

(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.

~~XXXXXX~~  
~~XX~~ of EAST GREENBUSH  
Town  
~~XXXXXX~~

Local Law No. 2 of the year 19 91

A local law Concerning the Regulation, Collection, Recycling and Disposal of  
(Insert Title) Solid Waste in the Town of East Greenbush

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

~~XXXXXX~~  
~~XX~~ of East Greenbush, Rensselaer County, New York as follows:  
Town

Section 1. LEGISLATIVE INTENT

The purpose of this local law is to promote and protect the public health and welfare by regulating the safe collection and disposal of solid waste; to reduce the amount of solid waste going to landfills; to recover recyclable materials and deliver them to markets; to offer alternative refuse disposal and recycling options; and to encourage participation by the whole community in solid waste management through a simple and equitable recycling plan.

Section 2. DEFINITIONS

As used in this Local Law, unless otherwise expressly stated:

A. GARBAGE means any non-recyclable kitchen and household refuse and table cleanings, fruit and vegetable parings, decaying vegetable, animal and fruit matter.

B. RECYCLABLES means those items designated by the Recycling Coordinator and approved by the Town Board as being marketable and currently including, but not limited to, clean plastic and glass food containers, metal food cans, dry discarded newspapers, cardboard and flat paper. A list of approved items designated as recyclable shall be maintained on file in the Town Clerk's office.

C. COMPOST means decayed organic matter including yard waste and kitchen scraps except for animal fat and bones.

D. NON-RECYCLABLE REFUSE means items currently not listed as collectable by the Recycling Coordinator, i.e. rags, sweepings, leather, crockery, shells, and similar waste materials.

### Section 3. PREPARATION AND PROCEDURES

No person shall dispose of garbage, recyclables, or non-recyclables except as follows:

Prior to placement for collection and removal, all refuse including separated recyclables must be properly stored in a closed, weatherproof container or an area protected from the elements. Glass, metal and plastic recyclables shall be clean, and all contents shall be removed therefrom, caps shall be removed from glass recyclables and paper labels shall be removed from metal recyclables. Newspapers and other fiber-based materials for recycling shall be kept dry.

#### A. DIRECT DISPOSAL BY RESIDENTS

1) Each resident shall separate their solid waste and then take their separated recyclables to the East Greenbush Recycling and Transfer Center or place them for curbside pick-up.

2) The Recycling Coordinator shall issue instructions subject to the approval of the Town Board as to which materials may be delivered to the Recycling and Transfer Center and their method of separation. These instructions shall be kept on file in the Town Clerk's office.

#### B. CURBSIDE RESIDENTIAL SERVICE

1) Each residence utilizing curbside pickup shall provide at its own expense suitable plastic or metal covered container(s) in which to deposit garbage and non-recyclable refuse for curbside pickup.

2) Each resident shall obtain at their own expense one Town approved bin, a solid container with a lid, in which designated recyclables are to be placed for collection and curbside pickup.

3) It shall be the responsibility of all residents to separate recyclables from all residential solid waste and place them out for collection.

(a) Recyclables for collection shall not be placed in a plastic bag.

(b) Recyclables shall not be placed in the same container as or otherwise mixed with other forms of solid waste.

4) The Recycling Coordinator shall issue instructions subject to the approval of the Town Board as to which materials are to be collected at curbside, how

they shall be prepared and the type of bin to be used for collection. These instructions shall be kept on file in the Town Clerk's office.

5) All recyclable materials placed in curbside containers are considered to be the property of the Town or of its designated collector alone.

#### C. MULTI-RESIDENTIAL COMPLEX

1) The owner, manager or superintendent of every multi-residential complex, not providing a contracted curbside pick-up program, shall provide and maintain, in a neat and sanitary condition, recycling collection areas to receive the recyclables generated by the residents of the complex.

2) In cases where the interests of residents in a condominium, cooperative, homeowner or similar organization is protected by an association, the association shall be responsible for the provision and maintenance of the recycling collection areas.

3) All residents shall separate recyclables and place them in the appropriate containers within the collection areas, or curbside, if such a program exists, and in accordance with Section 3B of this legislation.

4) The Recycling Coordinator shall issue instructions subject to the approval of the Town Board on which materials are to be collected, and how they shall be prepared. These instructions shall be kept on file in the Town Clerk's office.

5) All recyclable materials placed in containers are considered to be the property of the Town or of its designated collector alone.

6) The Recycling Coordinator shall assist the owner, manager or superintendent of every multi residential complex and the licensed collector in developing alternative program(s) consistent with the intent and objective of this Local Law.

7) Collection areas on the premises of a multi-residential complex shall be suitably screened or enclosed from public view.

#### D. NONRESIDENTIAL/COMMERCIAL

1) The Recycling Coordinator shall issue instructions subject to the approval of the Town Board on which materials are to be collected, and how they shall be

prepared. These instructions shall be kept on file in the Town Clerk's office.

2) All recyclable materials placed in containers are considered to be the property of the Town or of its designated collector alone.

3) The licensed collector shall be responsible for providing collection bins for separated recyclables under a program approved by the Recycling Coordinator and consistent with the nature of each nonresidential customer's business, operation or facility.

#### E. MISCELLANEOUS PROVISIONS

1) If allowed by the NYS Dept. of Environmental Conservation and consistent with the rules, regulations and ordinances of the Town of East Greenbush, large household furnishings may be delivered directly to the Town Recycling and Transfer Center, providing a disposal fee has been paid, said disposal fee to be established by Resolution of the Town Board.

2) Yard waste properly bundled or placed in a paper biodegradable bag will be picked up curbside on a designated date by the Town, or permitted to be deposited at the Town Recycling and Transfer Center free of charge or at such Town Yard Waste Composting site as may be established.

