

**A LOCAL LAW OF THE TOWN OF JOHNSBURG, WARREN COUTY,  
NEW YORK PROVIDING FOR MANDATORY SOURCE SEPARATION  
FO RECYCLABLE MATERIAL**

**LOCAL LAW No. 1-1991**

Be it enacted by the Town Board of Johnsburg as follows:

**SECTION 1. LEGISLATIVE FINDINGS AND PURPOSES.**

The Town Board of the Town of Johnsburg finds that a reduction of solid waste through separation and removal of recyclable materials from the waste stream is of importance to the health, safety and general welfare of the residents of the Town of Johnsburg, County of Warren, and is consistent with the goals of the New York State Solid Waste Management Plan to reduce the amount of solid waste generated, reuse or recycle materials and conserve our precious natural resources.

Waste reduction and recycling are preferable to the disposal and processing of solid waste. Removing recyclable materials from the waste stream will decrease the flow of solid waste to the Town's overburdened landfill, aid in the conservation and recovery of valuable resources and conserve energy in the manufacturing process. Conversely, improper solid waste management practices create public health hazards, environmental pollution and economic loss.

It is the intent of this Local Law to promote the disposal of solid waste generated within the Town of Johnsburg in the most environmentally acceptable manner possible by requiring the recovery of all recyclable materials which can be marketed or used for secondary purposes.

In addition, this Local Law seeks to provide for the education of the citizens of the Town with respect to the economic and environmental values of recycling and waste reduction and the encouragement of participation in such activities.

**SECTION 2. DEFINITIONS.**

a) "Person" shall mean any individual, corporation or other legal entity.

b) "Director" shall mean the person appointed by the Town Board to administer and supervise the Town's recycling and solid waste management program.

(c) "Drop-off area" shall mean any area designated from time to time by the Director where persons can bring recyclables for aggregation and further transport to a solid waste management facility.

(d) "Recyclables" shall mean the following materials: newsprint, clear glass containers, tin cans and steel cans, and opaque plastic containers (# 2 HDPE type). The Director may modify this definition at his or her discretion in accordance with Section 3-1(c) hereof and subject to Town Board approval.

### **SECTION 3. SOURCE SEPARATION OF RECYCLABLES.**

#### **1. GENERALLY**

a) All persons shall separate recyclables from other solid waste when preparing them for transportation, collection, pickup or removal by placing recyclables in one or more separate containers in accordance with rules adopted by the Town Board. It shall be a violation of this Local Law for any person to place for collection or deliver to a drop-off area or a solid waste management facility a container which contains recyclables mixed with other solid waste.

b) Recyclables delivered for curbside or roadside pickup or to a drop-off area or a solid waste management facility shall be prepared in accordance with all rules promulgated by the Town Board, which shall be filed with the Town Clerk.

c) The Director may from time to time determine that certain materials contained in solid waste generated or brought within the Town are recyclables or that certain materials included or hereafter included in this Local Law's definition of recyclables are no longer recyclable. Upon any such determination, the Director shall submit a written report to the Town Board recommending that such materials be added to, or deleted from, the definition of recyclables and providing the reasons and data supporting such inclusion or deletion.

#### **2. DISPOSAL OF COLLECTED RECYCLABLES BY COMMERCIAL HAULERS.**

a) Commercial haulers engaged in collecting recyclables generated within the Town, or who dispose of wastes in the Town's solid waste management facility shall keep recyclables separated from other solid wastes.

b) It shall be a violation of the Local Law for any commercial hauler to collect,

handle or dispose of recyclables otherwise than as provided by this subsection.

#### SECTION 4. RULES, REGULATIONS AND PUBLIC EDUCATION

The Town Board shall have the power to adopt and promulgate, amend and repeal such rules and regulations as may be recommended by the Director and which in its discretion are necessary or desirable to carry out, interpret, and enforce the intent and purposes of this Local Law. Notwithstanding this power, any failure to adopt and promulgate such rules and regulations shall not impair the enforceability of this Local Law.

The Director shall develop, subject to Town Board approval, a comprehensive public education program concerning the requirements of this Local Law and any amendments, the overall value of recycling and waste reduction and any related public programs.

#### SECTION 5. ENFORCEMENT AND PENALTIES FOR OFFENSES.

a) The Director and any other person designated by the Town Board shall be authorized to inspect :

- i) Solid waste left for collection; and
- ii) Loads of solid waste being transported within the Town of Johnsbury; and
- iii) Solid waste being disposed of at any duly designated drop-off area or solid waste management facility in the Town

for the purpose of determining if any person has failed to comply with the provisions of any section of this Local Law.

b) The Director and any other person designated by the Town Board shall be authorized to turn away and deny access to any person delivering a mixed load of solid waste which includes or contains recyclable materials to a duly designated solid waste facility in the Town.

c) Each commission of a single act of violation shall constitute a separate violation of this Local Law and each day of such violation shall constitute a separate offense, which may be punished and prosecuted as such.

c) The violation of this Local Law shall be punishable by imprisonment for not

more than fifteen (15) days, or by a fine as described below, or by both such fine and imprisonment.

The following fines may be levied upon any person convicted of violating this Local Law:

- i) For a first conviction: a warning.
- ii) For a second conviction within a five year period:  
a fine not to exceed \$100.00.
- iii) For a third conviction within a five year period:  
a fine not to exceed \$ 250.00.
- iv) For any subsequent conviction within a five year period:  
a fine not to exceed \$ 500.00.

For purposes of establishing the applicable fine pursuant to paragraph (d) above, a violation of this Local Law by employees or agents of any entity, or of any commercial hauler, or guests of a hotel, motel or other tourist accommodation shall be considered to be a violation by the commercial, industrial or institutional entity, the commercial hauler, or the owner of the hotel, motel or other tourist accommodation rather than by the individual actually committing the violation.

#### **SECTION 6. PRIOR LAWS.**

All other Local Laws and/or any part of a Local Law inconsistent herewith are hereby repealed to the extent of such inconsistency.

#### **SECTION 7. VALIDITY AND SEVERABILITY.**

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this Local Law.

#### **SECTION 8. EFFECTIVE DATE.**

This Local Law shall be effective \_\_\_\_\_, 1991.