

Proposed Local Law
Amend Section 138 – Solid Waste

Chapter 138 Solid Waste

Article I Removal; Recycling

§ 138-1 Legislative intent.

The purpose of this article is to promote and protect the public health and welfare of the citizens of the Town of Coeymans by regulating the collection and disposal of solid waste; to reduce the amount of solid waste which the town must dispose of; to eliminate disposal of solid waste at sites which are not authorized by the town; to recover recyclable materials and deliver them to markets; to offer alternative refuse disposal and recycling options; to reduce littering; and to encourage participation by the whole community in addressing the solid waste problem through a simple, equitable fee system based on actual solid waste quantities generated.

§ 138-2 Legislative authority.

This article is enacted under the authority granted the Town of Coeymans in § 120-aa of the General Municipal Law, § 136 of the Town Law, § 10 of Municipal Home Rule Law and through the requirements of the New York State Solid Waste Management Act of 1988.

§ 138-3 Definitions.

As used in this article, unless otherwise expressly stated, the following terms shall have the meanings indicated:

COLLECTOR

Any sole proprietorship, firm, partnership, corporation or other entity registered and permitted by the Town of Coeymans to carry on the business of collecting, transporting, disposing of solid waste, and marketing of recyclables, both residential and nonresidential, generated within the Town of Coeymans according to the provisions listed herein.

COMPOSTING

Refers to the microbial degradation or decomposition of organic matter into a useful product.

CONSTRUCTION DEBRIS

Discarded general building materials and refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property excluding materials defined as hazardous waste.

ENVIRONMENTAL ENFORCEMENT OFFICER

That person appointed by the Town Board to enforce this article and other laws related to solid waste issues.

GARBAGE

Any nonrecyclable kitchen and household waste and table cleanings.

GROUP RESIDENCE

Any residential structure where more than four unrelated residents reside which includes shared kitchens and bathrooms.

HAZARDOUS WASTE

A waste defined in § 27-0901 of the Environmental Conservation Law of the State of New York as the same may be amended from time to time.

LARGE HOUSEHOLD FURNISHINGS

Any other large, bulky article actually used in the home and which equip it for living, including but not limited to chairs, sofas, tables, beds and carpets.

MULTIPLE-FAMILY RESIDENCE

Any residential structure with four or more units with individual kitchens and bathrooms.

NONRECYCLABLE WASTE

Items not listed as collectible by the Recycling Coordinator, including but not limited to rags, sweepings, rubber, leather, crockery, electrical wiring, shells, dirt, filth, ashes and similar waste materials.

NONRESIDENCE

Any building not used as a residence or multiple-family residence and includes commercial establishments, social organizations, churches and schools.

RECYCLABLES

Those waste items designated by the Recycling Coordinator as being marketable, and currently including but not limited to clean plastic and glass food containers, metal food cans, dry discarded newspapers, magazines, cardboard and flat paper.

RECYCLING/TRANSFER CENTER

A site or sites designated and permitted by the Town Board and operated by the Town of Coeymans or designated permittee for the purposes of collecting recyclables, nonrecyclable waste, construction debris, scrap iron, tires, white goods, yard waste and other permitted waste so that they can be shipped to various recycling markets, processing centers, and waste disposal sites. Hazardous wastes are not permitted.

RECYCLING/TRANSFER CENTER COORDINATOR

That person appointed by the Town Board to administer a town operated Recycling/Transfer Center and to enforce the provisions of this Chapter.

RESIDENCE

Any residential structure with fewer than three units which have separate kitchens and baths.

SCRAP IRON

Not limited to car parts, cast iron and heavy metals. It shall not include car bodies.

SOLID WASTE

A waste defined by § 27-0701 of the Environmental Conservation Law of the State of New York as the same may be amended from time to time. Hereinafter, referred to as "waste."

TIRES

Discarded vehicular tires and tire casings separated from the rim.

TOWN

The Town of Coeymans, its Town Board and its agents and representatives.

WHITE GOODS

Any large, bulky household mechanism, including but not limited to tin, refrigerators, washers, dryers, stoves and water heaters.

YARD WASTE

Leaves, grass clippings, twigs and branches, hedge trimmings, and tree limbs under four inches in diameter.

§ 138-4 Preparation of waste; general procedures.

A.

All residential, nonresidential and commercial waste generators in the Town of Coeymans shall contract for waste removal services with a private waste collector registered and permitted by the town or shall demonstrate to the Recycling/Transfer Center Coordinator an appropriate, legal, alternative method of disposal. These waste removal services shall include the separation of recyclables according to instructions issued by the Town Recycling/Transfer Center Coordinator. This list of instructions will be approved by the Town Board by resolution and will take effect 30 days after the approval of the resolution unless otherwise specified in the resolution.

B.

Collectors shall supply town-approved recycling bins to their residential customers.

