

Chapter 128

RECYCLING

- § 128-1. Title.**
- § 128-2. Intent; purpose.**
- § 128-3. Definitions.**
- § 128-4. Source separation required.**
- § 128-5. Disposal of recyclables prohibited.**
- § 128-6. Phasing in of separation requirements, collection recyclables; elimination of materials from list of recyclables.**
- § 128-7. Scavenging prohibited.**
- § 128-8. Penalties for offenses.**
- § 128-9. Enforcement**

[HISTORY: Adopted by the Town Board of the Town of Patterson 10-23-1991 as L.L. No. 5-1991, effective 1-1-1992. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

GENERAL REFERENCES

Dumps and dumping - See Ch. 79.

Garbage, rubbish and refuse - See Ch. 97.

Littering - See Ch. 103.

§ 128-1. Title.

This chapter shall be cited and may be referred to hereafter as the "Mandatory Recycling Law of the Town of Patterson."

§ 128-2. Intent; purpose.

It is the intent of the Town of Patterson to reduce the amount of solid waste generated within the Town of Patterson, consistent with the objectives of the state solid waste management policy, articulated in § 27-0106 of the New York State Environmental Conservation Law. Further, it is the intent of the Town of Patterson to comply with § 120-aa of the General Municipal Law to promulgate a local law requiring the separation of recyclables at the point of generation. Lastly, the Town of Patterson hereby finds that recycling and this chapter are in the interest of public health, safety and welfare by conserving energy and natural resources and protecting the environment.

§ 128-3. Definitions.

As used in this chapter, the following words shall have the meanings indicated:

CONSOLIDATED WASTE GROUP - A collection of dwelling units which combine waste or recyclables into a common area or receptacles for collection.

CONSTRUCTION AND DEMOLITION DEBRIS - Waste resulting from the construction, remodeling, repair and demolition of structures, road building and land clearing. Such waste includes but is not limited to bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree and brush stumps. "Construction and demolition debris" shall not be construed to include garden and yard waste.

CURBSIDE - Within five (5) feet of the town, county or state highway nearest to a residence or business and visible and accessible so as not to interfere with sidewalk or vehicular traffic or parking.

DISPOSAL - The permanent dumping or placing of any solid waste into or on any land or water, including but not limited to that at disposal facilities.

DISPOSAL FACILITY - A solid waste management facility or part of one at which solid waste is intentionally placed into or on any land or water and at which solid waste will remain after closure.

DWELLING UNIT - One (1) or more rooms designed for occupancy by one (1) family for cooking, living and sleeping purposes.

GARDEN AND YARD WASTE - Organic plant matter, including but not limited to grass clippings, leaves and cuttings from shrubs, hedges and trees.

HOUSEHOLD GARBAGE - Putrescible solid waste, including animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking or serving of foods. "Household garbage" originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served. "Household garbage" also includes nonrecyclable containers and packaging. "Household garbage" shall not be construed to include garden and yard waste.

MIXED SOLID WASTE - Solid waste which consists of recyclables combined with other forms of solid waste.

MULTIFAMILY DWELLING - A building or portion thereof containing two (2) or more dwelling units and designed or used for occupancy by two (2) or more families living independently of each other.

RECYCLABLES - Solid waste that exhibits the potential to be reused or used in place of a virgin material. "Recyclables" include but are not limited to paper, glass, metals, plastics and garden and yard waste and may include other items which may be determined by the Town Board of the Town of Patterson.

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, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form.

SOURCE SEPARATION - Dividing solid waste into some or all of its component parts at the point of generation.

USED MOTOR OIL - Used engine lubricating oil which has not subsequently been re-refined and does not contain and is not considered a hazardous waste as defined by state or federal law.

WHITE GOODS - Appliances and large solid metal items, including but not limited to washers, dryers, refrigerators, freezers, stoves, water tanks, hot water heaters, air conditioners, vending machines, copy machines, metal tubs and shower stalls.

§ 128-4. Source separation required.

A. The source separation of recyclable material from solid waste is required for all solid waste left for collection within the Town of Patterson.

B. The collection of mixed solid waste within the Town of Patterson is prohibited.

§ 128-5. Disposal of recyclables prohibited.

The disposal of recyclables in the Town of Patterson Sanitary Landfill or any facility owned or operated by the Town of Patterson is prohibited.

§ 128-6. Phasing in of separation requirements; collection of recyclables; elimination of materials from list of recyclables.

A. In order to effect an orderly implementation of this chapter, taking into account the present and future economic market conditions, the availability of recycling centers and other equipment and other factors that may bear on the effectiveness of this chapter, the Town Board is hereby empowered to phase in the application of this chapter by mandating the separation of and recycling of specific recyclables and/or limiting the amount of solid waste which may be collected for disposal by resolution following a public hearing. The Town Board's notice of public hearing shall include the following-

- (1) The time and place of the public hearing.
- (2) The definition of the recyclables to be separated.
- (3) The manner in which the recyclables shall be separated and prepared for collection.

B. The days that recyclables are to be collected, methods of collection and the individual recyclable items to be collected may be established after public hearing, by resolution of the Town Board, and any such resolution may be modified from time to time. Any such resolution or modification shall take effect after adoption and upon filing with the Town Clerk.

C. In the event that economic markets can no longer be found for designated recyclables, the Town Board may, by resolution, eliminate such materials from the list of designated recyclables. A duly noticed public hearing must be held within thirty
(30) days of the decision to eliminate any recyclable material.

§ 128-7. Scavenging prohibited.

It shall be unlawful for any person, other than that person under contract with the Town of Patterson or otherwise expressly authorized by the Town of Patterson, to collect, remove or dispose of recyclables which have been source separated and left for collection within the town.

§ 128-8. Penalties for offenses.

A. Residents, owners or operators of commercial property or other generators or collectors of solid waste who violate any provision of this chapter and any Town Board resolution or regulation adopted pursuant to this chapter shall be guilty of a violation, punishable as follows:

(1) For the first Conviction, a fine of not less than ten dollars (\$10.) nor more than twenty-five dollars (\$25.).

(2) For the second conviction, a fine of not less than twenty-five dollars (\$25.) nor more than fifty dollars (\$50.).

(3) For the third conviction, a fine of not less than fifty dollars (\$50.) nor more than one hundred dollars (\$100.).

(4) For a fourth and subsequent conviction, a fine of not less than one hundred dollars (\$100.) nor more than two hundred fifty dollars (\$250.).

B. The owner(s), operator(s) or manager(s) of a Consolidated Waste Group (CWG) that violates any provision of this chapter and any Town Board resolution or regulation adopted pursuant to this chapter shall be guilty of a violation, punishable as follows:

(1) For the first conviction, a fine of not less than three dollars (\$3.) nor more than six dollars (\$6.) per dwelling unit within the CWG.

(2) For the second conviction, a fine of not less than six dollars (\$6.) nor more than nine dollars (\$9.) per dwelling unit within the CWG.

(3) For the third conviction, a fine of not less than nine dollars (\$9.) nor more than twelve dollars (\$12.) per dwelling unit within the CWG.

(4) For the fourth and subsequent conviction, a fine of not less than twelve dollars (\$12.) nor more than fifteen dollars (\$15.) per dwelling unit within the CWG.

§ 128-9. Enforcement.

The Code Enforcement Officer of the Town of Patterson shall have the authority to issue appearance tickets and/or summonses for a failure to comply with this chapter or any resolutions or regulations promulgated thereunder.