

Chapter 235. SOLID WASTE

[HISTORY: Adopted by the City Council of the City of Glen Cove as indicated in part histories.
Amendments
noted where applicable.]

Part 2. Recycling

GENERAL REFERENCES

Beaches — See Ch. 95.

Sewers — See Ch. 225.

Volatile substances — See Ch. 267.

Part 1. Garbage, Trash and Weeds

Article I. General Provisions

§ 235-1. Title; intent.

A. This Part 1 shall be known and may be cited as the "City of Glen Cove Garbage, Trash and Weeds Ordinance."

B. Intent.

[Added 3-28-2000]

(1) In order to reduce the economic and environmental costs associated with the disposal of solid waste and further encourage the reuse of recyclable materials, the City of Glen Cove established a recycling program which is mandatory for all residential, commercial, industrial and institutional entities within the City limits. The goal of this program is to remove those recyclable materials that are deemed to be economically marketable. By doing so, the City can effectively promote the reuse of valuable materials, preserve natural resources and decrease potential contaminants from entering the environment.

(2) This Part 1 intends to conform to applicable provisions of the New York State Solid Waste Management Act of 1988, which requires that local municipalities adopt laws which provide for regulating and enforcing the separation of solid waste into economically marketable, recyclable and/or reusable components.

§ 235-2. Definitions.

[Amended 10-25-1988; 3-28-2000]

As used in this Part 1, the following definitions shall apply:

GLASS

All clear (flint), amber, brown and green glass bottles and jars rinsed clean of food, beverage or other residue, with lids or caps removed and discarded. Mirrors, crystal, laminates, ceramics, porcelains, windows and plate glass are excluded from the program.

LEAD-ACID BATTERIES

Lead-acid batteries utilized in motorized vehicles shall be considered a recyclable material, but will not be part of the City's curbside collection program and will be deemed illegal for disposal in regular trash collections. All such batteries must be disposed of at a designated battery recycling location or returned to a retail store that sells lead-acid batteries. New York State law requires that such establishments accept such batteries without charge.

METAL

A. **CANS** — Containers comprised of aluminum, tin, ferrous or BI-metal components, which contained only food and/or beverage substances and are rinsed clean of food residue.

B. **SCRAP/BULK** — All ferrous and nonferrous materials, including steel, aluminum and composite cans, containers, scrap metal, wire, piping, fencing, tubing, sheet metal, etc. Such materials must be free of chemical contamination. Boilers, auto/boat batteries, oil/gas tanks or pipe lengths that exceed four feet in length will be excluded from this program.

MOTOR OIL

Motor oil shall be considered a recyclable material but will not be part of the City's curbside collection program. Waste motor oil will be disposed of by residents and occupants of the City of Glen Cove at service stations and/or those retailers of motor oil required to accept such materials under state law.

PAPER PRODUCTS

A. **NEWSPAPER** — Newsprint and all newspaper and newspaper enclosures, such as advertisements, supplements and comics, as well as magazines, telephone books and brown paper bags that are dry and free of contaminants, such as dirt, adhesives, oils and food wastes. Newspaper recyclables do not include miscellaneous stationary products, letters, envelopes, junk mail, blueprint paper, office paper, computer paper, books or paper products other than those delineated above.

B. **NON-NEWSPAPER RECYCLABLE PRODUCTS** — Includes office paper, junk mail and miscellaneous mixed paper.

PLASTICS

Containers composed of only polyethylene terephthalate (PET) and high-density polyethylene (HDPE) plastics, used for food, beverage, detergent, bleach and hair care substances. All containers must be empty, rinsed of residues and contaminants and free of lids or caps; under the resin-coding system established by the Society of Plastics Industries.

RECYCLABLE MATERIALS or RECYCLABLES

Any discarded materials designated by this article, and/or by subsequent resolution of the City Council of the City of Glen Cove pursuant to this article which can be reclaimed economically by source separation for the purpose of recycling, reduction and/or reuse.

SOURCE SEPARATION (or) CURBSIDE COLLECTION OF RECYCLABLES

The separation of designated recyclables from the solid waste stream by the generator at the point of generation. The recyclables shall be handled as defined within this article and be placed at the curbside for collection on days assigned by the City.

§ 235-3. Littering; shopping carts.

A. No person shall sweep, throw, cast, drop, put or place, or having accidentally dropped, failed to pick up any bag, bottle, bottle cap, box, container, garbage, paper, piece of paper, wrapper or any other trash or litter, in or upon any public street, place, park or building, except in receptacles provided for such purposes or to permit any person under his or her control or employ to do the same.

B. Shopping carts.

[Added 12-26-1990; amended 5-27-1997 by L.L. No. 2-1997; 8-22-2000]

(1) Definitions. As used in this section, the following terms shall have the meanings indicated:

ABANDON

Leaving, discarding, dumping, throwing or placing of personal property in public places.

CART or SHOPPING CART

Any rolling or nonrolling basket or container and any part or parts thereof commonly used in supermarkets or self-service stores as a conveyor of goods, wares and merchandise.

OWNER

The merchant or purveyor of foods or other goods who provides patrons with shopping carts and the person responsible for cart-tag identification under the provisions of this chapter.

PERSON

A natural person of either sex, a corporation, a partnership, an association, a joint-stock company, a society and all other entities capable of being sued.

PUBLIC PLACE

Any street, avenue, road, alley, lane, highway, boulevard, concourse, driveway, culvert, crosswalk, thoroughfare, off-street parking area, parking field, municipal parking facility, park, parking space, sidewalk, vacant lot, plot, parcel of land and all other space or places available to or used by the general public.

(2) Requirements. Any owners of public or private markets selling groceries or other items of personal consumption and which provide shopping carts to their patrons shall:

(a) Designate an employee or independent contractor who, on a daily basis, retrieves said store's shopping carts which are taken off-premises.

(b) Designate a telephone number for the public to report off-premises shopping carts. The telephone number must be prominently displayed within the retail establishment.

(c) Prominently mark upon each shopping cart the following:

[1] The name of the owner's establishment.

[2] A designated number for abandoned shopping carts.

[3] A notice: "The taking, removal or possession of this cart beyond the premises of the owner is punishable by a fine not to exceed \$250 and/or imprisonment of not more than 15 days."

(3) Prohibitions.

(a) All owners of public or private markets selling groceries or other items of personal consumption shall prohibit the removal of carts from the owner's premises.

(b) It shall be unlawful for any person or his/her agent or employee to take, remove or possess any shopping cart beyond the premises of the identified owner of the shopping cart without the express permission of the identified owner.

(4) Seizure and removal of abandoned carts. The City of Glen Cove is hereby authorized to seize and remove or cause to be removed any abandoned shopping cart from any public place within the City, without notice, and shall take or cause the same to be taken to a facility within the City for redemption or disposition as hereinafter provided.

(5) Redemption.

(a) Whenever the City of Glen Cove removes or causes to be removed any shopping carts having identification of ownership or right of possession, written notice of the removal shall be given, advising of the removal, the facility to which it was removed and the amount necessary to redeem the article.

(b) Any shopping carts removed from public places within the City may be redeemed by the owner thereof any time prior to the disposal by the City by tendering to the City, during regular business hours at its office, the sum as set by resolution of the City Council in the Standard Schedule of Fees *Editor's Note: The Schedule of Fees is on file in the City offices.* for each day or part thereof that said property is held by the City after the owner has been duly notified.

(c) The City shall require satisfactory proof of ownership or lawful right to possession of the property sought prior to release. Any return of property by the City to a person claiming the same pursuant to this chapter shall be an absolute defense to the City against any other person claiming the same.

(6) Disposal. The City of Glen Cove may dispose of any shopping carts held by the City for a period in excess of 14 days, which includes, but is not limited to, selling, destroying, dismantling or otherwise disposing of the property through any manner permitted by law.

§ 235-4. Depositing trash, snow or debris in streets.

A. No person shall sweep, throw or deposit, or cause to be swept, thrown or deposited, any ashes, dirt, stone, brick, leaves, grass, weeds or any other debris or rubbish of any kind; or any water or liquid of any kind, except for purposes of cleansing the same, into any public highway, street, gutter or public place or upon any sidewalk within the City.

