

Chapter 293: SOLID WASTE

Article III: Recycling

[Adopted 1-8-1990 by L.L. No. 1-1990 (Ch. 20A of the 1965 Code)]

Chapter 293: SOLID WASTE Article III: Recycling

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§ 293-20 Findings.

The Lewiston Town Board finds that:

A.
The New York State Solid Waste Management Act of 1988^[1] 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.

[1]:

Editor's Note: See L. 1988, c. 70.

B.
Continued use of landfills for solid waste disposal poses a concern to human health and safety through increased risks of groundwater pollution and other environmental, health and safety hazards.

C.
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.

D.
Landfill capacity is not adequate to meet New York State's long-term solid waste disposal needs.

E.
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 the Town of Lewiston; and to the conservation of resources.

§ 293-21 Legislative purpose.

In enacting this article, the Town of Lewiston supports the following statutory purposes:

A.
To identify the 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.

B.
To conserve energy by using recovered materials in manufacturing.

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

D.
To implement the applicable provisions of the New York Solid Waste Management Act of 1988.

§ 293-22 Definitions.

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

ADMINISTRATOR

Person or persons designated by the Town Board to monitor and enforce this article.

HAZARDOUS WASTE

Includes but is not limited to the following products and their empty containers insecticides, herbicides, petroleum products, motor oil, caustic chemicals, paint batteries. "Hazardous wastes" generally display one or more of the qualities of ignitability, corrosivity, reactivity or toxicity.

NONRECYCLABLES

Includes but are not limited to that portion of the waste stream not included under "recyclable" 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. The Town Board and/or its administrator will be responsible to determine which materials will be defined as "nonrecyclables."

A.

GARBAGE

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

B.

RUBBISH

— Rags, sweepings, rubber (excluding tires), leather, styrofoam packing, 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.

CARDBOARD

— Wood-pulp-based material which is usually smooth on both sides with a corrugated center, commonly used for boxes.

E.

YARD ORGANICS

— Grass clippings, leaves, branches up to four inches in diameter and other like organic garden materials.

F.

LARGE APPLIANCES AND HOUSEHOLD MECHANICALS

— Stoves, refrigerators, dishwashers, dryers, washing machines, hot-water tanks and other large appliances.

G.

TIRES

— Automobile, truck, tractor and other vehicle tires.

PERSON

Natural persons, corporations, partnerships, unincorporated associations or any other organization of two or more persons.

RECYCLABLES

The Town Board and/or its administrator will be responsible to determine which materials will be defined as "recyclables." Such recyclables shall include the following: clear glass containers; plastic containers, milky white, colored, and clear; metal and aluminum containers; newspapers; household correspondence, junk mail, cereal and gift boxes, magazines and telephone books; and corrugated cardboard.

[Amended 12-8-2003 by L.L. No. 6-2003]

WASTE MATERIAL

Includes all recyclables and nonrecyclables which make up the waste stream eligible for curbside pickup under this article. "Waste material" does not include material 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.

§ 293-23 Program established.

A.

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 Town of Lewiston, its administrator and its collection agent.

B.

The Lewiston Town Board and its administrator will determine other recyclables in addition to those specifically listed in the definition of the term "recyclables" in § **293-22**. Such Town Board or its administrator shall notify Lewiston residents and waste generators by publishing said Information in the official Town newspaper or newspapers at least 30 days before said declaration will be incorporated into the Town Recycling Program.

[Amended 12-8-2003 by L.L. No. 6-2003]

C.
All waste material shall be separated, prepared for collection and collected in accordance with §§ 293-24 and 293-25 of this article.

D.
The Town of Lewiston, its administrator and its collection agent shall have no obligation to pick up and remove any waste material not prepared for collection in accordance with this article.

E.
The Town of Lewiston, its administrator and its collection agent shall have no obligation to pick up and remove any waste material which was not used in the residence or business placing such waste material at the curbside for pickup.

F.
It shall be required of all Town residents and all waste generators within the Town to segregate and separate recyclable and/or reusable materials from solid waste. Solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist. The terms "economic market" and "components" shall be as defined in the current § 120-aa(2)(a) and (b) of the General Municipal Law of the State of New York.

[Amended 12-8-2003 by L.L. No. 6-2003]

§ 293-24 Preparation of recyclable material for collection.

[Amended 12-8-2003 by L.L. No. 6-2003]

No Town resident or other waste generator shall dispose of waste material except as follows:

A.
Recyclable 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 24 gallons' capacity and, when filled, shall not exceed 60 pounds in weight All cans or containers shall be placed at the curb 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 bottles and other items, so separated shall be rinsed of contents and placed in recyclable collection containers.

(4)
Newsprint shall be separated from nonrecyclables and properly secured in recyclable collection containers.

§ 293-25 Collection.

Waste materials shall be collected in accordance with the Town of Lewiston Garbage and Refuse Law, Local Law No. 5 of 1987.¹¹

[1]:

Editor's Note: See Art. II, Collection.

§ 293-26 Ownership of recyclable containers.

The Town Board retains ownership of the recyclable container. The Town of Lewiston will supply (loan) to each residential unit one recyclable container to be used exclusively for the purpose of recycling as per this article. The Town

Board or its administrator may provide additional or replacement recyclable containers at a price to be established by the Town Board.

§ 293-27_Ownership of recyclables placed for collection.

A.
From the time any person places any recyclable materials at or near any curb, sidewalk or street for purposes of collection by the Town of Lewiston, those recyclable materials shall become the property of the Town of Lewiston or its authorized agent. No person who is not acting under authority of the Town of Lewiston 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, pickup or removal shall constitute a separate violation of this article; provided, however, that where the Town of Lewiston 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.

§ 293-28_Enforcement penalties for offenses.

The Town of Lewiston, 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 Lewiston. A violation of this article, other than § 293-27A, shall constitute an offense punishable, upon conviction thereof, by a fine not exceeding \$25 for the first offense and \$50 for each offense thereafter. A violation of § 293-27A shall constitute a misdemeanor punishable, upon conviction thereof, by not more than six months' imprisonment or a fine not exceeding \$1,000 or both.

§ 293-29_When effective.

[Amended 12-8-2003 by L.L. No. 6-2003]

This article shall take effect upon acceptance by the Secretary of State of the State of New York.

§ 293-30_Additional provisions.

A.
Domestic waste motor oil. Domestic waste motor oil may be discarded in the waste motor oil container located at the Town of Lewiston highway garage on Swan Road.

B.
Household Hazardous Day. The Town of Lewiston has been cosponsoring and participating in the area Household Hazardous Day, held each year at the Niagara Falls City Corporation Yard on New Road.

C.
Dump permit Lewiston residents may get from the Lewiston Town Clerk a special permit to dump at Modern Landfill on the first Saturday of each month, as per agreement with Modern landfill, to dispose of nonrecyclables.