

Town of Lancaster, NY
 Sunday, December 24, 2017

Chapter 25. Garbage, Rubbish and Refuse

Article III. Refuse and Recycling

[Adopted 8-17-1992 by L.L. No. 3-1992]

[1] *Editor's Note: Local Law No. 5-2015, adopted 6-1-2015, amended the name of this article from "Refuse Recycling" to "Refuse and Recycling."*

§ 25-9. Title.

This local law shall be known as "Local Law No. 3 of the Year 1992, Refuse Recycling, of the Town of Lancaster."

§ 25-10. Purpose.

This local law is enacted in accordance with the New York State Solid Waste Management Act of 1988, for the purpose of reducing, reusing and recycling of solid wastes which will aid in the protection and preservation of the environment and assist in the conservation of recyclable materials. The Town Board of the Town of Lancaster finds that the separation and collection of recyclable materials generated from residential, commercial and institutional properties will reduce the total amount of solid wastes presently generated, will reduce the need for landfills and will conserve the capacity of existing landfills.

§ 25-11. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR

A person, partnership, corporation or other legal entity, authorized by contract with the Town of Lancaster to collect municipal solid waste.

BRUSH AND TREE PARTS

Cuttings from shrubs, hedges and trees which are less than four inches in diameter, tied and bundled not more than four feet in length and one foot in diameter. Single tree parts must not be over four feet in length and not exceed six inches in diameter.

BULKIES

Large items such as sofas, chairs, tables, mattresses, box springs and furniture.

CODE ENFORCEMENT OFFICER

The Building Inspector and/or the Assistant Building Inspector of the Town.

COMMERCIAL PROPERTY

All properties used for industrial or commercial purposes, including but not limited to retail and

wholesale establishments trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

ELECTRONIC WASTE

Includes items such as computers, televisions, cathode-ray tubes, small-scale servers, computer peripherals (monitors, electronic keyboards, electronic mice or pointing devices, facsimile machines, document scanners and printers) and small electronic equipment (VCRs, digital video recorders, portable digital music players, DVD players and projectors, digital converter boxes, cable or satellite receivers and electronic or video game consoles (both handheld and for use with a video display device).

[Added 1-20-2015 by L.L. No. 1-2015]

FACILITY

Any solid waste management-resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or land spreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE

Solid waste that is especially harmful or potentially harmful to public health. A substance is considered hazardous if it ignites easily, reacts or explodes when mixed with other substances, is corrosive or toxic. This shall include, but not be limited to, explosives, toxic materials, medical waste, pesticides, fertilizers, oil, antifreeze, oil-based paint, solvents, rechargeable batteries, propane tanks or cylinders (full or empty) and mercury or any mercury-containing devices.

[Amended 1-20-2015 by L.L. No. 1-2015]

INSTITUTIONAL PROPERTY

An organization or establishment which owns or occupies property and is devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

LARGE APPLIANCES

All major appliances such as stoves, refrigerators, dishwashers, dryers, washing machines, water heaters, portable air conditioners, microwave ovens and other large and scrap metal items.

[Added 1-20-2015 by L.L. No. 1-2015]

LICENSED PRIVATE COLLECTOR

A person, partnership, corporation or other legal entity, licensed by the Town of Lancaster, which collects municipal solid waste pursuant to contract with owners and/or occupants.

MUNICIPAL SOLID WASTE (MSW)

All putrescible and nonputrescible materials including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from residential, commercial and industrial and from public activities. (Liquids, semisolids and contained gaseous materials are hereby defined as "solid waste.") It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

OCCUPANT

The person having a right and possession of the property being referred to.

OWNER

The titled owner of the property being referred to.

RECYCLABLE CONTAINERS

Those containers issued by the Town of Lancaster in which recyclable materials must be placed for collection.

RECYCLABLE MATERIALS:

- A. Those materials specified by the Town for separate collection in accordance with recycling regulations. Such materials may include, but are not limited to:
- (1) **ALUMINUM**
Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink.
 - (2) **METAL CANS**
Containers fabricated primarily of steel or tin or bimetal cans of steel, tin and/or aluminum, other than aluminum cans.
 - (3) **GLASS FOOD AND BEVERAGE CONTAINERS**
New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass or flat glass.
 - (4) **PLASTIC FOOD AND BEVERAGE CONTAINERS**
Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET) designated respectively as No. 2 and No. 1 on the recycling code located on the containers.
 - (5) **NEWSPRINT**
Common, inexpensive machine-finished paper made chiefly from wood pulp and used for newspapers.
 - (6) **CORRUGATED**
Wood-pulp-based material which is usually smooth on both sides with corrugated center; commonly used for boxes; excludes material with a wax coating.
 - (7) **HIGH-GRADE PAPER**
White and colored office bond, duplicating paper, computer paper and other high-quality paper.
 - (8) **MAGAZINES**
Magazines, glossy catalogs and other glossy paper.
 - (9) **GARDEN AND YARD WASTE**
Organic yard and garden waste, including leaves, weeds, grass clippings, brush, clipped hedges and shrubs and wood chips; unchipped stumps are not to be considered "yard waste."^[1]
[Added 4-5-1993]
- B. The above materials will be reviewed quarterly and will be modified as the need arises by the Town Board by appropriate resolution.