B. No person shall throw, put, push or place or cause to be thrown, put, pushed or placed, any snow or ice into any public highway, street, public place or thoroughfare in the City.

C. This section shall not apply to water or liquids running into streets as a result of fire fighting or flushing of fire hydrants by authorized personnel or the use in a reasonable manner of ashes, salt or other material for the purpose of reducing the hazard of, or providing traction on snow, ice or sleet.

§ 235-5. Littering by trucks or other vehicles.

No truck or other vehicle, trailer or other conveyance shall be operated or loaded in such a manner that any part or portion of its load, whether sand, gravel, stone, dirt, rubbish, paper, boxes, trash or other material shall be dropped, blown or caused to fall or drop upon any public street, highway, public place or thoroughfare in the City.

§ 235-6. Cleaning of sidewalks, gutters and drains by owner or occupant.

The owner or occupant of each and every building or lot in the City shall at all times during the summer keep the sidewalks, gutters and drains adjoining their respective buildings or lots free from dirt, filth, weeds, rubbish, encumbrances and obstructions of every kind, and during the winter shall keep the same free from snow and ice, and when the ice cannot be removed, shall keep the same covered with ashes, sand or other materials in such manner as to enable persons to walk thereon with safety. Such owner or occupant shall remove said snow, ice, dirt, filth, weeds, rubbish or other encumbrances within 12 hours after the same shall have fallen or accumulated thereon, and in case of failure to do so, the Director of Public Works may cause the same to be removed at the expense of such owner or occupant and assess such expense upon such adjoining property as hereinafter provided.

§ 235-7. Accumulations of refuse; vegetation.

A. Trash, grass and weeds. It shall be unlawful for any owner, lessee or occupant, or any person having control of any occupied or unoccupied lot or land, or any part thereof within the City, to permit or maintain on any such land or lot, papers, boxes, debris, rubbish, garbage, ashes, sweepings, cans, refuse or things of a like nature; or to permit or maintain on any such lot or land any growth of weeds, grass or other rank vegetation to a greater height than 12 inches on the average, or any accumulation of dead weeds, grass or brush; or to permit or maintain on or along the sidewalk, street, alley or public road adjacent to such a lot or land between the property line and the curb, or between the property line and the traveled portions of such street or alley where there is no curb, any growth of weeds, grass or other vegetation to a greater height than four inches on the average.

B. Noxious weeds and growth prohibited. It shall be unlawful for any person to cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed or other poisonous or harmful weed shall extend upon, overhang or border any public place or to allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.

C. Applicability to cultivated lands. The provisions of Subsections A and B, so far as they relate to cutting weeds, grass and rank vegetation from lots or lands, shall not apply to any lands or lots which are in cultivation, or from which crops are regularly harvested for actual use.

§ 235-8. Commercial property.

[Added 12-13-1988]

A. Unless licensed by the City pursuant to Chapter 173, Junk and Junk Dealers, of this code, no corporation, partnership, individual, owner, licensee, tenant, guest, franchisee or other person shall maintain commercial property in an unreasonable or unkempt manner. Those items commonly referred to as debris, garbage, junk, trash, weeds, undergrowth and waste products shall not be permitted to be present or accumulate at the premises, either inside or outside of buildings, unless duly contained and processed in accordance with the disposal regulations of this Code.

B. Equipment, supplies, parts or items not encompassed by the above, if stored or exhibited outside of a building, shall be so stored or exhibited in a neat, orderly, clean and businesslike fashion.

C. For the purpose of this section, "junk" is defined as any personal property which is not maintained in a reasonable manner and includes personal property which contains either rust, decay, broken glass, torn fabric, broken supports, flat tires, severed metal or which is inoperable and has not been subject to substantial repair; also unregistered vehicles that are in a decaying condition.

D. If the above are not removed within seven days' time, such items shall be presumed to be junk and an inference to that effect may be drawn. *Editor's Note: Former § 72.7D, which provided for a penalty and which immediately followed this subsection, was deleted 5-27-1997 by L.L. No. 2-1997.*

§ 235-9. Litter receptacles.

Editor's Note: Former § 235-9, Shopping carts, added 10-24-1989, as amended, was repealed 8-22-2000. See now § 235-3B.

[Added 9-24-2002]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

GARBAGE

Every accumulation of animal or vegetable matter, or both, in liquid, solid, or any other form or substance, which is subject to decay.

LITTER

Garbage, refuse and rubbish, as defined herein, and all other waste material which, if not properly disposed of, tends to create a danger to public health, safety and welfare or creates unsightliness.

LITTER RECEPTACLE

Any container, device, or receptacle used or maintained by any person or entity for the collection or storage of litter.

REFUSE

Grass, cuttings, brush, leaves, shrubbery, boxes, pieces of wood, packages, and ashes.

RESTAURANT, FAST- FOOD OR TAKE-OUT

An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or griddled quickly or heated in a device such as an oven or microwave oven. Generally, there is no table service, and food is generally served in a disposable wrapping or container. Take-out restaurants also include prepared ice cream stores, bakeries, pizza-to-go, bagel and coffee establishments and the like, whether these have tables for patron seating or not.

RUBBISH

Paper, rags, bottles, cans and similar waste.

SHOPPING MALL/STRIP MALL

Any group of four or more stores that are attached and/or share common areas, including parking areas and/or walkways, wherein mercantile activities and services are offered to the public.

B. Requirements for shopping malls/strip malls and fast-food and take-out restaurants.

(1) The owner/operator of any shopping mall/strip mall, as defined herein, shall install one litter receptacle for every four stores contained within the shopping mall/strip mall. The litter receptacle(s) shall be placed in the common areas or walkways in front of the stores in the shopping mall/strip mall.

(2) The owner/operator of a fast-food or take-out restaurant which is serviced by a parking lot shall install one litter receptacle for every 10 parking spaces or fraction thereof. The litter receptacles shall be evenly distributed throughout the paved area of a parking lot so as to be easily accessible to users of such parking lots and shall be affixed to an island, mall, pole or stanchion, located in the paved area of the parking lot or if such permanent fixtures do not exist, on a private walkway located adjacent to the parking lot.

C. Maintenance of receptacles and parking lots.

(1) A litter receptacle required to be installed by this article shall be maintained in working order and shall be emptied within twenty-four (24) hours after it is filled to capacity but no less than once in each week and shall not be permitted to overflow.

(2) Litter receptacles, which are not made of metal, shall be securely fastened wherever possible to an island, mall, pole or stanchion or otherwise weighted at the bottom so as to remain upright when empty and shall have a suitable covering to prevent litter from direct exposure to weather precipitation.

(3) It is not the intent of this article to require the installation of litter receptacles where safety to pedestrians or vehicles will be endangered as a result of the installation of such receptacles.

(4) A litter receptacle shall not be used by storeowners for commercial waste or refuse.

D. Parking lot maintenance requirements.

(1) In addition to the litter receptacle requirements set forth in Subsection B of this section, the owner/operator of a parking lot with a capacity of more than 50 parking spaces shall be required to cause the parking lot to be swept and cleared of all debris once every 48 hours.

(2) The owner/operator of a parking lot subject to the provisions of Subsection [D\(1\)](#) of this section shall file an annual affidavit with the Building Department Administrator, which affirms that the owner/operator of the parking lot maintains and sweeps the parking lot once every 48 hours or has retained a contractor to do the same. The affidavit must contain the following:

(a) The name of the contractor that has been retained to perform the required maintenance or, if no contractor is retained, a sworn statement of the owner/operator that he/she will personally provide the required maintenance.

(b) A sworn statement by the contractor or owner/operator of the parking lot that the parking lot will be maintained and swept every 48 hours and a schedule of when the required work is to be performed.

(c) If a contractor is retained, a copy of the contract between the owner/operator of the parking lot and the contractor must accompany the affidavit.

(3) The affidavit required in Subsection [D\(2\)](#) of this section shall be filed at least once a year, no later than January 31 of each year, or within 30 days of any change in owner/operator of the parking lot or contractor.

