

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 DELAWARE  
~~TOWN~~  
~~VILLAGE~~

Local Law No. 2 of the year 19 92.

A local law AMENDING LOCAL LAW NO. 1 OF 1992  
(Insert Title)

Be it enacted by the Board of Supervisors of the  
(Name of Legislative Body)

County  
~~City~~ of Delaware as follows:  
~~Town~~  
~~Village~~ TITLE: RECYCLING LAW

Be it enacted by the Delaware County Board of Supervisors, as follows:

SECTION 1.0 TITLE

1.1 This law shall be known as the "Recycling Law".

SECTION 2.0 DECLARATION OF PURPOSE

2.1 The Public Works Committee of the Delaware County Board of Supervisors recognizes the importance of recycling as a cost effective and environmentally sound method of solid waste management. It shall be the purpose of this law to encourage maximum recycling practices on the part of each and every household, business, and institution within Delaware County. It shall further be the purpose of the Delaware County Recycling Law to establish, implement and enforce minimum recycling related practices and procedures to be applicable to all waste generators disposing of solid waste within the County of Delaware.

SECTION 3.0 AUTHORITY

3.1 This local law is hereby enacted pursuant to the authority granted by section 10 and section 120-aa of the New York State Municipal Home Rule Law.

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

## SECTION 4.0 DEFINITIONS

4.1 RECYCLABLE MATERIALS: Those materials designated by the Commissioner of the Delaware County Department of Public Works for inclusion in the mandatory recycling or recycling separation law, initially including the following:

4.1.1 CORRUGATED CARDBOARD: Corrugated cardboard boxes, containers and packaging which are cleaned of contamination by food wastes, adhesives, metals or plastics and which have been flattened for transport. This does not include press board or craft paper.

4.1.2 GLASS: Clear, green and amber glass jars, bottles and containers that have been rinsed and caps removed. This term excludes ceramic, window glass, auto glass, mirror and kitchenware.

4.1.3 METAL FOOD CANS: Metal food cans, jars and containers which are rinsed. This term excludes aerosol cans, paint cans and metal containers that contained hazardous liquids.

4.1.4 NEWSPAPERS: Common machine finished paper made chiefly from wood pulp used for printing newspapers. Must be dry and free of contaminants. This term excludes glossy finished papers, including inserts, and magazines.

4.1.5 HDPE PLASTIC: High Density Polyethylene plastic milk jugs and detergent bottles which are empty, rinsed and caps removed. This term excludes all film, vinyl, rigid and foam plastic materials.

4.1.6 PET PLASTIC: Polyethylene Terephthalate plastic beverage containers which are empty, rinsed and caps removed.

4.1.7 OTHER RECYCLABLES: Any additional items designated by the Commissioner of the Delaware County Department of Public Works as provided for in section 6.2.

4.1.8 TIRES: Rubber tires from automobiles, trucks, farm machinery and any other motorized vehicle.

4.1.9 WHITE GOODS: Major household appliances including refrigerators, washing machines, dryers, stoves, dishwashers, water heater tanks and similar items.

4.2 MATERIALS RECOVERY FACILITY: A public facility approved by the Commissioner of the Delaware County Department of Public Works for receiving and processing recyclable materials into marketable commodities.

4.3 DROP OFF CENTER: A publicly operated facility approved

by the Commissioner of the Delaware County Department of Public Works where a person can deliver their recyclable materials.

4.4 SEPARATION: The segregation of disposable materials into recyclable materials and non-recyclable garbage at the site of the waste generator.

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

4.6 PRIVATE WASTE HAULER: Any person or business who contracts or otherwise arranges with the waste generator to collect and transport recyclable and non-recyclable waste materials for disposal.

## SECTION 5.0 GENERAL PROVISIONS

5.1 Every WASTE GENERATOR including governmental entities in Delaware County shall separate RECYCLABLE MATERIALS from other non-recyclable waste and shall further separate recyclable material by the type of material as defined or designated under Section 4.1.

5.2 RESIDENTIAL HOUSEHOLDS shall make RECYCLABLE MATERIAL, separate by type of item available for collection by a RECYCLABLE COLLECTOR separate from non-recyclable waste on a schedule established by the recyclables collector. Or shall deliver or cause to be delivered SEPARATE RECYCLABLE MATERIAL to a DROP OFF CENTER or MATERIALS RECOVERY FACILITY.

5.3 It shall be a violation for a WASTE GENERATOR or a RECYCLABLE COLLECTOR to attempt to dispose of RECYCLABLE MATERIALS as waste or to fail to separate recyclable material by type under section 4.1 as defined or designated.

5.4 If plastic bags are used for non-recyclable waste, these plastic bags must be clear plastic. This provision is not applicable to waste generators that do not collect waste in plastic bags.

## SECTION 6.0 ADMINISTRATION

6.1 The administration of this law shall be the responsibility of the Commissioner of the Delaware County Department of Public Works who shall take such action as is appropriate and consistent with the intent and provisions of this law.

6.2 The Commissioner of the Delaware County Department of Public Works is empowered to designate and define in writing additional recyclable materials as "other recyclables" for purposes of Section 4.1.7. Such written designation and definitions shall be filed in the office of the Clerk of the Delaware County Board of Supervisors. The Commissioner may from time to time issue a list of recyclables and otherwise inform the public concerning the

recycling program.

