

SOLID WASTE

Chapter 171

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[HISTORY: Adopted by the Board of Trustees of the Village of Barker as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Unsafe buildings — See Ch. 91.

Health and sanitation — See Ch. 128.

ARTICLE I

Recycling**[Adopted 6-3-1991 by L.L. No. 2-1991]****§ 171-1. Legislative intent.**

The Village Board of the Village of Barker 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 and other materials for recycling from the residential, commercial, industrial and institutional establishments in the village will protect and enhance the village's physical and visual environment, as well as promote the health, safety and well-being of persons and property within the village by minimizing the potential adverse effects of landfilling, facilitating the implementation and operation of other forms of solid waste management, conserving natural resources, and assisting the village in complying with the mandates of the New York State Solid Waste Management Act of 1988. The promotion and use of recyclable materials, goods produced from recyclable materials and goods which facilitate recycling will further serve the same purposes by encouraging and facilitating recycling.

§ 171-2. Definitions.

For the purposes of this article, the following terms, phrases, words and derivatives shall have the following meanings:

ADMINISTRATOR — The person or persons designated by resolution of the Village Board to monitor and enforce this article.

HAZARDOUS WASTE — Includes, but is not limited to, the following products and their empty containers: insecticides, herbicides, petroleum products, caustic chemicals, paints and batteries. Hazardous wastes generally display one or more of the qualities of ignitability, corrosivity, reactivity or toxicity.

NONRECYCLABLES — That portion of the waste stream not included under "recyclables," and not treated separately as: hazardous waste under § 27-0903 of the New York Environmental Conservation Law; source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954; or low-level radioactive waste as defined in § 29-0101 of the New York Environmental Conservation Law. Nonrecyclables include, but are not limited to, the following:

- A. **GARBAGE** — Putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in home kitchens, storage areas, markets, restaurants and other places where food is stored, prepared or served.
- B. **RUBBISH** — Rags, sweepings, rubber, leather, excelsior, crockery, shells, clothing, straw, dirt, filth, ashes, wastepaper and similar waste material.
- C. **LARGE HOUSEHOLD FURNISHINGS** — Large and/or bulky articles actually used in the home and which equip it for living (as chairs, sofas, tables, beds, carpets, etc.).
- D. **CONSTRUCTION AND DEMOLITION DEBRIS** — Waste resulting from construction, remodeling, repair and demolition of structures, road building and land clearing. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree or brush stumps.

PERSON — Any individual, firm, partnership, company, corporation, association, 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 article prescribing a fine, penalty or imprisonment, the term "person" shall include the officers, directors, partners, managers, or persons in charge of a company, corporation or other legal entity having officers, directors, partners, managers or other persons in charge.

RECYCLABLES — Any materials which can be collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product, which materials include, but are not limited to, the following:

- A. Paper, clean and unsoiled, including newsprint, newspapers, news advertisements, supplements, comics and enclosures, corrugated boxes, cardboard, cardboard cartons and similar corrugated materials.
- B. Unbroken glass, glass bottles or jars which are transparent or translucent and which are green, amber (brown) or clear (flint) in color.
- C. Bimetal cans, including containers fabricated primarily of metal or tin, tin-plated steel cans, aluminum cans and containers made primarily of aluminum, household and other items made solely from aluminum.
- D. Plastic containers normally found in the household, including containers used primarily for laundry products, dishwashing detergents, milk, water and similar items including PET (Polyethylene Terephthalate) and HDPE (High Density Polyethylene) and other common plastic resin types.
- E. Such other items and materials, including garden and yard waste, as may later be included pursu-

ant to agreement between the village and its refuse collection contractor; provided, however, that nothing in this article shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural, horticultural, gardening or landscaping purposes.

- F. Such other items and materials, including any items and materials listed in the definition of "nonrecyclables," for which the Village Board by resolution shall determine that economic markets exist. The Village of Barker shall notify affected persons of said determination. [Added 11-7-1994 by L.L. No. 3-1994]

WASTE MATERIAL— Includes all recyclables and nonrecyclables which make up the waste stream eligible for curbside pickup under this article. Waste material does not include dead animals, fecal matter or material treated separately as: hazardous waste under § 27-0903 of the New York Environmental Conservation Law; source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954; or low-level radioactive waste as defined in § 29-0101 of the New York Environmental Conservation Law.

§ 171-3. Establishment of curbside program.

- A. Upon the effective date of this article, there is hereby established a program for the separation, preparation for collection and collection of waste materials. The program shall be under the supervision of the Village of Barker, its administrator and its collection agent or contractor.
- B. The Barker Village Board and its administrator will determine recyclables and notify town residents by publishing said information in the official village news-

paper or newspapers at least 30 days before said declaration will be incorporated into the village program.

