

Local Law Filing

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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 **Goshen**
Town
Village

Local Law No. 6 of the year **2013**

A local law Repealing in its entirety, Article III of Chapter 38 of the Code of the Village of Goshen entitled “Recycling”
(Insert Title)

Be it enacted by the **Village Board**
(Name of Legislative Body)

of the
County
City
of **Goshen** as follows:
Town
Village

Section 1. Findings and Purpose:

Article III of Chapter 38 of the Code of the Village of Goshen entitled “Recycling” is hereby repealed in its entirety and replaced with the following:

ARTICLE III – RECYCLING

Section 38-56: Definitions; word usage.

- A. For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number indicate the singular number and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directly.
- B. For the purposes of this Article, the following terms shall have the following meanings:

Collectable Recyclables: Those items which are determined by law to be marketable and collectable at a duly licensed recycling center and shall be known as “recyclables.”

Commingled Recyclables: Those recyclables which are determined by law and accepted at a materials recycling facility for separation.

Drop-off Center: Facility utilized by the Village of Goshen for the express purpose of collecting garbage and/or recyclables.

Garbage: All putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection including garbage, rubbish, ashes and refuse.

Section 38-57: Recycling required,.

The recycling of certain materials, which materials are specified by law, is hereby required.

Section 38-58: Containers for recyclables; noncompliance

- A. The Village Board of the Village of Goshen hereby authorizes the Superintendent of Public Works to obtain and distribute containers for the purpose of recycling collection to all property owners who are presently serviced by the Village of Goshen. These containers, after distribution, will remain the property of the Village of Goshen.
- B. The purpose of these recycling containers is to recycle and these containers shall be used only for said purpose. No garbage, trash or waste of any kind is to be placed in the duly designated recycling containers. If it is noticed by our Department of Public Works Department or any other agent of the Village that a property owner is not separating recyclables from their garbage and on the next garbage pick up the garbage is inspected and shown to have recyclables contained in it, the container will be emptied in the truck and a tag shall be affixed to the can. This tag will inform the owner that he or she is not source separating properly and that he or she must begin to do so immediately. The Department of Public Works will keep a log and the garbage will be inspected the following pickup. If the same owner is still not source separating the garbage it will be left in the can with an additional tag affixed to the can. This tag will inform the owner that the Village will not pick up his or her garbage for a month and that the owner must dispose of this garbage at their own expense. Additionally, the property owner will be subjected to fines and penalties as provided hereinafter. Notwithstanding the foregoing, the Village will still pick up the recyclables on the normal schedule at that location.
- C. If it is found to be necessary the Village will employ the use of paint or other appropriate marker as may be determined by the Village to label the receptacles which have been improperly utilized. The removal of any tag or other marker by

the owner or anyone not authorized by the Village to do so is unlawful and shall be punishable by a fine as provided hereinafter.

- D. If the containers are lost or damaged they will be replaced at the property owner's expense. If any bill remains unpaid, the uncollected bill will become a lien on the property.

Section 38-59: Unlawful acts.

It shall be unlawful to tamper with any source separation container which is duly labeled as such and furthermore it shall be unlawful to remove recyclables from said containers for any purpose unless authorized by the Department of Public Works or its authorized agent.

Section 38-60:

All glass, metal and plastic recyclables shall be cleaned and all contents shall be removed therefrom prior to the collection, removal, or disposal of same. No broken glass shall be collected.

Section 38-61:

The Village Board of Trustees is empowered to fix, by Resolution, the day(s) and time(s) for the collection, removal and disposal of recyclables.

Section 38-62:

The placement and removal of recyclables and recycling containers shall be governed by the same rules and regulations as are set forth in Article II of Chapter 38.

Section 38-63:

If a person shall fail to separate and prepare recyclables for collection in accordance with the terms of this Article, the Village reserves the right to suspend the collection of all recyclables and of all refuse and solid waste from such premises until the violation has been corrected. Additionally, monetary penalties as hereinafter set forth may be imposed.

Section 38-64: Penalties for offenses.

Any person, partnership or corporation who or which violates any provision of this Article shall, upon conviction thereof for a first offense, be subject to a fine of not less than \$100.00 nor more than \$200.00; for a second offense by a fine of not less than \$200.00 nor more than \$250.00; for a third offense of a fine of not less than \$500.00 nor more than \$1,000.00; for a fourth or further offense by a fine of not less than \$1,000.00 nor more than \$2,500.00. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 2. SEQRA

2.1 This local law is an unlisted action pursuant to the implementing regulations of the *Environmental Conservation Law* as set forth at *6 NYCRR 617 et.seq.* There are no other involved agencies, coordinated review is not required and Board of Trustees shall act as Lead Agency in connection with this local law.

Section 3. Severability

3.1 The invalidity or unenforceability of any particular provision of this local law shall not affect the validity or enforceability of other provisions of this local law, which such provisions shall continue to be both enforceable and valid.

Section 4. Effective Date

4.1 This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with the Municipal Home Rule Law.