

LOCAL LAW NO. "D" FOR 2008

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING AN AT-STORE RECYCLING PROGRAM FOR PLASTIC BAGS

Introduced: 3/10/08

By Messrs. Higgins, Gordon, Clenahan, Bullock, Nichols, Scavo, Ms. Chapman, Messrs. Steck, Horstmyer, Joyce and Ms. Maffia-Tobler:

BE IT ENACTED by the Legislature of the County of Albany as follows:

SECTION 1. Title.

This local law shall be referred to as the "Albany County Plastic Bag Recycling Local Law".

SECTION 2. Definitions.

Wherever used in this title, the following terms shall be defined as follows unless the context or subject matter otherwise requires:

1. "Operator" shall mean a person, corporation, firm, partnership or entity in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner or manager of the store.
2. "Plastic carryout bag" shall mean a plastic carryout bag provided by a store to a customer at the point of sale and which is composed of Low Density Polyethylene ("LDPE"), Linear Low Density Polyethylene ("LLDPE"), Medium Density Polyethylene ("MDPE") or High Density Polyethylene ("HDPE").
3. "Store" shall mean a retail establishment that (1) provides plastic carryout bags to its customers as a result of the sale of a consumer good; and (2) occupies an area of ten thousand (10,000) square feet or more.

SECTION 3. At-Store Recycling Program; Requirements

The operator of a store shall establish an in-store recycling program as follows:

1. A plastic carryout collection bin ("bin") shall be placed at or near the entrance(s) to each store and must be easily accessible to consumers. The color of such bin must be highly visible and the bin must clearly indicate that it is intended for the recycling of plastic carryout bags only and not for the discarding of garbage. The Albany County Department of Consumer Affairs has the authority to establish rules and regulations regarding the specific requirements of the bin as may be necessary.
2. All plastic carryout bags collected by the store are to be collected, transported and recycled in a manner consistent with all applicable laws or any rule or regulation promulgated pursuant to this law.

3. The operator of a store shall cooperate with the Albany County Department of Consumer Affairs. Upon written request, the operator shall furnish the Albany County Department of Consumer Affairs with information to verify that plastic carryout bags are being properly recycled in accordance with all applicable laws.

SECTION 4. Penalties.

The Albany County Department of Consumer Affairs shall issue a written warning of noncompliance to any operator who violates any provision of this law. In the event that said operator fails to correct the violation, said operator shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for a first offense; by a fine not to exceed Seven Hundred and Fifty Dollars (\$750.00) for a second offense; and by a fine not to exceed One Thousand Dollars (\$1,000.00) for a third and each subsequent offense.

SECTION 5. Public Awareness Campaign

The Albany County Department of Consumer Affairs shall undertake a public awareness campaign which shall include the development of educational materials regarding the benefits of recycling plastic carryout bags; the proper recycling methods and the various recycling locations for plastic carryout bags throughout Albany County.

SECTION 6. Reverse Preemption.

This law shall be null and void on the day that Statewide or Federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal administrative agency issues and promulgates regulations preempting such action by the County of Albany. The Albany County Legislature may determine via resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

SECTION 7. Severability.

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 8. This local law shall take effect six (6) months after the date of enactment.

Referred to Audit and Finance Committee. 3/10/08

Favorable recommendation – Audit and Finance Committee. 4/30/08

On roll call vote the following voted in favor: Ms. Benedict, Messrs. Beston, Bullock, Carman, Ms. Chapman, Messrs. Clay, Clenahan, Clouse,

Commisso, Ms. Connolly, Messrs. Cotrofeld, Dawson, Domalewicz, Ethier, Gordon, Higgins, Horstmyer, Houghtaling, Infante, Joyce, Mss. Lockart, Maffia-Tobler, Messrs. Mayo, McCoy, Ms. McKnight, Messrs. Mendick, Morse, Nichols, Rahm, Reilly, Scavo, Steck, Timmins, Tunny, Ward, Ms. Willingham and Mr. Zeilman – 37.

Those opposed: - 0.

Local Law was adopted. 5/12/08