- C. All waste material shall be separated, prepared for collection and collected in accordance with §§ 171-4 and 171-5 of this article.
- D. The Village of Barker, its administrator and its collection agent or contractor shall have no obligation to pick up and remove any waste material not prepared for collection in accordance with this article.
- E. The Village of Barker, its administrator and its collection agent or contractor shall have no obligation to pick up and remove any waste material which was not used in the residence or business or other establishment placing such waste material at the curbside for pickup.
- F. The Village of Barker, its administrator and its collection agent or contractor shall have no obligation to pick up and remove any waste material which is not provided for pursuant to the village's contract for waste removal with a contractor, or otherwise provided for by a village-administered pickup and removal program. Certain businesses, industries and residences may not be provided for in Village of Barker pickup and removal programs.

§ 171-4. Preparation of recyclable material for collection.

No person shall dispose of waste material except as follows:

- A. Waste material shall be prepared for collection in accordance with Subsection A(1) through (4) of this section:
 - (1) Each person shall provide separate, sealable galvanized iron cans or other suitable sanitary sealable containers or heavy duty plastic bags for nonrecyclables unless stipulated otherwise in this

article. Such cans or containers shall not exceed thirty (30) gallons' capacity and when filled shall not exceed sixty (60) pounds in weight. All cans or containers shall be placed at the curb or roadside for collection.

- (2) Recyclable aluminum cans and items, glass bottles and plastic items shall be separated from nonrecyclables and placed in the recyclable collection container.
- (3) Recyclable metal cans, aluminum cans, glass and plastic containers and other items so separated shall be rinsed of contents and placed in the recyclable collection container.
- (4) Newsprint shall be separated from nonrecyclables and either placed in the recyclable container or properly secured into bundles not to exceed 25 pounds in weight and placed at the curb or in the recyclable container or roadside next to the recyclable container for collection. Effort is to be made to keep the newsprint clean and dry and contamination free.
- (5) Other items to be included for recycling are to be prepared as set forth from time to time by resolution of the Village Board according to such expansions of the curbside collection program as may be established by the village from time to time.
- (6) Recyclable containers shall be provided by each person and shall conform in color, logo, shape and material and other specifications to the material established from time to time by the Village Board.
- (7) The provisions of this article shall apply to persons, including, but not limited to, commercial, industrial and institutional waste generators,

who generate waste material for which curbside collection is not provided. Such persons are subject to all provisions of this article requiring separation and preparation of recyclable materials, and must, through contract or other legal means, cause source separation and recycling of all recyclables and shall maintain records establishing compliance with this article. [Added 11-7-1994 by L.L. No. 3-1994]

§ 171-5. Collection.

Waste materials shall be collected in a manner consistent with the terms of the Village of Barker collection contract.

§ 171-6. Ownership of recyclables placed for collection.

- A. When any person properly places any recyclable materials at or near any curb, sidewalk, street or road for the purposes of collection by the Village of Barker or its contractor, those recyclable materials shall thereupon immediately become the property of the Village of Barker or its authorized agent. No person not acting under authority of the Village of Barker or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed, any recyclable materials so placed for collection; each such unauthorized collection, pick up or removal shall constitute a separate violation of this article.
- B. Notwithstanding the provisions of Subsection A, where the village or its agent or contractor has refused to collect certain recyclables because they have not been placed or treated in accord with the provisions of this article, the person responsible for initially placing those materials for collection may and shall promptly remove those materials from any curb, sidewalk, streetside or

roadside and assume possession, control and responsibility for the proper disposal of same.

- C. Nothing herein shall prevent any person from making arrangements for the private collection of recyclables; provided that recyclables to be privately collected shall not be placed curbside on or immediately preceding the day for municipal collection of such recyclables.
- D. The Village of Barker, its administrator and its authorized agent shall not be required to collect any waste material which has not been separated and secured pursuant to the provisions of this article or the applicable regulations of the Village of Barker.

§ 171-7. Importation of waste material.

- A. No person shall cause to be imported into the Village of Barker waste material for garbage collection.
- B. No person shall place for curbside collection any waste material not generated on the premises fronting on the street upon which it is placed.

§ 171-8. Penalties for offenses.¹

A violation of this article, other than § 171-6A or 171-7, shall constitute a violation punishable, upon conviction thereof, by a fine not exceeding \$250 or a term of imprisonment not exceeding 15 days, or both, for each offense. A violation of § 171-6A or 171-7 shall constitute a misdemeanor punishable, upon conviction thereof, by not more than six (6) months' imprisonment or a fine not exceeding \$1,000, or both.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

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