

(Please Use this Form for Filing your 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.

County  
~~XXXX~~  
City of OTSEGO  
~~XXXX~~  
~~XXXX~~

Local Law No. 1 of the year 19 89

AUTHORIZED BY SECTION 120-aa GML REQUIRING FOR ALL SOLID WASTE WITHIN THE COUNTY OF OTSEGO, SOURCE SEPARATION AND SEGREGATION OF RECYCLABLE OR REUSABLE MATERIALS.  
A local law (Insert title)

Be it enacted by the LEGISLATURE of the (Name of Legislative Body)

County  
~~XXXX~~ of OTSEGO as follows:  
~~XXXX~~  
~~XXXX~~

SECTION 1. LEGISLATIVE INTENT. The County of Otsego finds and declares that the proper management of solid waste is necessary to protect public health and the environment for the residents of the County. Towards this end, it is necessary to reduce the generation of solid waste, to accelerate the recovery and reuse of secondary materials within the state, to encourage the conservation of resources, to foster public and private initiatives to achieve these ends, and to encourage a new ethic to conserve and reuse rather than discard useful materials. The State of New York concurs in this legislative objective. This legislation is intended to insure that source separation and segregation of recyclable and reusable materials occurs within the County of Otsego.

SECTION 2. SHORT TITLE. This local law shall be known as the "RESOURCE RECOVERY LAW".

SECTION 3. DEFINITIONS.

1. Construction and demolition debris means waste resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. Such waste include, but are not limited to, bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree and brush stumps.

2. Garbage means putrescible solid waste, including animals and vegetable waste resulting from the handling, storage, sale, preparation, cooking and/or serving of foods.

3. Hazardous waste, includes pesticides in containers used for pesticides, used motor oil, automobile batteries, vehicular tires and all other materials, determined now or in the future to be hazardous by state or federal rule, regulation and/or statute. These materials may originate in such places including, but without limitation, the home, farm or farming activities or commercial, industrial or public activities.

4. Large household furnishings, means all large and/or bulky articles actually used in the home and which equipped for living (as chairs, sofas, tables, beds, carpets, etc.).

(If additional space is needed, please attach sheets of the same size as this and number each)

5. Legislature, means the Otsego County Legislature or for the purpose of this local law only, a committee of the legislature, or an employee or officer of the County of Otsego designated by the legislature to perform duties under this local law and/or the regulations adopted pursuant thereto.

6. Major appliances, means a large and/or bulky household mechanism including, but without limitation, a refrigerator, washer, dryer, stove, etc. ordinarily operated by gas or electric current.

7. Person, means any owner(s) or occupant of residential, commercial or industrial property generating "solid waste"; the same to include any member of a joint venture, partnership or officer of a corporate entity generating solid waste.

8. Recyclable commercial and industrial by-products, includes all materials which are a by-product of production utilized in production or sale or after sale by a commercial enterprise or industrial enterprise.

9. Recyclable material, means any material designated, from time to time, by Otsego County, which, under any applicable law or regulation, is not hazardous and which is separated from the waste-stream and held for its material recycling or reuse value.

10. Recyclers, means those persons who deal with recyclable material as collectors, separators and/or marketers, this definition includes not-for-profit corporations and charitable corporations which collect recyclables for fund raising purposes.

11. Solid Waste, means all putrescible and non-putrescible solid wastes, including, but not limited to, materials or substances discarded or rejected, whether as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection or for any other reason, or are being accumulated, stored or physically, chemically or biologically treated prior to being discarded, having served their intended use, or are a manufacturing by-product, including, but not limited to, garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the commissioner of environmental conservation pursuant to section 27-0903 of the environmental conservation law.

12. Source separation, means the segregation of recyclable materials from solid waste at the point of generation for separate collection, sale or other disposition.

13. Vehicular tires, shall mean tires from cars, trucks, or other motor vehicles and their casings.

14. Yard waste, means grass clippings, leaves, cuttings and other debris from shrubs, hedges, trees and other vegetation. "Garbage", "recyclable material" and "construction and demolition debris" shall not be construed to include "yard waste".

