

- F. Civil enforcement. Notwithstanding the penalties set forth above, the Broome County Attorney may institute a civil action to obtain restitution to the County of Broome from such offender for the actual costs incurred in rectifying the program created by the aforesaid violation or improper disposal of solid waste or to abate, enjoin or otherwise compel cessation of the violation of any provision of this article, including but not limited to reasonable attorneys' fees and environmental testing.
- G. Disposition of fines. Any fines collected shall be split 50/50 with the municipality in which the violation occurred and with Broome County. The portion of fine made payable to the County of Broome shall be transmitted to the Broome County Director of the Office of Management and Budget to be placed in a dedicated fund for the express purpose of providing financial assistance in the cleanup of illegally disposed waste in the event that a violator cannot be identified. Applications for the use of these funds shall be directed to the appropriate committee as defined in the Rules of Order of the Broome County Legislature, which will have responsibility for allocation and administration of these funds.¹³
- H. Area of enforcement. This article shall be enforced in all municipalities within Broome County, including municipalities that have enacted ordinances regulating the disposal of solid waste.

ARTICLE IV

Source Separation

[Adopted 8-20-1992 by L.L. No. 10-1992; amended in its entirety 5-20-1993 by L.L. No. 9-1993 (Ch. 179, Art. IV, of the 1991 Code)]

§ 317-23. Title.¹⁴

This article shall be known as the "Mandatory Source Separation Law."

§ 317-24. Purpose.

- A. The purpose of this article is to encourage, facilitate and mandate the source separation of recyclable materials on the part of each and every household, business and institution within Broome County.
- B. The Broome County Legislature acknowledges that recycling will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources and reduce the required capacity or extend the useful life of existing and proposed solid waste management facilities.
- C. It further acknowledges that methods of solid waste management emphasizing source reduction, recycling, recovery and conversion of solid wastes are essential to the long-range preservation of the health, safety and well-being of the public, to the

13. Editor's Note: Amended at time of adoption of Charter and Code (see Ch. 1, General Provisions, Art. I).

14. Editor's Note: Local Law No. 9-1993 contained no text for this section.

economic productivity and environmental quality of Broome County and to the conservation of resources.

§ 317-25. Definitions.

- A. Terms as used or referred to in this article, unless a different meaning clearly appears from the context, are as defined in Title 6 Part 360 of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended.
- B. As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED AGENT OF THE COUNTY — Refers to waste haulers permitted by Broome County.

PARTICIPATING HAULER — An authorized agent of the County that utilizes the Broome County Landfill exclusively for the disposal of solid waste it collects. **[Added 9-20-2001 by L.L. No. 5-2001; amended 2-6-2013 by L.L. No. 3-2013]**

PUBLIC FACILITY — Any facility allowing public access, including but not limited to parks, recreational facilities, shopping centers, shopping malls, office buildings, restaurants, hospitals, schools and churches.

SOURCE SEPARATION — That recyclables shall be maintained and placed for collection separately from refuse intended for disposal.

§ 317-26. Source separation required.

- A. Source separation shall be required of each and every generator within Broome County producing solid waste destined for a disposal facility within Broome County and by any generator outside of Broome County where such waste will be processed or disposed in a Broome County solid waste management facility.
- B. Materials that must be source separated include paper, corrugated cardboard, glass, metals, plastics, leaves, yard wastes, tires, batteries (wet and dry cell) and household hazardous waste. A detailed published list of materials to be accepted will be on file with the Broome County Legislature. **[Amended 12-19-2002 by L.L. No. 2-2003¹⁵ ; 2-6-2013 by L.L. No. 3-2013]**
- C. For the purpose of this article, the term "recyclable material" shall mean those materials that must be source-separated, as defined in § 317-26B, with the exception of household hazardous waste.
- D. Each and every waste hauler, public and private, providing waste collection services in the County of Broome shall be required to provide curbside or dropoff collection of source-separated recyclables for all units serviced by the hauler.