E. Penalties; time limit for compliance.

(1) The litter receptacle requirements listed in Subsection [B](#) of this section, the parking lot maintenance requirements listed in Subsection [D\(1\)](#) of this section, and the affidavit requirements listed in Subsection [D\(2\)](#) and [\(3\)](#) of this section must be complied with no later than 30 days after this section takes effect.

(2) The failure to comply with the litter receptacle requirements of Subsection [B](#) of this section, the failure to comply with the parking lot maintenance requirements of Subsection [D\(1\)](#) of this section, and the requirements to timely file a proper affidavit in Subsection [D\(2\)](#) and [\(3\)](#) of this section shall each constitute a separate offense.

(3) Any violations of the provisions under this section shall be punishable pursuant to the provisions contained in § [235-19](#) of this chapter.

§ 235-10. Graffiti.

[Added 8-4-1994]

[A.](#) The owner of property shall be responsible for the removal and/or obliteration of any graffiti which occurs on said commercial property within three business days of the appearance of said graffiti.

[B.](#) For purposes of this section, the term "graffiti" shall mean the etching, painting, covering, drawing upon or otherwise placing of a mark upon private property without the prior consent of the owner.

[C.](#) Notice. If the provisions of this section are not complied with, then the Director of Public Works shall serve written notice in person or by registered mail upon the owner of said property, at the address listed on the Glen Cove City tax rolls.

[D.](#) Noncompliance with notice. If the owner fails, neglects or refuses to comply with such written notice and demand of the Director of Public works within 10 business days after service of such notice, the Director of Public Works shall cause such condition to be remedied, and the actual cost of such work, plus 50% for supervision and administration in connection therewith shall be certified by the Director of Public Works to the Controller and shall thereupon become and be a lien upon the property in which such violation of this section occurs, and shall be added to and become and form part of the taxes next to be assessed and levied upon said lot or land, and shall bear interest at the same rate as taxes and shall be enforced by the same officer, and in the same manner, as taxes.

§ 235-11. Abatement of deleterious conditions.

A. Notice. If the provisions of any of the foregoing sections are not complied with, then the Director of Public Works shall serve written notice in person or by mail upon the owner, lessee or occupant or any person having the care or control of such lot or land to comply with the provisions of this section except for the care and cleaning of sidewalks, for which no notice is necessary.

B. Noncompliance with notice. If the person upon whom the notice is served fails, neglects or refuses so to comply with such written notice and demand of the Director of Public Works within five days after service of such notice, or fails to take care of the sidewalks as above provided, the Director of Public Works shall cause such condition to be remedied, and the actual cost of such work, plus 50% for supervision and administration in connection therewith shall be certified by the Director of Public Works to the Controller, and shall thereupon become and be a lien upon the property in which such violation of this section occurs, and shall be added to and become and form part of the taxes next to be assessed and levied upon said lot or land, and shall bear interest at the same rate as taxes and shall be enforced by the same officer, and in the same manner, as taxes.

§ 235-12. Bringing garbage or refuse into City; maintaining dump.

No person shall bring garbage, refuse or decaying matter of any kind, unburnables, trash or landfill material into the City nor shall any person maintain a private or public dump within the limits of the City where such garbage, refuse or decaying matter may be deposited, except as otherwise provided in this Part 1.

§ 235-13. Penalties for offenses.

[Added 5-27-1997 by L.L. No. 2-1997; amended 6-27-2000]

Any person or corporation or officer thereof who shall violate any of the provisions of this article, or who fails to comply therewith or who shall fail to comply with any written notice of violation or order issued by the Building Department Administrator, shall be guilty of a violation within the meaning of the New York Penal Law and, upon conviction, shall be liable to a fine of not less than \$1,000 nor more than \$2,000 or to imprisonment for a period not to exceed 15 days, or both; and, upon a second conviction for the same offense committed within five years of the date of the first offense, shall be liable to a fine of not less than \$2,000 nor more than \$3,500 or to imprisonment for a period not to exceed 15 days, or both; and, upon a third conviction for the same offense committed within five years of the date of the second offense, shall be liable to a fine of not less than \$3,500 nor more than \$5,000 or to imprisonment for a period not to exceed 15 days, or both. Each week that any such violation continues shall constitute a separate and distinct violation. The owner or owners of any building or premises or part thereof where a violation of any of the provisions of this article shall exist or any lessee, tenant, builder, contractor, subcontractor, agent, person or corporation employed in connection therewith and any person who assisted in the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be punishable as herein provided.

Article II. Polystyrene and Polyvinyl Chloride Food Packaging

[Added 10-25-1988]

§ 235-14. Intent; determination; purpose.

A. The City Council of the City of Glen Cove finds that:

(1) Discarded packaging constitutes the largest single category of waste within the City of Glen Cove's waste stream and is, therefore, a necessary focus of any effort to assure pure air within the City of Glen Cove, as well as to reduce the economic and environmental costs of waste management for the citizens of this City.

(2) Discarded nonbiodegradable packaging and plastic contained within the waste stream of the City of Glen Cove is a fundamental cause of problems associated with municipal waste disposal.

(3) State law currently in effect precludes the establishment of new landfills on Long Island within deep-flow recharge areas after 1990 and mandates closure of existing ones in these groundwater-sensitive areas by that date, that solid waste receiving areas outside of Long Island are becoming increasingly uncertain and expensive; and that, for both economic and environmental reasons, measures to simplify the chemical complexity of solid waste and, thereby, streamline solid waste management must be vigorously pursued.

(4) The chemical composition and ability of a substance to biodegrade are meaningful and useful criteria to focus upon when establishing public policy that is intended to improve the management and disposal of solid waste, reduce the cumulative impact of litter, encourage composting and other forms of recycling, minimize the potential for toxic substances to form if solid waste is burned, reduce the volume of ash by-products that may be created by any burning of waste plastic packaging, and otherwise anticipate environmental problems that may be caused by municipal solid waste disposal programs.

(5) The use of plastics and other nonbiodegradable packaging has become widespread throughout the City of Glen Cove and that the resulting mixed substance waste stream is a serious impediment to many solid waste management programs that are being considered for this City.

(6) The widespread use of plastics, especially polystyrene and polyvinyl chloride, poses a threat to the environment in the City of Glen Cove upon incineration, by the possible introduction of toxic by-products into the atmosphere and general environment of the City of Glen Cove.

(7) The economic and environmental problems associated with the City of Glen Cove's mixed substance waste stream are so severe that a program to incrementally simplify the chemical composition of solid waste, thereby reducing environmental hazards and toxicity associated with solid waste incineration and encouraging the composting of putrescible biodegradable wastes and encouraging other forms of recycling of solid waste substances, is hereby determined to be a policy goal of the City of Glen Cove.

(8) The use of polystyrene and polyvinyl chloride for food packaging is problematical because neither of these plastic species are readily recyclable; that their abundant commercial use in lieu of other plastic species such as polyethylene or polypropylene unnecessarily complicates the overall chemical composition of municipal waste and subtracts from the possible emergency of a viable plastic recycling market for this region; and that, if burned together, polystyrene and polyvinyl chloride leave a relatively heavier and, therefore, more expensive ash residue to dispose of which may also create dioxin, hydrochloric acid or other toxic chemicals that could be emitted into the general environment of the City of Glen Cove.

(9) There are readily available plastic and/or paper product substitutes for most of the polystyrene and polyvinyl chloride retail food packaging now being used in the City of Glen Cove, the use of which alternatives would be environmentally and economically advantageous to the people of the City of Glen Cove.

(10) Plastic bags in the waste stream constitute an impediment to the development of efficient waste separation, recycling or other waste management programs and are less desirable than other bags because plastic bags are neither recyclable nor compostable.

(11) Plastic bags used by retail establishments selling food constitutes the largest single retail source of plastic bags in the waste stream.

B. This Council determines that certain retail establishments within the City of Glen Cove are points of origin for a substantial volume of packaging waste and, therefore, are particularly susceptible to actions which have significant potential for simplifying the chemical composition of this portion of Glen Cove's solid waste stream, thereby improving solid waste management within this City.

C. The purpose of this section is to incrementally, to the maximum extent practicable, eliminate the use of nonbiodegradable packaging originating at retail establishments within the City of Glen Cove, in order to protect the air, land and waters of the City of Glen Cove against environmental contamination and degradation.