C.

Containers for nonrecyclable materials or garbage are not required to be clear or allow unobstructed view of contents. Those which do not offer unobstructed view are, however, subject to random content testing. .

§ 138-5 Permit and reporting requirements for collectors.

A.

No person shall engage, on a regular basis, in the business of collecting, transporting or disposing of solid waste and/or the marketing of recyclables generated within the Town of Coeymans, without a permit as required in this article.

B.

The following procedures shall be followed to obtain a solid waste collection permit:

(1)

A permit application shall be made, in writing, on a form prescribed by the Town Clerk accompanied by a fee. The Town Board will set the permitting fee for solid waste collection by resolution. Changes in the permitting fee shall take effect on the date that each permit is due for filing or renewal.

(2)

The application shall contain the name of the applicant or, if a partnership or corporation, the names of the partners, officers, directors and all persons holding 25% or more of the outstanding shares of said corporation, the address of the place of business and the regular and emergency telephone numbers.

(3)

The application shall list the days of collection, the number of collections and the areas served.

(4)

The Town Clerk shall review the application for completeness and shall submit it to the Recycling Coordinator who will review it and establish any terms and conditions required. Following the Recycling/Transfer Center Coordinator's review and approval of the application, the Town Clerk shall issue a permit to the collector.

C.

Upon violation of the collection conditions prescribed by this article, the Recycling/Transfer Center Coordinator can recommend revocation of the permit which requires the approval of the Town Board prior to revocation.

D.

The effective term of the permit shall be determined by the Town Board.

E.

Acceptance of the solid waste permit constitutes an agreement to perform under the following conditions, where applicable to the service provided by the permitted collector:

(1)

For all permitted collectors:

(a)

To provide regular scheduled collection service to its contracted customers for refuse and/or recyclables.

(b)

To keep recyclables segregated for delivery to a suitable, State Department of Environmental Conservation-recognized materials recovery facility, or to markets approved by the Recycling /Transfer Station Coordinator.

(c)

That the collector be obligated to pick up regularly only those recyclable items prescribed by the town and described in § 138-3, definition of "recyclables."

(2)

For nonresidential and commercial collectors:

(a)

That collection of recyclables from nonresidential and commercial waste generators shall be compatible with the residential standards designated by the Recycling/Transfer Center Coordinator.

§ 138-6 Town Recycling/Transfer Center.

A.

The town or permittee may operate and maintain a "Recycling/Transfer Center" pursuant to a duly authorized permit issued by the Town Board. Additional drop-off points for permitted recyclables and other waste items may be designated by resolution of the Town Board. ...

B.

The initial hours of operation for a town operated Recycling/Transfer Center and a fee schedule for disposal of recyclables and other waste items shall be adopted by resolution of the Town Board. Oversight of a town operated Recycling/Transfer Center shall be the responsibility of the Recycling/Transfer Center Coordinator.

C.

The Recycling/Transfer Center may only accept recyclables and other waste items pursuant to the terms of a permit issued. The Town Board shall have sole authority and discretion to determine the types of recyclables and other waste items that may be permitted.

D.

The Recycling/Transfer Center Coordinator and/or designated inspectors will conduct random inspections of solid waste and recyclables left curbside. If these random inspections reveal recyclables mixed with solid waste, this will constitute a violation of this article and could result in penalties under the provisions of § 138-13 of this article.

§ 138-6.1 Permit and Reporting Requirements for Recycling/Transfer Center

A.

The following procedures shall be followed to obtain a permit to operate a Recycling/Transfer Center:

(1)

A permit application shall be made, in writing, on a form prescribed by the Town Board accompanied by a fee. A permit fee may be established or amended by resolution of the Town Board. Changes in the permitting fee shall take effect on the date that each permit is due for filing or renewal.

(2)

The application shall contain such information as may be required by the Town Board, including but not limited to: the name of the applicant or, if a partnership or corporation, the names of the partners, officers, directors and all persons holding 25% or more of the outstanding shares of said corporation; the address of the place of business and the regular and emergency telephone numbers; proposed dates of operation; the type and volume of recyclables or other items sought to be permitted; site plan information; and any other pertinent information that may be required.

(3)

The application shall be referred to the Planning Board for site plan review pursuant to Chapter 136. Upon completion of its review and after conducting a public hearing, the Planning Board shall refer the application back to the Town Board for consideration, together with any comments of the Planning Board or public. The Town Board shall bear sole and final authority to approve or deny the application, which determination shall be in its sole discretion of the Town Board. The Town Board shall make its determination within 62 days of the referral from the Planning Board or extend such time frame by consent of the applicant. The decision of the Town Board shall be filed in the office of the Town Clerk within five business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.

B.

No Recycling/Transfer Center shall be operated within ten (10) miles of another such facility.

C.

