



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

RANDY A. DANIELS
SECRETARY OF STATE

May 24, 2001

Leland Lacy
PO Box 429
County Office Building
Schoharie, NY 12157

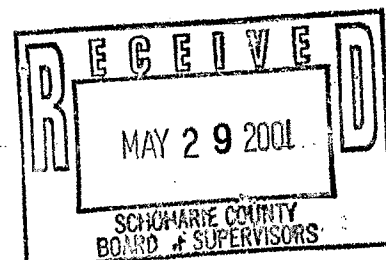
RE: County of Schoharie, Local Law 2, 2001, filed 05/03/2001

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in cursive script that reads "Joseph P. Brozowski".

Joseph P. Brozowski
Principal Clerk
State Records & Law Bureau
(518) 474-2755





James R. Brown
Chairman

OFFICE OF CLERK, AUDITOR & PURCHASING AGENT

P.O. Box 429 County Office Building
Schoharie, New York 12157
(518) 295-8347 FAX: 295-8482

Leland Lacy, Clerk
Karen Miller, Deputy
Sara Davies - Griffin, Deputy

April 24, 2001

Randy Daniels
Secretary of State
41 State Street
Albany, New York 12231

Dear Mr. Daniels,

On April 20, 2001 the Schoharie County Board of Supervisors passed Local Law #2-2001 titled:
ESTABLISHING THE SCHOHARIE COUNTY RECYCLING LAW.

A roll call vote was taken and the results were as follows: Yes - 1902, No - 316, Mr. Hay and
Mr. Skowfoe, Excused - 698, Ms. Loden, Mr. Reilly and Ms. Riedl.

Local Law #2-2001 was passed.

Sincerely,

A handwritten signature in black ink, appearing to read "Leland Lacy", is written over the word "Sincerely,".

Leland Lacy, Clerk
Schoharie Co. Board of Supervisors

(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 ²⁰⁰¹~~19~~..... of the (County)(City)(Town)(Village) of Schoharie..... was duly passed by the Schoharie Co. Board of Supervisors 4/20 ²⁰⁰¹~~19~~....., 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 approved)(repassed after disapproval) by the and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.
(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 approved)(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.
(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 approved)(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.
(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 chairperson 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.)

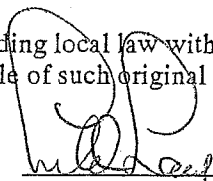
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 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 _____, above.



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

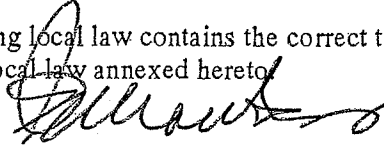
(Seal)

Date: April 20, 2001

(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 SCHENECTADY

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.



MICHAEL WEST.

Signature

COUNTY ATTORNEY

Title

County
City of SCHENECTADY
Town _____
Village _____

Date: MAY 1, 2001

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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.

County

~~CITY~~

of

SCHOHARIE

~~TOWN~~

~~VILLAGE~~

Local Law No. 2 of the year 2001

A local law establishing the Schoharie County Recycling Law
(Insert Title)

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

County

~~CITY~~

of

Schoharie

~~TOWN~~

~~VILLAGE~~

as follows:

For Text of Local Law see attachment.

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

A LOCAL LAW ESTABLISHING THE SCHOHARIE
COUNTY RECYCLING LAW

BE IT ENACTED BY THE SCHOHARIE COUNTY LEGISLATURE OF THE COUNTY OF
SCHOHARIE, NEW YORK, AS FOLLOWS:

Section 1 TITLE

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

Section 2 PURPOSE

It shall be the purpose of the Schoharie County Source Separation Law to encourage and facilitate the maximum recycling practicable on the part of each and every household, business and institution within Schoharie County. It shall further be the purpose of the Schoharie County Source Separation Law to establish, implement and enforce minimum recycling related practices and procedures to be applicable to all WASTE GENERATORS within the County.

Section 3 AUTHORITY

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.

Section 4. DEFINITIONS

4.1 COUNTY RECYCLABLE MATERIALS: Those RECYCLABLES designated by the Montgomery-Otsego-Schoharie Solid Waste Management Authority for inclusion in the mandatory Countywide recycling law, initially including the following:

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

4.1.2 GLASS: Empty, washed glass jars, bottles and containers of clear, green and amber (brown), caps removed. This term excludes ceramic, window glass, auto glass, mirror and kitchenware.

4.1.3 METAL: All ferrous and non-ferrous metals, including: steel, aluminum and composite cans and containers (cleaned of food waste), scrap metal, wire, pipes, tubing, motors, sheetmetal, etc. This term excludes aerosol cans, paint cans and metal containers that contained hazardous liquids and abandoned automobiles.

