

Chapter 215: SOLID WASTE

[HISTORY: Adopted by the Town Board of the Town of Newfane as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 184.

Chapter 215: SOLID WASTE

Article I Recycling

§ 215-1 Findings; intent.

§ 215-2 Definitions.

§ 215-3 Change in classification of recyclables; applicability.

§ 215-4 Establishment of curbside program.

§ 215-5 Preparation of recyclable material for collection.

§ 215-6 Collection.

§ 215-7 Ownership of recyclables placed for collection.

§ 215-8 Importation of waste materials.

§ 215-9 Penalties for offenses.

§ 215-10 When effective.

Article I: Recycling

[Adopted 7-24-1991 by L.L. No. 1-1991 (Ch. 24A of the 1971 Code)]

§ 215-1 Findings; intent.

The Town Board of the Town of Newfane 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 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 effect 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.^[1] 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.

[1]:

Editor's Note: See Laws of 1988, Chapter 70.

§ 215-2 Definitions.

For the purposes 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. The Town Board shall act as Administrator unless a separate designation is made.

HAZARDOUS WASTE

Includes 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 and large appliances.

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 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 to 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 types of containers, but not including dishes, crockery, ceramics, window glass, safety glass or pyrex-type glass.

C.

Metals, limited to bimetal cans, tin-plated steel cans, aluminum containers and aluminum household items.

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.

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 dead animals, fecal matter, or 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.

§ 215-3_Change in classification of recyclables; applicability.

[Added 4-13-1994]

A.

The municipality may change classification of nonrecyclables to recyclables as defined herein in the event it determines that reclassification is cost-effective or that economic markets exist for that product. The municipality shall notify all generators of the change in classification.

B.

The provisions of this article apply to commercial, industrial and institutional waste generators. In the event that they do not have materials collected pursuant to law or contract, they shall be responsible for components prior to being disposed of in any manner or solid waste left for collection or delivered to the generator at a solid waste management facility. This material must be source-separated.

§ 215-4_Establishment of curbside program.

A.

Upon the effective date of this article, 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 Newfane, its Administrator and its collection agent or contractor.

B.

The Town Board and its Administrator will determine recyclables and notify Town residents by publishing said information in the official Town newspaper or newspapers at least 30 days before said declaration will be incorporated into the Town program.

C.
All waste material shall be separated, prepared for collection and collected in accordance with §§ 215-5 and 215-6 of this article.

D.
The Town of Newfane, 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 article.

E.
The Town of Newfane, 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 Town of Newfane, 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 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 Newfane pickup and removal programs.

§ 215-5 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 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 made to keep the newsprint clean and dry and contamination free.

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

C.
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 Town Board.

§ 215-6 Collection.

Waste materials shall be collected in a manner consistent with the terms of the Town of Newfane collection contract.

§ 215-7_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 Town of Newfane or its contractor, those recyclable materials shall thereupon immediately become the property of the Town of Newfane or its authorized agent. No person not acting under authority of the Town of Newfane 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.

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, street side 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 Newfane, 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 Newfane.

§ 215-8_Importation of waste materials.

A.

No person shall cause to be imported into the Town of Newfane waste material for garbage collection.

B.

No person shall cause to be imported into the Town of Newfane recyclable material for garbage collection.

§ 215-9_Penalties for offenses.

A violation of this article, other than § 215-7A, shall constitute a violation punishable, upon conviction thereof, by a fine not exceeding \$250 for each offense. A violation of § 215-7A or 215-8 shall constitute a misdemeanor punishable upon conviction thereof by not more than six months' imprisonment or a fine not exceeding \$1,000, or both.

§ 215-10_When effective.

This article shall take effect upon filing with the Secretary of State; however, its provisions are suspended until such date that a contract is implemented by the Newfane Town Board for recycling in the Town of Newfane.