

(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  
~~City~~  
~~Town~~ of Barker  
Village

Local Law No. 2 of the year 19 91

A local law entitled, "Village of Barker Recycling Local Law"  
(Insert title)

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

County  
~~CITY~~  
~~TOWN~~ of Barker as follows:  
Village

Section 1. Legislative Intent. The Village Board of the Village of Barker 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 and other materials for recycling from the residential, commercial, industrial and institutional establishments in the Village will protect and enhance the Village's physical and visual environment, as well as promote the health, safety and well being of persons and property within the Village by minimizing the potential adverse effects of landfilling, facilitating the implementation and operation of other forms of solid waste management, conserving natural resources, and assisting the Village in complying with the mandates of the New York State Solid Waste Management Act of 1988. 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.

Section 2. Definitions. For the purposes of this local law, the following terms, phrases, words and derivatives shall have the following meanings:

(a) "Recyclables" shall mean any materials which can be collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product, which materials include, but are not limited to the following:

(1) Paper, clean and unsoiled, including newsprint, newspapers, news advertisements, supplements, comics and enclosures, corrugated boxes, cardboard, cardboard cartons and similar corrugated materials.

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

(2) Unbroken glass, glass bottles or jars which are transparent or translucent and which are green, amber (brown) or clear (flint) in color.

(3) Bimetal cans, including containers fabricated primarily of metal or tin, tin plated steel cans, aluminum cans and containers made primarily of aluminum, household and other items made solely from aluminum.

(4) Plastic containers normally found in the household, including containers used primarily for laundry products, dishwashing detergents, milk, water and similar items including PET (Polyethylene Terephthalate) and HDPE (High Density Polyethylene) and other common plastic resin types.

(5) Such other items and materials, including garden and yard waste as may later be included pursuant to agreement between the Village and its refuse collection contractor, provided, however, that nothing in this local law shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural, horticultural, gardening or landscaping purposes.

(b) "Nonrecyclables" shall mean that portion of the waste stream not included under "recyclables," 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. "Nonrecyclables" include but are not limited to the following:

(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 home kitchens, storage areas, markets, restaurants and other places where food is stored, prepared or served.

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

(3) "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.).

(4) "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.

(c) "Waste material" shall include all "recyclables" and "nonrecyclables" which make up the waste stream eligible for curbside pickup under this local law. "Waste material" does not include dead animals, fecal matter or material treated separately as (1) hazardous waste under Section 27-0903 of the New York Environmental 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 and batteries. Hazardous wastes generally display one or more of the

qualities of ignitability, corrosivity, reactivity or toxicity.

(e) "Person" shall mean 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 this local law 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.

(f) "Administrator" means the person or persons designated by resolution of the Village Board to monitor and enforce this local law.

### Section 3. Establishment of Curbside Program.

(a) Upon the effective date of this local law, there is hereby established a program for the separation, preparation for collection and collection of waste materials. The program shall be under the supervision of the Village of Barker, its administrator and its collection agent or contractor.

(b) The Barker Village Board and its administrator will determine recyclables and notify town residents by publishing said information in the official Village newspaper or newspapers at least 30 days before said declaration will be incorporated into the Village program.

(c) All waste material shall be separated, prepared for collection and collected in accordance with Sections 4 and 5 of this local law.

(d) The Village of Barker, its administrator and its collection agent or contractor shall have no obligation to pick up and remove any waste material not prepared for collection in accordance with this local law.

(e) The Village of Barker, its administrator and its collection agent or contractor shall have no obligation to pick up and remove any waste material which was not used in the residence or business or other establishment placing such waste material at the curbside for pickup.

(f) The Village of Barker, its administrator and its collection agent or contractor shall have no obligation to pick up or remove any waste material which is not provided for pursuant to the Village's contract for waste removal with a contractor, or otherwise provided for by a Village administered pickup and removal program. Certain businesses, industries and residences may not be provided for in Village of Barker pickup and removal programs.

### Section 4. Preparation of Recyclable Material for Collection. No person shall dispose of waste material except as follows:

(a) Waste material shall be prepared for collection in accordance with subsection (1) through (4) of this section:

(1) Each person shall provide separate, sealable galvanized iron cans or other suitable sanitary sealable containers or heavy duty plastic bags for nonrecyclables unless stipulated otherwise in this local law. Such cans or containers shall not exceed thirty (30) gallons capacity and when filled shall not exceed sixty (60) pounds in weight. All cans or containers shall be placed at the curb or roadside for

collection.