6.3 The Commissioner of the Delaware County Department of Public Works shall have authority to approve and/or disapprove one or more "Materials Recovery Facility" and/or "Drop Off Center" as defined in Section 4 of this law. The Commissioner shall from time to time issue a written list of said approved facilities, a copy of which shall be filed in the office of the Clerk of the Delaware County Board of Supervisors and available for public inspection.

6.4 The Board of Supervisors may by resolution establish a schedule of fees for the disposal of waste items including recyclables.

#### SECTION 7.0 ENFORCEMENT

7.1 Enforcement of the provisions of this law shall be by any law enforcement officer or agency exercising jurisdiction within Delaware County and by any County official acting in his or her official capacity.

7.2 In addition to any fines or penalties provided for herein, the County may utilize any other remedy including injunction available from a court of proper jurisdiction.

#### SECTION 8.0 CRIMINAL PENALTIES

8.1 Failure of a WASTE GENERATOR to comply with the provisions of this law shall be designated as a violation and shall be punishable by a fine of Fifteen Dollars (\$15.00) for the first offense; Thirty Dollars (\$30.00) for the second offense within twelve (12) months; Fifty Dollars (\$50.00) for the third offense within twelve months, and One Hundred Dollars (\$100.00) for each subsequent offense within twelve months.

8.2 Failure of a PRIVATE WASTE HAULER OR DROP OFF CENTER to comply with this law shall be a designated violation and shall be punishable by a fine of Two Hundred Fifty Dollars (\$250.00) for the first offense; Five Hundred Dollars (\$500.00) for the second offense within twelve (12) months and One Thousand Dollars (\$1,000.00) for each subsequent offense within twelve (12) months.

8.3 One hundred percent (100%) of the criminal fines collected in the enforcement of this law shall be retained by the enforcing municipality for which the sentencing Court sits and shall be used as follows: fifty percent (50%) to support the enforcement of this law and fifty percent (50%) to support County recycling education programs.

#### SECTION 9.0 CIVIL PENALTIES

9.1 In addition to the criminal fines imposed under sections 8.1 and 8.2 above, the offender shall pay a civil penalty in an additional amount equal to the additional cost of disposal.

9.2 The County shall have the right to pursue civil penalty or other remedies regardless of whether a criminal proceeding is, has been or is to be commenced.

9.3 Should an offender not make payment of a fine or penalty within thirty (30) days of imposition, said offender shall be banned from the use of any Delaware County Solid Waste Facility until payment is made.

9.4 All civil penalties shall be payable directly to the Delaware County Treasurer and utilized by the Commissioner of Delaware County Department of Public Works for recycling purposes.

#### SECTION 10 SAVINGS CLAUSE

If any part of this local law is found to be illegal by a court of competent jurisdiction, the remaining parts hereof shall remain in full force and effect.

#### SECTION 11 EFFECTIVE DATE

11.1 This Recycling Law shall become effective on June 15, 1992.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19 92 of the (County)(City)(Town)(Village) of Delaware was duly passed by the Board of Supervisors on June 24, 19 92, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19 \_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19 \_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19 \_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ 1\_\_\_\_, above.

*Cristina M. Schaefer*

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: June 24, 1992

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Delaware

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Richard B. Spinney*

Signature

Richard B. Spinney

Delaware County Attorney

Title

County

~~CITY~~

~~TOWN~~

~~Village~~

of Delaware

Date: June 24, 1992




**DELAWARE COUNTY**  
**DEPARTMENT OF PUBLIC WORKS**  
P. O. BOX 311 DELHI, N.Y. 13753

WAYNE D. REYNOLDS, P.E.  
.COMMISSIONER OF PUBLIC WORKS  
.SUPERINTENDENT OF HIGHWAYS  
.COUNTY ENGINEER

Main Office and Yard  
Page Avenue, Delhi  
607-746-2128  
FAX 607-746-7212

MEMO

To: Christa Shafer, Clerk  
Board of Supervisors  
From: Scotty R. Gladstone   
Solid Waste Coordinator  
Date: June 4, 1992  
Re: Local Law No. 1-92  
Additional Recyclable Materials

Pursuant to Section 6.2 of Local Law No. 1-92, the following items shall be added to the list of recyclable materials in Section 4.1.7:

4.1.7 OTHER RECYCLABLES

4.1.71 MAGAZINES & JUNK MAIL: All magazines, catalogs, fax paper, envelopes (except tyvex, waterproof or padded), window envelopes, glossy paper, blueprints, vellum, shiny inserts, construction paper, coupons and sweepstakes forms. This term excludes other types of paper such as paper towels, paperboard, paper clips, rubber bands and carbon paper. Small amounts of office paper is allowed.

4.1.72 OFFICE PAPER & COMPUTER PAPER: White and colored office paper, NCR (carbonless) paper, adding machine tapes, manilla folders, notebook paper, index cards, all computer paper. This term excludes all other types of paper such as paper towels and paper board, paper clips, rubber bands and carbon paper.

4.1.73 SCRAP METAL: All clean metal including steel in any form (except drums), aluminum in any form (except foil), metal roofing, EMPTY DRY paint cans, steel cable, chain, pipe, rods, clean copper. This term excludes metal with any plastic, rubber or wood attached, paint containers that are not empty, drums of any kind, copper coated cable, auto body parts.

