

# Local Law Filing

(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    Town    Village  
(Select one:)

of Hamilton

Local Law No. 11 of the year 2013

A local law SOLID WASTE AND RECYCLING LAW FOR HAMILTON COUNTY, NY  
(Insert Title)

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

County    City    Town    Village  
(Select one:)

of Hamilton as follows:

BE IT ENACTED, by the Board of Supervisors of the County of Hamilton, as follows:

Section 1. A local law entitled "Solid Waste and Recycling Law" shall be enacted to read as follows:

Article I. Short Title.

This law shall be known as the recycling law.

Article II. Findings.

A. The Board of Supervisors of the County of Hamilton finds that the reduction of the amount of Solid Waste and the conservation of recyclable materials are important public concerns. The separation and collection of newspaper, paper, cardboard, glass, cans, plastic containers, electronics, tires and other materials for recycling from residential, commercial, industrial and institutional establishments in the County will protect and enhance the County's physical and visual environment as well as promote the health, safety and well-being of persons and property within Hamilton County by facilitating the implementation and operation of other forms of Solid Waste Management, conserving natural resources, ensuring conformance with the Hamilton County Solid Waste Management Plan. The promotion and use of recycled materials, goods produced from recyclable materials and goods which facilitate recycling will further serve the same purposes by encouraging and facilitating recycling.

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

**Article III. Purposes.**

This law is adopted pursuant to the Laws of New York State to:

A. Institute a plan for the management of recyclable materials generated or originated in Hamilton County and to promote the safety, health and well-being of persons and property within Hamilton County; and to

B. Implement the express policy of the State of New York encouraging waste stream reduction through recycling.

**Article IV. Definitions.**

**“Board of Supervisors”** shall mean the Hamilton County Board of Supervisors.

**“County”** shall mean Hamilton County

**“Comingled”** shall mean source separated, non-putrescible, non-contaminated recyclable materials that have been placed in the same container.

**“Garbage”** shall mean putrescible animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, servicing and consumption of food primarily in home kitchens, stores markets, restaurants, and other places where food is stored, prepared or served.

**“Hazardous Material or Hazardous Waste”** shall mean a solid waste, or a combination of solid wastes, as identified and listed in 6 NYCRR §371 and 42 USCA §6903(5), and as may be hereafter amended, which because of its quantity, concentration, physical, chemical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. Such materials or waste shall include, but are not limited to, explosives, hazardous radioactive materials, toxic substances, hypodermic needles and those substances which the Board of Supervisors has heretofore or hereafter identified as a hazardous waste pursuant to the above criteria and as included on a list of hazardous waste promulgated by the Board of Supervisors.

**“Person”** shall mean any individual, firm, partnership, company, corporation, association, society, club, joint venture, cooperative enterprise, trust, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this Local Law prescribing a fine, penalty, or imprisonment, the term PERSON shall include the employees, officers, directors, partners, managers, or persons in charge of a company, corporation or other legal entity having employees, officers, directors, partners, managers or other persons in charge.

**“Recyclable Material”** shall mean any Solid Waste generated or originated within the County as heretofore or hereafter designated by this Local Law, and/or by resolution of the Board of Supervisors which may include but is not limited to the following:

**“Solid Waste Coordinator”** shall mean the Solid Waste Coordinator of Hamilton County, or such other office or employee of the County who may, from time to time, be designated by the Board of Supervisors with the responsibility for the County’s solid waste issues and programs.

I. Containers:

(a) **“Aluminum”**: Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink products.

(b) **“Glass Food and Beverage Containers”**: New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green, and brown (amber) colored glass bottles. Glass shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass, flat glass, make-up, perfume or medicine bottles.

(c) **“Metal cans”**: Containers fabricated primarily of steel or tin, or bi-metal cans of steel, tin and/or aluminum, but not including aluminum cans.

(d) **“Plastics”**: Containers fabricated of plastic including high density polyethylene (HDPE), low density polyethylene (LDPE), polystyrene, and polyethylene terephthalate (PET) commonly used for soda, milk and other containers.

II. Paper

(e) **“Boxboard”**: Woodpulp-based material which is usually smooth on both sides but with no corrugated center (excluding material with wax coating).