#### SECTION 4. PREPARATION OF GARBAGE AND RECYCLABLE MATERIAL FOR RESIDENTIAL COLLECTION.

In order to provide for the public health and safety and to facilitate the conservation of vital natural resources, each city, town and/or village within the County of Otsego shall provide for the collection of solid waste and recyclable material. Each such city, town or village within the County of Otsego shall provide by January 2, 1990, to the

Otsego County Board of Representatives a plan for approval to provide for such collection. Such plan must demonstrate that regular, reliable collection of solid waste and recyclable material will be provided to each property which generates that material in that municipality.

The legislature shall determine the schedule of implementation for collection of recyclable material in the County. After the schedule of implementation has been imposed in an area of the County of Otsego and becomes effective by its terms, no person or other generator of solid waste shall dispose of the same including garbage or recyclable or non-recyclable material, except in the following manner:

A. SUITABLE CONTAINERS. Each person shall provide for the separation of recyclable material in a suitable container or containers as authorized by the legislature.

B. SEPARATION OF NEWSPAPERS, GLASS AND METALS FROM OTHER SOLID WASTE. Discarded newspaper, glass and metals shall be separated from solid waste and placed in suitable containers as above defined. Particular requirements pertaining to manner of separation may be established by the legislature from time to time.

C. PLACEMENT OF SUITABLE CONTAINERS CONTAINING GARBAGE AND RECYCLABLE MATERIALS.

(i) GARBAGE. The legislature of the County of Otsego shall designate from time to time approved areas for delivery of garbage in suitable containers. It shall be a violation of this local law for any person without authority from Otsego County to collect, pickup, remove or cause to be collected, picked up or removed any garbage at such approved areas, and each such unauthorized and unapproved collection, pickup or removal shall constitute a separate and distinct offense in violation of this local law.

(ii) RECYCLABLE MATERIALS. All persons may dispose of their recyclable materials by selling or donating the same to recyclers.

(iii) UNAUTHORIZED CONTAINERS. It shall be a violation of this local law for any person to place, at an approved location for collection, any can or container other than one which contains garbage and/or recyclable materials properly separated as herein prescribed.

(iv) TIPPING FEES. Tipping fees, if necessary for the collection, handling and disposal of recyclable materials, shall be established by the Otsego County Board of Representatives from time to time.

#### SECTION 5. PUBLIC SALE OF RECYCLABLE MATERIALS.

A. In order to facilitate the sale of recyclable materials, the County shall request letters of interest from recyclers expressing their willingness to purchase recyclable material from the County. A list of interested parties will be established by the County from time to time.

B. Prior to the sale of recyclable material, recyclers appearing on the list will be notified and given specifications with regard to available recyclable material for sale.

C. In the event that recyclers bid on recyclable material, it shall be required that bids be written and delivered to the legislature in accordance with specifications of the legislature. In the case of awarding a bid, the highest bid price for the responsible bidder will be accepted. The legislature reserves the right to reject all bids and authorize a re-bidding.

D. All sales of recyclable materials collected and separated shall be subject to bid. It shall be a term and condition of all bids for recyclable materials collected under this local law that the material purchased will be recycled and not landfilled or burned or otherwise not recycled.

SECTION 6. PREPARATION OF RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CONSTRUCTION AND DEMOLITION DEBRIS AND DISPOSAL.

A. Each municipality within the County of Otsego shall provide a schedule for the collection of residential, commercial and industrial construction and demolition debris. Such material which is recycled or reused for construction shall not be regulated by this local law. Commencement of scheduling for any municipality within the County shall be hereinafter directed by the legislature.

B. This debris shall be disposed of at a Demolition Debris Disposal Site or other suitable site as designated by the legislature under the terms and conditions established by the legislature.

(i) Tipping fees or other charges for disposal shall be established and modified by the Board as needed from time to time.

