

Introduction

The New York State Solid Waste Management Act of 1988, states that all municipalities within the State of New York must institute a Mandatory Recycling Program by September 1, 1992.

The Board of Commissioners of Sanitary District No. Two, in accordance with the provisions of this Act, and in order to qualify for funding under the Equality Bond of 1972, proposed the following Resolution at their regular meeting, held in Baldwin, New York on the 20th of July 1992.

Sanitary District No. Two, being a special district located within the Town of Hempstead, County of Nassau, State of New York, created under the Civil Divisions Act of 1929, will institute a Mandatory Source Separation Recycling Program, on September 1, 1992, after approval by taxpayers of the District at a public hearing to be held at the District office, located at 2080 Grand Ave. Baldwin, New York, on August 19, 1992.

The Resolution #04\92 was passed 5 yea 0 nay.

Section 1 Findings.

The Board of Commissioners of Sanitary District Two

1. a. Realizes that the amount of solid waste that can be recycled may vary from time to time and by product by product, and that the Town of Hempstead's waste to energy disposal plant is an essential part of the residents of Sanitary District Two's solid waste disposal plan as members of the Town of Hempstead Refuse Disposal District.
- b. Consideration must be given to balancing the added costs of recycling, offset disposal costs, and the perceived value of our environment to our residents and future generations, when instituting our recycling program.
- c. It may not be economically in the best interest of the residents of the District to establish collection programs for every material that by definition could be recycled.
2. a. The Board of Commissioners realizes there are many items in the every day waste stream that may and do present a hazard to the environment when disposed of improperly.
- b. Recycling can reduce the potential of further damaging our environment by removing the following items from the waste stream and disposing of them in an environmentally safe manner.

1. Waste Oil (oil that has be removed from internal combustion engines). Waste oil may be brought to the District facility on Mondays, Tuesdays, Thursdays and Fridays between the hours of 8:00 a.m. and 4:00 p.m. Service stations that sell oil are also required to accept used oil from their patrons.
2. Household Hazardous Waste (cleaning agents that are caustic or contain acid, drain cleaners, paint, paint thinners and solvents, pesticides, herbicides). In general, any material that is flammable, caustic, acidic, or contains chemicals that are not identified shall not be placed out for everyday pick up. Such items should be stored in a safe place (out of the reach of children), clearly identified, and disposed of on one of the S.T.O.P. days sponsored by the County Of Nassau

S.T.O.P.days (**Stop Throwing Out Pollutants**) are held twice yearly by the County of Nassau. Information as to time, date and location can be obtained by calling the Town at 378-4210 on any business day.

Household Hazardous Waste may also be properly disposed of by a number of licensed Hazardous Waste Dealers who are listed in the telephone directory.

3. Residents can further reduce the source of ash, and also increase the efficiency of the waste-to-energy plant, by composting their yard waste. Information how to start a home composting program may obtained by calling or writing Sanitary District No. Two, 223-3207
4. All bulky items, non-burnable items, and white metal objects (old appliances), must be treated as special waste and kept out of the every day waste stream. Items such as these should be collected separately. To arrange for a pickup of this type of item, residents can call the District any business day between the hours of 6:30 a.m. and 4:30 p.m..
3. It is the responsibility of any contractor or landscaper to remove and to dispose of any waste that is generated by their work.
4. Mandatory Recycling Ordinances are the chief means of achieving a high participation rate in recycling programs.
5. Recycling ordinances that are not enforced will not have a significant affect on participation rates.
6. Sanitary District No. Two will enforce its Recycling Ordinance from the point of collection, that being the curb.

Section 2 Legislative Purpose.

In enacting this Law, Sanitary District No. Two supports the following the statutory purposes:

1. To conserve energy by using recovered materials in manufacturing and conserving resources.
2. To improve the efficiency of waste-to-energy facilities by removing metals and glass from the waste stream.
3. Sanitary District No. Two has had a curbside recycling program in effect for the past four years. This program has enjoyed a tremendous participation from the residents of the District. The Board of Commissioners feels that it is essential to make our program mandatory in order to ensure a constant supply of recyclables for the vendors that bid on the materials.
4. Removing materials from the waste stream, that can be marketed, will help reduce the amount of solid waste that has to be either disposed of at a landfill or burned at a waste-to-energy plant. The less solid waste that is burned, the less concern for potential air pollution or, if disposed of by landfilling, the less potential for ground water pollution which is a critical concern on Long Island.
5. A recycling ordinance is a law that controls the contents of the refuse that is set out for collection and disposal. The main focus of a recycling ordinance is to assure that the "target" materials for the recycling program are segregated from the other or non-recyclable waste. This will allow for separate collection, thus improving the quality of the recyclables, thus enhancing the marketing of the collected materials. The "target" materials for Sanitary District No. Two's program are glass, cans, and newsprint in one stream and plastics in another.