(f) **“Corrugated”**: Woodpulp-based material which is usually smooth on both sides with a corrugated center. Commonly used for boxes (excluding material with wax coating).

(g) **“High grade paper”**: White and colored office bond, duplicating paper, computer paper, and other high quality paper.

(h) **“Magazines”**: Magazines, glossy catalogs, and other glossy paper.

(i) **“Newsprint”**: Common, inexpensive machine finished paper made chiefly from woodpulp and used for newspapers (excluding magazines).

III. Tires

(j) "Tires": Used or waste tires from vehicles of all sizes made of rubber (excluding steel and/or aluminum wheels).

#### IV. Electronics

(k) "Electronics": Computers (includes cables, cords), televisions, small scale servers, monitors, keyboards, mice, fax machines, scanners, printers, VCR's, DVR's, portable digital music players, DVD players, digital converter boxes, cable or satellite receivers, and electronic or video games.

#### V. Other

(l) "Large Appliances": Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal (excluding air conditioners, microwaves and televisions).

(m) "Yard Waste": Grass clippings, leaves, branches up to 4" in diameter, and other like vegetative garden materials.

**"Recycling"** shall mean a material which would otherwise become solid waste, which can be collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

**"Recycling Collection Area"** shall mean any facility designated and operated solely for the receiving and storing of source-separated designated recyclable materials.

**"Resident"** shall mean any person residing within the County on a temporary or permanent basis, but excluding persons residing in hotels or motels. For purposes of this Local Law, RESIDENT does not include commercial, industrial or institutional establishments.

**"Solid Waste"** shall mean all putrescible and non-putrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter, rubbish, industrial waste, construction and demolition debris, discarded automobiles and offal, but not including designated recyclable material, solid or dissolved matter in domestic sewage or substances, materials in non-containerized gaseous form or hazardous materials or waste.

**"Source Separate"** shall mean to separate recyclable materials from the solid waste stream at the point of waste generation.

#### Article V. Administrative Responsibilities.

The Solid Waste Coordinator is hereby authorized and directed to:

A. Promulgate and publish rules and regulations from time to time which:

1. Identify, define, expand and modify categories of Solid Waste and Recyclable materials consistent with the Hamilton County Solid Waste Management Plan heretofore approved or hereafter amended by the Board of Supervisors; except that in the event of an emergency condition, the Solid Waste Coordinator may amend the categories of Solid Waste and Recyclable Materials to respond to such emergency conditions, the Solid Waste Coordinator shall immediately notify the Board of Supervisors and report to the Solid Waste Committee at its next scheduled committee meeting. The Solid Waste Coordinator is authorized to expand and modify the categories of Recyclable Materials set forth in the Solid Waste Management Plan with Board of Supervisors approval.

2. Identify one or more Authorized Recycling Facility(ies) to which Recyclable Materials may be delivered, subject to such exceptions as the Solid Waste Coordinator may determine with Board of Supervisors approval to be in the best interest of the public.

3. Establish a County-wide program via rules and regulations with Board of Supervisors approval to implement and enforce Source Separation of Recyclable Materials and maximize the opportunity for and educate and inform the public regarding the reclamation and recovery of Recyclable Materials. These rules and regulations shall prescribe methods of Source separation, and may reflect local differences in population density, accessibility and capacity of markets and facilities, collection practices and waste composition. In promulgating such rules and regulations, the Solid Waste Coordinator shall also give due consideration to existing Source Separation, recycling and other facilities in the area, to the adequacy of markets for separated materials, and any additional expense and effort to be incurred by residents and Authorized Haulers. In addition, the Solid Waste Coordinator shall consider the capacity, handling, disposal and marketing capabilities of available Facilities, the geographical location of Facilities and other such factors enabling the Solid Waste Coordinator to determine that the public interest is served by the applicable rule or regulation.

B. Revise, amend, promulgate and publish other such rules, regulations and orders necessary to carry out the purposes of this Local Law.

C. The Solid Waste Coordinator shall perform the administrative functions, powers and duties specified in this Local Law on behalf of the County, and may delegate any or all of the administrative functions, powers and duties specified herein. He shall report at least annually to the Board of Supervisors. Nothing in this Local Law divests the Chairman of the Board or the Board of Supervisors of any functions, powers and duties which they may otherwise have.