§ 235-15. Prohibition.

A. No retail food establishment located and doing business within the City of Glen Cove shall sell or convey food directly to ultimate consumers within the City of Glen Cove unless such food is placed, wrapped or packed in biodegradable packaging at the conclusion of a sales transaction for the purchase of such food, which takes place on the premises of such a retail food establishment at or near a sales counter or equivalent customer purchasing station, but prior to removal of such food from the premises of such retail food establishment.

B. No retail food establishment located and doing business within the City of Glen Cove shall sell, give or provide eating utensils or food containers to any consumers within the City of Glen Cove if such eating utensil or food container is composed of polystyrene or polyvinyl chloride.

§ 235-16. Implementation of provisions.

The Director of Public Works shall issue and promulgate such rules and regulations as may be necessary to implement and carry out the provisions of this section of the article.

§ 235-17. Exemptions.

Prohibitions of this article shall not apply to the following items:

A. Any flexible, transparent covering for uncooked or raw meat, poultry, raw fish, hard cheese, cold cuts, fruit and vegetable produce, baked goods and bread.

B. Any food packaging used at hospitals or nursing homes.

C. Any paper or other cellulose-based packaging that is coated with polyethylene plastic on only one side.

D. Any plastic covers, covering material, food containers, lids, eating utensils or straws that are not made of polystyrene or polyvinyl chloride.

§ 235-18. Enforcement.

This article shall be enforced by the City of Glen Cove.

§ 235-19. Penalties for offenses.

[Amended 5-27-1997 by L.L. No. 2-1997; 6-27-2000]

Any person or corporation or officer thereof who shall violate any of the provisions of this article, or who fails to comply therewith or who shall fail to comply with any written notice of violation or order issued by the Building Department Administrator, shall be guilty of a violation within the meaning of the New York Penal Law and, upon conviction, shall be liable to a fine of not less than \$1,000 nor more than \$2,000 or to imprisonment for a period not to exceed 15 days, or both; and, upon a second conviction for the same offense committed within five years of the date of the first offense, shall be liable to a fine of not less than \$2,000 nor more than \$3,500 or to imprisonment for a period not to exceed 15 days, or both; and, upon a third conviction for the same offense committed within five years of the date of the second offense, shall be liable to a fine of not less than \$3,500 nor more than \$5,000 or to imprisonment for a period not to exceed 15 days, or both. Each week that any such violation continues shall constitute a separate and distinct violation. The owner or owners of any building or premises or part thereof where a violation of any of the provisions of this article shall exist or any

lessee, tenant, builder, contractor, subcontractor, agent, person or corporation employed in connection therewith and any person who assisted in the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be punishable as herein provided.

Article III. Collection and Disposal Regulations

§ 235-20. Scope.

The provisions of this article shall apply to every person owning property or residing or doing business within the limits of the City.

§ 235-21. Supervision; rules and regulations.

The collection and disposal of refuse shall be under the supervision of the Director of Public Works, who shall have authority to make or modify, from time to time, such regulations pertaining to the collection and disposal of refuse as may be deemed advisable in the public interest, provided that such regulations are not contrary to the intent of this article.

§ 235-22. Garbage and rubbish to be separated.

[Amended 11-13-1990; 3-28-2000]

Upon the effective date of this article (August 9, 1988), a mandatory curbside program was established for the separate collection of components of the solid waste stream designated by the City Council of the City of Glen Cove as being recyclable. The recyclable items for collection, delineated herein, may, by City Council resolution, be expanded or shortened depending upon the current financial marketability of each material.

§ 235-23. Preparation of recyclable materials for curbside collection.

[Amended 11-13-1990; 3-28-2000]

A. It shall be the responsibility of each person within the jurisdiction of the City of Glen Cove to ensure that all recyclable materials are properly separated from other discarded materials, are cleaned of contaminants and are otherwise prepared for collection in accordance with the procedures detailed in this section. All recyclables are to be placed in designated recyclable containers. When the amount of recyclable materials exceeds the capacity of the designated container(s), excess materials shall be placed securely in separate containers alongside designated container(s) at curbside.

B. Recyclable materials shall be placed at curbside consistent with the recycling schedule established by the City Council of Glen Cove.

C. The City will only collect recyclable materials at curbside that are prepared for pickup consistent within the requirements specified herein. In all cases, recyclables must be rinsed clean of all food residue or chemical contamination. Each receptacle that is used for the curbside storage of recyclables shall not exceed 35 pounds in total weight when filled.

D. Newspaper recyclables may be placed in brown paper bags or tied with twine in bundles not to exceed 35 pounds in weight nor one foot in thickness. Such bundles shall be placed within or on top of the designated recycling containers or adjacent to the container. Papers are not to be secured with wire or plastic bindings and/or placed in plastic trash bags.

E. Those plastic bottle and containers deemed as being recyclable shall be placed within designated recycling container(s) and shall be devoid of lids and caps.

F. All clear, amber, brown and green glass bottles and jars shall be placed within the designated recycling container(s) and shall be devoid of caps.

G. Metal containers comprised of aluminum, tin, ferrous or BI-metal components shall be placed within the designated recycling container.

H. Scrap (bulk) metal shall be placed at curbside on days scheduled. The Department of Public Works must be advised to make the pickup. The City will accept no more than four items per location per pickup day. All metal pipes put out for recycling must be no more than four feet in length.

I. In the event that the City of Glen Cove determines that additional or revised measures and/or preparations are necessary in order to properly market recyclable materials, the City reserves the power to require City residents and occupants to undertake such actions. Such changes would be subject to reasonable advance notice by the City.

§ 235-24. Refuse containers.

A. Garbage. Garbage containers shall be of metal or plastic, with or without wheels if so desired, watertight, with tight-fitting covers and equipped with bails or handles for easy handling or plastic bags.

B. Ashes.

(1) Ash containers shall be of metal of sturdy construction, with adequate handles for handling and to prevent spillage.

(2) Residential ash containers shall be made of metal and have a capacity of not more than 10 gallons.

C. Rubbish. Rubbish containers shall be of a type suitable for the material therein deposited. Such containers should preferably be of wood or metal, but baskets, burlap or cloth bags and substantial cartons may be used for light rubbish such as leaves, etc. Rubbish that cannot readily be placed in containers shall be reduced in volume as much as possible and securely tied to permit safe and speedy handling.

D. Weight. The combined weight of any container and its contents shall not exceed 75 pounds.

[Amended 6-27-2000]

E. Condition. Containers shall be maintained clean and in good condition. Any container that does not conform to the provisions of this article or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced by a proper receptacle upon receipt of notice of that effect from the Director of Public Works, and if not so replaced within 10 days after the receipt of such notice, such nonconforming or defective container may be collected and disposed of as waste.

F. Number. An adequate number of containers shall be provided for each of the several classes of refuse as herein defined, to properly store such refuse until the regularly scheduled collection time.

§ 235-25. Water injection ports on certain refuse containers.

[Added 8-13-1990]

A. Access to containers. No person, firm or corporation shall place or cause to be placed any refuse container, trash compactor, receptacle or dumpster (hereafter "container") which is enclosed in such a way as to impede the free and easy access to its contents, except as may thereafter be provided.

B. Water injection ports. A person, firm or corporation placing or causing to be placed a refuse container shall be responsible for meeting the following requirements:

(1) Any container which has a bulk capacity equal to or in excess of 10 cubic yards, which is enclosed in such a way as to impede the free and easy access to its contents by fire fighters, shall have permanently affixed and mounted thereon two two-and-one-half-inch female hose couplings welded to the side of the container and shall include matching male firemanic plug connections with New York Corporation threads, 8,000 by eight per inch (hereafter "water injection ports"), to provide an injection port or entry port for water by the fire service for the purpose of extinguishing a fire within a refuse container.

(2) Water injection ports shall be placed by the manufacturer of the refuse container, or may be fabricated by the person, firm or corporation placing or causing to be placed any such refuse container, and installed thereon in a workmanlike manner, as follows:

(a) One at the loading end of the side of the container, not more than nor less than two feet from the top of the container and not more than two nor less than 3 1/2 feet from the end of the container.

