

TOWN OF OSSIAN LOCAL LAW 1-1992

Source Separation Ordinance

BE IT ENACTED BY THE TOWN OF OSSIAN, AS FOLLOWS:

**Section I. Findings and Purpose**

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

**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 nonresidential 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 any 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.

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- 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 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* shall mean the Town of Ossian, Livingston County, New York.

**Section III. Preparation of Recyclables for Collection**

- 3.01 Each Commercial and Residential Waste Generator in the Town shall Source Separate Recyclables from Solid Waste.
- 3.02 Each Waste Generator in the Town 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 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 Source Separation Law shall be primarily administered by the Town. 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 take effect immediately upon filing in accordance with the Municipal Home Rule Law.