RECYCLING

The source separation, collection, processing, recovery and sale or reuse of recyclable material.

REFUSE DISTRICT

The area of the Village of Lancaster and the Town of Lancaster, and excluding the Village of Depew, which was established by resolution dated November 7, 1988.^[2]

RESIDENTIAL PROPERTY

Properties within the Refuse District used as dwellings, including but not limited to single- and double-family dwellings, apartments and other multifamily dwellings.

SOLID WASTE MANAGEMENT

The purposeful and systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE SEPARATION

To separate the recyclable materials from the MSW stream at the point of waste generation.

TOWN

The Town of Lancaster.

TOWN BOARD

The Town Board of the Town of Lancaster.

YARD WASTE

Organic yard and garden waste, leaves, grass clippings and brush.

[1] *Former Subsection A(9), Large appliances, which immediately preceded this subsection, was repealed 1-20-2015 by L.L. No. 1-2015. This local law also redesignated former Subsection A(10) as Subsection A(9).*

[2] *Editor's Note: Said resolution is on file in the office of the Town Clerk.*

§ 25-12. Duties of owners and occupants.

- A. Every owner and/or occupant of residential, commercial and/or institutional property within the Refuse District shall keep all MSW in suitable container inside a building located on said property or in a suitable, completely enclosed structure outside a building, which has been constructed for that purpose and which complies with the building codes of the Town.
- B. Every owner and/or occupant of residential, commercial and/or institutional property within the Refuse District shall keep all buildings located on such property free and clear of all MSW and shall keep all sidewalks and yard areas free and clear of all MSW, which is not otherwise stored in suitable containers.
- C. Every owner and/or occupant of any residential, commercial or institutional property located within the Refuse District shall, prior to initial collection, source-separate any and all recyclable materials from all other MSW.
- D. Every owner and/or occupant of any residential property located within the Refuse District shall use the recyclable container or containers issued to it by the Town to contain any recyclable materials prior to collection and shall prepare the recyclable materials to the specifications of the authorized collector.
- E. Every owner and/or occupant of any residential, commercial and/or institutional property located within the Refuse District shall put out for collection only that MSW and recyclable material generated from the use or occupancy of his property.
- F. When the authorized collector or any licensed private collector refuses to collect MSW as provided for in § 25-13E hereinafter set forth, such owner and/or occupant shall immediately remove all such materials from any curb, sidewalk or street side.

- G. Each owner of a commercial and/or institutional property located within the refuse district shall contract with a licensed private collector for the collection and removal of all MSW and recyclable materials generated from the use or occupancy of his property, provided that, when approved by the Town, such owners or occupants of commercial and industrial property may collect, convey and dispose of privately generated MSW by their own containers and/or trucks, provided that they comply with the applicable provisions of this local law and New York State Department of Conservation Regulations.
- H. Every owner/occupant of any residential, commercial and/or institutional property located within the Town's Refuse District shall put out for collection municipal solid waste (MSW) and recyclable materials no earlier than 5:00 p.m. on the day prior to collection.
[Added 1-20-2015 by L.L. No. 2-2015]
- I. Every owner and/or occupant of any residential property located within the Town's Refuse District shall be responsible for storing all MSW in a leakproof container with a close-fitting cover at all times until removed from the premises at disposal. Such container, including contents, shall not exceed 60 pounds in weight.
[Added 1-20-2015 by L.L. No. 2-2015]

§ 25-13. Duties of authorized collector and licensed private collectors.

- A. The authorized collector, pursuant to its contract with the Town, and licensed private collectors, pursuant to contracts with owners and/or occupants of commercial and/or institutional property within the Refuse District, shall collect, pick up, remove or cause to be collected, picked up and removed, any MSW, recyclable materials, brush and yard waste (placed in suitable containers) for collection.
- B. It shall be unlawful for any other person to collect and dispose of any MSW and recyclable materials within the Refuse District; provided, however, nothing herein shall prevent any owner and/or occupant from making arrangements for the private collection, sale or donation of recyclable materials prior to placement for collection; and provided further, however, that nothing herein shall prevent any owner and/or occupant from using yard waste for compost, mulch or other agricultural, horticultural, gardening or landscaping purposes.
- C. The authorized collector and each licensed private collector shall keep all recyclable materials separate and apart from MSW and shall not commingle the recyclable materials with other MSW during collection, transportation and/or storage following collection; and shall move all recyclable materials into existing recycling markets.
- D. Bulkies shall be collected by the authorized collector and each licensed private collector on days to be determined by the Town.
- E. The authorized collector and each licensed private collector shall refuse to collect MSW from any owner and/or occupant who has clearly failed to source-separate recyclable materials and/or has not properly prepared the recyclable materials to the specifications of the authorized collector or licensed private collector, as the case may be. The authorized collector and each licensed private collector shall provide a full explanation to the owner and/or occupant for the refusal of collection.
- F. The authorized collector and each licensed private collector shall maintain separate monthly records of MSW and recyclable materials collected, transported and disposed of which shall include the following information:
- (i) The quantity, by ton, of MSW and of each type of recyclable materials collected.