(b) One at the packed end of the container, on the side of the container, not more than nor less than two feet from the bottom of the container and not more than two feet nor less than 3 1/2 feet from the end of the container.

C. Each such injection port or entry point shall be clearly marked with a fluorescent color, of either yellow or orange. It shall be the duty of the person or persons, firm or firms, corporation or corporations, which place or cause to be placed any such refuse container, to maintain and ensure the continued visibility of each water injection port.

§ 235-26. Placing containers for collection.

[Amended 3-12-1991]

A. Garbage, trash and recyclables shall be placed for collection at curbside between 5:00 a.m. and 8:00 a.m. on collection days, except where otherwise noted in this Part 1. All collection containers must be covered and must be removed from the street prior to the end of the collection day.

[Amended 6-27-2000; 10-23-2001; 12-23-2003]

B. Businesses or residences which border upon the Pulaski Street parking garage, the City Hall parking lot and the street behind 51 Glen Street to 69 Glen Street may place garbage or trash in securely covered, solid containers at the curb in the rear of said premises as per § 235-26A. Village Square occupants may place their garbage or trash in the designated trash enclosures at any time.

[Amended 10-23-2001]

C. Garbage or trash which is not placed in a solid container must be either securely tied or taped.

§ 235-27. Time and frequency of collection.

Collection of the several classes of refuse as herein defined shall be made with such frequency and on such days and at such hours as may from time to time be established by the Director of Public Works.

§ 235-28. Prohibited materials.

A. Enumeration. The Department of Public Works shall under no condition collect any of the following described materials:

(1) Solid or liquid waste resulting from industrial processes and manufacturing operations, such as food-processing waste, boiler house cinders, lumber scraps and shavings, metal scraps and shavings, waste oil and grease, radioactive material and similar material.

(2) Wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed.

(3) Offal, meats, fruits, vegetable and food products that are unsalable or which have been condemned by health authorities.

(4) Abandoned automobiles and general automotive parts.

[Amended 12-28-2001]

(a) Two tires per residential household may be disposed of annually. No commercial establishments may dispose of tires through other than privately contracted certified rubber-recycling firms.

(b) The Director of Public Works may approve specific metal components for special metal pickup.

(5) Swill and slops, or garbage containing free liquids.

(6) Building rubbish, or waste material from the construction, remodeling and repair operations on houses, commercial buildings and other structures, including among other rejected matter excavated earth, stones, bricks, plaster, wallpaper, lumber, shingles, concrete and waste parts from plumbing, heating and electrical work and roofing.

(7) Rubbish from other contract operations on the premises.

(8) Flammables and explosives. Any gasoline, benzene, kerosene, turpentine, paint or similar explosive or highly volatile liquids, nor any cartridges, shells, ammunition, gunpowder or explosive of any kind.

(9) Injurious materials. Any broken glass, metal with jagged or sharp edges or other material liable to injure the collector, unless properly packaged.

(10) Hazardous products.

(11) Ash from commercial or industrial sources and any ash containing hazardous, toxic elements.

[Added 11-13-1990]

B. Responsibility for disposal. The transportation and disposal of all such prohibited material shall be the responsibility of the owner or occupant of the premises, subject to such regulations as may be from time to time promulgated by the Director of Public Works.

§ 235-29. Materials not to be collected.

[Amended 12-23-2003]

The Department of Public Works shall not accept for collection refuse material which is not prepared, stored or placed for collection in accordance with the provisions of this article, including but not limited to material not properly segregated, material in unsafe, inadequate or overloaded containers, material not placed at the designated collection point. Leaves must be bagged in clear bags and put curbside on yard waste collection day or dropped off at the Waste Transfer Station located at 100 Morris Avenue in accordance with current policy, as established by the Director of Public Works. Leaves may not be discarded within the City of Glen Cove right-of-way or public road system at any time. Grass clippings are not collected by the City. They may either be recycled on site or dropped off at a designated Glen Cove grass clipping facility.

§ 235-30. Restrictions on quantity of refuse.

A. Authority of Department of Public Works. The Department of Public Works shall collect normal amounts of all classes of refuse from the premises, but where abnormal amounts are placed for collection, the Department reserves the right to refuse the material, to defer the collection, to collect the material in part or to make a special collection thereof at charges herein provided, as may be desirable in the public interest.

B. Weight, number of bundles. The amount of combustible and noncombustible rubbish placed for collection on any one established collection day shall be restricted to a total of 300 pounds of material, or not to exceed four bundles weighing not more than 75 pounds each, or not to exceed eight baskets or containers of other material. Rubbish in excess of these quantities will only be collected by special collection at charges herein provided.

C. Special collection for designated materials.

(1) Trees, branches, etc. Trees, tree branches, large bushes, logs, etc., not reduced to size nor bundled as provided in § 235-23 shall only be collected by special collection at charges herein provided, and then only when the material can be readily loaded on the collection vehicle by two men.

(2) Other materials. Other materials not specifically provided for herein may, on application to the Department of Public Works, be accepted in its discretion for special collection at charges herein provided.

D. The Director of Public Works is authorized to establish charges for special collections, including establishing a fixed fee schedule for private and commercial establishments, if such refuse exceeds three cubic yards per month. The associated fees with respect to unit volumes can be audited once every calendar year upon written request to the Department of Public Works to ensure proper billing.

[Amended 6-27-2000]

E. Payment. All commercial waste rates shall be due and payable within 15 days from billing date. In the event that payment is not received within 30 days from the due date, an additional charge of 10% shall be added to the amount due as a late charge. The failure of any consumer to receive a bill promptly, i.e., 90 days after the previous billing, shall not excuse nonpayment of the same. Any real property having delinquent commercial waste charges and assessments as of December 31 of the previous year and remaining unpaid shall have said delinquent commercial waste charges and/or assessments added to the first half of the City real estate tax bill as provided in § C9-15 of the City Charter. The City also reserves the right to discontinue service.

[Added 12-19-2000]

F. Lien. Owners of premises wherein commercial solid waste is collected shall be held responsible for the commercial waste charges regardless of whether they occupy the premises or not, and such commercial waste rates and charges shall constitute a lien upon the premises and may be collected as provided in the above subsection and as provided in § C9-15 of the City Charter.

[Added 12-19-2000]

§ 235-31. Abatement of violations.

A. Notice of violation. Notice of violation of any provision of this article may be given by leaving the same at the property affected with a person of suitable age and discretion, and if none is found, then the same may be attached to the front door of the building on the property.

B. Refusal of service. The City shall have the right to refuse to render collection and disposal service until any violation is abated.

§ 235-32. Responsibility of City.

A. Materials placed in error. All refuse collected by the City shall be the property of the City. Neither the City nor its agents or employees shall be responsible for the collection or disposal of materials not intended for collection but placed in error with the garbage, ashes or rubbish.

B. Refusal to collect. The City shall not be responsible for failure to render collection services to premises where conditions prevent safe, easy and ready access.

§ 235-33. Penalties for offenses.

[Added 5-27-1997 by L.L. No. 2-1997; 6-27-2000]

Any person or corporation or officer thereof who shall violate any of the provisions of this article, or who fails to comply therewith or who shall fail to comply with any written notice of violation or order issued by the Building Department Administrator, shall be guilty of a violation within the meaning of the New York Penal Law and, upon conviction, shall be liable to a fine of not less than \$1,000 nor more than \$2,000 or to imprisonment for a period not to exceed 15 days, or both; and, upon a second conviction for the same offense committed within five years of the date of the first offense, shall be liable to a fine of not less than \$2,000 nor more than \$3,500 or to imprisonment for a period not to exceed 15 days, or both; and, upon a third conviction for the same

offense committed within five years of the date of the second offense, shall be liable to a fine of not less than \$3,500 nor more than \$5,000 or to imprisonment for a period not to exceed 15 days, or both. Each week that any such violation continues shall constitute a separate and distinct violation. The owner or owners of any building or premises or part thereof where a violation of any of the provisions of this article shall exist or any lessee, tenant, builder, contractor, subcontractor, agent, person or corporation employed in connection therewith and any person who assisted in the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be punishable as herein provided.

