

WHEREAS, the Common Council has received requests and recommendations that bottle redemption centers be added as a use permitted in the Light Industrial Zoning District, subject to Planning Board approval.

Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1 - The Code of the City of Middletown, N.Y., Chapter 475, Zoning, be and is hereby amended by adding a Paragraph (30) to Subsection B of Section 475.23 (I-1 Light Industrial District) to read as follows:

(30) Bottle Redemption Centers which are defined as commercial establishments that accept empty beverage containers for redemption from the public and pay the refund value. Bottle Redemption Centers shall be open to any person offering to pay the refund value of an empty beverage container, or to any person who contracts with one or more dealers or distributors to collect, sort and obtain the refund value and handling fee of empty beverage containers for, or on behalf of, such dealer or distributor. Approval of such centers must be conditioned upon:

(a) the Applicant must obtain registration for such Center with New York State pursuant to 6 NYCRR Part 367;

(b) the Center must post a "Redemption Warning" sign, pursuant to Environmental Conservation Law Section 27-1015(4), which states that there is a penalty for returning containers on which a deposit was never paid in New York State. The sign must be at least 8 inches by 10 inches, with print at least 1 inch in size; and

(c) the Center shall not, pursuant to Environmental Conservation Law Section 27-1007(10), knowingly redeem an empty beverage container on which a deposit was never paid in New York State.

Section 2 - This ordinance shall take effect immediately.