S T A T E O F N E W Y O R K

6073

2009-2010 Regular Sessions

I N S E N A T E

June 30, 2009

Introduced by Sen. O. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the town law, in relation to authorizing the prevention or reduction of waste matter consisting of carbon components of energy waste from residential properties

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 9 of section 198 of the town law, as amended by chapter 709 of the laws of 1946, paragraph (a) as separately amended by chapters 672 and 136 of the laws of 1973, is amended to read as follows:

9. Refuse and garbage districts. After a refuse and garbage district shall have been established in such town, the town board may,

(a) Provide for the collection and/or resource recovery or disposition, or any combination thereof of garbage, ashes, rubbish and other waste matter in such district, and for any of such purposes may construct, operate and maintain refuse resource recovery, disposal or incinerator plants, and establish, operate and maintain sanitary landfills, acquire the necessary lands therefor, and purchase, operate and maintain all necessary appliances appurtenant thereto, including such vehicles as may be required for the collection and resource recovery or disposition thereof; or the town board may contract for the collection and resource recovery or disposal of animal or vegetable refuse, ashes, garbage or any waste matter, and for that purpose may award one or more contracts for a period not exceeding ten years for the collection and twenty years for the resource recovery or disposal thereof for all refuse and garbage districts in such town or separate contracts for each district or part thereof. Whenever the town board may determine it advantageous so to do, it may employ a sufficient number of persons and provide the necessary equipment to collect such garbage, refuse and waste matter, at the expense of said refuse and garbage district.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(b) UPON A PETITION AS PROVIDED FOR IN SECTION ONE HUNDRED NINETY-ONE OF THIS ARTICLE, PROVIDE FOR THE PREVENTION OR REDUCTION OF WASTE MATTER CONSISTING OF CARBON COMPONENTS OF ENERGY WASTE FROM RESIDENTIAL PROPERTIES AND THE PERFORMANCE OF ENERGY AUDITS AND THE PURCHASE AND INSTALLATION OF ENERGY EFFICIENCY IMPROVEMENTS ON SUCH RESIDENTIAL PROPERTIES. THE TERM "ENERGY EFFICIENCY IMPROVEMENT", AS USED IN THIS SUBDIVISION, SHALL MEAN A MATERIAL IMPROVEMENT MADE TO AN EXISTING RESIDENTIAL PROPERTY THAT REDUCES ENERGY CONSUMPTION, INCLUDING BUT NOT LIMITED TO CAULKING, WEATHERSTRIPPING, AIR SEALING, INSULATION, HEATING AND COOLING SYSTEMS UPGRADES, SOLAR THERMAL SYSTEMS AND CONSERVATION MEASURES, IN A COST-EFFECTIVE MANNER AS DETERMINED BY THE TOWN, PROVIDED, HOWEVER, THAT "ENERGY EFFICIENCY IMPROVEMENT" DOES NOT INCLUDE A HOUSEHOLD APPLIANCE, SUCH AS A WASHING MACHINE OR REFRIGERATOR, THAT IS NOT PERMANENTLY FIXED TO REAL PROPERTY. THE TERM "ENERGY AUDIT", AS USED IN THIS SUBDIVISION, SHALL MEAN A FORMAL EVALUATION BY A QUALIFIED CONTRACTOR, WHO SHALL BE APPROVED BY THE TOWN BOARD, OF THE ENERGY CONSUMPTION OF A RESIDENTIAL PROPERTY FOR THE PURPOSE OF IDENTIFYING METHODS TO IMPROVE ENERGY EFFICIENCY AND REDUCE ENERGY WASTE.

(C) Establish from time to time, charges, fees or rates to be paid by users for refuse and garbage collection service and may provide for the payment of said charges in advance. Such charges, fees or rates may be based upon the volume of refuse, garbage, ashes, rubbish and other waste matter collected, making a proper allowance for commercial or industrial establishments, the number of calls per month, the number of persons or families served in the district, or upon any other equitable basis as the town board may determine. THE TOWN BOARD MAY ALSO ESTABLISH FROM TIME TO TIME CHARGES, FEES OR RATES TO BE PAID BY THOSE WHO HAVE HAD ENERGY AUDITS PERFORMED AND ENERGY EFFICIENCY IMPROVEMENTS INSTALLED OR IMPLEMENTED ON RESIDENTIAL PROPERTIES. Such charges shall be a lien upon the real property for which or in connection with which the services are rendered.

