

**TOWN OF WESTMORELAND
LOCAL LAW NO. 1 of the year 2012**

**A LOCAL LAW TO
REGULATE RECYCLING**

Section 1. TITLE

This local law shall be known as the "Recycling Law of the Town of Westmoreland."

Section 2. LEGISLATIVE INTENT

The Town of Westmoreland has an interest in the environmentally acceptable reduction and disposal of solid waste produced by Town Residents ("waste generators") and in the reuse and recycling of materials where possible. Whereas the Town desires to encourage recycling in the interest of protecting the health, safety, and welfare of its residents, the Town Board of the Town of Westmoreland desires to foster source separation and recycling regulations and programs and does hereby declare that the following law be enacted toward such ends. See, General Municipal Law §§10 and 120-aa; New York State Waste Management Act of 1988; and Oneida County Local Law No. 1 of 1990.

Section 3. LEGISLATIVE FINDINGS

The New York State Department of Environmental Conservation (DEC) has published findings of the Northeast Recycling Council ("NERC"), which findings indicate that some benefits of recycling include, inter alia, energy savings, pollution reduction, and conservation of natural resources. This Board is desirous of utilizing this recycling law to help facilitate and achieve such environmental benefits.

Section 4. DEFINITIONS

RECYCLING — Any process by which materials, which would otherwise become solid waste, are collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

SOURCE-SEPARATE — To separate recyclable materials from the solid waste stream at the point of waste generation (i.e. at the residence of the resident).

CARDBOARD — All corrugated cardboard normally used for packing, mailing, shipping of containerizing goods, merchandise or other material, but shall not mean wax-coated or soiled cardboard.

GLASS — All clear (flint), green and brown (amber) colored glass containers, crystal, plate, window, laminated or mirrored glass, but shall not mean wired glass.

METAL CONTAINERS --- Metal recyclables shall be clean and all contents shall be removed and all labels shall be removed prior to the collection and disposing of the same.

NEWSPAPER — Includes newsprint and all newspapers and newspaper advertisements, supplements, comics and enclosures.

PAPER — All high-grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeo paper, duplication paper, magazines, paperbacks, school paper, catalogs, junk mail, computer paper, telephone books and similar cellulosic material, but shall not mean newspaper, wax paper, plastic or foil-coated paper, Styrofoam, wax-coated food and beverage containers, carbon paper, blueprint paper, food contaminated paper, soiled paper and cardboard.

PLASTIC CONTAINERS — Containers composed of high-density polyethylene, polyethylene terephthalate or other specific plastics as the Town Board may designate.

Section 5. SCOPE

- A. All solid waste generated in the Town shall be source separated for collection by a solid waste hauler contracted by the waste generator. Solid waste haulers contracted by waste generators within the town shall assure that source-separated recyclables are transported and delivered to a designated recycling facility.
- B. A list of recyclables that is eligible and required to be source-separated shall be maintained on file at the Town Clerk's office in a document titled "Designated Recyclables." Designated recyclables shall include, but are not limited to those items defined at Section 4 above;
- C. No person shall collect and dispose of eligible and required recyclables as waste or combine recyclables with other components of solid waste.

Section 6. SEVERABILITY & CONFLICT OF LAWS

If any part or section of this local law shall be found illegal by a court of competent jurisdiction, or otherwise in conflict with any governing statutes, rules, or regulations, the remaining parts not in conflict, shall remain in full force and effect.

Section 7. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing in the Office of the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.