

Chapter 87

GARBAGE, RUBBISH AND REFUSE

ARTICLE I Recycling

- § 87-1. Legislative intent.**
- § 87-2. Definitions.**
- § 87-3. Establishment of curbside program.**
- § 87-4. Preparation of recyclables for collection.**
- § 87-5. Collection.**
- § 87-6. Ownership of recyclables.**
- § 87-7. Importation of waste materials.**
- § 87-8. Penalties for offenses.**

[HISTORY: Adopted by the Town Board of the Town of Hartland 5-9-1991 by L.L. No. 1-1991.¹ Amendments noted where applicable.]

ARTICLE I Recycling [Adopted 5-9-1991 by L.L. No. 1-1991]

§ 87-1. Legislative intent.

The Town Board of the Town of Hartland 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,

1. Editor's Note: This local law also provided that it shall take effect July 1, 1991.

cans, plastic containers and other materials for recycling from the residential, commercial, industrial and institutional establishments in the town will protect and enhance the town's physical and visual environment, as well as promote the health, safety and well-being of persons and property within the town 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 town 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.

§ 87-2. Definitions.

For the purpose of this Article, the following terms, phrases, words and derivatives shall have the following meanings:

ADMINISTRATOR — The person or persons designated by resolution of the Town Board to monitor and enforce this Article.

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.

NONRECYCLABLES — That portion of the waste stream not included under recyclables, and not treated separately as hazardous waste under § 27-0903 of the New York Environmental Conservation Law; source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954; or low-level radioactive waste as defined in

§ 29-0101 of the New York Environmental Conservation Law.
"Nonrecyclables" include but are not limited to the following:

- A. 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.
- B. RUBBISH — Rags, sweepings, rubber, leather, excelsior, crockery, shells, clothing, straw, dirt, filth, ashes, wastepaper and similar waste material.
- C. LARGE HOUSEHOLD FURNISHINGS — Large and/or bulky articles actually used in the home and which equip it for living, such as chairs, sofas, tables, beds, carpets, etc.
- D. 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.

PERSON — 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 Article 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.

RECYCLABLES — Any materials which can be collected, separated and/or processed, treated, reclaimed, used or reused

produce a raw material or product, which materials include, but are not limited to the following:

- A. Paper, clean and unsoiled, including newsprint, newspapers, news advertisements, supplements, comics and enclosures, corrugated boxes, cardboard, cardboard cartons and similar corrugated materials.
- B. Unbroken glass, glass bottles or jars which are transparent or translucent and which are green, amber (brown) or clear (flint) in color.
- C. 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.
- D. 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.
- E. Such other items and materials, including garden and yard waste, as may later be included pursuant to agreement between the town and its refuse collection contractor; provided, however, that nothing in this Article shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural, horticultural, gardening or landscaping purposes.
- F. Such other items and materials, including any items and materials listed in this section under the definition of "nonrecyclables," for which the Town Board by resolution shall determine that economic markets exist. The Town of Hartland shall notify affected persons of said determination. **[Added 11-10-1994 by L.L. No. 2-1994]**

remove any waste material which is not provided for pursuant to the town's contract for waste removal with a contractor, or otherwise provided for by a town-administered pickup and removal program. Certain businesses, industries and residences may not be provided for in Town of Hartland pickup and removal programs.

§ 87-4. Preparation of recyclables for collection.

No person shall dispose of waste material except as follows:

- A. Waste material shall be prepared for collection in accordance with Subsection A(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 Article. Such cans or containers shall not exceed 30 gallons' capacity and when filled shall not exceed 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 nonrecyclables 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

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, pickup or removal shall constitute a separate violation of this Article.

- B. Notwithstanding the provisions of Subsection A, where the town 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 Article, 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 the 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 Town of Hartland, 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 Article or the applicable regulations of the Town of Hartland.

§ 87-7. Importation of waste materials.

- A. No person shall cause to be imported into the Town of Hartland 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.

