

Chapter 113: GARBAGE, RUBBISH AND REFUSE

Article III: Recycling

[Adopted 9-27-1990 as L.L. No. 15-1990]

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§ 113-19 Title.

This Article shall be known as the "Town of North Greenbush Recycling Law" and is enacted as Chapter **113**, Article **III**, of the North Greenbush Town Code.

§ 113-20 Findings.

The Town Board of the Town of North Greenbush 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, vegetative yard waste 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, conserving natural resources, assisting the town in complying with the mandates of the laws codified in New York State Environmental Conservation Law § 27-0704, ensuring conformation with the New York State Solid Waste Management Plan and facilitating the development and implementation of a solid waste management plan for the town. 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 facilitating recycling.

§ 113-21 Legislative authority.

This Article is adopted pursuant to § 10 of the Municipal Home Rule Law of the State of New York.

§ 113-22 Definitions.

As used in this Article, the following definitions shall apply:

CANS

Containers comprised of aluminum, tin, steel or a combination thereof which contain or formerly contained only food and/or beverage substances.

CARDBOARD

All corrugated cardboard normally used for packing, mailing, shipping of containerizing goods, merchandise or other material, but shall not mean wax-coated or soiled cardboard.

COMMINGLED

Source-separated, nondecomposable, noncontaminated recyclable materials that have been placed in the same container.

DISPOSITION or DISPOSITION OF DESIGNATED RECYCLABLE MATERIALS

The transportation, placement or arrangement for transportation or placement of designated recyclable materials for all possible end uses.

GARBAGE

Decomposable animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GLASS

All clear (flint), green and brown (amber) colored glass containers, crystal, ceramics, and plate, window, laminated or mirrored glass, but shall not mean wired glass.

HAZARDOUS MATERIAL or HAZARDOUS WASTE

A solid waste or a combination of solid wastes which, because of its quality, concentration or physical, chemical or infectious characteristics, may:

A.

Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

B.

Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

MULTIRESIDENTIAL COMPLEX

Four (4) or more residential units located on a single property or continuous properties under common ownership, control or management. For this purpose, "residential unit" shall mean an enclosed space consisting of one (1) or more rooms designed for use as a separate residence and shall include, but not be limited to, an apartment, condominium unit, townhouse cooperative unit, mobile home, living unit in a group home and a room or set of rooms in a boardinghouse, but shall not include rooms within a single-family residence, motel or hotel.

NEWSPAPER

Includes newsprint and all newspapers and newspaper advertisements, supplements, comics and enclosures.

PAPER

All high-grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeo paper, duplication paper, magazines, paperback books, school paper, catalogs, junk mail, computer paper, telephone books and similar cellulosic material, but shall not mean newspaper, wax paper, plastic or foil-coated paper, styrofoam, wax-coated food and beverage containers, carbon paper, blueprint paper, food-contaminated paper, soiled paper and cardboard.

PERSON

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 persons which is recognized by law as the subject of rights and duties. In any provisions of the Article 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.

PLASTIC CONTAINERS

Containers composed of high-density polyethylenes, polyethylene terephthalate or other specific plastics as the Town Board may designate, which contain or formerly contained only food and/or beverage substances.

RECYCLABLE MATERIAL

A material which would otherwise become solid waste, which can be collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

RECYCLABLES

Those recyclable materials designated by this Article and/or by resolution of the Town Board pursuant to this Article to be source-separated. The term includes, but is not limited to, newspaper, glass, paper, cardboard, cans, plastic containers and vegetative yard waste.

RECYCLING

Any process by which materials, which would otherwise become solid waste, are collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

RECYCLING COLLECTION AREA

Any facility designed and operated solely for the receiving and storing of source-separated designated recyclable materials.

RESIDENCE

A building or parcel of land having three (3) or fewer dwelling units.

RESIDENT

Any person residing in a residence within the town on a temporary or permanent basis, but excluding person residing in hotels or motels. For purposes of this Article, "resident" does not include commercial, industrial or institutional establishments.

RUBBISH

Decomposable solid wastes consisting of both combustible and noncombustible wastes, including but not limited to nonrecyclable paper, wrappings, wood, wires, bedding, furniture and similar materials which are not designated recyclable materials.

SOLID WASTE

All decomposable and nondecomposable materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter, rubbish, construction and demolition debris, discarded automobiles and offal, but not including designated recyclable materials, solid or dissolved matter in domestic sewage or substances, materials in noncontainerized gaseous form or hazardous materials or waste.