15. Editor's Note: This local law provided an effective date of 1-1-2003.

- E. All municipal and private haulers are prohibited from commingling source-separated recyclables with solid waste. **[Added 2-6-2013 by L.L. No. 3-2013]**

§ 317-27. Preparation of recyclables and other source-separated materials for curbside collection.

- A. Nothing in this article is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables; provided, however, that records shall be kept of all such collection of recyclables.
- B. From the time any person places any recyclable materials at or near any curb, sidewalk or street for purposes of collection by a permitted hauler, those recyclable materials shall be considered the property of the County or its authorized agent. No person who is not acting under authority of the County or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this article.
- C. In the event that a hauler has refused to collect certain recyclable materials because they have not been placed or treated in accordance with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street in accord with the provisions of this article.
- D. Placement.
- (1) Recyclable materials shall be placed separately from any nonrecyclable solid waste placed for collection. Recyclable materials should be prepared in conformance with County practices and standards established pursuant to this section.
 - (2) No person shall place any recyclable materials at or near any curb, sidewalk or street for purposes of collection unless the materials are prepared in conformance with County practices and standards established pursuant to this section.
 - (3) The Deputy Commissioner for Solid Waste Management is hereby authorized and directed to designate, by written statement, from time to time, the practices and standards for preparation of recyclables for collection. Such written designation shall be filed with the Clerk of the County Legislature and shall become effective within 90 days of filing unless rescinded or modified by appropriate resolution of the County Legislature. **[Amended 3-16-2000 by L.L. No. 6-2000]**
 - (4) The Deputy Commissioner shall solicit information from solid waste collectors, solid waste management facility operators and other concerned parties prior to designating revised rules for preparation of materials. **[Amended 3-16-2000 by L.L. No. 6-2000]**
- E. Waste haulers shall not be responsible for collection of waste materials which have not been placed or prepared in accord with this article. In the event of noncollection of waste or recyclable materials, the hauler shall provide written notification of reason for noncollection.

- F. The responsible generator shall immediately remove and properly prepare and dispose of all materials refused for collection, taking all measures necessary to properly and legally restore all disturbed land and surface to the condition existing prior to deposition or reimburse the County or other municipal entity for the same.

§ 317-28. Multifamily buildings and complexes.

- A. Apartment complexes, condominium complexes, cooperative apartments, hotels, motels and bungalow or resort colonies shall be required to establish a private dropoff program for the source separation of recyclable materials for collection and transportation to a recycling facility where curbside collection is not practiced or desired.
- B. The owner and/or manager of every multifamily apartment building or condominium within the County shall provide and maintain, in a neat and sanitary condition, recycling dropoffs to receive all recyclable materials generated by residents of the building or complex. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling dropoff(s). It shall be the tenant's responsibility to separate designated recyclable materials from the solid waste and deposit the recyclables in the dropoff(s) in the manner prescribed by facility management.
- C. The owner or manager of every multifamily building or complex shall arrange for the collection and/or transportation of all recyclable materials to a material recovery facility or secondary materials market.

§ 317-29. Residential/commercial (institutional) and industrial waste and recyclables.
[Amended 2-6-2013 by L.L. No. 3-2013]

- A. All residential solid waste collected by either municipal or private haulers shall be source separated and delivered to an appropriate facility for disposition, as may be designated by the County.
- B. All commercial/industrial/institutional solid waste collected by either municipal or private haulers shall be source separated and delivered to an appropriate facility for disposition, as may be designated by the County.
- C. All recyclable commercial/industrial/institutional by-products shall be source separated and delivered to an appropriate facility for the express purpose of processing for sale to a secondary materials market. Nothing in this section shall prevent generators from marketing these materials directly to an end-use market, secondary materials market or secondary materials broker.

§ 317-30. Penalties for waste generators.

- A. Failure to comply with this article by any person shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.

