

INTRODUCTORY LOCAL LAW I-1 OF 2013

A LOCAL LAW AMENDING CHAPTER 247 OF THE CODE OF THE VILLAGE OF WALDEN ENTITLED “SOLID WASTE” TO INCREASE THE MAXIMUM CONTAINER SIZE ALLOWABLE AND TO PROVIDE A SAFE HARBOR PROVISION FOR FUTURE CONTRACTS ENTERED INTO BY THE VILLAGE.

BE IT ENACTED by the Board of Trustees of the Village of Walden as follows:

SECTION 1. Legislative intent.

The Village Board of Trustees desires to bring the Village Code into parity with the most current methods of trash collection and recycling.

SECTION 2. Amendments

Section 247-8 of the Code of the Village of Walden, titled “Definitions.” is hereby amended as follows:

By adding a paragraph defining “Qualified Container”:

§ 247-8 Definitions.

QUALIFIED CONTAINER

A container provided by the waste disposal company with which the Village is contracted for waste or recycling pickup, pursuant to the terms of such contract.

By repealing therefrom the paragraph defining “Residence” and replacing it with the following:

RESIDENCE

Any building, parcel of land, or dwelling unit.

Section 247-9 of the Code of the Village of Walden titled “Containers; placement and removal; noncollectibles.” is hereby amended by repealing therefrom Subsections (B) and (C) and enacting new Subsections (B) and (C) as follows:

§ 247-9. Containers; placement and removal; noncollectibles.

B. All properties are deemed part of the Village's municipal garbage collection system. Notwithstanding any other provision of this section, each property shall place its garbage in a Qualified Container as

defined in § 247-8. Each property will be assessed the cost of the container provided to it.

If a property's Qualified Container is lost, stolen, or damaged, the owner and occupant of such property shall make reasonable efforts to obtain another. If a non-Qualified Container is necessary during the pendency of such efforts, all garbage must be placed in durable, rubber, nonabsorbent, watertight and easily washable containers which shall have close-fitting covers and suitable handles and which shall be of a maximum size of 96 gallons. Residences with four or five dwelling units may request the use of a suitable container larger than 96 gallons that will serve the garbage disposal needs of the residents. Such requests must be made, in writing, to the Village Manager, who may grant the use of such an alternate container in his/her sole discretion. The Village Manager shall notify the Village Board, in writing, of any such requests and his/her decision regarding the same.

C. Containers shall not weigh more than 120 pounds when filled.

Section 247-11 of the Code of the Village of Walden titled "Recycling regulations." Is hereby repealed in its entirety and replaced with the following:

§ 247-11. Recycling regulations.

- A. The recycling of certain materials as mandated by state, county or local law is hereby required.
- B. Notwithstanding any other provision of this section, all recyclables shall be placed in a Qualified Container, as defined in § 247-8.

If a property's Qualified Container is lost, stolen, or damaged, the owner and occupant of such property shall make reasonable efforts to obtain another. If a non-Qualified Container is necessary during the pendency of such efforts, all garbage must be placed in durable, rubber, nonabsorbent, watertight and easily washable containers which shall have close-fitting covers and suitable handles and which shall be of a maximum size of 96 gallons. Residences with four or five dwelling units may request the use of a suitable container larger than 96 gallons that will serve the garbage disposal needs of the residents. Such requests must be made, in writing, to the Village Manager, who may grant the use of such an alternate container in his/her sole discretion. The Village

Manager shall notify the Village Board, in writing, of any such requests and his/her decision regarding the same.

The use of plastic bags for recyclables is not permitted.

- C. All glass, metal and plastic recyclables shall be cleaned and all contents shall be removed therefrom prior to the collection, removal or disposal of same. All caps and rings shall be removed from glass and plastic recyclables. All labels shall be removed from metal can recyclables. No broken glass shall be collected.**
- D. The Village Board of Trustees is empowered to fix, by resolution, the day(s) and times for the collection, removal and disposal of recyclables.**
- E. The placement and removal of recyclables and recycling containers shall be governed by the same rules as those for garbage and garbage containers in § 247-9E and F above.**

Section 247-13 of the Code of the Village of Walden titled “Garbage collection fees.” is hereby amended by repealing therefrom the phrase “**all residential properties**” and replacing it with the phrase “**all properties**”.

SECTION 3. Savings clause.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of State in Albany, New York.