## **Article VI. Waste Delivery and Disposal; Source Separation**

A. Solid waste generated or originated within the County which has been left for collection or which is delivered by the generator of such waste to a Facility shall be handled and disposed of as follows:

1. Prior to collection or transport, such Solid waste shall be Source Separated into Recyclable Materials and remaining Solid Waste as provided in the rules and regulations promulgated pursuant to Article V of this Local Law.

2. Source Separated Recyclable Materials shall not be comingled with other Solid Waste during collection, transportation, processing or storage following collection.

3. Persons choosing to dispose of Source Separated Recyclable Materials generated or originated within the County to a County Transfer Station or other Authorized Facility must so dispose of all of said Person's recyclable materials.

B. Disposal of Solid Waste which is barred from the County Transfer Stations by rules, regulations or orders promulgated pursuant to Section V of this Local Law, or by any other law, regulation or ordinance shall not otherwise be regulated by this Local Law.

C. No Hazardous Waste may be delivered to any County Transfer Station.

**Article VII. Collection of Recyclables.**

Only Persons acting under the authority of a Hauler or the County shall collect, pick up, remove or cause to be collected, picked up or removed, any Recyclable Materials placed in or adjacent to a Container for collection; each unauthorized collection, pick up or removal shall constitute a separate violation of this Local Law. Provided, however, where the Hauler or the County has refused to collect Recyclable Materials because they have not been separated, placed or treated in accord with the provisions of this Local Law, or the rules and regulations promulgated hereunder, the Person responsible for initially placing those Materials for collection may and shall remove those Materials from any curb, sidewalk, streetside or designated collection place.

Nothing herein shall prevent any Person from making arrangements for the reuse, private collection, sale or donation of Recyclable Materials; provided that the Recyclable Materials to be privately collected, sold or donated shall not be placed curbside or at any other designated collection place on or immediately preceding the scheduled day for collection of such Recyclable Materials. Any and all Recyclable Materials placed in a County owned Container at curbside or any designated collection place shall be immediately become the property of the County.

**Article VIII. Haulers.**

A. Haulers, in addition to the foregoing provisions and those provisions hereinafter set forth, shall be subject to the following requirements:

1. As a condition for use of the County's facilities, Haulers shall indemnify and hold harmless Hamilton County for any pending, threatened or actual claims, liability or expenses arising from collection and disposal by the Hauler in violation of this law.

2. Haulers shall offer or cause to be offered collection services for all Recyclable Materials to all residential customers for whom they provide Solid Waste collection services, on the same days as Solid Waste collection services are provided, unless otherwise authorized by the rules and regulations promulgated pursuant to Article V of this Local Law.

3. Haulers shall not accept for collection Solid Waste which has not been Source Separated in conformity with the said rules and regulations promulgated pursuant to Article V of this Local Law and shall leave a notice with the generator informing the generator of why the Solid Waste or Recyclable Materials were not collected.

#### **Article IV. Enforcement**

Inspections: All portions of vehicles and containers used to haul, transport or dispose of Recyclable Materials, including such containers placed outside of residences, shall be subject to inspection by the Solid Waste Coordinator or by his designees to ascertain compliance with this Local Law and the rules, regulations or orders promulgated hereunder; the Solid Waste Coordinator and his designees shall be authorized to reject said materials for disposal at a County Facility.

#### **Article X. Severability.**

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, paragraph, section or part thereof involved in the controversy in which such judgment shall have been rendered.

#### **Article XI. Effective Date.**

The provisions of this law shall be effective immediately.

**Section 2.** This Local Law shall take effect in accordance with the provisions of the Municipal Home Rule Law.

(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. 11 of 2013 of the (County)(City)(Town)(Village) of Hamilton was duly passed by the Board of Supervisors on March 7 2013, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

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 \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* 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 chairperson 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.)

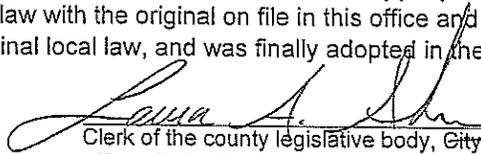
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 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 \_\_\_\_\_ above.

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

(Seal)

Date: 3/11/13