Article IV. City Co-Disposal Facility

§ 235-34. Application and purpose.

Recognizing the environmental, energy recovery and economic advantages of co-disposal of solid waste and sludge, this article is enacted and is applicable to all sources and collectors of nonhazardous waste within the limits of the City of Glen Cove.

§ 235-35. Definitions.

As used in this article, unless the context or subject matter otherwise requires, the following terms or abbreviations shall have the following meanings:

CO-DISPOSAL FACILITY

The co-disposal facility owned by the City of Glen Cove, located on Morris Avenue in the City of Glen Cove.

COLLECTOR

Anyone, including a municipality, engaged in collecting household, commercial and industrial waste.

HAZARDOUS WASTE

Such waste designated to be hazardous by the United States Environmental Protection Agency (USEPA).

NONHAZARDOUS WASTE

Waste as classified by New York State Environmental Conservation Law Title 6 as Types 0, 1, 2 and 3. Type 6 may be included if it is classified as nonhazardous; Types 4 and 5 are not permitted.

NYSDEC

The New York State Department of Environmental Conservation.

SOURCE

Any generator of waste.

TIPPING FEE

The cost charged by the co-disposal facility to the collector to dispose of nonhazardous waste delivered to the facility.

USEPA

The United States Environmental Protection Agency.

§ 235-36. Handling and disposal of wastes.

A. Separation. All waste sources shall separate hazardous and nonhazardous waste prior to pickup by the collector.

B. Hazardous waste. Hazardous waste shall be disposed of according to regulations established by the USEPA and/or NYSDEC.

C. Nonhazardous waste.

(1) All collectors operating within the City limits shall deliver their nonhazardous waste to the co-disposal facility unless directed otherwise.

(2) The tipping fee shall be set by the City Council, following public hearing, and shall be effective three days following publication thereof in the official newspaper of the City of Glen Cove.

§ 235-37. Contract with other municipalities.

A. Limitations. To assist other municipalities in resolving their solid waste problem in an environmentally and economically sound way, the City of Glen Cove shall, at its discretion, from time to time enter into contracts for periods of not more than 18 months, to accept nonhazardous, Type 2 waste generated within such other municipalities.

B. Tipping fee. Such waste shall be delivered to the co-disposal facility, and the collectors shall be charged the same tipping fee as is charged to collectors operating within City limits.

§ 235-38. Contracts with private carters.

The City of Glen Cove shall, at its discretion, enter into contracts with private carters servicing other communities to accept nonhazardous Type 2 waste for reduction at the co-disposal facility. Each such contract shall be valid for a period of not more than 60 months.

§ 235-39. Mixing of hazardous and nonhazardous materials.

A. Any collector or source mixing hazardous and nonhazardous materials shall be guilty of a violation of this article, and shall be subject to a fine not to exceed \$500 or imprisonment not to exceed 15 days, or both, for each day such violation occurs or continues, and suspension of collection and/or disposal privileges.

[Amended 5-27-1997 by L.L. No. 2-1997]

B. The New York State Department of Environmental Conservation and USEPA shall be notified by the City of any hazardous material violations by such collectors or sources.

C. Any collector operating within the City limits who fails to deliver nonhazardous waste collected by it to the co-disposal facility shall be guilty of a violation of this article and shall be subject to a fine as set forth in § 235-42 for each day such violation occurs or continues, and suspension of collection and/or disposal privileges.

[Amended 5-27-1997 by L.L. No. 2-1997]

§ 235-40. Use of co-disposal facility.

A. Regulated. The City co-disposal facility shall be available for the disposal of refuse under such terms and conditions, rules and regulations as the Director of Public Works shall prescribe.

B. Material from outside City. No material originating outside the City limits shall be accepted at the co-disposal facility, except as provided in this article.

§ 235-41. Effective date.

This article shall become effective upon receipt by the City of Glen Cove co-disposal facility from the New York State Department of Environmental Conservation of a certificate to operate, but in no event shall such effective

date be sooner than three days following the publication of this article in the official newspaper of the City of Glen Cove.

§ 235-42. Penalties for offenses.

[Added 5-27-1997 by L.L. No. 2-1997; 6-27-2000]

Any person or corporation or officer thereof who shall violate any of the provisions of this article, or who fails to comply therewith or who shall fail to comply with any written notice of violation or order issued by the Building Department Administrator, shall be guilty of a violation within the meaning of the New York Penal Law and, upon conviction, shall be liable to a fine of not less than \$1,000 nor more than \$2,000 or to imprisonment for a period not to exceed 15 days, or both; and, upon a second conviction for the same offense committed within five years of the date of the first offense, shall be liable to a fine of not less than \$2,000 nor more than \$3,500 or to imprisonment for a period not to exceed 15 days, or both; and, upon a third conviction for the same offense committed within five years of the date of the second offense, shall be liable to a fine of not less than \$3,500 nor more than \$5,000 or to imprisonment for a period not to exceed 15 days, or both. Each week that any such violation continues shall constitute a separate and distinct violation. The owner or owners of any building or premises or part thereof where a violation of any of the provisions of this article shall exist or any lessee, tenant, builder, contractor, subcontractor, agent, person or corporation employed in connection therewith and any person who assisted in the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be punishable as herein provided.

Article V. Delivering of Waste to Co-Disposal Facility

[Added 10-25-1988]

§ 235-43. Application and purpose.

[Amended 3-28-2000 *Editor's Note: This ordinance also changed the title of this article from "Ban on Burning" of "Recyclables to Delivering of Waste to Co-Disposal Facility."*]

The provisions of this article shall apply to all entities that deliver nonhazardous waste to the City of Glen Cove co-disposal facility.

§ 235-44. Definitions.

[Amended 3-28-2000]

As used in this article, the following terms shall have the meanings indicated:

RECYCLABLE MATERIALS or RECYCLABLES

Any discarded materials designated by this article, and/or by subsequent resolution of the City Council of Glen Cove pursuant to this article, which can be reclaimed economically by source separation for the purpose of recycling, reduction and/or reuse.

§ 235-45. Handling and disposal of recyclable waste at co-disposal facility.

[Amended 10-24-1989; 3-28-2000]

A. Separation. All recyclable waste consisting of newspapers, recyclable glass, recyclable plastic and recyclable metal cans shall be separated at the source prior to collection for delivery to the City co-disposal facility.

B. Delivery of waste. No person shall be permitted to deliver garbage or trash to the City co-disposal facility unless the village or garbage district of origin of said garbage or trash has in effect a recycling program which includes newspapers, cans, glass and plastics and the particular entity, which is the source of said garbage or trash, is complying therewith.

§ 235-46. Contracts with other municipalities.

A. The City of Glen Cove will monitor the waste delivered to its co-disposal facility for incineration to ensure the recyclables are being removed from the respective wastestreamers of those municipalities using the facilities.

B. The City will encourage the users of our facility to adopt mandatory recycling ordinances to bring about the requirements of this article.

§ 235-47. Contracts with private carters.

The City of Glen Cove will monitor the waste delivered to its co-disposal facility for incineration to ensure that recyclables are being removed from the contents of the waste being delivered by private carters.

§ 235-48. Penalties for offenses.

[Added 5-27-1997 by L.L. No. 2-1997; 6-27-2000]

Any person or corporation or officer thereof who shall violate any of the provisions of this article, or who fails to comply therewith or who shall fail to comply with any written notice of violation or order issued by the Building Department Administrator, shall be guilty of a violation within the meaning of the New York Penal Law and, upon conviction, shall be liable to a fine of not less than \$1,000 nor more than \$2,000 or to imprisonment for a period not to exceed 15 days, or both; and, upon a second conviction for the same offense committed within five years of the date of the first offense, shall be liable to a fine of not less than \$2,000 nor more than \$3,500 or to imprisonment for a period not to exceed 15 days, or both; and, upon a third conviction for the same offense committed within five years of the date of the second offense, shall be liable to a fine of not less than \$3,500 nor more than \$5,000 or to imprisonment for a period not to exceed 15 days, or both. Each week that any such violation continues shall constitute a separate and distinct violation. The owner or owners of any building or premises or part thereof where a violation of any of the provisions of this article shall exist or any lessee, tenant, builder, contractor, subcontractor, agent, person or corporation employed in connection therewith and any person who assisted in the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be punishable as herein provided.