- C. The waste hauler shall maintain the right to refuse collection of solid waste and/or recyclables due to a lack of source separation or proper preparation on the part of the waste generator. In such a case, the hauler shall affix a notice to the waste material which clearly states the reason for noncollection.
- D. Individuals convicted of a first offense under this article shall be subject to a fine of not less than \$25 and not more than \$50. Conviction of a second offense within one year of the first offense shall be punishable by a fine of not less than \$50 nor more than \$100. Conviction of subsequent offense(s) within one year of the first offense shall be punishable by a fine of at least \$100 and not more than \$200. In addition to the penalties listed above, anyone convicted of an offense under the provisions of this article shall be subject to a civil penalty to recover cost of enforcement and prosecution, including but not limited to attorneys' fees, court costs and site cleanup cost, if applicable.
- E. Any company, partnership, corporation, municipality or entity other than an individual person convicted of a first offense as provided for by this article shall be subject to a fine of not less than \$200 and not more than \$1,000 and/or revocation of solid waste collection and disposal permits. Conviction of subsequent offenses shall be punishable by a fine of not less than \$1,000 and not more than \$2,000. Any such entity convicted of an offense under the provisions of this article shall also be subject to a civil penalty to recover the cost of enforcement and prosecution, including but not limited to attorney's fees, court costs and site cleanup costs, if applicable. In addition, the County Attorney may also maintain an action or proceeding in the name of Broome County in a court of competent jurisdiction to compel compliance with or to restrain by injunction such violation.

§ 317-31. Penalties for waste haulers.

- A. Failure of any hauler to comply with this article shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.
- C. Violation of any section of this article shall be punishable by a fine not in excess of \$1,000 and/or revocation of the hauler's landfill user's permit, or any combination thereof. In addition, the violation of any section of this article shall be subject to a civil penalty imposed by the County to recover cost associated with enforcement and prosecution, including but not limited to reasonable attorney's fees, court costs and site cleanup costs, if applicable. And, in addition, Broome County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.

§ 317-32. Solid waste disposal on public property.

- A. All public facilities within the County of Broome shall provide public refuse receptacles for solid waste disposal by facility users and employees.

- B. There shall be provided separate public receptacles for recyclables. Such containers shall be clearly marked RECYCLE, and a list of recyclable items shall accompany said public refuse receptacle. There shall be an adequate number of clearly marked and accessible public receptacles for recyclable materials in order to facilitate recycling.
- C. All recyclable materials shall be placed in separate public recycling receptacles. The responsibility to separate recyclables from nonrecyclables shall be placed on the facility user.
 - (1) Parks may, in lieu of providing separate public receptacles for recyclables, require that park patrons take their recyclable materials with them upon leaving the park. The municipalities shall post signs at all park entrances advising the public of the rule. Park patrons shall be responsible for removing recyclables from the park and disposing of them in accordance with this article.
 - (2) Notwithstanding the provisions of the subsection, concession stands within the park providing food or other items packaged in recyclable containers shall provide both refuse and recyclable containers to conform to this section.
- D. It shall be a violation of this article for any person to place or to cause to be placed any material other than a recyclable in or near a public receptacle designated for recyclable materials.
- E. It shall also be a violation of this article for any person to place or to cause to be placed any recyclable material in or near a public refuse receptacle designated for nonrecyclable materials.
- F. Any person, including employees of public facilities, convicted of a violation of this section shall be subject to a fine of up to \$50 or community service.
- G. The proprietor of any public facility convicted of a violation of this section shall be subject to a fine of up to \$200 or community service. Each day of violation shall constitute a separate offense.

§ 317-33. Enforcement.

All provisions of this article shall be enforced by the Broome County Security Division or may be enforced by a municipal code enforcement official or other appropriate enforcement agencies.

§ 317-34. Reporting to Deputy Commissioner. [Amended 3-16-2000 by L.L. No. 6-2000]

- A. All waste haulers, and any other person or entity that collects, transports and/or markets recyclables, must maintain monthly records of all recyclable material. These records must include the following: **[Amended 12-19-2013 by L.L. No. 2-2014]**