**VILLAGE OF ALLEGANY**

**LOCAL LAW NO. 1 OF 1990**

**“A LOCAL LAW RELATING TO THE RECYCLING PROGRAM-**

**COLLECTIONAND DISPOSTION FOR THE VILLAGE OF ALLEGANY”**

SECTION 1. FINDINGS

 The Board of Trustees of the Village of Allegany finds that:

 (a) The current collection and disposal of garbage and waste is not adequate to meet the Village of Allegany’s long term solid waste disposal needs.

 (b) Continued use for landfills for solid waste disposal poses a threat to human health and safety through increased risk of ground water 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) The New York Solid Waste Management Act of 1988 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.

 (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 Village of Allegany, and to the conservation of resources.

SECTION 2. LEGISLATIVE PURPOSE.

In enacting this law, the Board of Trustees of the Village of Allegany, supports the following statutory purposes:

 (a) To increase the life expectancy of existing and potential landfill areas and decrease the need for alternative refuse disposal facilities through a comprehensive program of waste stream reduction and recycling.

 (b) To decrease the threat to human health and safety posed by the effects of landfill disposal on groundwater quality.

 (c) To identify 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.

 (d) To insure the long-range preservation of the health, safety, and well-being of the public, and the economic productivity and environmental quality of the Village of Allegany by conserving resources and reducing the potential for pollution of the environment.

 (e) To conserve energy by using recovered materials in manufacturing.

 (f) To improve the efficiency of waste to energy facilities by removing metals and glass from the waste stream.

 (g) To set forth a methodology for efficiently separating and collecting reusable and recyclable materials from the community’s waste stream.

 (h) To implement the applicable provisions of the New York Solid Waste Management Act of 1988.

SECTION 3. DEFINITIONS

 (a) “Recyclables” shall mean the following:

(1) “Aluminum cans” – Containers fabricated primarily of aluminum and commonly used for soda, beer or other beverages.

(2) “Metal cans” – Containers fabricated primarily of metal or tin, but not including aluminum cans.

(3) “Glass bottles” – Transparent or translucent jars, bottles and containers which are primarily used for packaging and bottling of various matters, but only those glass bottles that are clear in color.

(4) “Newsprint” – The common, inexpensive machine finished paper made chiefly from wood pulp used for newspapers. This term excludes glossy newspaper inserts and magazines.

(5) “Plastic Containers” – Those plastic containers normally used for household purposes such as plastic milk containers, laundry detergent containers, common plastic food containers as defined in the Cattaraugus County Recycling Guide, dish soap containers. This term excludes plastic bags or styrofoam containers.

(6) “Large appliances” – Stoves, refrigerators, dishwashers, dryers, washing machines and other large appliances.

(7) “Brush” – Shall mean cuttings from shrubs, hedges and trees which are less than four (4) inches in diameter.

 (b) “Nonrecyclables” shall mean that portion of the waste stream not included under “recyclables,” and not treated separately as (1) hazardous waste under Section 27-0903 of the New York Environmental Conservation Law, (2) source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954, or (3) low level radioactive waste as defined in Section 29-0101 of the New York Environmental Conservation Law.

“Nonrecyclables” includes, but is not limited to:

(1) “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, stores, markets, restaurants, and other places where food is stored, prepared or served.

(2) “Rubbish” – Rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, straw, dirt, filth, wastepaper including glossy newspaper inserts and magazines, and similar waste material.

 (c) “Waste material” shall include all “recyclables” and “Nonrecyclables” which make up the waste stream and which are eligible for curbside pickup under this law. “Waste material” does not include the following items which are not eligible and which will not be picked up by the Village of Allegany or any agency or agent thereof:

 (1) Vehicular tires or tire casings.

(2) “Tree parts”; which shall mean cuttings from shrubs, hedges and trees which are more than four (4) inches in diameter.

(3) Clippings; which shall mean grass clippings from lawns, flowers, gardens and etc.

(4) “Large Household Furnishings”; shall mean large and/or bulky articles normally used in the home and which equip it for living such as chairs, sofas, tables, beds, carpets, etc.

(5) “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.

(6) Ashes; shall mean the powdery residue of an organic substance that has been burned.

(7) “Hazardous waste” as defined under Section 27-0903 of the New York Environmental Conservation Law.

(8) Special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954, or

(9) Low level radioactive waste as defined in Section 29-0101 of the New York Environmental Conservation Law.

 (d) “Hazardous waste” may include but is not limited to the following products and their empty containers: Insecticides, herbicides, petroleum products, caustic chemicals, paint. Hazardous wastes generally display one or more of the qualities of ignitability, corrosivity, reactivity or toxicity.