- (2) The quantity, by ton, of recycled materials delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (3) The quantity, by ton, of MSW delivered to each facility(ies).
 - (4) The quantity, by ton, of each recyclable material marketed and the price at which each recyclable material was marketed.
 - (5) The name and location of the markets to which the recyclable materials were delivered.
- G. Quarterly reports containing the information required as stated above shall be compiled and delivered to Town Board on a quarterly basis.

§ 25-14. Licensing.

- A. Each private collector must obtain a solid waste collection license from the Town. All licenses shall be issued for the calendar year. A full year's fee shall be imposed on any solid waste collection license issued to a private collector during the months of January through June of each calendar year. One-half year's fee shall be imposed on any such license issued during the months of July through December of each year.
- B. A fee schedule shall be set by the Town Board and shall be based upon the number of trucks of the private collector regularly operating within the Refuse District.
- C. Applications for license and permit shall be upon forms provided by the Town and submitted to the Clerk of the Town. The Clerk of the Town shall issue the license upon proper application being made therefor and after authorization to issue the license is given by the Town Board.
- D. The Clerk of the Town is also hereby empowered to issue a temporary permit(s) to any licensed private collector, upon proper application being made therefor, to use such additional trucks as are necessary for a period not to exceed 30 consecutive days for a fee, per truck, to be determined by the Town Board.
- E. Each private collector licensed by the Town shall comply with all applicable provisions of this local law, and all resolutions enacted by the Town Board pertaining hereto.
- F. Each private collector to be licensed must have a public liability insurance policy, naming the Town as an additional insured, for personal injuries in the amount of \$1,000,000 per person and shall file with the Town Clerk a certificate of insurance for that amount prior to the issuance of a license to the private collector.
- G. Every license issued by the Town Clerk, pursuant to this article, shall be subject to the following conditions:
 - (1) Each vehicle used by the licensed private collector in the collection and transportation of MSW and recyclable materials in the Refuse District shall be neat and clean and in good repair.
 - (2) All trucks must have a minimum liability insurance policy for personal injuries in the amount of \$100,000 per person and \$300,000 per accident and \$50,000 coverage for property damage. Insurance certificates are to be supplied to the Town by the private collector.
 - (3) No owner, collector or employee of a private contractor shall be under the influence of alcohol or other drugs or use insolent or improper language during pickup or when receiving complaints over the telephone.
- H. The Town Board may refuse to license and/or may revoke a license issued to any person who, in its

judgment, is an undesirable person, or is incapable of properly conducting the operations of a licensed private collector or who fails to comply with the applicable provisions of this local law. The Town Board shall have the power to revoke any such license after hearing on 10 days' written notice to the license holder, specifying the nature of the violation.

§ 25-15. Prohibited acts; penalties for offenses.

It shall be unlawful for:

- A. Any person, other than the authorized collector and each licensed private collector, to collect any MSW and recyclable materials generated within the Refuse District which has been placed for collection pursuant to this local law. The unlawful conduct set forth in this subsection shall constitute a violation and shall be punishable, upon conviction thereof, of a fine of \$500 for the first offense; a fine of \$1,000 for the second offense; and a fine of \$2,500 for the third and each subsequent offense.
- B. Any owner and/or occupant to fail to comply with any provision contained in § 25-12, inclusive.
[Amended 1-20-2015 by L.L. No. 3-2015]
- C. The unlawful conduct set forth in Subsection B shall be punishable as follows:
 - (1) For a first offense of any such provisions, the owner and/or occupant shall be given a notice by the authorized collector or licensed private collector, as the case may be, advising such person in detail of the failure to comply with the specific provision(s), with a copy to the Code Enforcement Officer.
 - (2) For a second offense, the owner and/or occupant shall be given a notice by the Code Enforcement Officer advising such person in detail of the failure to comply with the specific provision(s).
 - (3) The third and each subsequent offense of any provision shall constitute a violation punishable by a fine of at least \$100 but not to exceed \$500.
- D. No court proceedings shall be commenced against any person who violates the provisions of Subsection C hereinabove set forth for any violation occurring before January 1, 1993, in order to permit persons to come into compliance with this local law.
- E. The following items are prohibited from being put out for collection as municipal solid waste (MSW) and/or recyclable materials:
[Added 1-20-2015 by L.L. No. 3-2015]
 - (1) Electronic waste.
 - (2) Hazardous waste.

§ 25-16. Enactment of other provisions.

The Town Board is hereby empowered to enact, by resolution, such rules and regulations which, in its judgment, will carry out the intent and purpose of this local law.

§ 25-17. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of

competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof involved in the controversy in which such judgment shall have been rendered.

§ 25-18. Effective date.

This local law shall take effect September 1, 1992.