(2) Recyclable aluminum cans and items, glass bottles and plastic items shall be separated from non-recyclables and placed in the recyclable collection container.

(3) Recyclable metal cans, aluminum cans, glass and plastic containers and other items so separated shall be rinsed of contents and placed in the recyclable collection container.

(4) Newsprint shall be separated from nonrecyclables and either placed in the recyclable container or properly secured into bundles not to exceed 25 pounds in weight and placed at the curb or in the recyclable container or roadside next to the recyclable container for collection. Effort is to be made to keep the newsprint clean and dry and contamination free.

(5) Other items to be included for recycling are to be prepared as set forth from time to time by resolution of the Village Board according to such expansions of the curbside collection program as may be established by the Village from time to time.

(6) Recyclable containers shall be provided by each person and shall conform in color, logo, shape and material and other specifications to the material established from time to time by the Village Board.

Section 5. Collection. Waste materials shall be collected in a manner consistent with the terms of the Village of Barker collection contract.

#### Section 6. Ownership of Recyclables Placed for Collection.

(a) When any person properly places any recyclable materials at or near any curb, sidewalk, street or road for the purposes of collection by the Village of Barker or its contractor, those recyclable materials shall thereupon immediately become the property of the Village of Barker or its authorized agent. No person not acting under authority of the Village of Barker 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 local law.

(b) Notwithstanding the provisions of Section 6(a), where the Village or its agent or contractor has refused to collect certain recyclables because they have not been placed or treated in accord with the provisions of this local law, the person responsible for initially placing those materials for collection may and shall promptly remove those materials from any curb, sidewalk, streetside or roadside and assume possession, control and responsibility for the proper disposal of same.

(c) 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.

(d) The Village of Barker, its administrator and its authorized agent shall not be required to collect any waste material which has not been separated and secured pursuant to the provisions of this local law or the applicable regulations of the Village of Barker.

**Section 7. Importation of Waste Material.**

(a) No person shall cause to be imported into the Village of Barker waste material for garbage collection.

(b) No person shall place for curbside collection any waste material not generated on the premises fronting on the street upon which it is placed.

**Section 8. Penalties.** A violation of this local law, other than Section 6(a), shall constitute a violation punishable upon conviction thereof, by a fine not exceeding \$250.00 for each offense. A violation of Sections 6(a) or 7 shall constitute a misdemeanor punishable upon conviction thereof by not more than six (6) months imprisonment or a fine not exceeding \$1,000.00, or both.

**Section 9. Severability.** The provisions of this local law shall be severable and if any phrase, clause, sentence or provision of this local law, or the applicability thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application thereof shall not be affected thereby.

**Section 10. Effective Date.** This local law shall take effect on the first day of July, 1991.

(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 Barker  
~~Town~~  
Village

Local Law No. 3 of the year 19 94

A local law amending Local Law No. 2 of the year 1991 of the Village of Barker,  
a local law entitled, "Village of Barker Recycling Local Law".

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

~~County~~  
~~City~~ of Barker as follows:  
~~Town~~  
Village

Local Law Number 2 of the year 1991 of the Village of Barker, a local law entitled, "Village of Barker Recycling Local Law" is hereby amended as follows:

Section 2(a) is amended to add the following:

(6) "Such other items and materials, including any items and materials listed in section 2(b), for which the Village Board by resolution shall determine that economic markets exist. The Village of Barker shall notify affected persons of said determination"

Section 4(a) is amended to add the following:

(7) The provisions of this local law shall apply to persons, including, but not limited to, commercial, industrial and institutional waste generators, who generate waste material for which curbside collection is not provided. Such persons are subject to all provisions of this law requiring separation and preparation of recyclable materials, and must, through contract or other legal means, cause source separation and recycling of all recyclables and shall maintain records establishing compliance with this Local Law."

(If additional space is needed, attach pages the same size as this sheet, and number each.)  
(1)

(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. \_\_\_\_\_ of 19 94 of the ~~(County)(City)(Town)~~ (Village) of Barker was duly passed by the Village Board on \_\_\_\_\_ 19 94, 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 \_\_\_\_ 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.

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

Carolyn J. Shutt, Village Clerk

Date: Nov. 7, 1994

(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 NIAGARA

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 Daniel E. Seaman

Village Attorney

Title

~~County~~

~~City~~

~~Town~~

Village

of Barker

Date: November 7, 1994