 (e) “Person” shall mean natural persons, corporations, partnerships, sole proprietorships, unincorporated associations or any and all combinations of individuals acting in concert.

SECTION 4. 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 Board of Trustees for the Village of Allegany.

 (b) All waste material shall be separated, prepared for collection, and collected in accordance with Sections 5 and 6 of this law.

 (c) The Village of Allegany shall have no obligation to pick up and remove any waste material not prepared for collection in accordance with this law.

 (d) The Village of Allegany 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 curbside for pickup.

SECTION 5. PREPARATION OF WASTE MATERIAL FOR COLLECTION

 No person shall dispose of waste material except as follows:

 (a) Waste material shall be prepared for collection in accordance with Sub-Sections (1) through (7) of this Section.

(1) Each person shall provide separate, covered, galvanized steel cans or other suitable sanitary containers for recyclables and nonrecyclables unless stipulated otherwise in this law. Such cans or containers shall not exceed 30 gallons capacity and when filled shall not exceed 50 pounds in weight. All cans or containers shall be placed at the curb for collection.

(2) Aluminum and metal cans shall be separated from nonrecyclables and other recyclables. Aluminum and metal cans so separated shall be clean of contents, have their labels removed, and placed in containers as described in Section 5 (a) (1).

(3) Clear glass bottles shall be separated from nonrecyclables and other recyclables. Glass bottles so separated shall be clean of contents, with caps, paper wrappings, lids and all other metals removed and placed in separate containers as described in Section 5 (a) (1).

(4) Newsprint shall be separated from nonrecyclables and other recyclables and placed at curbside in securely tied bundles or placed in sufficiently strong brown paper bags. Such bundles shall not exceed 25 pounds in weight. In the event of inclement weather, such bundles shall be placed in clean containers, as described in Section 5 (a) (1), or in disposable plastic bags of at least 1.5 mil thickness and sufficiently strong to contain the materials enclosed. When filled, each such bag weighs no more than 25 pounds.

(5) Plastic containers shall be separated from nonrecyclables and other recyclables. Plastic containers shall be clean of contents with caps and lids removed and placed in separate containers as described in Section 5 (a) (1).

(6) Large appliances shall be prepared for collection by dismantling in such a way that they will not be a hazard to the public. In this respect, doors shall be removed before placing at the curb for collection.

(7) Garbage and rubbish shall be separated from recyclables and other nonrecyclables and placed in containers as described in Section 5 (a) (1).

SECTION 6. COLLECTION

 Waste material shall be collected as follows:

 (a) Waste material shall be collected in accordance with subsections (1) through (3) of this section.

 (1) The collection schedule shall be as follows:

 .

 Scheduled Pick-Up

 Garbage and Rubbish Weekly

 Aluminum Cans, Metal Cans, Weekly

 Glass Bottles, Newsprint,

 Plastic Containers

Large Appliances \*

Leaves \*

Brush \*

 \* To be specified

(2) Collection commences at 7:00 a.m. on the scheduled date of pickup. To insure that all waste material is picked up it must be at the curb no later that 7:00 a.m. on the day of collection, and no material may be placed at the curb before 6:00 p.m. of the day preceding the scheduled pick-up day.

(3) Empty containers shall be removed from the curbside or other place of collection by the occupants of the premises before the end of the day on which collection is made from the premises.

SECTION 7. DISPOSAL OF CONSTRUCTION DEBRIS, BRUSH/TREE PARTS, LEAVES AND CLIPPINGS

 (a) No person shall place or store for collection by the Village construction debris with “waste material”. The person creating construction debris shall remove the same and dispose of the same in a sanitary manner.

 (b) No person shall place or store for collection by the Village vehicular tires or tire casings with “waste material”. The person owning or possessing such tires or tire casings shall remove the same and dispose of the same in a sanitary manner.

 (c) No person shall place or store for collection by the Village tree parts with “waste material”. It shall be the sole responsibility of the owner to remove the same and dispose of the same in a sanitary manner.

 (d) No person shall place or store for collection by the Village “Large Household Furnishings” with “waste material”. It shall be the sole responsibility of the owner to remove the same and dispose of the same in a sanitary manner.

 (e) No person shall place or store for collection by the Village clippings, including grass clippings, with “waste material”. It shall be the sole responsibility of the owner to remove the same and dispose of the same in a sanitary manner.

 (f) No person shall place or store for collection by the Village ashes with “waste material”. It shall be the sole responsibility of the owner to remove the same and dispose of the same in a sanitary manner.

