

Local Law #1 of 2011

A local law to amend Local Law #2 of 1992, the “Solid Waste Management Code”, by amending the definition of “Recyclable Materials” and the ownership thereof, and adding the definition of “Reusable Items” and the disposal thereof.

Local Law #2 of 1992, entitled The Solid Waste Management Code of the Town of Westerlo, is hereby amended as follows:

PART I

Article III, Section 01-19, Definitions, shall be amended as follows:

1. The definition of the term “Recyclable Material” shall be omitted and replaced with the following language:

Those materials specified by the Town, or the State of New York, by law, ordinance, rule or regulation, which are to be separated from the wastestream and held for reuse or which have, except as otherwise defined under “reusable items” herein, or may have in the future, market or other value. These materials shall include, but not be limited to, glass containers, plastic containers, corrugated cardboard, paperboard cardboard, newspapers, metal cans, paper, magazines, cloth and clothing, telephone books, vehicle tires and casings, batteries, white goods, brown goods and scrap metal, and biodegradable materials as herein defined.

2. The following definition shall be added:

REUSABLE ITEMS: Those materials and items specified by the Town by law, ordinance, or resolution, that are functional and can be reused in their present condition, including by not limited to toys, furniture, wheelchairs, walkers, exercise equipment, tools, building components, computers and computer components and accessories, fixtures, machinery and other personal property, but specifically excluding those items defined herein as “scrap metal” or “recyclable materials”.

PART II

Article III, Section 01-22, Ownership of Recyclables, shall be omitted from the Solid Waste Management Code, and shall be replaced with the following language:

From the time of placement of recyclable materials at the Solid Waste Facility by a resident or commercial waste collector, all such recyclable materials shall become the property of the town.

It shall be a violation for any person without authority from the Town or its authorized agent, including but not limited to the Transfer Station Manager, to collect, pickup, remove from the solid waste facility, or cause to be collected, picked up or removed from the solid waste facility, any recyclable materials.

Notwithstanding the foregoing, the Transfer Station Manager shall be authorized to place items defined as recyclables in the designated area for reusables, when such recyclable, in his/her discretion, has reusable parts, features or qualities.

PART III

A new Section 01-22(a) shall be added as follows:

01-22(a) Disposal of Reusable Items

- 1. The Town Board or its agent(s), including but not limited to the Transfer Station Manager, shall designate an area located within the boundaries of the Solid Waste Facility for placement of reusable items, as defined herein, by residents and commercial waste collectors. All residents and commercial waste collectors shall be permitted to place reusable items in the designated area. Residents shall be permitted to take reusable items from the designated area for personal use. No items may be taken for commercial purposes, including resale.*
- 2. After a reasonable period of time, as determined by the Transfer Station Manager, the Transfer Station Manager shall remove any unclaimed items or items determined not to be functional, and unusable, and place the same in the trash compactor or recycling bins, as appropriate, for disposal.*

PART III

The provisions of this Local Law are severable. If any provision of this Local Law or its application to any person or circumstances is held invalid, such invalidity shall not affect any other provision or application of this Local Law which can be given effect without the invalid provision or application of this Local Law.

PART IV

This Local Law shall take effect immediately upon filing with the New York State Secretary of State's Office.