

SOLID WASTE MANAGEMENT LAW

Chapter 19B

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(History: Adopted, Hilton Village Board, 8-12-91 as Local Law No.3 1991. Amendments noted where applicable)

Be it enacted by the Village Board of the Village of Hilton, New York as follows:

19B-1 Short Title

This Local Law shall be known as the Solid Waste Management Law.

19B-2 Findings

The Village of Hilton finds that:

- (a)** Removal of certain materials from the solid waste stream will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources, and reduce the required capacity of existing and proposed resource facilities.
- (b)** The New York Solid Waste Management Act of 1988 requires that municipalities adopt a local law by September 1, 1992 to require that Solid Waste which has been left for collection or which is delivered by the generator of such waste to a Solid Waste Management Facility, shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist.

19B-3 Purposes

This law is adopted pursuant to Chapter 541 of the Laws of 1976 as amended and Chapter 552 of the Laws of 1980 of the State of New York as amended:

- A.** Institute a plan for the management of recyclable materials generated or originated in the Village of Hilton, to promote the safety, health and well-being of persons and property within Hilton; and to
- B.** Implement the express policy of the State of New York encouraging solid waste reduction through recycling.

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19B-4 Definitions

ADMINISTRATOR - means the Solid Waste Administrator of Monroe County.

AUTHORIZED RECYCLING FACILITY OR FACILITIES - means a permitted facility or facilities for processing Recyclable Materials specified in the rules and regulations promulgated pursuant to Section IV(A) of this law. This term shall exclude incinerating facilities, waste-to-energy facilities and landfills.

AUTHORIZED HAULER - means any person licensed by the municipality under contract with the County to collect and transport recyclable materials generated or originated within the County.

CONTAINER - means a County-provided blue box container with a County logo for recyclable materials or any other durable container for recyclable materials readily identifiable by the hauler as a container for recycling materials.

COUNTY - means the County of Monroe.

OTHER RECOVERABLE MATERIALS - means any material, substance, by-products, compound, or any other item generated or originated within the County and separated from solid waste at the point of generation for separate collection, sale, external reuse or reprocessing and/or disposition other than by disposal in landfills, sewage treatment plants or incinerators. Other recoverable materials do not include recyclable materials as defined herein.

RECYCLABLE MATERIALS - includes, but is not limited to the following:

1. Aluminum - Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink products and other aluminum products.
2. Box board - Wood pulp-based material which is usually smooth on both sides but with no corrugated center. Excludes material with wax coating.
3. Corrugated - Wood pulp-based material which is usually smooth on both sides with a corrugated center. Commonly used for boxes. Excludes material with wax coating.
4. Construction and demolition debris - material resulting from the construction, renovation, equipping, remodeling, repair and demolition of structures and roads; and material consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related cleanup. Such material includes, but is not limited to, bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, plastics, electrical wiring and components, carpeting, foam padding, linoleum, and metals that are incidental to any of the above.
5. Glass bottles - 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 or flat glass.
6. Magazines - Magazines, gloss catalogs, and other glossy paper.

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19B-4 Definitions (continued)

RECYCLABLE MATERIALS

7. High grade paper - White and colored office bond, duplicating paper, computer paper, and other high-quality paper.
8. Large appliances - Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal and excluding air conditioners, microwaves and televisions.
9. Metal cans - Containers fabricated primarily of steel or tin, or bi-metal cans of steel, tin and/or aluminum, but not including aluminum cans.
10. Newsprint - Common, inexpensive machine finished paper made chiefly from Wood pulp and used for newspapers. This term excludes magazines.
11. Plastics - including high density polyethylene (HDPE), low density polyethylene (LDPE), polystyrene, and polyethylene terephthalate (PET). Commonly used for soda, milk and other containers.
12. Wood Waste - Grass clippings, leaves, branches up to 4 inches in diameter, and other like vegetative garden materials.

EXECUTIVE - means the County Executive of Monroe County.

FACILITY - means any solid waste management-resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage, processing, or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or land spreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators, and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE - means any "hazardous waste" as defined under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., or "hazardous substance" as defined under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., or "hazardous waste" as defined under New York Environmental Conservation Law Section 27-0901 et seq., as each such law may be amended from time to time, and the regulations promulgated thereunder, and any analogous or succeeding federal, State or local law, rule or regulation and any regulations promulgated thereunder and (2) any other materials which any governmental agency or unit having appropriate jurisdiction shall determine from time to time cannot be processed at the facility because it is harmful, toxic or dangerous.

PERSON - means any natural person, partnership, association, joint venture, corporation, estate, trust, association, county, city, town, village, improvement district, governmental entity or other legal entity.

RECYCLING OR RECYCLED - means any method, technique or process utilized to separate, process, modify, convert, treat or otherwise prepare solid waste so that its component materials or substances may be beneficially used or reused as raw materials.

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19B-4 Definitions (continued)

SOLID WASTE - means all putrescible and non-putrescible solid wastes generated or originated within the County, including, but not limited to, materials, or substances discarded or rejected, whether as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection or for any other reason, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded, have served their intended use, or are a manufacturing by-product, including, but not limited to, garbage, refuse, and other discarded solid materials,

including solid waste materials, resulting from industrial, commercial and agricultural operations and from community activities, sludge 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, or hazardous waste as defined in this law.

SOURCE SEPARATION- means the segregation of Recyclable Materials and Other Recoverable Materials from solid waste at the point of generation for separate collection, sale or other disposition.

WASTE STREAM REDUCTION PROGRAM- includes source separation, recycling programs, changes to the packaging portion of the waste stream to reduce solid waste generated, the activities and enterprises of scrap dealers, processors and consumers and other programs designed to reduce the volume of solid waste or enhance reclamation and recovery of Solid Waste or Recyclable Materials otherwise destined for the municipal waste stream. For purposes of this paragraph, such reduction programs shall not include the processing of waste for incineration or disposal by other means.

