

(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.

~~XXXXXX~~
~~XXX~~ of Porter
Town of
~~XXXXXX~~

Local Law No. 5 of the year 1991

A local law establishing a solid waste recycling program
(Insert Title)

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

~~XXXXXX~~
~~XXX~~ of Porter as follows:
Town
~~XXXXXX~~

(Text follows on next Sheet)

ion 1. This local law may be cited as the "TOWN OF PORTER RECYCLING LAW".

Section 2. It is the intent of the town board to provide for the disposal of solid waste generated in the town in an economical and environmentally sound manner and to reduce the amount of solid waste disposed of by landfill.

Section 3. As used in this law the following words shall have the meanings set forth:

a) RECYCLABLES - may include, but not limited to:

1. Aluminum items - includes cans and other items made basically from aluminum.
2. Metal cans - containers fabricated out of metal other than aluminum.
3. Glass - bottles, jars and other containers made from glass.
4. Newsprint - the common inexpensive paper made from woodpulp and used primarily for newspapers. Excluded are glossy inserts, magazines and phone books.
5. Plastic - items made from high density polyethylene (HDP), polyvinylchloride (PVC) and polyethylene terephthalate (PET). Styrofoam items are excluded.
6. Cardboard - woodpulp based material, generally smooth on both sides with a corrugated center.
7. Such other materials as the town board may by resolution add from time to time.

b) NON-RECYCLABLES - All solid waste other than those listed above.

c) PERSON - natural persons, corporations, partnerships, or any other organization formed by two or more persons.

d) COLLECTION AGENT - the person holding the contract with the town of Porter to collect solid waste materials in the town.

Section 4. There is hereby established a program for the separation, preparation and collection of recyclable waste in the town of Porter.

Section 5. The town board will determine from time to time what recyclables are to be separated and separately collected and when. Such information will be published in the official newspaper at least 30 days before the effective date of such collection.

- Section 6. All designated recyclables shall be prepared, separated and collected as hereinafter set forth.
- Section 7. Containers for recyclables will be procured by the town and distributed to each residence at no charge. Replacement containers will be supplied as needed at a price to be established by the town board.
- Section 8. Recyclable items will be separated from non-recyclables and placed in the appropriate containers. Aluminum, glass, metal and plastic containers shall have the tops removed and shall be rinsed of contents.
- Section 9. From the time that a resident places recyclable materials at curbside for collection, title to such materials shall vest in the town. No person who is not acting under the authority of the town shall collect or remove any such material. Each such removal shall constitute a separate violation of this local law.
- Section 10 Each violation of this law shall constitute an offense punishable by a fine not exceeding \$250.00.
- Section 11 This local law shall take effect upon its being filed with the Secretary of State as required by law.

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF NIAGARA) SS.:

I, RETA L. HANSON, Town Clerk of the Town of Porter, Niagara County, New York, do hereby certify:

1. On July 14, 1986, the Town Board of the Town of Porter adopted a resolution approving the establishment of the Porter Refuse and Garbage District, which resolution was duly recorded in Niagara County Clerk's Office on July 16, 1986 in Liber 2005 of Deeds at page 201. This resolution was subject to a permissive referendum.

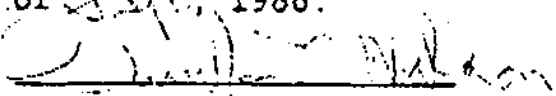
2. Thereafter notice of the adoption of said resolution was duly published and posted according to law.

3. As of the date hereof, no petition requesting a referendum, pursuant to Section 209e of the Town Law, has been filed in my office and the time to do so has now expired.

In witness whereof I have hereunto set my hand and the seal of the Town this 18th day of August, 1986.


Town Clerk

Subscribed and sworn to
before me this 7th day
of July, 1986.


NOTARY PUBLIC

TOWN OF PORTER

At a meeting of the Town Board of the Town of Porter, held at the Town Hall in the Town of Porter, Niagara County, New York, on the 14th day of July, 1986, at 8:00 p.m.

PRESENT: RICHARD TOWER Councilman
 MERTON WIEPERT Councilman
 WILLIAM HASTINGS Councilman
 HARRISON HARRINGTON Councilman

In the Matter of the Creation of the Porter Refuse and Garbage District in the Town of Porter, County of Niagara, State of New York, pursuant to Article 12-A of the Town Law.

WHEREAS, a map, plan and report relating to the creation of the Porter Refuse and Garbage District, in manner and in such detail as has been determined by the Town Board, has been duly filed with the Town Clerk of Porter, in accordance with the requirements of Article 12-A of the Town Law, and

WHEREAS, an order was duly adopted by the Town Board of Porter on the 14th day of May, 1984, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed District, the estimated expense thereof, the proposed method of financing, the fact that the map, plan and report describing the same, are on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying the 11th day of June, 1984, at 8:00 p.m. on that day as the time, and the Town Hall in said Town as the place where the said Town Board should meet to consider said map, plan and report, and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required or authorized by law, and

WHEREAS, such order was duly published and posted as required by law, and

WHEREAS, a hearing on said matter was duly held by the said Town Board on the 11th day of June, 1984, beginning at 8:00 p.m. of that day, at the Town Hall in said Town, and full discussion of the matter having been had, and all persons desiring to be heard having been duly heard,

NOW, upon the evidence given upon such hearing, and upon motion of: Councilman Merton Wiepert

Seconded by: Councilman Harrison Harrington

It is

RESOLVED AND DETERMINED:

- a) That the notice of hearing was published and posted as required by law, and is otherwise sufficient; and
- b) That all property and property owners within the proposed District are benefited thereby; and
- c) That all property and property owners benefited are included within the limits of the proposed District; and
- d) That it is in the public interest to create the said Garbage District; and it is further

RESOLVED AND DETERMINED that the creation of the Porter Refuse and Garbage District, as set forth in said map, plan and report be approved; that the necessary arrangements be made to implement the creation of the said District; that the Town Board shall establish rules and regulations pertaining to the said District; that the manner of payment for service rendered to property owners be on a per residential unit basis in accordance with the rules and regulations adopted by the Town Board.

That the proposed District shall be bounded and described as follows: All of the Town of Porter outside the Village of Youngstown, excepting, Fort Niagara State Park, Four Mile Creek State Park and the Village of Youngstown.

The boundaries described are intended to include all property within the said boundaries as shown on the map on file in the Town Clerk's Office; and it is further

RESOLVED that the Porter Refuse and Garbage District be financed by direct charge to property owners benefited on a residential unit basis; and it is further

RESOLVED that this resolution is subject to a permissive referendum as provided in Section 209e of the Town Law.

The adoption of the foregoing resolution was duly put to vote and upon roll call the vote was as follows:

RICHARD TOWER	<u>yes</u>
MERTON WIEPERT	<u>yes</u>
WILLIAM HASTINGS	<u>yes</u>
HARRISON HARRINGTON	<u>yes</u>

The resolution was thereupon declared duly adopted.


Dated:

STATE OF NEW YORK)
COUNTY OF NIAGARA) ss.:
TOWN OF PORTER)

I, RETA L. HANSON, Town Clerk of the Town of Porter, Niagara County, New York, do hereby certify that I have compared the preceding resolution with the original thereof filed in my office at the Town Hall, Town of Porter, Niagara County, New York, and that the same is a true and correct copy of the original and the whole thereof.

I further certify that all members of the Town Board had notice of the meeting at which said resolution was adopted.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Town this 14th day of July, 1986.



RETA L. HANSON
Town Clerk of the Town of Porter,
Niagara County, New York