 (g) No person shall place or store for collection by the Village leaves with “waste material”. On designated pick-up days the owner or occupant of the real property in the Village of Allegany wishing to dispose of leaves shall place the same on the public roadway, next to the curb, for pick-up by the Village of Allegany.

 The Village of Allegany will not collect or remove construction debris, vehicular tires or tire casings, tree parts, large household furnishings or clippings produced by any person.

SECTION 8. 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 Village of Allegany, those recyclable materials shall become the property of the Village of Allegany or its authorized agent. No person who is not acting under authority of the Village of Allegany or its authorized agent shall collect, pickup, 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, where the Village of Allegany has refused to collect certain recyclables because they have not been placed or treated in accordance 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 contained shall prevent any person from making arrangements for 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 for such recyclables).

SECTION 9. LIMITATION OF PICKUP

 (a) The Village of Allegany or any person who is acting under the authority of the Village of Allegany or its authorized agent shall not be responsible to pick up more than five (5)-thirty (30) gallon containers of nonrecyclables from any person as defined in this Article. Therefore, no person shall place more than five (5) – thirty (30) gallon containers per week for pickup by the Village of Allegany, or its authorized agent. This limitation shall not apply to recyclable containers or materials.

 (b) Nothing herein shall prevent any person from making arrangements for the private collection of non-recyclables in excess of the limitation set forth in Section 9(a).

SECTION 10. PROHIBITED DISPOSAL OF GARBAGE AND TRASH

 (a) Public Property; no person shall place, throw or deposit or cause to be placed, thrown or deposited any garbage, refuse, papers, trash, hazardous waste or any other material which is the subject of this local law upon any sidewalk, street, alley, lane, gutter or any public ground in the Village or into any stream or upon the banks of any stream running through or adjacent to said Village.

 (b) Private Property; no person shall place, throw or deposit or cause to be placed, thrown or deposited any garbage, refuse, papers, trash, hazardous waste or any other material which is the subject of this local law upon the private property of another person.

 (c) Burning or Burying; no person shall bury or burn or cause to be buried or burned any garbage, refuse, papers, trash, hazardous waste or any other material which is the subject of this local law within Village limits, unless authorized to do so in writing by the Board of Trustees.

SECTION 11. RESTRICTIONS ON USE OF VEHICLES

 The collection, removal and carrying of garbage, refuse, trash, paper, hazardous waste or any other material which is the subject of this local law on any highway, street, alley or lane of the Village must be done in covered water-tight vehicles which shall be in accordance with the rules and regulations of the Board of Health. No garbage, papers, trash, refuse, hazardous waste or any other material which is the subject of this local law shall be spilled or scattered along the streets or public places and the vehicles used for the collection and transportation of such material shall not be allowed to stand or tarry along the public streets for a longer time than shall be reasonably necessary for the loading of the same.

SECTION 12. DISPOSAL OF GARBAGE AND TRASH PROHIBITED

 (a) Garbage or trash originating outside the Village; no person shall bring in, place or deposit or cause to be brought into, placed or deposited in the Village any garbage, refuse, trash, paper, hazardous waste or any other material which is the subject of this local law originating outside the Village for the purpose of having same collected by the Village or its agents or contractors.

 (b) Permitting disposal of garbage or trash from outside the Village; no person who is a resident of the Village or owner, lessee, or person in control of real property within the Village shall permit any person to bring in, place or deposit garbage, refuse, trash, paper, hazardous waste or any other material which is the subject of this local law originating outside the Village on any real property owned or leased by him or her or under his or her control. This section, Section 12 (b), shall not apply to any refuse transfer station operated by the County of Cattaraugus.

SECTION 13. ENFORCEMENT

 (a) The Village of Allegany shall not be required to collect any waste material which has not been separated and secured pursuant to the provisions of this law or to the applicable regulations of the Village of Allegany or its Board of Trustees. A violation of this law, other than Section 8 (a) and Section 12, shall constitute a violation as defined in the Penal Law and shall be punishable upon conviction thereof, as follows:

 (1) For a first conviction, by a fine of $10.00.

 (2) For a second conviction within one (1) year, by a fine of $25.00.

 (3) For a third conviction within one (1) year, by a fine of $50.00.

(4) For a fourth conviction within one (1) year, by a fine of not less than $100.00 or more than $250.00.

A violation of Section 8 (a) or a violation of Section 12 shall constitute a misdemeanor, as defined in the New York State Penal Law, punishable upon conviction thereof by not more than six (6) months imprisonment and/or a fine not exceeding $1,000.00.

SECTION 14. SEVERABILITY

 (a) If any section, sentence, or part of this law is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this law.

SECTION 15. EFFECTIVE DATE

 This law shall take effect immediately upon filing with the Secretary of State.