Section 3 Definitions.

1. "Recyclables" shall mean the following:
 - a. **"Aluminum and Metal cans"** - any aluminum, Bi-metal steel, tin plated or other wholly metallic cans, used to package food or beverage products.
 - b. **"Glass bottles and jars"** - any glass bottle or jar of any size or shape used to package food or beverage products, with the exception of window and/or plate glass, mirrors, ceramic glass and all type of light bulbs.
 - c. **"Newsprint"** - any used or discarded newspapers, which has a minimum of contamination from food or other materials.

Until such time as residents are informed otherwise telephone books, and magazines will not be accepted for collection.

- d. **"White Metal"** (large appliances) - refrigerators, stoves, dishwashers, dryers, washing machines, and any other large household appliance.
 - e. **"Plastics"** - any plastic containers that at the time of purchase was used to contain food or beverage products or contained any other non-caustic cleaning liquids.
 - f. **"Waste Oil"** - crankcase oil that has been utilized in internal combustion engines.
 - g. **"Yard Waste"** - grass clippings, leaves, bundled brush, small branches which are tied.
2. Non-recyclables shall mean that portion of the waste stream not included under "recyclables" and not treated separately such as:
- a. "Hazardous Waste" under section 27-0903 of the New York State Environmental Conservation Law.
 - b. Source Special Nuclear or by-product material as defined under the "United States Atomic Energy Act of 1954".
 - c. Low level radioactive waste defined as in section 29-0101 of the New York State Environmental Conservation Law.
 - d. Medical and Infectious Waste - defined by any and all state, county, town, or federal regulations currently in force or now pending.
3. Non-recyclables shall include but not be limited to:
- a. "Garbage" - putrescence solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, or serving of foods. Garbage that originates primarily in home kitchens, stores, markets, restaurants, and other places where food is stored, prepared or served.
 - b. "Bulk Items" - large household furnishings or bulky items actually used in the home and which are used to equip it for living, such as chairs, sofas, tables, beds, carpets, etc.
4. "Waste Material" - shall include all "recyclables" and "non-recyclables" which make up the waste stream eligible for curbside collection under this Ordinance.
- "Waste Material" does not include materials treated separately as, hazardous waste, nuclear waste, radioactive waste, medical, or infectious waste.

5. "Hazardous Waste" - may include, but is not limited to the following products and their containers: insecticides herbicides, pesticides, petroleum products, caustic or acidic chemicals, paint and ammunition.

"Hazardous Waste" generally display one or more of the properties of, reactivity, or toxicity.

6. "Person" - shall mean natural persons, corporations, partnerships, unincorporated associations, residence, business or any other organization of two or more persons.

Section 4 Program Established.

1. There is established a program for the separation, preparation for collection, and the collection of waste materials. This program is under the supervision of Sanitary District No. Two.
2. All materials shall be separated, prepared for collection, and collected in accordance with the provisions set forth in Sections 5 and 6 of this Ordinance.
3. Sanitary District No. Two shall have no obligation to collect or remove any waste material not prepared for collection in accordance with the provisions set forth in this Ordinance.
4. Sanitary District No. Two shall have no obligation to pick up and remove any waste material which was not used in the residence or business placing such material at the curb for collection.

Section 5 Preparation of Materials for Collection.

Materials set out for collection and disposal, must be prepared for according to the provisions set forth in this section:

1. Each residence has been provided with a recycling container. These containers "Blue Boxes" shall be used to contain those materials that have been designated by Sanitary District No. Two to be recycled.

The containers shall be placed at the curb for collection, on an assigned day in accordance with the District's collection schedule.

~~In addition each residence has been provided with plastic bags designated to contain those plastics that are being recycled. These plastic bags when full must be placed out with the "Blue Box" on appropriate recycling day. (deleted per Board decision on 01/19/2011)~~

2. Aluminum and Metal cans shall be separated from the non-recyclables. Cans must be rinsed clean of their contents and placed in the recycling container provided by the District.

3. Glass bottles and jars shall be separated from the non-recyclables. Bottles and jars must be rinsed clean of their contents and placed in the recycling container provided by the District.
4. Newsprint shall be separated from the non-recyclables and placed in the recycling container provided by the District. The newsprint should be tied or placed in a paper bag to prevent blowing. The use of plastic bags is prohibited
5. Large appliances shall be prepared for collection by dismantling in such a way that they will not be a hazard to the public. Doors must be removed from refrigerators, freezers, and appliances that may pose a hazard to small children. All appliances are collected by appointment. To arrange for a collection appointment, call the District offices at 223-3207 any business day between the hours of 6:30 a.m. and 4:30 p.m..
6. Plastics shall be placed in the Blue Recycle Bin. The plastics designated for recycling shall be rinsed clean of their contents and placed in the Blue Recycle Bin provided by the District. ~~Plastics shall be separated from the non-recyclables. The plastics designated for recycling shall be rinsed clean of their contents and placed in the plastic bag provided by the District.~~ (Revised as per Board decision 01/19/2011).
7. Yard Waste shall be separated from the regular waste stream during designated times during the year. Leaves and grass must be placed in plastic bags and will be collected. Branches not exceeding four (4) feet in length which are bundled and tied will also be taken separately during designated times during the year.

