

1-2008

# 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 Friendship
- Town
- Village

Local Law No. 1 of the year 2008

A local law to Regulate Solid Waste Disposal, Refuse Collection and Recycling  
(Insert Title)

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

- County
- City of Friendship as follows:
- Town
- Village

**Section 1. Purpose.**

- A. The purpose of this Law is to regulate solid waste disposal, handling and processing of garbage, trash, refuse and recycling collection of materials generated within the boundaries of the Town of Friendship Refuse District.
- B. No garbage, refuse, or trash of any kind will be accepted for disposal that is brought into the Town of Friendship Refuse District from outside the boundaries of said Refuse District.

**Section 2. Definitions. As used herein, the following terms shall have the meanings indicated:**

- A. BULK ITEMS -- means such items as household appliances and furniture, but excluding any items which are of such weight that they may not be safely picked up and handled by two (2) individuals.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

- B. CARDBOARD – means wood pulp-base material, which is usually smooth on both sides with a corrugated center. It shall also mean boxboard or paperboard having the same material characteristics as “cardboard”, but without a corrugated center. It shall not mean or refer to wax-coated, glossy or soiled cardboard.
- C. GLASS – means all clear (flint), green and brown (amber) colored glass containers. It shall not include or mean mirrors, auto glass, milk-white glass, window glass, light bulbs, cookware, Pyrex, crystal or ceramic materials.
- D. MIXED PAPERS - means newsprint and all newspapers and newspaper advertisements, supplements, comics and enclosures, magazines, lined paper, computer paper, copy paper, and miscellaneous junk mail material.
- E. BROWN BAGS – means brown paper, such as shopping bags. All brown bags shall be disposed of with cardboard materials referred to herein.
- F. PLASTIC CONTAINERS – means containers composed of high-density polyethylene, polyethylene terephthalate, polyvinyl chloride or other specific plastics that formerly contained the following in pourable form: food, food products, beverages, household cleaners or detergents, personal care products, automobile fluids or shop or garden supplies. This classification shall exclude all hard plastic containers or items, toys or dolls, and also excluding Styrofoam.
- G. RECYCLABLES – means all clear, brown and green glass, tin cans, cardboard, newspaper and plastic containers and all other items required to be recycled by Allegany County Department of Public Works Regulations.
- H. REFUSE, TRASH and GARBAGE – means and includes but shall not be limited to garbage, burnable and non-burnable rubbish, refuse, glass, wastepaper, rags and scrap wood, but shall exclude and not include dead animals, fecal matter, explosives, volatile or flammable liquids, tires, batteries, waste oil and any other material, substance or article which is not acceptable at Allegany County Department of Public Works waste transfer stations for collection purposes.

**Section 3. Grant of Authority to Town of Friendship Superintendent of Public Works.**

- A. The Town of Friendship Superintendent of Public Works is hereby granted the authority to promulgate, amend, change and establish rules and regulations controlling, regulating or limiting the collection of refuse, trash and garbage, bulk items and recyclables within the limits of the Town of Friendship Refuse District, as he/she may deem necessary and reasonable from time to time.

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- B. Whenever the Town of Friendship Superintendent of Public Works shall promulgate, amend or change any such rules and regulations, he/she shall first publish a notice in the official newspaper of the Town of Friendship, which publication shall be at least five (5) days before its effective date, and shall post such regulation upon the official bulletin board of the Town of Friendship and shall file such rule, regulation or requirement with the Town of Friendship Town Clerk.
- C. After the enactment of such rule, regulation or requirement by the Town of Friendship Superintendent of Public Works, all refuse, trash, garbage, bulk items and recyclable collection occurring within the Town of Friendship Refuse District shall comply with all such rules, regulations, amendments and requirements as they may be amended from time to time.

**Section 4. Requirements for Curbside Placement and Collection Schedule.**

- A. Until such time as the Town of Friendship Superintendent of Public Works shall adopt and enact rules, regulations and requirements for refuse, trash, garbage, bulk items and recyclable collection within the Town of Friendship, as provided for herein, the following shall be required for all such collection within the Town of Friendship Refuse District.
- B. All recyclables as defined herein, and as may be required now or in the future by the County of Allegany Department of Public Works to be recycled, or as may hereinafter be defined and required to be recycled by the Town of Friendship Superintendent of Public Works:
  - 1. shall be placed at curbside by each resident in separate containers; and
  - 2. Shall be separated for collection into containers containing:
    - a. clear glass;
    - b. brown glass;
    - c. green glass;
    - d. tin cans;
    - e. cardboard materials;
    - f. paper materials; and
    - g. plastic materials.
- C. The schedule for pickup of garbage, trash, refuse and recyclable materials within the town by the Town of Friendship Refuse District shall be established by the Superintendent of Public Works, and it shall be the duty of each resident and business owner who desires to take advantage of the removal service to place all appropriate and acceptable materials at curbside on the day such

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material is to be collected and removed. All residents shall have such material at curbside by 7:00 AM, and all places of business shall have such material at curbside ready to be collected by 9:00 AM. The Superintendent of Public Works may provide a waiver or variance of this requirement as deemed necessary under appropriate circumstances.

