

(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.

423

County
City of YORK
Town of
Village

Local Law No. # 1 of the year 1992

A local law Establishing Town of York Source Separation & Recycling Law
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County
City of YORK as follows:
Town of
Village

SECTION I. FINDINGS AND PURPOSE

1.01 The Town of York 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 Town of York 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.

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

1.04 The Town of York declares that the purpose of this Local Law is to establish and implement recycling-related practices and procedures to be applicable to all Waste Generators within the Town of York.

SECTION II. DEFINITIONS

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

2.00 County shall mean Livingston County, New York or any authorized County agency.

2.01 Commercial Waste Generator shall mean any business, governmental agency, municipality or other non-residential generator of Solid Waste requiring off-site disposal.

2.02 Drop Off Center shall mean a private or publicly operated facility to which Recyclables can be delivered.

2.03 Materials Recovery Facility shall mean a private or public facility for receiving source separated recyclable materials and processing them into marketable commodities.

(If additional space is needed, attach pages the same size as this sheet, and number each.)
(1)



TOWN OF YORK
 2668 MAIN STREET
 YORK, NEW YORK 14592
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 DENNIS R. HOUSE
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Town Council
 ELLEN R. HULL
 GERALD L. DEMING
 EDWARD J. ORMAN
 JAMES A. VITALE

Highway Superintendent
 ROY MCCRACKEN

Town Clerk / Tax Collector
 CHRISTINE M. ARRIGENNA

Town Justices
 ANTHONY GIGLIO
 DAVID CLARK

Court Clerk
 NORMA GEARY

Assessor
 JOHN SINCLAIR

Zoning / Code Enforcement
 JOHN E. RIGNEY

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2.04 Recyclables shall mean any material designated as such by the County or Town of York provided that such material is not hazardous and can be reasonably separated from the Solid Waste stream and held for material recycling or reuse value.

2.05 Recycling Rules and Regulations shall mean County or Town of York rules and regulations adopted by the County or Town of York pertaining to the separation, collection, transportation and disposal of Recyclables, as may be amended from time to time by the County or Town of York.

2.06 Residential Waste Generator shall mean any person or household which produces Solid Waste requiring off-site disposal.

2.07 Solid Waste shall mean all putrescible and nonputrescible solid waste, including, but not limited to, materials or substances discarded or rejected as being spent, useless, worthless, or in excess to owners at the time of such discard or rejection, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as industrial, commercial and agricultural waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the Commissioner of the Department of Environmental Conservation.

2.08 Source Separation shall mean the segregation of Recyclables from the Solid Waste stream at the point of generation for separate collection, sale or other disposition.

2.09 Source Separation Law shall mean this Local Law No.1 of 1992.

2.10 Waste Generator shall mean a Commercial Waste Generator or a Residential Waste Generator.

2.11 Waste Hauler shall mean all persons engaged in the commercial collection, transportation and/or disposal of Solid Waste and/or Recyclables generated, originated or brought within the County.

2.12 The Town of York shall mean York, New York.

SECTION III. PREPARATION OF RECYCLABLES FOR COLLECTION

3.01 Each Commercial and Residential Waste Generator in the Town of York shall Source Separate Recyclables from Solid Waste.

Fowlerville - Greigsville - Linwood - Clifford - Retsof - Wadsworth - York



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3.02 Each Waste Generator in the Town of York shall provide for the removal of Recyclables from the property on which they are generated either through a service provided by the municipality, a private hauler, or by direct haul by the individual Waste Generator to a disposal location permitted by law.

3.03 Nothing in this Local Law is intended to prevent any Waste Generator from making arrangements for the reuse, private collection, sale or donation or Recyclables.

3.04 Each Waste Generator shall provide for the source separation of Recyclables in conformance with the Recycling Rules and Regulations.

SECTION IV. WASTE HAULERS

4.01 All Waste Haulers doing business in the Town of York shall offer or cause to be offered to their customers collection, transportation and disposal services for Recyclables as any such Waste Hauler offers collection, transportation and disposal services for Solid Waste. Unless otherwise provided in the Recycling Rules and Regulations, such services shall be provided on the same day(s) as Solid Waste pickup, transportation or disposal services are provided.

4.02 All Waste Haulers shall offer a per bag fee system to promote reduction of Solid Waste.

4.03 Waste Haulers are required to take Recyclables to a Materials Recovery Facility where such materials are recycled.

4.04 Waste Haulers are required to follow the requirements of the Recycling Rules and Regulations.

SECTION V. ADMINISTRATION

This Town of York Source Separation Law shall be primarily administered by the Town of York. The County shall be primarily and the Town of York secondarily responsible for the development and implementation of the Recycling Rules and Regulations.

SECTION VI. SEVERABILITY

If any section, part of a section, paragraph, sentence, clause, or phrase of this Source Separation Law is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Source Separation Law.



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SECTION VII. EFFECTIVE DATE

This Source Separation Law shall become effective on September 1, 1992.

Town of York

By: Dennis R. House
Dennis House, Supervisor

(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. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, 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. 1 of 1992 of the (County)(City)(Town)(Village) of YORK was duly passed by the Town Board on August 20 19 92, and was (approved)(not disapproved)(repassed after disapproval) by the Supervisor and was deemed duly adopted on August 20 19 92, 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.)

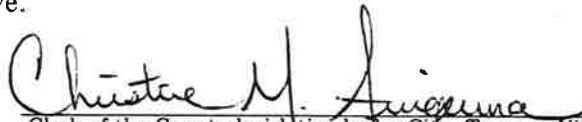
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 2, above.



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

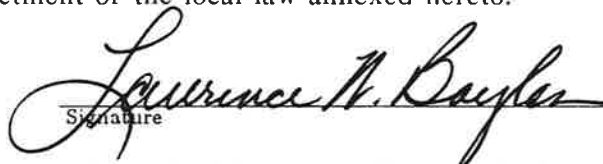
Date: August 26th, 1992

(Seal)

(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 Livingston

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

Legal Advisor- Town of York
Title

County
City of YORK
Town
Village

Date: August 26th, 1992