

CHAPTER 56

SOURCE SEPARATION AND RECYCLING

ARTICLE I

FINDINGS AND PURPOSE

§56.01 **Conservation of resources**

The Village 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.

§56.02 **Local law required**

The Village finds that the New York Solid Waste Management Act of 1988 requires all municipalities to adopt a local law or ordinance requiring separation of recyclable and reusable materials from solid waste.

§56.03 **Enactment of local law**

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

§56.04 **Purpose**

The Village 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 Village.

ARTICLE II

GENERAL PROVISIONS

§56.20 **Definitions**

As used this local law, the following terms shall have the following meanings:

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MUNICIPAL CODE

A. Authorized facility shall mean a public or private facility or facilities where recyclables may be delivered for disposal, including but not limited to, drop-off centers, materials recovery facilities or other such public or private facilities.

B. Village shall mean the Village of Avon, New York.

C. Recyclables shall mean any material designated from time to time, by the Village; 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.

D. 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 the owners at the time of such discard or rejections, 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.

E. Source separation shall mean the segregation of recyclable material from the solid waste stream at the point of generation for separation collection, sale or other disposition.

F. Waste generator shall mean any person, household, business, governmental agency, municipality or other legal entity which produces solid waste requiring off-site disposal.

G. 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 Village.

ARTICLE III

PREPARATION OF RECYCLABLES FOR COLLECTION

§56.31 Source separating

Each waste generator in the Village shall source separate recyclables from solid waste.

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§56.32 Removal of recyclables

Each waste generator in the Village shall provide for the removal of recyclables from the property on which they are generated either through a service provided by the municipality or a private hauler; or by direct haul by the individual waste generator to an authorized facility.

§56.33 Other arrangements for recyclables

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; provided, however, that such recyclables shall not be placed curbside or at any other designated collection place on or immediately preceding the day for collection of such recyclables.

ARTICLE IV

WASTE HAULERS

§56.41 Collection of recyclables by waste haulers

All waste haulers in the Village shall offer or cause to be offered to their customers collection, transportation and disposal services for recyclables to the same extent any such waste hauler offers collection, transportation and disposal services for solid waste. Such services shall be provided on the same day(s) as solid waste pickup, transportation or disposal services are provided.

ARTICLE V
ENFORCEMENT

§56.51 **Inspections**

The Village may inspect all portions of vehicles and/or containers used in the collection, transportation and/or disposal of solid waste and/or recyclables, including, but not limited to, containers placed at the curbside of residences to ascertain compliance with the terms and conditions specified in this local law.

§56.52 **Penalties for residential waste generators**

Failure of a residential waste generator to comply with the provisions of this local law shall result in a fine for each violation as follows:

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Five Dollars (\$5.00) for the first violation;
Ten Dollars (\$10.00) for the second violation;
Twenty-Five Dollars (\$25.00) for the third violation; and
Fifty Dollars (\$50.00) for each subsequent violation.

§56.53 **Penalties for commercial waste generators**

During any twelve (12) consecutive months, the failure of a commercial waste generator to comply with the provisions of this local law shall result in a fine for each violation as follows:

Ten Dollars (\$10.00) for the first violation;
Twenty-Five Dollars (\$25.00) for the second violation;
Fifty Dollars (\$50.00) for the third violation; and
One Hundred Dollars (\$100.00) for each subsequent violation.

§56.54 **Penalties for waste haulers**

Failure of a waste hauler to comply with the provisions of this local law shall result in a fine for each violation as follows:

Fifty Dollars (\$50.00) for the first violation;
One Hundred Dollars (\$100.00) for the second violation;
Two Hundred Dollars (\$200.00) for the third violation; and
Five Hundred Dollars (\$500.00) for each subsequent violation.

§56.55 **Enforcement and collection of fines**

The Village shall be primarily responsible for the enforcement of this local law and collection of all fines and penalties provided herein.

ARTICLE VI
SEVERABILITY

§56.60 **Severability**

If any section, part of a section, paragraph, sentence, clause, phrase or word of this local 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 local law.

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ARTICLE VII

EFFECTIVE DATE

§56.70 **Effective date of local law**

This local law shall become effective on September 20, 1992.

Historical Note

Chapter 56 was added by Local Law #4 of 1992, filed October 5, 1992.