[(c)] (D) Provide by ordinance, rule or regulation for the time within which rates, charges or fees for the refuse and garbage collection service OR FOR ENERGY AUDITS AND ENERGY EFFICIENCY IMPROVEMENTS shall be paid, and may provide a penalty not exceeding ten per centum of the amount due, when such rates, charges or fees are in arrears for thirty days, or longer. The town clerk shall annually file with the town board statements showing unpaid rates, charges or fees in such districts. Such statements shall contain a brief description of the property for which or in connection with which the refuse and garbage collection service was provided, OR ON WHICH THE ENERGY AUDITS WERE PERFORMED AND ENERGY EFFICIENCY IMPROVEMENTS WERE INSTALLED, the names of the persons or corporations liable to pay the same and the amount chargeable to each. The supervisor shall transmit such statements to the board of supervisors which shall levy such sums against the property liable and shall state the amount of the tax in a separate column in the annual tax rolls of such town under the name of "refuse and garbage charges." Such tax shall be paid to the supervisor of such town. All the provisions of the existing tax laws of the state of New York covering the enforcement and collection of unpaid town taxes or assessments for special improvements in the several towns of the state of New York, not inconsistent herewith, OR FOR ENERGY AUDITS AND ENERGY EFFICIENCY IMPROVEMENTS shall apply to the collection of such unpaid charges for the collection of refuse and garbage. All such rates, charges and fees shall be used for the payment of the cost of the management, maintenance and operation of the refuse and garbage collection service, or the enlargement or exten-

sion of the facilities thereof or the improvement of services therein, OR FOR THE COST OF THE MANAGEMENT, MAINTENANCE AND OPERATION OF PERFORMING ENERGY AUDITS AND PURCHASING AND INSTALLING ENERGY EFFICIENCY IMPROVEMENTS.

[(d)] (E) Adopt from time to time ordinances, rules and regulations for the collection of garbage, ashes, rubbish and other waste matter in the refuse and garbage districts in the town and the use of the equipment therein, and in addition to the remedies provided in section [one hundred and thirty-five] ONE HUNDRED THIRTY-FIVE of this chapter for the enforcement thereof or for the punishment of violators, the town board may enforce compliance with such rules, ordinances and regulations by discontinuing the refuse and garbage collection service.

S 2. The town law is amended by adding a new section 209-i to read as follows:

S 209-I. REFUSE AND GARBAGE IMPROVEMENT DISTRICTS. THE PURPOSE OF A REFUSE AND GARBAGE IMPROVEMENT DISTRICT CREATED PURSUANT TO THIS ARTICLE MAY INCLUDE, AFTER COMPLYING WITH THE PROVISIONS OF THIS ARTICLE FOR THE ESTABLISHMENT OF SUCH A DISTRICT, THE PREVENTION OR REDUCTION OF WASTE MATTER CONSISTING OF CARBON COMPONENTS OF ENERGY WASTE FROM RESIDENTIAL PROPERTIES AND THE PERFORMANCE OF ENERGY AUDITS AND THE PURCHASE AND INSTALLATION OF ENERGY EFFICIENCY IMPROVEMENTS ON SUCH RESIDENTIAL PROPERTIES. THE TERM "ENERGY EFFICIENCY IMPROVEMENT", AS USED IN THIS SUBDIVISION, SHALL MEAN A MATERIAL IMPROVEMENT MADE TO AN EXISTING RESIDENTIAL PROPERTY THAT REDUCES ENERGY CONSUMPTION, INCLUDING BUT NOT LIMITED TO CAULKING, WEATHERSTRIPPING, AIR SEALING, INSULATION, HEATING AND COOLING SYSTEMS UPGRADES, SOLAR THERMAL SYSTEMS AND CONSERVATION MEASURES, IN A COST-EFFECTIVE MANNER AS DETERMINED BY THE TOWN, PROVIDED, HOWEVER, THAT "ENERGY EFFICIENCY IMPROVEMENT" DOES NOT INCLUDE A HOUSEHOLD APPLIANCE, SUCH AS A WASHING MACHINE OR REFRIGERATOR, THAT IS NOT PERMANENTLY FIXED TO REAL PROPERTY. THE TERM "ENERGY AUDIT", AS USED IN THIS SUBDIVISION, SHALL MEAN A FORMAL EVALUATION BY A QUALIFIED CONTRACTOR, WHO SHALL BE APPROVED BY THE TOWN BOARD, OF THE ENERGY CONSUMPTION OF A RESIDENTIAL PROPERTY FOR THE PURPOSE OF IDENTIFYING METHODS TO IMPROVE ENERGY EFFICIENCY AND REDUCE ENERGY WASTE.

S 3. Nothing in this act shall be construed to impair the validity of any action taken by any public official prior to the time this act shall take effect.

S 4. This act shall take effect immediately.