**VILLAGE OF ALLEGANY, NEW YORK**

**LOCAL LAW NO. 1-1991**

**A LOCAL LAW TO AMEND CERTAIN SECTIONS OF**

**LOCAL LAW NO. 1 OF 1990 “A LOCAL LAW REALTING TO**

**THE RECYCLING PROGRAM-COLLECTION AND DISPOSITION**

**FOR THE VILLAGE OF ALLEGANY”**

BE IT ENACTED by the Village Board of the Village of Allegany, New York as follows:

SECTION 1. Section 3. Definitions of the Local Law No. 1 of 1990 are hereby amended to add the following:

 (8) “Approved Sticker” – shall mean those adhesive stickers which shall be sold by the Village of Allegany and which adhesive stickers shall be affixed to those containers containing waste material as defined in Section 5 (a) (1).

 (9) “Approved Bag” – shall mean an approved 15 or 30 gallon plastic bag/container sold by the Village of Allegany to contain waste material.

SECTION 2. Section 4. Program Established of Local Law No. 1 of 1990 is hereby amended as follows:

 (c) The Village of Allegany shall have no obligation to pick up and remove any waste material not prepared for collection in accordance with this law and the Village of Allegany shall not pick up and remove any waste material unless the container containing the waste material has affixed to it the “approved sticker” or is placed for pickup in a “approved bag” and which approved stickers and bags are sold by the Village of Allegany. In the event the waste material is placed in a 30 gallon garbage can container, as defined in Section 5 (a) (1), the approved sticker shall be affixed to the waste material so that the same is readily visible to the collector and which collector has been approved by the Village of Allegany.

SECTION 3. The following Section shall be added to Section 4 of the Local Law No. 1 of 1990.

 (e) Approved stickers and/or approved bags shall be sold by the Village of Allegany. The Village Board of Trustees of the Village of Allegany shall, by way of resolution, establish the price of the approved stickers or approved bags to be sold by the Village of Allegany. The approved stickers and/or approved bags may be purchased by the residents of the Village of Allegany at the Village of Allegany Clerk’s Office or at such other place as may be designated by the Village of Allegany Board of Trustees.

SECTION 4. Section 13. Enforcement of Local Law No. 1 of 1990 is hereby amended to read as follows:

 (a) The Village of Allegany shall not be required to collect any waste material which has not been separated and secured pursuant to the provisions of this law or to the applicable regulations of the Village of Allegany or its Board of Trustees. A violation of this law, other than Section 8 (a) and Section 12, shall constitute a violation as defined in the Penal Law and shall be punishable upon conviction thereof, as follows:

 (1) For a first conviction, by a fine not exceeding $50.00.

(2) For a second conviction within one (1) year, by a fine not exceeding $100.00.

(3) For a third conviction within one (1) year, by a fine not exceeding $150.00.

(4) For a fourth conviction within one (1) year, by a fine not exceeding $250.00.

A violation of Section 8 (a) or a violation of Section 12 shall constitute a misdemeanor, as defined in the New York State Penal Law, punishable upon conviction thereof by not more than six (6) months imprisonment and/or a fine not exceeding $1,000.00.

SECTION 5. EFFECTIVE DATE

 This law shall take effect in accordance with the provisions of Section 27 of the Municipal Home Rule Law, upon filing in the office of the Secretary of State of the State of New York.