

(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.

~~COUNTY~~
~~CITY~~ of ...LYNDONVILLE, NEW YORK.....
~~TOWN~~
Village

Local Law No.3..... of the year 19 92..

A local law ..ESTABLISHING MANDATORY SOURCE SEPARATION AND RECYCLING.....
(Insert Title)

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

~~COUNTY~~
~~CITY~~ of ...LYNDONVILLE, NEW YORK..... as follows:
~~TOWN~~
Village

SECTION 1. FINDINGS AND PURPOSE.

1.01. The Village of Lyndonville finds that the removal of certain materials from the SOLID WASTE stream will decrease the amount of SOLID WASTE disposed of in landfills and aid in the conservation of valuable resources.

1.02. The Village of Lyndonville finds that the New York Solid Waste Management Act of 1988 requires all municipalities to adopt a local law or ordinance by September 1, 1992, requiring separation of recyclable and reusable material from SOLID WASTE. This Local Law is intended to conform to Local Law No. 3 of 1991 as adopted by the County of Orleans, New York.

1.03. The Village of Lyndonville finds that in order to protect the health, safety, and welfare of the people of the Village, it is necessary for the Village to enact this Local Law in order to encourage and facilitate the maximum recycling practicable on the part of each and every household, business and institution within the Village of Lyndonville.

1.04. It shall further be the purpose of this Local Law to establish and implement minimum recycling related practices and procedures to be applicable to all WASTE GENERATORS within the Village of Lyndonville.

SECTION 2. DEFINITION.

As used in this Local Law, the following terms shall have the

following meanings:

- 2.1. **COUNTY:** Shall mean Orleans County, New York.
- 2.2. **COUNTY RECYCLABLE MATERIALS:** Shall mean and include any material designated from time to time as "County Recyclable Material" by Orleans County provided that such material is not hazardous.
- 2.3. **CURBSIDE COLLECTION:** Shall mean the collection of COUNTY RECYCLABLE MATERIALS by use of collection receptacles including, but not limited to RECYCLING CONTAINERS, for residential, commercial, and institutional WASTE GENERATORS and the regular periodic transfer of the contents of such receptacles by a RECYCLABLES COLLECTOR at the location of the WASTE GENERATOR.
- 2.4. **DROP OFF CENTER:** Shall mean a private or publicly operated facility as may be designated from time to time by the Orleans County Legislature to which a person can deliver their COUNTY RECYCLABLE MATERIAL.
- 2.5. **ELIGIBLE UNIT:** Shall mean a household or other property as may be designated from time to time by the County as eligible for CURBSIDE COLLECTION and which is required to use County RECYCLING CONTAINERS.
- 2.6. **MATERIALS RECOVERY FACILITY:** Shall mean a private or public facility as may be designated from time to time by the Orleans County Legislature for receiving and processing recyclable materials into marketable commodities.
- 2.7. **RECYCLABLES COLLECTOR:** Shall mean any person or business licensed by Orleans County for the purpose of collecting RECYCLABLES from WASTE GENERATORS for delivery to a MATERIALS RECOVERY FACILITY.
- 2.8. **RECYCLING CONTAINER:** Shall mean the bin or other container supplied by the County of Orleans or its designee for the use by an ELIGIBLE UNIT within the Village of Lyndonville.
- 2.9. **SOLID WASTE:** Shall mean "Solid Waste" as that term may be defined from time to time by the County.
- 2.10. **SOURCE SEPARATION:** Shall mean the segregation of COUNTY RECYCLABLE MATERIALS from other SOLID WASTE.
- 2.11. **WASTE GENERATOR:** Shall mean any person or legal entity which produces SOLID WASTE requiring off-site disposal.
- 2.12. **WASTE HAULER:** Shall mean any person or business which is licensed by Orleans County for the purpose of collecting, transporting and/or disposing of SOLID WASTE. A WASTE HAULER may also be a RECYCLABLES COLLECTOR.

SECTION 3. GENERAL PROVISIONS.

3.1. WASTE GENERATORS.

3.1.1. **SOURCE SEPARATION.** Every WASTE GENERATOR in the Village of Lyndonville, shall SOURCE SEPARATE COUNTY RECYCLABLE MATERIALS from other SOLID WASTE, in a manner as may be required or designated from time to time by the County.

3.1.2. **ELIGIBLE UNITS.** Each occupant of an ELIGIBLE UNIT shall made SOURCE SEPARATED COUNTY RECYCLABLE MATERIAL available for curbside collection in a manner as may be required from time to time by the County.