Part 2. Recycling

Article VI. General Provisions

§ 235-49. Findings and purpose.

[Amended 3-28-2000]

A. Whereas the conservation of recyclable materials is now a necessity in order to conserve natural resources, and the cost of solid waste disposal and usage of incineration as our method of disposal is ever increasing, and available residue disposal landfill facilities are rapidly decreasing, it is the intention of the City Council to establish a program for the mandatory source separation of recyclables from garbage and rubbish within the City.

B. This Part 2 of this chapter of the Code of the City of Glen Cove shall regulate the separation of recyclables by the residents of the City in accordance with the New York State Solid Waste Management Plan.

§ 235-50. Definitions.

[Amended 3-28-2000]

As used in this Part 2, the following terms shall have the meanings indicated:

PERSON

Any individual, public or private corporation, government agency, municipality, industry, copartnership, association, firm, trust, estate or any other legal entity.

RECYCLABLE

Discarded material which may be reclaimed, comprising solid waste in the form of paper, glass, metals and plastics which may be further defined as follows:

A. **GLASS** — All clear (flint), amber, brown and green glass bottles and jars rinsed clean of food, beverage or other residue, with lids or caps removed and discarded. Mirrors, crystal, laminates, ceramics, porcelains, windows and plate glass are excluded from the program.

B. **LEAD-ACID BATTERIES** — Lead-acid batteries utilized in motorized vehicles shall be considered a recyclable material, but will not be part of the City's curbside collection program and will be deemed illegal for disposal in regular trash collections. All such batteries must be disposed of at a designated battery recycling location or returned to a retail store that sells lead-acid batteries. New York State law requires that such establishments accept such batteries without charge.

C. **METAL:**

(1) **CANS** — Containers comprised of aluminum, tin, ferrous or BI-metal components, which contained only food and/or beverage substances and are rinsed clean of food residue.

(2) **SCRAP/BULK** — All ferrous and nonferrous materials, including steel, aluminum and composite cans, containers, scrap metal, wire, piping, fencing, tubing, sheet metal, etc. Such materials must be free of chemical contamination. Boilers, auto/boat batteries, oil/gas tanks or pipe lengths that exceed four feet in length will be excluded from this program.

D. **MOTOR OIL** — Motor oil shall be considered a recyclable material but will not be part of the City's curbside collection program. Waste motor oil will be disposed of by residents and occupants of the City of Glen Cove at service stations and/or those retailers of motor oil required to accept such materials under state law.

E. **PAPER PRODUCTS:**

(1) **NEWSPAPER** — Newsprint and all newspaper and newspaper enclosures, such as advertisements, supplements and comics, as well as magazines, telephone books and brown paper bags that are dry and free of contaminants, such as dirt, adhesives, oils and food wastes. Newspaper recyclables do not

include miscellaneous stationary products, letters, envelopes, junk mail, blueprint paper, office paper, computer paper, books or paper products other than those delineated above.

(2) NON-NEWSPAPER RECYCLABLE PRODUCTS — Includes office paper, junk mail and miscellaneous mixed paper.

F. PLASTICS — Containers composed of only polyethylene terephthalate (PET) and high-density polyethylene (HDPE) plastics, used for food, beverage, detergent, bleach and hair care substances. All containers must be empty, rinsed of residues and contaminants and free of lids or caps; under the resin-coding system established by the Society of Plastics Industries.

G. RECYCLABLE MATERIALS or RECYCLABLES — Any discarded materials designated by this article, and/or by subsequent resolution of the City Council of the City of Glen Cove pursuant to this article which can be reclaimed economically by source separation for the purpose of recycling, reduction and/or reuse.

RESIDENT

Person(s) who make their place of abode in the City of Glen Cove.

SOURCE SEPARATION (or) CURBSIDE COLLECTION OF RECYCLABLES

The separation of designated recyclables from the solid waste stream by the generator at the point of generation. The recyclables shall be handled as defined within this article and be placed at the curbside for collection on days assigned by the City.

§ 235-51. Placement, removal and collection.

[Amended 3-28-2000]

A. It shall be unlawful for a person to collect, remove or dispose of solid waste which consists of recyclables combined with other forms of solid waste, by ordinance of the City Council dated August 8, 1988.

B. From the time of placement of recyclables at the curb by any resident, ownership of such materials set out for collection shall thereupon be by the City of Glen Cove. It shall be unlawful for a person to collect, remove or dispose of recyclables which are the property of the City of Glen Cove. Each such collection in violation hereof from one or more residences shall constitute a separate and distinct offense.

C. Any resident may deliver bundled newspaper to the City's Department of Public Works yard where it should be placed in the roll-off container designated for its use in lieu of placing them at the curb for collection.

D. The City Council is empowered to designate the day of the week on which recyclables shall be collected, removed and disposed of from a particular area.

E. No person having custody or control of residential premises within the City of Glen Cove shall permit or cause any garbage, rubbish or other refuse (This includes recyclables.) within their control to become a hazard or potential hazard to public travel, health or safety or to become a nuisance of any sort.

F. The City Council or its duly authorized representative has promulgated such other rules and regulations as deemed necessary to effectuate the intent of this Part 2.

§ 235-52. City to provide recycling containers.

[Amended 3-28-2000]

A. Containers for the purpose of separating and placing recyclable materials for collection will be provided by the City to residents. Such containers will remain the property of the City and must be kept in good, clean condition by the residents. Recycling containers are not to be used for any purpose other than as described in

this section. In the event that such containers are lost, damaged or stolen, additional containers shall be available through the Department of Public Works.

B. Each person shall be entitled to one additional recycling container at no charge from the City upon a showing of need. Additional requests may be granted at the discretion of the Director of the Department of Public Works. Advance arrangements must be made for all additional recycling containers.

C. Persons within the City shall affix their respective street addresses to any recycling container provided to them by the City. Such address shall be affixed by means of a felt tipped marker or any other means of indelible ink.

D. In the event that the Director of Public Works finds that additional measures are necessary in order for such recyclable materials to be marketable, he or she shall have the power to require that persons within the City undertake such measures, provided that adequate notice is given to such persons.

§ 235-53. Collection schedule and routes.

The Superintendent of Public Works is hereby authorized to establish collection schedules and routes for the collection of recyclable materials and to cause reasonable notice of requirements thereof to be given to the residents of the recycling areas. Collection of newspapers shall be in accordance with the provisions heretofore set forth in this Part 2.

§ 235-54. Used motor oil.

Notwithstanding any other provisions of this Part 2, used motor oil shall only be disposed of by delivery to a service station which is required under state law to accept such material.

§ 235-55. Penalties for offenses.

[Amended 3-28-2000]

A. In the event that persons occupying a dwelling within the City fail to separate and prepare recyclable materials for collection in accordance with the provisions of this article after being given reasonable notice of these requirements, collection of all solid waste from such dwelling will be suspended until such time as the persons can demonstrate compliance with the provisions of this Part 2. Such compliance can be demonstrated by placing properly separated and prepared recyclable materials at the curb in one or more designated recycling containers on the next scheduled collection date for such recyclable materials.

B. In addition to the provisions of Subsection A above, any person committing an offense against this Part 2 or any provision or section thereof shall be guilty of a violation. Each day that such violation exists shall constitute a separate offense. Such an offense shall be punishable by a fine and/or imprisonment in accordance with the following schedule:

- (1) For a first conviction, by a fine of \$10.
- (2) For a second conviction within one year, by a fine of \$25.
- (3) For a third conviction within one year, by a fine of \$50.
- (4) For a fourth conviction within one year, by a fine of not less than \$100 nor more than \$250.

§ 235-56. Enforcement.

It shall be the duty of the Department of Public Works foremen, the Code Enforcement Officers, police and peace officers to administer the provisions of this Part 2.

§ 235-57. (Reserved)

Editor's Note: Former § 235-57, Effective date for mandatory recycling, was repealed 3-28-2000.

