the Columbia County Jail for not more than fifteen days, or by a fine of not more than two hundred fifty dollars (\$250.00) or by both such fine and imprisonment.

(b) Each commission of a single act shall constitute a separate violation of this local law, and each day of such violation shall constitute a separate offense, which may be punished and prosecuted as such.

(c) In addition to the penalties herein set forth, any person or entity who is convicted of violating any portion of this Local Law after having been convicted of a violation of any portion of this Local Law within the preceeding five years shall be liable for payment to the County of Columbia of a civil penalty:

- (i) in the amount of \$1,000.00 upon a third conviction within the preceeding five years; and
- (ii) in the amount of \$2,000.00 upon a fourth or subsequent conviction within the preceeding five years.

Section 6. Prior Laws.

All other local laws and/or parts of local laws inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. Validity and Severability.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 8. Effective Date.

This Local Law shall be effective November 1, 1989.

Local Law 13 of 1989

A LOCAL LAW PROVIDING FOR APPOINTMENT
OF PUNCH CARD SALES AGENTS

Section 1. Legislative Declaration.

It is declared that having local retail businesses be appointed as punch card sales agents for the sale of punch cards used for payment of applicable user fees for disposal of solid waste, will permit greater availability of punch cards to users of the County's solid waste disposal system and thus increase compliance with solid waste disposal laws and regulations and therefore will help to promote the health and general welfare of County citizens.

Section 2. Definitions.

When used in this local law, the following words and phrases will have the indicated meanings:

a) "Director" means the Director of the Columbia County Solid Waste Department.

b) "Punch cards" mean cards bearing various monetary denominations that may be presented at County convenience and transfer stations for payment of applicable user fees for disposal of solid waste generated within the County.

c) "Proprietor" means the owner, including a corporation, or general manager of a place of business in Columbia County engaged in the retail sale of sundry merchandise to consumers.

d) "Punch card sales agent" means a proprietor who is duly appointed pursuant to this law to receive punch cards from the County and to sell such punch cards to the public as an agent of the County.

e) "Assistant punch card sales agent" means a punch card sales agent's employee who is duly appointed pursuant to this law to assist a punch card sales agent in the sale of punch cards to the public as an agent of the County.

Section 3. Qualifications for appointment as a punch card sales agent.

A proprietor may be eligible for appointment as a punch card sales agent if the following requirements have been met:

a) Applicant, if a person, is over the age of 18 years, is of good character and reputation in the community and furnishes three business references attesting thereto; if a corporation, is

authorized to do business in the State of New York, and furnishes a certificate of good standing from the New York Department of State.

b) Applicant has not been convicted of a misdemeanor or a crime under any law within the past three years.

c) There are no outstanding liens against or judgments in the name of the proprietor.

d) The proprietor conducts a business in Columbia County involving retail sale of sundry merchandise to consumers.

e) The annual punch card sales at the place of business are at least 100 in the third and subsequent years of appointment.

Section 4. Qualifications for appointment as an assistant punch card sales agent.

a) A punch card sales agent may nominate one or more employees in the retail business for appointment as assistant punch card sales agents.

b) To be eligible for appointment as an assistant punch card sales agent, such employee must meet the eligibility requirements set forth in Section 2 (b) of this part.

c) The punch card sales agent will be responsible for the proper performance of such assistant punch card sales agents in regard to the sale of punch cards.

Section 5. Appointment as a punch card sales agent or assistant punch card sales agent.

a) Application for appointment as a punch card sales agent or assistant punch card sales agent shall be submitted to the Director of the Solid Waste Department.

b) Appointment as a punch card sales agent or assistant punch card sales agent shall be made by the Director after a determination has been made that the eligibility requirements for appointment have been met.

c) A punch card sales agent shall provide a surety bond in an amount to be determined by the Director, which will not be less than \$500.00, which shall be related to the anticipated volume of monthly punch card sales.

d) An appointment as a punch card sales agent will be valid for one year or until terminated by the Director for cause as specified in Section 8 of this law or by resignation, death or bankruptcy of the punch card sales agent.

e) An appointment as an assistant punch card sales agent will continue until:

- (1) terminated by the Director as specified in Section 8;
- (2) he/she is no longer employed at the place of business of the sponsoring punch card sales agent;
- (3) termination or expiration of the appointment of the sponsoring punch card sales agent; or
- (4) resignation or death.