Section 6 Collection.

Waste material shall be collected as follows:

1. Waste material shall be collected in accordance with subsection A., B., and C. of this section.
 - A. The collection schedule shall be as follows:

Scheduled Pickup

Garbage and Rubbish	Twice Weekly
Aluminum cans, Bi-Metal cans	Weekly
Glass bottles and jars, Newsprint	Weekly
Plastics	Weekly
Bulk Items, Household Appliances	By Appointment
Yard Waste, Grass, Leaves , Brush	Seasonal*

* Collection of Yard Waste will be on a seasonal basis. Residents will be notified in advance as to when Yard Waste will be collected separately.

2. All waste materials to be collected must be placed at the curb no later than 6:30 a.m. on the day of collection, and no material may be placed at the curb before 7:00 p.m. of the day preceding the scheduled pick up day.
3. Empty containers shall be removed from the curb, by the occupants of the premises before 6:00 p.m. on the day the collection was made.

Section 7 Ownership of Recyclables Placed out for Collection.

1. From the time any person places any material, designated by the District as recyclable, at or near any curblane, sidewalk, or street for the purpose of collection by Sanitary District No. Two, those recyclable materials shall become the property of Sanitary District No. Two. No person acting without the authorization of Sanitary District No. Two, or an authorized agent of Sanitary District No. Two, shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed out for collection. Each such unauthorized collection shall constitute a separate violation of this Article. Provided, however, where Sanitary District No. Two has refused to collect certain recyclables because they have not been placed out or treated in accordance with the provisions of this Article, the person responsible for initially placing those materials out for collection may and shall remove those materials from the curb, sidewalk or street.
2. The blue recycling containers distributed by Sanitary District No. Two, to be used to place recyclables at the curb are the property of Sanitary District No. Two and any person removing them from where assigned shall be charged with theft of District property.

Section 8 Enforcement.

1. By virtue of the adoption of this Ordinance, the Secretary to the Board, General Supervisor, Supervisors, and any other persons designated by the Board of Commissioners, shall be empowered to enforce the prohibitions and regulations under all Sections of this Ordinance, subject to direction of the Board of Commissioners of Sanitary District No. Two. The Board of Commissioners may adopt and promulgate, amend and repeal rules and regulations implementing this Ordinance in order to carry out and enforce the intent and purposes thereof.
2. Sanitary District No. Two shall not be required to collect any waste material which has not been separated and secured pursuant to the provisions set forth in this Ordinance or the applicable regulations of Sanitary District No. Two.
3. Waste materials set out at the curb for collection are subject to spot checks by District personnel. Waste containing recyclables may be left uncollected, and the resident, or person responsible may receive a warning notice. Violators are subject to a summons and fine for maintaining a littered premises.

4. Unlawful Activities.

- a. It shall be unlawful for:
 1. Any person other than those persons so authorized to collect any designated recyclable which has been placed at the roadside for collection or within a recycling area pursuant to this Ordinance.
 2. Any person to violate or to cause or to assist in the violation of any provision of this chapter or any implementing rule or regulation promulgated of the Board of Commissioners.
 3. Any person to hinder, obstruct, prevent or interfere with this District's employees or any other authorized persons in the performance of any duty under this Ordinance or in the enforcement of this chapter.

b. All unlawful conduct set forth in this section shall constitute a violation.

5. Penalties for Offenses

- a. Any person who engages in unlawful conduct as defined in this chapter may, upon conviction thereof in a proceeding before a court of competent jurisdiction, be sentenced to imprisonment for a term not to exceed fifteen (15) days or to a term of community service related to the purposes of this chapter or to pay a fine of not more than two hundred fifty

(\$250.00) dollars and not less than fifty (\$50.00) dollars, or any combination of the above penalties.

b. Each continuing day of violation of this Ordinance shall constitute a separate offense.

6. Injunction to restrain violation: Remedies to be concurrent.

a. In addition to any other remedy provided in this Ordinance, the District may institute a suit in equity where unlawful conduct exists as defined in this chapter for an injunction to restrain a violation of this Ordinance.

b. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent. The existence or exercise of any remedy shall not prevent this District from exercising any other remedy provided by this Ordinance or otherwise provided at law or equity.

Section 9 Severability.

1. If any section, sentence or part of this law is adjudged unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this Ordinance.

Section 10 Effective Date.

This Ordinance shall be effective: September 1, 1992.

This Ordinance was amended effective January 19, 2011.