3) It shall be a violation of this law to place a hazardous substance out for collection by a person not licensed to collect, remove and dispose of a hazardous substance, or to deliver such hazardous substance to the Recycling Center without prior authorization.

4) Construction Demolition Debris must be deposited at sites authorized by the Department of Environmental Conservation.

#### Section 4. TOWN RECYCLING AND TRANSFER CENTER

A. The Town shall operate and maintain proper collection facilities for separated recyclables at a central location, designated as the Town Recycling and Transfer Center. Only Town residents shall be permitted access and may be asked to present suitable identification.

B. The Recycling and Transfer Center will accept designated recyclable items free of charge; while certain other items, including tires and major appliances, will be

accepted provided a disposal fee has been paid during such hours as may be established by Resolution of the Town Board.

C. Bagged garbage and refuse, will be accepted for disposal at the Town Recycling and Transfer Center providing a disposal fee has been paid, during such hours as may be established by Resolution of the Town Board.

D. From time to time, as markets allow, the Town Recycling Coordinator may subject to the approval of the Town Board expand or contract the list of materials accepted for recycling at the Town Recycling and Transfer Center.

E. The Town Recycling and Transfer Center shall be administered by the Commissioner of Public Works with assistance from the Recycling Coordinator.

F. A Collector, as defined under this law, shall not be permitted to use the Recycling Center for disposal of recyclables or non-recyclable waste.

G. It shall be a violation of this law to dispose of solid waste collected outside the town at the Town Recycling and Transfer Center.

#### Section 5. LICENSED REQUIRED

No person shall engage, on a regular basis, in the business of collecting, transporting, disposing of solid waste, and/or the marketing of recyclables generated within the Town of East Greenbush, without a license as hereinafter provided.

#### Section 6. LICENSE APPLICATION AND ISSUANCE

The following procedures shall be followed to obtain a Solid Waste Collection License:

A. A license application shall be made, in writing, on a form prescribed by the Town Clerk accompanied by a fee to be established by Resolution of the Town Board.

B. The application shall contain the name of the applicant, or if a partnership or corporation, the names of the partners, officers, directors and all persons holding twenty-five percent (25%) or more of the outstanding shares of said corporation.

C. The application shall list the days of collection, both for commercial and non-commercial accounts, the number

of collections, the route used in making collections, and the days set aside for the pick-up of recyclables.

D. A solid waste collection license shall be issued by the Town Clerk upon compliance with the application procedures set forth in this law.

E. Violation of this law shall be cause for revocation of the solid waste collection license by the Town Board upon recommendation of the Recycling Coordinator and after notice and an opportunity to be heard at a hearing to be conducted by the Recycling Coordinator.

F. The effective term of the license shall be one (1) year from date of issuance.

#### Section 7. CONDITIONS OF LICENSE

Acceptance of the Solid Waste License constitutes an agreement to perform under the following conditions, where applicable, the service provided by the licensed collector:

##### FOR ALL LICENSED COLLECTORS

A. To provide regular weekly collection service to its contracted customers for both refuse and separated recyclables.

B. To transport recyclables segregated through delivery to a suitable, ENCON licensed Materials Recovery Facility, or to markets approved by the Recycling Coordinator.

C. That the collector be obligated to pick up those items prescribed by the Town and its Recycling Coordinator as being recyclable.

D. That the collector provide the Recycling Coordinator with a monthly report showing weight of recyclables collected by category from East Greenbush customers, the manner of transaction, along with the total tonnage of non-recyclable solid waste collected from East Greenbush customers and its final destination.

E. It shall be a violation of this law for a person to collect from a residence and dispose of solid waste which consists of recyclables combined with other forms of solid waste.

##### FOR RESIDENTIAL COLLECTORS

F. That the basic curbside weekly pickup service per residence shall consist of the collection of refuse

containers plus at least one (1) town approved bin of separated recyclables.

G. Nothing in this section shall preclude a licensed collector from making contractual arrangements with any customer for special or additional services including, but not limited to, Senior discounts, one-time cleanups, yard pickup service, and regular multi-container pickups.

#### FOR NON-RESIDENTIAL OR COMMERCIAL COLLECTORS

H. That collection of recyclables from Non-residential or commercial customers shall be consistent with the standards as described in Section 3 hereof.

### Section 8. PENALTIES

Failure to comply with this Local Law by any person shall be deemed a violation and the violation shall be punishable as follows:

#### Violations Relating to Residential, Multi-Residential or Commercial Collection:

1) For a first conviction within one year: a fine of not less than \$25 nor more than \$50 and/or up to 8 hours of community service.

2) For a second conviction within one year: a fine of not less than \$50 nor more than \$100 and/or up to 16 hours of community service.

3) For a third conviction within one year: a fine of not less than \$100 nor more than \$200 and/or up to 40 hours of community service.

Each continuing day of violation of this local law shall constitute a separate offense.

#### Violations relating to Licensed Collectors:

1) For a first conviction within one year a fine of \$250.

2) For a second conviction within one year a minimum fine of \$250 nor more than \$700 and/or up to 168 hours of community service.

3) For a third conviction, within one year a minimum fine of \$700 nor more than \$1,000 and/or up to 500 hours of community service.

Each continuing day of violation of local law shall constitute a separate offense.

(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 1991 of the ~~(County)(City)(Town)(Village)~~ of East Greenbush was duly passed by the Town Board on July 10, 1991, 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 one, above.

Kenna M. MacFarland  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: 7/16/91

(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 RENSSELAER

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.

Thomas E. [Signature]  
Signature  
Town Attorney  
Title

~~CORPORATION~~  
~~COUNSEL~~ of East Greenbush  
Town  
~~VILLAGE~~

Date: 7/16/91