

## **CHAPTER 185**

### **PART II RECYCLING**

#### § 185-7. Findings.

The Board of Trustees of the Village of Plandome Manor finds that:

- A. The continued use of landfills for solid waste disposal poses a threat to human health and safety through increased risk of groundwater pollution and other environmental health and safety hazards.
- B. The removal of certain materials from the solid waste stream will decrease the flow of solid waste to landfills.
- C. There is a significant amount of recyclable material present in the solid waste generated in the village.
- D. The recovery and reuse of such recyclable material reduces the amount of solid waste conventionally disposed of by providing an environmentally acceptable disposal alternative.
- E. Recycling reduces the demand for increasingly unavailable landfill areas and protects the health, safety and welfare of the village by promoting prudent disposal programs essential for the protection of the environment.
- F. The New York State Solid Waste Management Act of 1988 requires that municipalities adopt a local law or ordinance for separating solid waste into recyclable, reusable or other components for which economic markets for alternate uses exist.
- G. The mandatory separation of designated recyclables from the solid waste stream generated within the village will foster maximum environmental and economic benefits with the minimum inconvenience to its residents and property owners.
- H. The present system of post-collection separation of recyclables is the most efficient, economical and adequate method to comply with the New York State Solid Waste Management Act of 1988.
- I. An integral element of a recycling program is the reservation of the authority to adopt appropriate rules and regulations, including the right, from time to time, to designate or delete the type of material which shall be recycled; the type, manner, means and method of separation; and the method of storage, collection and disposal of recyclables.

#### § 185-8. Purpose.

The purpose of the Village of Plandome Manor in enacting this Article is to:

- A. Provide for the health, safety and general welfare of the residents of the village.

B. Increase the life expectancy of existing and potential landfill areas and to decrease the need for alternative refuse disposal facilities through a comprehensive program of waste stream reduction and recycling.

C. Decrease the threat to human health and safety posed by the effects of landfill disposal on groundwater quality.

D. Identify methods of collection, reduction and separation which encourage the most efficient and economical utilization of solid waste disposal facilities and contribute to more effective programs for the reuse of solid waste.

E. Ensure the long-range preservation of the health, safety and well-being of the public and environmental quality of the Village of Plandome Manor by conserving resources and reducing the potential for pollution of the environment.

F. Set forth, from time to time, the methodology to be used for the efficient separation and collection of reusable and recyclable materials from the village's solid waste stream.

G. Comply with provisions of the New York State Solid Waste Management Act of 1988.

H. Establish and reserve to the Board of Trustees the authority to adopt, as required from time to time, appropriate rules and regulations relating to the type of materials to be recycled, as well as the type, manner, means and method of separation to be utilized.

#### § 185-9. Definitions.

The following words and terms shall have the following meanings:

#### **NONRECYCLABLE MATERIALS**

All solid waste other than recyclable materials and recyclables generated by the village, other than prohibited materials.

#### **PERSON**

Any individual, firm, corporation, association or partnership.

#### **PROHIBITED MATERIALS**

Materials that contain hazardous or toxic substances or are not suitable for residential disposal and which will not be collected or permitted to be placed in recyclable containers as set forth in the rules and regulations.

#### **RECYCLABLE MATERIALS**

Discarded solid waste material which may be reclaimed and is in the form of paper, glass, metals and plastics.

## **RECYCLABLES**

Specific types of recyclable materials as shall be designated by the Board of Trustees pursuant to rules and regulations adopted hereunder.

## **RULES AND REGULATIONS**

Rules and regulations which are duly adopted by the Board of Trustees at a public meeting.

### § 185-10. Source separation.

In the event that collectors cease to provide post-collection separation of recyclable materials or in the event the Board of Trustees determines that post-collection separation, the Board of Trustees shall, by resolution, adopt appropriate rules and regulations to provide for source separation, and upon such adoption, the owner, lessee or occupant of every dwelling within the village shall separate and dispose of recyclables as follows:

- A. Prior to collection, all recyclables shall be processed and cleaned, with all contents removed, in accordance with the rules and regulations.
- B. Recyclables shall be placed in an approved color-coded container which has been designated for the particular recyclable group. Recyclables shall not be stored or mixed in the same container with other forms of solid waste.
- C. Newsprint shall be bundled and securely tied with a string or placed in a brown paper bag.
- D. Recyclables shall be collected on a periodic basis and properly disposed of at a suitable processing center.

### § 185-11. Containers.

In the event that the Board of Trustees determines to establish a source recycling program, containers for the purpose of collecting and storing recyclables will be initially provided by the village to every dwelling. Such containers will remain the property of the village and must be kept clean and in good condition. Recycling containers are not to be used for any purpose other than as described herein and in accordance with the rules and regulations. In the event that such containers are lost, damaged or stolen, additional equivalent containers must be provided by the property owner at his or her own expense.

### § 185-12. Collection.

In the event that the Board of Trustees determines to establish a source recycling program, the Board of Trustees, by resolution, shall establish a collection schedule and applicable procedures for the collection of recyclables.

### § 185-13. Unlawful acts.

- A. In the event that the Board of Trustees determines to establish a source recycling program, it shall be unlawful and a violation of this Article for any person to:

(1) Place or to cause to be placed or to permit any material, other than a designated recyclable, in an approved recyclable container.

(2) Permit or to allow or to knowingly fail to separate and prepare recyclables for collection in accordance with the provisions of this Article. After providing five (5) days' written notice by certified mail, return receipt requested, to the occupant of a dwelling, a private carter or municipality may refuse to collect said solid waste from any dwelling where a violation of this Article exists.

(3) Collect or to cause to be collected recyclables which are in violation of this Article.

(4) Permit or to allow or to cause to occur a violation of any rules and regulations promulgated hereunder and duly adopted by resolution of the Board of Trustees.

B. Any property owner upon whose land solid waste is left for collection or storage in such a manner as to be in violation of this Article shall be deemed and presumed to be the person who shall have placed or deposited such solid waste on the property.

#### § 185-14. Penalties for offenses.

Any person found to violate any provision of this Article or any rule or regulation promulgated hereunder shall be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day that such violation exists shall constitute a separate offense.

#### § 185-15. Enforcement.

It shall be the duty of the Village Building Inspector, Code Enforcement Officer, Nassau County Police Department and any other individual designated by the Board of Trustees, and they shall have the power, right and authority, to enforce the provisions of this Article and to issue appearance tickets for violations.

#### § 185-16. Rules and regulations.

The Board of Trustees is empowered and authorized to promulgate and establish by resolution any rules and regulations which are necessary and proper to implement and administer the provisions of this Article.

#### § 185-17. Severability.

In the event that any portion, paragraph or provision of this Article shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions of any other portion, paragraph or section hereof.