

(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 SCHUYLER  
~~Town~~  
~~Village~~

Local Law No. 3 of the year 19 92.

A local law which sets forth the Schuyler County Resource Recovery Law  
(Insert Title)

Be it enacted by the County Legislature of the  
(Name of Legislative Body)

County  
~~CITY~~ of SCHUYLER as follows:  
~~Town~~  
~~Village~~

Section I. FINDINGS

The Schuyler County Legislature finds that:

- (a) Schuyler County has no active or permitted landfills.
- (b) That private contracts for disposal of waste are of less than five years in duration and inadequate to meet the County's long term solid waste disposal needs.
- (c) Continued use of landfills for solid waste disposal poses a threat to human health and safety through increased risk of groundwater pollution and other environmental, health and safety hazards.
- (d) Removal of certain materials from the solid waste stream will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources, and reduce the required capacity of existing and proposed resource facilities.
- (e) The New York Solid Waste Management Act of 1988 requires that municipalities adopt a local law or ordinance by September 1, 1992 for separating solid waste into recyclable, reusable or other components for which economic markets for alternate uses exist.
- (f) Methods of solid waste management emphasizing source reduction, recovery, conversion, and recycling of solid wastes are essential to the long-range preservation of the health, safety, and well-being of the public, to the economic productivity and environmental quality of Schuyler County, and to the conservation of resources.

Section II. LEGISLATIVE PURPOSE

In enacting this law, the legislative body of Schuyler County supports the following statutory purposes:

- (a) To increase the life expectancy of existing and potential landfill areas and decrease the need for alternative

refuse disposal facilities through a comprehensive program of waste stream reduction and recycling.

(b) To decrease the threat to human health and safety posed by the effects of landfill disposal on groundwater quality.

(c) To identify methods of collection, reduction, and separation which will encourage the more efficient utilization of solid waste disposal facilities and contribute to more effective programs for the reuse of solid wastes.

(d) To insure the long-range preservation of the health, safety, and well-being of the public, and the economic productivity and environmental quality of Schuyler County by conserving resources and reducing the potential for pollution of the environment.

(e) To conserve energy by using recovered materials in manufacturing.

(f) To set forth a methodology for efficiently separating and collecting reusable and recyclable materials from the community's waste stream.

(g) To support existing municipal resource recovery programs, insofar as such programs do not conflict herewith, and to encourage the further development of such programs in accordance herewith.

(h) To implement the applicable provision of the New York Solid Waste Management Act of 1988.

Section III. LEGISLATIVE AUTHORITY FOR PROGRAM

This law is enacted pursuant to the authority granted to the Schuyler County Legislature by virtue of Section 120-aa of the General Municipal Law, Section 27-0711 of the Environmental Conservation Law and Section 226-B of the County Law.

Section IV. PROGRAM ESTABLISHED

(a) There is hereby established a program for the mandatory source separation of recyclable materials with Schuyler County. All persons shall separate recyclable materials from solid waste before either setting out solid waste for collection or disposing of it at an authorized solid waste management/resource recovery facility. The program shall be under the supervision of the Community Development, Planning and Expansion Committee of the Schuyler County Legislature.

(b) Within 30 days after the effective date of this law, the Schuyler County Legislature Committee on Community Development, Planning and Expansion shall promulgate regulations identifying all material to be designated as recyclable and setting forth procedures for the separation and preparation of recyclables.

Section V. DEFINITIONS

(a) Recyclable, recyclable materials and recyclables shall have the same meaning as hereinafter defined, and further subject to regulations to be promulgated by the Schuyler County Legislative Committee on Community Development, Planning and Expansion with agreement of the towns in accordance with the procedures set forth in Section IV(b).

(1) "Aluminum Cans" - containers fabricated primarily of aluminum and commonly used for soda, beer or other beverages. Also all aluminum foil, pie tins and other pure aluminum products.

(2) "Metal Cans" - containers fabricated primarily of metal or tin, but not including aluminum cans.

(3) "Glass Bottles" - transparent or translucent jars, bottles and containers which are primarily used for packaging and bottling of various matters, but only those glass bottles that are green, amber (brown) or clear (flint) in color.

(4) "Newsprint" - the common, inexpensive machine finished paper made chiefly from wood pulp used for newspapers. This term excludes glossy newspaper inserts and magazines.

(5) "Cardboard" - wood pulp based material which is usually smooth on both sides with a corrugated center. Commonly used for boxes.

(6) "Office Paper" - paper primarily used in copying machines, computers and for writing purposes.

(7) "Junk Mail" - envelopes, low-grade paper commonly associated with mass mailing and glossy newspaper inserts.

(8) "Plastics" - plastic containers which bear the number 1 or 2 inside a triangle at the bottom of the container.

(9) "Yard Organics" - grass clippings, leaves, branches, and other like organic garden materials.

(10) "Large Appliances" - stoves, refrigerators, dishwashers, dryers, washing machines and other large appliances.

(b) "Non-recyclables" shall mean that portion of the waste stream not included under "recyclable", and not treated separately as (1) hazardous waste under Section 27-0903 of the New York Environmental Conservation Law, (2) source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954, or (3) low level radioactive waste as defined in Section 29-0101 of the New York Environmental Conservation Law. "Non-recyclables" includes, but is not limited to:

(1) "Garbage" - Putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in the home kitchens, stores, markets, restaurants, and other places where food is stored, prepared or served.

(2) "Rubbish" - Plastic containers, rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, dirt, filth, ashes, wastepaper and similar waste material.

(3) "Construction and demolition debris" - Waste resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. Such wastes include, but are not limited to bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree or brush stumps.

(4) "Large Household Furnishings" - Large and/or bulky articles actually used in the home and which equip it for living (as chairs, sofas, tables, beds, carpets, etc.)