- D. All garbage, trash, refuse and materials for removal shall be placed in watertight, containers, equipped with bales or handles and fitted with a cover, except as follows:
- (1) Securely tied bundles of paper, magazines, and newspaper may be placed at curbside for collection.
  - (2) Cardboard may be tied in bundles, placed in brown bags and cardboard boxes and left at curbside.
  - (3) Glass must be placed in reusable containers for each color of glass, to include one (1) for clear, one (1) for green and one (1) for brown (amber).
  - (4) Plastic materials must be placed in a reusable container.
  - (5) Tin cans must be placed in a reusable container.
  - (6) Plastic garbage bags may be used for containers if such plastic bags are of heavy duty type and are not overloaded and may only be used for garbage, trash and refuse.
- E. The maximum weight of any single item left for collection, except for a bulk item, including the weight of the container, shall be fifty (50) pounds.
- F. No materials will be picked up on collection day in excess of six (6) thirty gallon refuse or garbage containers.
- G. The purpose and intent is to control the disposal of solid waste and protect the value of property and the health of the people of the Town of Friendship, New York.

**Section 5. Additional General Rules and Regulations for Solid Waste and Refuse Collection.**

- A. The following rules and regulations shall apply to all individuals, property owners and businesses within the boundaries of the Town of Friendship Refuse District:
1. Solid waste or trash shall not be placed at the curb for pickup more than twenty-four (24) hours before scheduled pickup.
  2. Garbage cans or containers shall be retrieved from the curb by the owner or occupant of each property by 6:00 PM on the day of the scheduled pickup.

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3. No solid waste, recyclables or trash shall be placed on the sidewalk. If the sidewalk is immediately adjacent to the curb, the solid waste, recyclables or trash shall be placed off the sidewalk away from the road.
  4. Leaves may be raked to the edge of the road for pickup, but may not be placed in or upon a public roadway, or upon the sidewalk.
  5. Any solid waste or trash disturbed or moved by wind, animals or any other means shall be the responsibility of the person or business putting the solid waste or trash at the curb, which person or business shall retrieve and properly place and store such items as soon as practicable, but not later than twenty-four hours after it is moved or disturbed by the aforesaid means.
  6. No solid waste or trash shall be left at the curb for more than one day unless there is a delay in pickup which is the fault of the Town of Friendship Refuse District personnel.
  7. No leaves, solid waste, trash or other materials shall be burned at the curb or in or on the public right-of-way.
  8. No construction and/or demolition debris shall be set out for pickup by the Town of Friendship Refuse District. Such construction and/or demolition debris shall be properly disposed of at the Allegany County Landfill or other authorized disposal facility.
  9. No refuse of any type may be brought into the Town of Friendship Refuse District from outside the refuse district for the purpose of disposal by the Refuse District.
- B. All residents and businesses within the Town of Friendship Refuse District shall present all garbage, trash, refuse and recyclable materials for collection by the town in such a manner as to be in full compliance with any and all rules and regulations and requirements of the County of Allegany at its garbage, trash and recyclable collection centers and as may be required from time to time by rule, regulation or requirement of the Town of Friendship Superintendent of Public Works.

**Section 6. Penalties for offenses.**

- A. Any person, corporation or entity who leaves garbage, trash or refuse or recyclable material or any other materials for collection by the Town of Friendship which shall be in violation of Section 4 of this Local Law shall forfeit his/her/its/their right to have their refuse, solid waste or recyclables removed by the Town of Friendship Refuse District personnel. It shall be the

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responsibility of such person, corporation or entity so leaving such material for collection by the Town of Friendship Refuse District to properly dispose of such material in compliance with all rules, regulations, and requirements of the Town of Friendship or other regulating municipality for the purpose of proper disposal of such materials.

- B. Appearance Tickets. The Town of Friendship Superintendent of Public Works, any Town Police Officer or the Supervisor are hereby authorized to issue appearance tickets for any violation of this Local Law.
- C. Any person, corporation or entity who violates the provisions of Section 4 or Section 5 of this Local Law, or any rule, regulation or requirement promulgated in the future by the County of Allegany Department of Public Works, or by the Town of Friendship Superintendent of Public Works shall be guilty of a violation of this Local Law.
- D. Any person committing an offense against any provisions of this Local Law shall be guilty of a violation pursuant to the Penal Law of the State of New York, and shall be subject to punishment by a fine not exceeding two hundred fifty dollars (\$250.00) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment for each violation. Each day of continuing violation shall constitute a separate and distinct violation of this Local Law.

**Section 7. Partial Invalidity.**

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

**Section 8. Revocation of Prior Local Laws.**

All local laws of the Town of Friendship which have been previously adopted which deal with the same subjects or topics are hereby repealed effective as provided in Section 9 below.

**Section 9. Effective Date.**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

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