3.1.3. **WASTE GENERATORS NOT OCCUPYING AN ELIGIBLE UNIT** shall deliver COUNTY RECYCLABLE MATERIALS, or otherwise cause COUNTY RECYCLABLES MATERIALS to be delivered, to a DROP OFF CENTER or MATERIALS RECOVERY FACILITY in a manner as may be required or designated from time to time by the County.

3.1.4. **PROPERTY OWNER RESPONSIBILITY.** An owner of property that is not an ELIGIBLE UNIT and is occupied by one or more WASTE GENERATORS, shall provide or require that the occupying WASTE GENERATORS provide a recycling receptacle for COUNTY RECYCLABLES MATERIALS as may be required from time to time by the County.

3.2. WASTE HAULERS AND/OR RECYCLABLES COLLECTORS.

3.2.1. **COLLECTION OF COUNTY RECYCLED MATERIALS.** It shall be a violation of this Local Law for anyone, except a RECYCLABLE COLLECTOR licensed or otherwise authorized by the County to collect from the curbside or otherwise take COUNTY RECYCLABLE MATERIALS within the jurisdiction of the Village.

3.2.2. **EXEMPTION.** An individual transporting SOLID WASTE and/or recyclables generated on the premises occupied by such individual shall be exempt from the license requirement in section 3.2.1. above.

3.2.3. **ILLEGAL DISPOSAL.** It shall be unlawful for any person to dispose of any SOLID WASTE in any manner as may be prohibited from time to time by the County.

3.2.4. **VIOLATION.** It shall be a violation of the Local Law for a WASTE GENERATOR or a RECYCLABLES COLLECTOR to dispose or attempt to dispose of COUNTY RECYCLABLE MATERIALS as solid waste.

SECTION 4. CONTAINERS AND COLLECTION.

4.1. **CONTAINER SIZE AND TYPE.** The size and type of containers for SOLID WASTE and for COUNTY RECYCLABLE MATERIALS shall be the size and type of container as may be required from

time to time by the County.

4.2. **COLLECTION.** The schedule and other rules for the collection of SOLID WASTE and for CURBSIDE COLLECTION, shall be those promulgated or otherwise required from time to time by the County.

SECTION 5. ENFORCEMENT.

5.1. **WASTE GENERATORS.** Violations of this Local Law by a WASTE GENERATOR shall be punishable by a fine of Fifteen Dollars (\$15.00) for the first violation; Thirty Dollars (\$30.00) for the second violation; Fifty Dollars (\$50.00) for the third, and One Hundred Dollars (\$100.00) for each subsequent violation.

5.2. **RECYCLABLES COLLECTOR.** The failure of a RECYCLABLES COLLECTOR to comply with Section 3.2. herein shall be punishable by a fine of Two Hundred Fifty Dollars (\$250.00) for the first violation; Five Hundred Dollars (\$500.00) for the second violation and One Thousand Dollars (\$1,000.00) for each subsequent violation.

5.3. **OTHER VIOLATORS.** Violation of this Local Law by any other person shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00) or by imprisonment for a term not exceeding fifteen (15) days or by both.

5.4. **OTHER REMEDIES.** Upon a showing of a violation of this Local Law by any person, the Village of Lyndonville, shall be entitled to obtain an injunction in any court of competent jurisdiction against such person prohibiting further violations. On an application by the Village for a preliminary injunction in such a proceeding, the Village shall not be required to show irreparable harm or to post security in any form. On a hearing or trial with respect to the Village's entitlement of a permanent injunction, the Village shall not be obligated to show a likelihood that the defendant will commit further violations. Upon obtaining any permanent injunction under this Local Law, the Village shall be entitled to a further award and judgment for its costs, expenses, disbursement, and reasonable attorneys' fees in connection with the action or proceeding.

5.5. **FINES AND PENALTIES.** All fines collected in the enforcement of this Local Law shall be retained by the Village.

SECTION 6. SEVERABILITY. If any part of this Local Law, as originally enacted or as amended from time to time, is found to be illegal or its application to any person or circumstance is held, invalid, the remainder and the application of its provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE. This Local Law shall become effective on September 1st, 1992.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1992 of the ~~(County)(City)(Town)~~(Village) of Lyndonville, New York was duly passed by the Board of Trustees on September 21 1992, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 , above.

~~Clerk of the County, Legislative Body, City, Town, or Village Clerk~~
~~or officer designated by local legislative body~~

(Seal)

Date: September 11, 1992

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

VILLAGE ATTORNEY
Title

~~County~~
~~City~~ of LYNDONVILLE, NEW YORK
~~Town~~
Village

Date: September 11, 1992