SOURCE-SEPARATE

To separate recyclable materials from the solid waste stream at the point of waste generation.

TOWN

The Town of North Greenbush located within the County of Rensselaer, State of New York.

TOWN BOARD

The Town Board of the Town of North Greenbush.

VEGETABLE YARD WASTE

Organic yard and garden waste, leaves, grass clippings and brush.

§ 113-23_Permit required.

No person shall engage in the business of collecting solid waste or otherwise render services to anyone without a permit as hereinafter provided.

§ 113-24_Permit application; conditions.

A. Solid waste collection service permit.

1. A permit application shall be made in writing on the form prescribed by the Town Clerk, submitted to the Town Clerk and accompanied by a fee as provided in Chapter 95, Fees.

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

2. The application shall contain the name of the applicant or, if a partnership or corporation, the names of all partners, officers and directors. If the applicant is a corporation which is wholly or partially owned by another corporation, the parent corporation shall be identified, together with the names of the officers and directors of the parent corporation.

B. Conditions of permit.

1. No permit shall be issued to provide solid waste services to residential and/or nonresidential establishments and multiple residences unless the applicant can demonstrate the ability to collect, store and handle recyclables separately from other solid wastes.
2. A permit shall expire on December 31 of the year in which it is issued, unless sooner revoked.
3. A person to whom a permit has been issued shall not transfer, assign or allow any other person to use the permit.
4. No person shall use a permit issued to another person.

§ 113-25 Curbside program established.

A. Upon the effective date of this Article, there is established within the town a program ("curbside program") for separate collection of newspaper. Said curbside program shall apply to residences as defined herein, to multiresidential complexes in accordance with § 113-27 of this Article and to commercial, industrial and institutional establishments in accordance with § 113-29 of this Article, as phased in by official resolution.

B. Collection of newspaper pursuant to the curbside program established by this section shall be made once each week. Collection shall occur in accordance with a schedule advertised by each private hauler licensed by the town and shall commence no later than sixty (60) days after the effective date of this Article.

C. Expansion of program.

1. The Town Board, by resolution, may expand the curbside program to include, in addition to newspaper, the collection in separate containers, bundles or packages, as appropriate, of one (1) or more of the following designated recyclable materials:
 - (a) Cardboard.
 - (b) Commingled glass, cans and plastic containers.
 - (c) Vegetative yard waste.
 - (d) Other recyclable materials as designated by resolution of the Town Board.
2. Said expanded curbside program shall be established at all times sixty (60) days after designation and publication of notice in an official newspaper of the town or a newspaper of general circulation within the town. Said expanded curbside program shall apply to multiresidential complexes in accordance with § 113-27 of this Article and to commercial, industrial and institutional establishments in accordance with § 113-29 of this Article.

D. Collection of designated recyclable materials added to the curbside program pursuant to Subsection C above shall occur in accordance with a schedule advertised by private haulers licensed by the town.

E. All residents of the town shall, upon the applicable effective date of this Article, source-separate newspaper and other designated recyclables in the manner designated by the date specified for collection by the schedule published by the hauler and place them at the side of the road fronting their residences or at such other location at or near the residence as is agreeable to the person who is collecting the material.

§ 113-26_Residential separation and collection of recyclables.

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Designated recyclables placed at the roadside or other location by residents for collection pursuant to the curbside program established pursuant to § 113-25 of this Article shall be prepared for collection in accordance with regulations promulgated by the town.

§ 113-27_Multiresidential complexes.

A. In any area designated by the Town Board subject to a curbside program established pursuant to § 113-25 of this Article, there is also established a program ("private collection program") for the source-separation, collection and delivery of newspaper and any other designated recyclable material included in the curbside program from residents of multiresidential complexes.

B. The owner, manager or superintendent of every multiresidential complex subject to Subsection A above shall provide and maintain, in a neat and sanitary condition, recycling collection areas to receive newspaper and other designated recyclables included in the curbside program which are generated by residents of the complex. In cases where a condominium, trailer park, cooperative, homeowner or similar association exists, the association shall be responsible for provision and maintenance of the recycling collection areas. Said recycling collection areas shall be established and capable of receiving newspaper within sixty (60) days of the effective date of this Article.

C. Once the recycling collection area for a particular multiresidential complex has been established and is capable of receiving newspaper and other designated recyclables as may be included in or added to the curbside program, all residents of such complex shall source-separate such materials by placing them in the appropriate containers or areas within the collection area.