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

4.1.5 OFFICE PAPER: All bond paper including computer print-out, stationery, photo copy and ledger from commercial WASTE GENERATORS. Paper must be free of tape, adhesives, labels, rubber bands, paper clips, binders and other contaminants. This term excludes carbon paper, chemical transfer paper, windowed envelopes and glossy paper.

4.1.6 PLASTICS: All HDPE and PET type plastics, including empty, washed, food, beverage, detergent, bleach and hair care containers with lids removed. This term excludes all film, vinyl, rigid and foam plastic materials.

4.1.7 OTHER RECYCLABLES: Any additional item designated by the Montgomery-Otsego-Schoharie Solid Waste Management Authority as provided for in section 6.2

4.2 CURBSIDE COLLECTION: The use of collection receptacles including, but not limited to RECYCLING CONTAINERS, for residential, commercial, industrial and institutional WASTE GENERATORS and the regular periodic transfer of the contents of such receptacles by a RECYCLABLES COLLECTOR at the location of the WASTE GENERATOR.

4.3 DROP OFF CENTER: A private or publicly operated facility approved by the Schoharie County Recycling Law to which a person can deliver their RECYCLABLES for sorting.

4.4 ELIGIBLE HOUSEHOLD: A household residing in a dwelling of four units or less and which is required to utilize County RECYCLING CONTAINERS.

4.5 MATERIALS RECOVERY FACILITY: A private or public facility for receiving and processing recyclable materials into marketable commodities.

4.6 RECYCLABLES: Those materials able to be practically separated from non-recyclable waste for which reuse markets can be accessed for less than the cost of disposal. No material shall be excluded from this definition solely for the purpose of maintaining the volume of waste processed by the County Waste-to-Energy facility.

4.7 RECYCLABLES COLLECTOR: Any person or business contracted with for the purpose of collecting RECYCLABLES from WASTE GENERATORS for the delivery to a recycling facility.

4.8 RECYCLING CONTAINER: The bin or other container supplied by the County of Schoharie or its designee for the use by ELIGIBLE HOUSEHOLDS within the County. Such containers shall be used exclusively for the storage of COUNTY RECYCLABLE MATERIALS. Such containers shall at all times remain the property of the County of Schoharie.

4.9 SOURCE SEPARATION: The segregation of disposable materials into RECYCLABLE MATERIALS and non-recyclable waste at the site of the waste generator.

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

4.11 WASTE HAULER: Any person or business which is licensed, or contracted with for the purpose of collecting solid waste from WASTE GENERATORS for disposal at a permitted solid waste facility or a municipal department or other governmental division responsible for collection of solid waste from some or all WASTE GENERATORS in the municipality for disposal at a permitted solid waste facility. A WASTE HAULER may also be a RECYCLABLES COLLECTOR.

Section 5 GENERAL PROVISIONS:

5.1 Every WASTE GENERATOR in Schoharie County shall SOURCE SEPARATE COUNTY RECYCLABLE MATERIALS from other RECYCLABLES and non-recyclable waste. WASTE GENERATORS, other than households residing in dwellings of four units or less, shall deliver COUNTY RECYCLABLE MATERIALS, or cause COUNTY RECYCLABLE MATERIALS to be delivered to a DROP OFF CENTER or MATERIALS RECOVERY FACILITY.

5.1.1 Every owner of property other than a dwelling of four units or less occupied by one or more WASTE GENERATORS shall provide or require that the occupying WASTE GENERATORS provide a recycling receptacle for COUNTY RECYCLABLE MATERIALS.

5.2 ELIGIBLE HOUSEHOLDS shall make SOURCE SEPARATED COUNTY RECYCLABLE MATERIAL available for collection by a RECYCLABLES COLLECTOR separate from non-recyclable waste on a schedule established by the RECYCLABLES COLLECTOR or deliver or cause to be delivered SOURCE SEPARATED COUNTY RECYCLABLE MATERIAL to a DROP OFF CENTER or MATERIALS RECOVERY FACILITY.

5.3 It shall be a violation for a WASTE COLLECTOR or a RECYCLABLES COLLECTOR to attempt to dispose of COUNTY RECYCLABLE MATERIALS as waste or by type.

Section 6. ADMINISTRATION:

6.1 The Schoharie County Recycling Law shall be administered by the Schoharie County Resource Recovery Agency which shall be empowered to designate or amend COUNTY RECYCLABLE MATERIALS as appropriate consistent with the purpose of this law.

6.2 The Schoharie County Resource Recovery Agency 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 Schoharie County Board of Supervisors. The Schoharie County Resource Recovery Agency may from time to time issue a list of recyclables and otherwise inform the public concerning the recycling program.

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

Section 7 ENFORCEMENT & CRIMINAL PENALTIES:

All enforcement shall be handled by local municipalities in Schoharie County.

Section 8 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 9 EFFECTIVE DATE:

The County Source Recycling Law shall become effective on April 20, 2001.