SECTION 7. PREPARATION OF RESIDENTIAL YARD WASTE AND DISPOSAL.

A. Each municipality within the County shall provide a schedule for collection of residential yard waste; initial commencement of scheduling for municipality shall be as hereinafter determined by the legislature.

B. This yard waste shall be composted either by the County site or sites designated by the legislature or at sites approved by the legislature operated by municipalities within the County of Otsego. Where allowed by law, this subsection shall not prohibit private composting of yard waste.

C. Tipping fees for handling and disposal of yard waste shall be established and modified by the legislature as required from time to time.

SECTION 8. DISPOSAL OF COMMERCIAL AND INDUSTRIAL GARBAGE AND RECYCLABLES.

A. All waste generated by commercial and industrial users collected by either municipal or private haulers shall be delivered to the appropriate facility designated by the legislature.

B. All recyclables generated by commercial and industrial generators shall be packaged and collected in a manner designated by the legislature from time to time and delivered to facilities so designated by the legislature.

C. Tipping fees and other charges for the handling and disposal of garbage and recyclables for commercial and industrial generators shall be established and modified by the legislature as required.

SECTION 9. DISPOSAL OF MAJOR APPLIANCES, LARGE HOUSEHOLD FURNISHINGS AND VEHICULAR TIRES.

A. Each municipality within the County of Otsego shall provide a schedule for the collection of and disposal of major appliances, large household furnishings and vehicular tires; the commencement of scheduling to be as hereinafter determined by the legislature.

B. Said materials shall be disposed of by delivery to a site or sites designated by the legislature from time to time.

C. Tipping fees or other charges for handling and disposal of these materials shall be established and modified by the legislature from time to time.

SECTION 10. PREPARATION OF HAZARDOUS WASTE FOR COLLECTION AND DISPOSAL.

A. All hazardous waste shall be placed in containers determined by the legislature and disposed of pursuant to a schedule as shall hereinafter be designated from time to time by the legislature. Delivery shall be to such facilities and their locations as the legislature may direct from time to time.

B. Tipping fees or other charges for handling of hazardous waste shall be established and modified by the legislature from time to time.

SECTION 11. ENFORCEMENT: PENALTIES.

A. Any person who violates any provisions of this local law, including any rule or regulation shall be guilty of an offense punishable by a fine of \$50.00 and in addition thereto, shall be liable to pay a civil penalty of \$50.00; for a second violation within one (1) year of the first violation, shall be guilty of an offense punishable by a fine of \$100.00 or by imprisonment for up to fifteen (15) days or both, and in addition thereto, shall be liable to pay a civil penalty of \$100.00; for a third and subsequent violation, any person shall be guilty of a misdemeanor, punishable by a fine of not less than \$100.00, or more than \$500.00, or by imprisonment for not more than thirty (30) days, or both, and in addition thereto, shall be liable to pay a civil penalty of \$1,000.00. Each violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation.

SECTION 12. EFFECTIVE DATE.

A. This local law shall take effect immediately. This local law shall be implemented throughout the County of Otsego no later than eighteen (18) months from the date said local law becomes effective. The legislature, through its Clerk, shall notify each municipality in the County as to when for that particular municipality this local law shall be effective as to it.

SECTION 13. SEVERABILITY.

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

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 1 of 1989  
County  
~~City~~  
of the ~~Town~~ of Otsego was duly passed by the Board of Representatives  
~~Village~~ (Name of Legislative Body)  
on February 15 1989 in accordance with the applicable provisions of law.

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

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

3. (Final adoption by referendum.)

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

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

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

\*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 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 § 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.

*Laura A Child*  
Clerk of the County legislative body, ~~City, Town or Village Clerk~~  
~~Office of the County Clerk~~

Date: February 16, 1989.

(Seal)

(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 ...OTSEGO.....

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.

*James E. Kuntawich*  
Signature  
OTSEGO COUNTY ATTORNEY.....  
Title

Date: February 16, 1989

County  
~~NY~~ of OTSEGO  
~~Town~~  
~~Village~~