D. The owner, manager or superintendent of each multiresidential complex subject to Subsection A above shall arrange for the collection for recycling of newspaper and other designated recyclables from the recycling collection areas.

E. The number and design of the recycling collection areas required by this section of each multiresidential complex shall be consistent with guidelines provided by the haulers/town.

§ 113-28_Recycling collection areas.

Designated recyclables required to be placed in recycling collection areas pursuant to § 113-27 of this Article shall be prepared for collection in accordance with regulations promulgated by the town.

§ 113-29_Commercial, industrial and institutional source-separation program.

A. All commercial, industrial and institutional establishments within an area of the town subject to a curbside program established pursuant to § 113-25 of this Article shall source-separate and arrange for the collection for recycling of newspaper and paper within sixty (60) days of the establishment of the curbside program, and any and all other designated recyclables as may be included in or added to such curbside program within sixty (60) days of such inclusion in or addition to the curbside program.

B. Designated recyclables for the mandatory commercial, industrial and institutional source-separation program may consist of the following materials:

1. Newspaper.
2. High-grade paper, including but not limited to white letterhead paper, white bond paper, white typing paper, white copier paper, white notepad paper, white writing paper, white envelopes without glassine windows, other nonglossy white paper without plastic, computer printout paper, computer tab cards and white onionskin paper.
3. Corrugated cardboard.
4. Glass containers, plastic containers and cans generated by food and beverage service establishments.
5. Vegetative yard waste.
6. Other recyclable materials as designated by resolution of the Town Board at all times thirty (30) days after said designation and publication of notice in an official newspaper of the town or a newspaper of general circulation within the town.

C. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the person who owns, manages or operates the commercial, industrial or institutional establishment at which the recyclables are generated ("generator") or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste. Said arrangements may include, without limitation, direct marketing of recyclables, contracts with permitted solid waste collector/haulers for separate collection of any and all designated recyclables, contracts with other persons for separate collection of any and all designated recyclables or direct delivery to a designated processing facility.

§ 113-30_Vegetative yard waste.

Nothing in this Article shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural, horticultural, gardening or landscaping purposes.

§ 113-31_Enforcement.

The Building Department is authorized to enforce the provisions of this Article and to administer the recycling program established herein.

§ 113-32_Unlawful acts.

A. It is unlawful for any person:

1. Other than those persons so authorized, to collect any designated recyclable which has been placed at the roadside for collection pursuant to this Article.
2. To violate or to cause or to assist in the violation of any provision of this Article or any implementing rule or regulation promulgated by the town.

3. To place or to cause to be placed any material other than a designated recyclable in or near a recycling collection area.
4. To throw, dump, deposit or place, or cause to be thrown, dumped, deposited or placed, upon private lands or public lands within the town, any refuse, trash, garbage, rubbish, litter, paper, newspaper, cardboard, glass, cans, plastic containers and vegetative yard waste.
5. To allow items mentioned in Subsection A(4) herein to accumulate on property owned or occupied by them.

B. All unlawful conduct set forth in this section shall constitute a violation.

§ 113-33 Contaminated recyclables.

Any person collecting solid waste generated within this town may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables designated under an applicable section of this Article.

§ 113-34 Penalties for offenses.

A. Any person who engages in unlawful conduct as defined in this Article may, upon conviction thereof, in a proceeding before a court of competent jurisdiction, be sentenced to imprisonment for a term not to exceed fifteen (15) days or to pay a fine of not more than two hundred fifty dollars (\$250.) and not less than one hundred dollars (\$100.), or any combination of the above penalties.

B. Each continuing day of violation of this Article shall constitute a separate offense.

§ 113-35 Additional remedies.

A. In addition to any other remedy provided in this Article, the town may institute a suit in equity where unlawful conduct exists as defined in this Article for an injunction to restrain a violation of this Article.

B. The penalties and remedies prescribed by this Article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent this town from exercising any other remedy provided by this Article or otherwise provided at law or equity.

§ 113-36 Construal of provisions.

The terms and provisions of this Article are to be liberally construed so as to achieve and effectuate the goals and purposes hereof.

§ 113-37 Repealer; effect on other provisions.

All provisions of any other local law or ordinance which are inconsistent with the provisions of this Article are hereby repealed. This Article is not, however, intended to supersede Article I or II of this chapter, but shall apply independently of and in addition to said Article I of this chapter.

§ 113-38 Rules and regulations.

The Town Board shall have the authority to adopt, by resolution, such rules and regulations as are necessary to implement, administer and carry out the provisions of this Article.