The effective term of the permit shall be determined by the Town Board.

§ 138-7 Nonresidential and commercial properties.

A.

The Recycling/Transfer Center Coordinator shall issue instructions on which materials are to be collected, the timetable and how they shall be prepared.

B.

The Recycling/Transfer Center Coordinator shall work with the owners or operators of nonresidential and commercial properties to develop recycling plans which meet the community's goal of increasing recycling in a manner which is as efficient for the property as possible.

§ 138-8 Multiple-family and group residences.

A.

The owner of every multifamily residential complex or group residence shall provide and maintain, in a neat and sanitary condition, recycling collection areas to receive the recyclables

generated by the residents of the complex. This area will be approved by the Recycling Coordinator and, if construction is required, the area will conform to local codes.

B.

In cases where a condominium, cooperative, homeowner or similar organization exists, the association shall be responsible for the provision and maintenance of the recycling collection areas.

C.

All residents shall separate recyclables from the waste stream and place them in the appropriate containers within the collection areas, or curbside.

D.

The Recycling/Transfer Center Coordinator shall work with the owners or operators of multiple-family and group residences to develop recycling plans which meet the community's goal of increasing recycling in a manner which is as efficient for the residence as possible.

§ 138-9 Recyclables to be clean and dry.

All recyclables offered for collection, either curbside or at the Recycling/Transfer Center, shall be clean and free of food particles and shall be kept dry.

§ 138-10 Placement of hazardous substances unlawful.

It is unlawful to place a hazardous substance out for collection at curbside.

§ 138-11 Dumping prohibited.

It is unlawful to dispose of any material by dropping or willfully dumping such material in a manner inconsistent with the intent of this article and at a site not authorized by this article.

§ 138-12 Penalties for offenses.

It is the intent of this article to encourage recycling and safe disposal of solid waste in the Town of Coeymans. Unless otherwise stated, those who violate the provisions of this article will face these penalties:

A.

Any person, individual, firm, corporation or partnership who fails to comply with the provisions of this article other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of a violation and shall be notified of this violation by a written summons issued by the Recycling/Transfer Center Coordinator and/or designated inspector and delivered by certified mail. A first violation of this article shall be subject to a written warning. A second violation shall be subject to a written warning. Upon the third, the Recycling/Transfer Center Coordinator will refer the case to the Town Court. Anyone found guilty of such violations shall be fined \$50. Upon the fourth and subsequent violations, the Recycling/Transfer Station Coordinator will refer the case to the Town Court. Anyone found guilty of such violations will be fined up to \$250 and/or 30 days in jail. The violator will have one week to redress each violation. If, after that week, the Recycling/Transfer Center Coordinator discovers that a violation still exists, it shall be considered a separate offense. Additionally, persons found in violation of any section of this article shall be liable and responsible to the town for any and all damage caused by the violation and any expense to the town incurred to inspect and investigate any such violation.

B.

Any person who knowingly makes any false statements, representation, record, report, plan or other documentation filed with the town or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall be punished by \$250 and/or 90 days in jail.

§ 138-13 **Repealer.**

All provisions of any other local law or ordinance which are inconsistent with the provisions of this article are hereby repealed, except that part of Chapter 109, Landfills, which prohibits the importation of solid waste into the Town of Coeymans.⁽¹⁾

Article II Prohibition Against Waste Generated Outside Town

§ 138-14 **Legislative declaration.**

A clean, wholesome, attractive environment is declared to be of importance to the health, safety and welfare of the residents of the Town of Coeymans ("town"). It is further declared that the importation of solid waste generated within the State of New York and outside the town to any site within the town that is not a permitted Recycling/Transfer Center is a hazard to such health, safety and welfare, necessitating the elimination thereof.

§ 138-15 **Definitions.**

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

SOLID WASTE

All putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal.

§ 138-16 **Importation of waste prohibited.**

The importation of solid waste generated outside the town to any site within the town that is not a permitted Recycling/Transfer Center is hereby prohibited. Said prohibition shall apply only to solid waste generated within the State of New York.



§ 138-17 **Penalties for offenses.**

A.

Any person, firm or corporation committing an offense of this article shall be guilty of a violation and shall be subject to a mandatory minimum fine not to exceed \$1,000.

B.

In the event of a continuing offense of this article, each day such offense shall continue shall be a separate violation and subject to a separate penalty.

C.

The Town Attorney may also maintain an action or proceeding in a court of competent jurisdiction to restrain any violations of this article.

§ 138-18 **Repealer.**

All provisions of any other local law and/or ordinance which are inconsistent with this article are hereby repealed; provided, however, that this article shall in no way repeal, modify or otherwise alter Local Law No. 1 of 1976 and Local Law 1 of 1982.

§ 138-19 **Enforcement.**

The enforcement of this article will be the responsibility of the Town Police Department and Building Department.