

(Please Use this Form for Filing your 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 ... Nunda
TOWN
~~Village~~

Local Law No. 4. of the year 19 ... 92.

A local law ... Establishing Town of Nunda Source Separation and Recycling Law
(Insert title)

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

~~COUNTY~~
~~CITY~~ of ... Nunda as follows:
TOWN
~~Village~~

SECTION I. FINDINGS AND PURPOSE

1.01 The Town of Nunda 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 Nunda 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 Nunda finds that in order to protect the health, safety, and welfare of the people of the Town of Nunda, it is necessary for the Town of Nunda 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 Nunda.

1.04 The Town of Nunda 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 Nunda.

SECTION II. DEFINITIONS

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

(If additional space is needed, please attach sheets of the same size as this and number each)

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.

2.04 Recyclables shall mean material designated as such by the County 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 rules and regulations adopted by the County pertaining to the separation, collection, transportation and disposal of Recyclables, as may be amended from time to time by the County.

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 or 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 watercarried 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. 4 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 Nunda shall mean Town of Nunda, New York, excluding Village.

SECTION III. PREPARATION OF RECYCLABLES FOR COLLECTION

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

3.02 Each Waste Generator in the Town of Nunda 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 of 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 Nunda 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 Nunda Source Separation Law shall be primarily administered by the Town of Nunda. The County shall be primarily 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.

SECTION VII. EFFECTIVE DATE

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

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 §36 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 above.


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

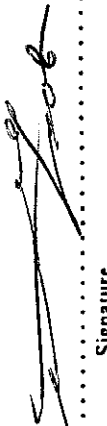
Date: April 16, 1992

(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
Theron A. Foote
..... Town Attorney..... Title

Date: April 16, 1992
County of Nunda
Town of
Village