Section 6. Receipt of punch cards.

a) Only punch card sales agents may obtain punch cards from the Department of Solid Waste. However, a punch card sales agent may file a written authorization with the Director to permit an assistant punch card sales agent to obtain punch cards for, and in the name of, the punch card sales agent.

b) Written authorization by a punch card sales agent for an assistant punch card sales agent to obtain punch cards shall continue to be valid until written revocation of such authority is received by the Solid Waste Department.

c) At the time of obtaining punch cards from the Department of Solid Waste, the punch card sales agent or assistant punch card sales agent shall sign a receipt for the number of punch cards received. This receipt shall be conclusive proof as to the number of punch cards received.

→ d) No punch card sales agent may obtain, or have outstanding, punch cards with a face value in excess of the amount of the surety bond which has been posted.

Section 7. Performance of duty of punch card sales agents and assistant punch card sales agents.

a) No punch card sales agent or assistant will remove from the place of business unsold punch cards consigned thereto without the prior written approval of the Director.

b) No punch card sales agent or assistant will comingle receipts from the sale of punch cards with other monies received from the sale of retail merchandise at such business.

c) No punch card sales agent or assistant will fail to provide punch card sales in a timely, efficient and businesslike manner.

d) No punch card sales agent or assistant will refuse to sell a punch card to a person who is qualified to obtain such. *how prove if qualif.*

e) No punch card sales agent or assistant may bring direct or indirect pressure on any person to make a purchase in the place of business in order to purchase a punch card.

f) No punch card sales agent or assistant will fail to comply with the Director's instructions concerning bonding, reporting or remittance of fees.

g) No punch card sales agent or assistant will refuse to distribute any material supplied by the department relating to disposal of solid waste by punch card users.

h) ^{immediately} No punch card sales agent or assistant will fail to report ~~promptly~~ to the local police and the Solid Waste Department the theft from his place of business of unsold punch cards or monies from sold punch cards.

i) No punch card sales agent will fail to prominently display in the place of business a sign provided by the County Solid Waste Department which advises the public that such place of business is authorized to sell punch cards.

j) No punch card sales agent will fail to submit in a timely manner all required records, reports and remittances to the Solid Waste Department and to draft and sign them properly.

k) No punch card sales agent will fail to notify the Solid Waste Department at least 90 days in advance of moving his place of business to a new location.

l) No punch card sales agent will fail to allow authorized Solid Waste Department employees to inspect his punch card sales operations and records at any reasonable time,
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Section 8. Termination of appointment.

a) The Director may terminate the appointment of a punch card sales agent or the appointment of an assistant punch card sales agent at any time, for any of the following reasons, and may in his discretion afford an opportunity for a hearing with respect thereto:

- (1) the annual punch card sales at a place of business are less than 100, as specified in Section 3 (e) of this law;
- (2) ownership of the place of business has changed;
- (3) the punch card sales agent or assistant punch card sales agent for whom he is responsible has violated any of the requirements relative to the performance of duty as provided by Section 7 of this law, as appropriate;
- (4) the agent has ceased to meet the eligibility requirements for appointment as set forth in Section 3 or Section 4 of this law, as appropriate;

b) In cases where a termination procedure is instituted because of alleged fiscal or bookkeeping improprieties, the Director shall hold such hearing, if any, within 10 days of its

removing unsold punch cards from the place of business and the completion of a fiscal audit, if such audit is performed. Notice of such hearing, if any, shall be given by the Director at the time it removes such punch cards.

c) In cases where a termination procedure is instituted for reasons other than fiscal or bookkeeping improprieties, the department shall hold such hearing, if any, upon not less than 20 days advance written notice to such agent.

Section 9. Remuneration of punch card sales agent.

The punch card sales agent shall be entitled to retain as remuneration 25 cents of the proceeds of sale of each punch card sold. An assistant punch card sales agent shall receive no remuneration from Columbia County, but may receive from the punch card sales agent such fees or other remuneration as determined by the punch card sales agent.

Section ¹⁰10. Rules and Regulations.

The Director of Solid Waste shall have the power to adopt, promulgate, amend or repeal such rules and regulations as in the Director's discretion are necessary or desirable to carry out, interpret, and enforce the intent and purposes of this local law. Notwithstanding this power, any failure to adopt and promulgate such rules and regulations shall not impair the enforceability of this local law in a court of competent jurisdiction.

Section ¹¹11. Prior laws.

All other local laws and/or parts of local laws inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section ¹²12. Validity and Severability.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section ¹³13. Effective Date.

This local law shall take effect upon filing with the Secretary of State.