19B-5 Waste Delivery and Disposal: Source Separation

- A. Solid waste generated or originated within the Village of Hilton which has been left for collection or which is delivered by the generator of such waste to a Solid Waste Management Facility shall be disposed of as follows:
1. Prior to initial collection or transport, such solid waste shall be source separated by the generator into recyclable, reusable or other components for which economic markets exist as provided in the rules and regulations promulgated hereunder.
 2. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection. The Village Administrator may order such exceptions as he/she determines are in the public interest.
 3. All recyclable materials generated or originated within the Village must be delivered to an authorized recycling facility or handled through a waste stream reduction program; and
 4. No authorized recycling facility or waste stream reduction program shall receive recyclable materials generated or originated within the Village except as permitted by law.
- B. Disposal of solid waste which is barred from all authorized facilities by rules, regulations or orders promulgated pursuant to Section IV of this law, or by any other law, regulation or ordinance shall not otherwise be regulated by this law.
- C. No hazardous waste may be delivered to an authorized recycling facility.

19B-6 Collection of Recyclables Placed At Curbside

Only Persons who are acting under authority of the County or an authorized hauler shall collect, pick up, remove or cause to be collected, picked up or removed, any solid waste recyclable materials so placed for collection; each such unauthorized collection, pick up or removal shall constitute a separate violation of this law. Provided, however, where the County or an authorized hauler has refused to collect certain recyclable materials because they have not been separated, placed or treated in accord with the provisions of this law, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk, or street side.

Nothing herein shall prevent any Person from making arrangements for the private collection, sale or donation of recyclable materials; provided that recyclable materials to be privately collected, sold or donated shall not be placed curbside prior to 6:00 p.m. on the day preceding the collection of such recyclable materials. Any and all recyclable materials placed in a County-supplied container at curbside or at any designated collection place shall immediately become the property of the County.

19B-7 Authorized Haulers

A. Licensed Collection

1. All authorized haulers must either obtain a Solid Waste Collection License from the Village or enter into an authorized hauler contract with the County.
2. An authorized hauler sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized hauler.
3. Authorized hauler applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this law during the preceding calendar year.
4. All authorized haulers licensed by the Village shall indemnify and hold harmless the Village of Hilton for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized hauler in violation of this law.
5. Authorized haulers shall offer collection services for all recyclable materials to all residential customers for whom they provide solid waste collection services on the same days as services are provided to their customers for solid waste collection.
6. Each hauler shall develop and submit for County approval a generic collection plan for collecting recyclable materials from its commercial, industrial and institutional customers.
7. Authorized haulers shall not accept for collection solid waste which has not been source separated in conformity with the regulations promulgated under Monroe County's Solid Waste Management Local Law.

19B-8 Approval, Denial, Suspension or Revocation of Solid Waste License

- A.** When the designated public official determines that a failure to comply with this law may have occurred he/she shall recommend to the municipality that the authorized hauler application be denied, or the Solid Waste license be suspended, revoked or its holder subjected to a reprimand or that the generator or originator of the solid waste or recyclable materials be subject to sanctions or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial of a solid waste license or authorized hauler application, the suspension or revocation of a solid waste license, or the issuance of a sanction, fine or penalty.
- B.** The designated public official shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include:
1. A statement of the time, place and nature of the hearing.
 2. A statement of the condition allegedly violated, referring to the pertinent law, rule or regulation; and
 3. A short and plain statement of the alleged misconduct.

The notice shall be personally served or sent by registered mail to the generator, applicant or licensee's last know address, at least 10 days before the hearing date with a copy to the Administrator.

- C.** Hearing
1. Hearings shall be held before the Parma Town Justice within a reasonable period, which shall be at least 10 days after service of notice.
 2. The generator, applicant or licensee may be represented by counsel at the hearing, and may offer evidence and cross-examine witnesses.
 3. Within 20 days after the close of the hearing, the Town Justice shall:
 - (a) determine whether the alleged failure to comply with this law has occurred; and
 - (b) if the Parma Town Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to fine or penalty, the application shall be denied, or an existing solid waste license or authorized hauler status be suspended, revoked, or its holder subjected to a reprimand, and issue an order carrying out this decision.

- D.** Determinations, Decisions and Orders
1. Disposition may be made by stipulation, agreed settlement, consent order, default or other informal method.
 2. The Parma Town Justice shall promptly notify the applicant or licensee in writing of the final determination, decision or order.

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19B-9 Enforcement

A. Inspections and Appearance Tickets

1. 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 to ascertain compliance with this law, the County Solid Waste Management law and the rules, regulations or orders promulgated pursuant to the County Law, by any police officer, peace officer, code officer and any other public official designated by the County or Municipality.
2. Police officers, peace officers, code officer and the specified public servants are hereby authorized and directed to issue appearance tickets for violations of this law.

B. Penalties

1. Civil Sanctions - The Village may commence a civil action to enjoin or otherwise remedy any failure to comply with this law.

2. Criminal Penalties

(a) In addition to the civil sanctions provided herein, failure to comply with this law or the rules and regulations promulgated hereunder shall be a violation as defined in Section 55.10 of the Penal Law and penalties may be imposed thereunder.

3. Any penalties or damages recovered or imposed under this law are in addition to any other remedies available at law or equity.
4. No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to June 1, 1992, in order to permit persons regulated hereunder to come into compliance with this law.

19B-10 Severability

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

19B-11 Effective Date

The provision of this law shall be effective on the same date as the County Solid Waste Management Local Law becomes effective.