(c) "Waste Material" shall include all "recyclable" and "non-recyclables" which make up the waste stream. "Waste material" does not include material treated separately as (1) hazardous waste under Section 27-0903 of the New York Environmental Conservation Law, (2) source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954, or (3) low level radioactive waste as defined in Section 29-0101 of the New York Environmental Conservation Law.

(d) "Hazardous waste" may include, but is not limited to the following products and their empty containers: insecticides, herbicides, petroleum products, caustic chemicals, paint. Hazardous wastes generally display one or more of the qualities of ignitability, corrosivity, reactivity or toxicity.

(e) "Person" shall mean natural persons, corporations, partnerships, unincorporated associations or any other

organization of two or more persons.

Section VI. PREPARATION OF WASTE MATERIAL

No person shall dispose of waste material except as follows:

(a) Waste shall be prepared in accordance with sub-sections 1 through 15 of this section and such regulations as the Schuyler County Legislative Committee on Community Development, Planning and Expansion may hereinafter promulgate under Section IV(b).

(1) Each person shall provide separate, sealable, galvanized iron cans, plastic containers or other suitable sanitary containers for recyclable and non-recyclables unless stipulated otherwise in this law.

(2) Aluminum cans shall be separated from non-recyclables and other recyclables. All other aluminum products shall also be separated from non-recyclables and other recyclables and shall be placed, along with aluminum cans, in containers as described in Section V(a)(1).

(3) Metal cans shall be separated from non-recyclables and other recyclables. Metal cans so separated shall be clean of contents and placed in containers as described in Section V(a)(1).

(4) Glass bottles shall be separated from non-recyclables and other recyclables and further separated from each other according to color. Glass bottles so separated shall be clean of contents, with caps, lids and all other metals removed and placed in separate containers as described in Section V(a)(1) by color.

(5) Newsprint shall be separated from non-recyclables and other recyclables, placed in brown paper bags not to exceed 30 lbs.

(6) Cardboard shall be separated from non-recyclables and other recyclables and placed in piles not to exceed 30 lbs.

(7) Office paper shall be separated from non-recyclables and other recyclables and prepared for collection or drop-off in accordance with the regulations of the appropriate municipal recycling program.

(8) Junk mail shall be separated from non-recyclables and other recyclables and prepared for collection or drop-off in accordance with the regulations of the appropriate municipal recycling program.

(9) Plastics shall be separated from non-recyclables and other recyclables and prepared for collection or drop-off in accordance with the regulations of the appropriate municipal recycling program.

(10) Yard organics shall be separated from non-recyclables and other recyclables.

(11) Large appliances shall be prepared by dismantling in such a way that they will not be a hazard to the public. In this respect, doors shall be removed before placing at the curb for collection, where collection is available.

(12) Garbage and rubbish shall be separated from recyclables and other non-recyclables and placed in containers as described in Section V(a)(1).

(13) Construction and demolition debris shall be separated from recyclables and other non-recyclables.

(14) Large household furnishings shall be separated from recyclables and other non-recyclables.

(15) Hazardous wastes shall be placed in containers approved by Schuyler County Committee on Community Development, Planning & Expansion and transported directly to a NYS DEC approved facility.

Section VII. OWNERSHIP

(a) From the time any person places any recyclable materials at or near any curb, sidewalk, street or transfer station for purposes of collection by a recycling program of a Schuyler County municipality, those recyclable materials shall become the property of that particular municipality or its authorized agent. No person who is not acting under authority of that particular municipality or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed, any recyclable materials so placed for collection; each such unauthorized collection, pick up or removal shall constitute a separate violation of this Article. Provided, however, where a municipality responsible for implementing this law has refused to collect certain recyclables because they have not been placed or treated in accord with the provisions of this Article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side.

(b) Nothing herein shall prevent any person from making arrangements for the private collection of recyclables; provided that recyclables to be privately collected shall not be placed curbside on or immediately preceding the day for municipal collection of such recyclables.

Section VIII. ENFORCEMENT

(a) A recycling program of a Schuyler County municipality shall not be required to collect any waste material which has not been separated and secured pursuant to the provision of this law or the applicable regulations of a Schuyler County municipality responsible for implementing this law. A violation of this law, other than Section VII(a), shall constitute an offense punishable upon conviction thereof, by a fine not exceeding twenty-five dollars for the first offense and by a fine not exceeding fifty dollars for each offense thereafter.

(b) A violation of Section VII(a) shall constitute a misdemeanor punishable upon conviction thereof by not more than six months imprisonment or a fine not exceeding one thousand dollars or both.

Section IX. PRIORITY

(a) Pursuant to Section 1 of Chapter 675 of the laws of 1982 of the State of New York, this local law takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the county.

Section X. SEVERABILITY

(a) If any section, sentence or part of this law is adjudged unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this law.

Section XI. EFFECTIVE DATE

(a) This law shall take effect September 1, 1992.

(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. 3 of 19 92 of the (County)(City)(Town)(Village) of Schuyler was duly passed by the County Legislature on August 10 19 92, 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 \_\_\_\_\_ 1\_\_\_\_, above.

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

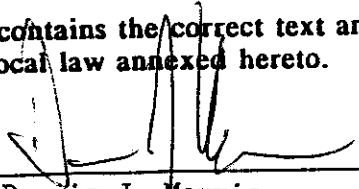
(Seal)

Date: \_\_\_\_\_

(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 \_\_\_\_\_ SCHUYLER

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.

  
Signature Dennis J. Morris  
Assistant County Attorney  
Title

County  
~~CITY~~ of SCHUYLER  
~~TOWN~~  
~~VILLAGE~~

Date: August 17, 1992