Part 3. Infectious Waste

Article VII. Title; Purpose; Terminology

§ 235-58. Title.

This Part 3 shall be known and may be cited as the "City of Glen Cove Infectious Waste Ordinance."

§ 235-59. Purpose.

The purpose of this Part 3 is to protect the health, safety and welfare of the citizens of the City of Glen Cove by providing standards for the handling, storage, transportation and disposal of infectious waste within the City of Glen Cove.

§ 235-60. Definitions.

As used in this Part 3, the following terms shall have the meanings indicated:

FACILITY

Any place where infectious waste is generated, contained, stored, transferred or disposed of.

GENERATOR

Any person engaged in the practice of medicine, any public or private hospital as defined in Subdivision 1 of § 2801 of the Public Health Law of New York State; to any clinical laboratory as defined in § 571 of the Public Health Law of the State of New York; to any public or private health care clinic or facility; to any physician, surgeon or other medical practitioner as defined under Articles 131 and 131-B of the Education Law of the State of New York; to any dentist as defined under Article 133 of the Education Law of the State of New York who in fact generates infectious waste as defined below; to any veterinarian or other animal health technician as defined under Article 135 of the Education Law of the State of New York; and to any person engaged in biomedical or other research involving etiological agents.

INCINERATION

The treatment of infectious waste in such a manner as to provide complete combustion of the waste to carbonized or mineralized ash.

INFECTIOUS WASTE

Includes the following:

A. All surgical waste which consists of materials discarded from surgical procedures involving the treatment of any patient on isolation or ambulatory patient with an infectious condition, except patients on reverse or protective isolation; or any materials discarded from surgical procedures soiled or contaminated with blood; and to any discarded human tissues and anatomical parts resulting from such procedures.

B. All obstetrical waste which consists of materials discarded from procedures involving the treatment of any patient on isolation or ambulatory patient with an infectious condition, except patients on reverse or protective isolation; or any obstetrical waste soiled or contaminated with blood; or any discarded human tissues or anatomical parts resulting from procedures.

C. All pathological waste, which consists of discarded human tissues and anatomical parts from any surgical, obstetrical or laboratory procedure or autopsy.

D. All emergency room wastes.

E. Any discarded blood or material soiled with blood emanating from the treatment of any patient.

F. Any biological waste, which consists of any discarded excretions, exudates, secretions, suctionings and all disposable medical supplies which have come into contact with these substances, that cannot legally be discarded directly into the municipal sewer system and that emanate from the treatment of any patients on isolation or an ambulatory patient with an infectious condition, except for patients on reverse or protective isolation.

G. All waste discarded from renal dialysis, including tubing and needles.

H. All discarded serums and vaccines that have not been autoclaved.

I. All discarded laboratory waste that has come into contact with any pathogenic organism and which has not been rendered noninfectious by autoclaving or other approved sterilization technique.

J. Any discarded culture of bacteria, virus, protozoa or other microorganism which has not been rendered noninfectious by autoclaving or other approved sterilization technique.

K. Any animal carcass or part thereof which has or may have been exposed to any pathogenic organism, and such bedding and other waste from such animals that is discarded.

L. Any other articles that are being discarded that might cause punctures or cuts, including but not limited to hypodermic syringes, hypodermic needles, scalpel blades, broken laboratory glassware, intravenous tubing with needles attached, pipets, etc., regardless of whether or not such article has been or may have been exposed to any pathogenic organism.

PERSON

Any individual, public or private corporation, government agency, municipality, industry, copartnership, association, firm, trust, estate or any other legal entity.

SHARPS

Any and all articles described in Subsection L of the definition of "infectious waste" above.

STORAGE

The containment of infectious waste in a manner as not to constitute disposal of such waste.

TRANSPORT

The movement of infectious waste from the site of generation to any intermediate points and/or the point of ultimate storage or disposal.

WATERS

Any surface or underground waters, including but not limited to any river, stream, creek, lake, pond, ocean, sound, harbor, embayment, tidal wetland, freshwater wetland, aquifer, perched water table and such storm drains and storm sewers as connect thereto; but for the purposes of this Part 3 shall not include the municipal sanitary sewer system of the City of Glen Cove or any private septage system or cesspool.

Article VIII. Handling, Storage and Transportation

§ 235-61. Proper handling required.

All infectious waste must be handled, stored and transported as described herein. All infectious waste shall be segregated from noninfectious waste at all times, with the exception of incineration at the point of generation.

§ 235-62. Handling.

A. Containment of infectious waste shall be in a manner and location which affords protection from the environment and limits exposure to the public.

B. All infectious waste, except sharps, shall be placed into plastic bags that are seamless, impervious to moisture, tear resistant and red in color. The bags shall be secured so as to prevent leakage or loss of contents during handling, storage and transport. All wastes and/or materials placed in red bags shall be presumed to be infectious waste.

C. Sharps shall be discarded directly into rigid, punctureproof containers that are impervious to moisture and red in color and secured to preclude loss of contents. Such containers shall be marked with the word "INFECTIOUS" and the universal biohazard symbol.

D. Handling of infectious waste shall be done in a manner as to minimize the number of persons in contact with or exposed to those wastes.

E. Infectious waste or containers or bags or packages of infectious waste shall not be compacted prior to final disposal.

F. Any container containing a liquid classifiable as an infectious waste that cannot be legally discarded into the municipal sanitary sewer system of the City of Glen Cove must be packed with sufficient absorbent material to prevent the contents from discharging or leaking if the container is broken. After packing such container with absorbent material, it shall be placed into a red bag.

G. Spills, leaks, broken bags, etc., of infectious waste shall be immediately cleaned up and repackaged, and all surfaces which have or may have come into contact with the infectious waste shall be disinfected in an approved manner. No liquids or solids resulting from such disinfection shall be permitted to enter the public streets or storm drains or lands or waters of the City of Glen Cove.

H. Laboratory wastes, except sharps, and serums and vaccines may be sterilized by autoclaving and disposed of as noninfectious waste, provided that a record is maintained of all autoclaved waste and autoclave test strips have been included with each batch of autoclaved wastes.

I. All persons handling infectious waste shall be provided by their employer, and required to wear, protective gloves and other such protective clothing as may be required under the rules and regulations promulgated by the Office of the Harbormaster of the City of Glen Cove.

§ 235-63. Storage at site of generation.

A. The area where infectious waste is stored, including refrigerators and freezers, shall have limited access and shall be posted with the word "INFECTIOUS" and the universal biohazard symbol.

B. The bagged infectious waste must be placed within a rigid or semirigid container. All containers for the storage of such infectious waste must be weathertight, rodentproof and labeled with the word "INFECTIOUS" and the universal biohazard symbol.

C. Reusable containers for the storage of infectious wastes shall be thoroughly decontaminated each time they are emptied unless the surfaces have been protected from contamination by disposable liners, bags or other devices removed with the waste. Any liquid or solid resulting from such decontamination shall not be permitted to enter the public streets or storm drains or lands or waters of the City of Glen Cove.

D. Reusable containers for the containment of infectious waste shall not be used for the containment of waste to be disposed of as noninfectious except after they have been decontaminated and the word "INFECTIOUS" and the universal biohazard symbol obliterated from the container.

E. Trash chutes shall not be used to transfer infectious waste between locations where it is stored.

F. Any spills, leaks, broken or punctured bags or damaged storage containers of infectious waste occurring or detected during storage shall be immediately cleaned up and repackaged, and all surfaces which have or may have come into contact with the infectious waste shall be disinfected in an approved manner. No liquids or solids resulting from such disinfection shall be permitted to enter the public streets or storm drains or lands or waters of the City of Glen Cove.

§ 235-64. Movement within the facility.

A. Carts and reusable rigid or semirigid containers used to move infectious waste within a facility must be frequently cleaned and disinfected and may not be used for any other purpose. No liquid or solid resulting from such disinfection shall be permitted to enter the public streets or storm drains or lands or waters of the City of Glen Cove.

B. For movement within a facility, all infectious waste shall be contained in plastic bags that are seamless, impervious to moisture, tear-resistant and red in color. Any bagged infectious waste removed from an area for the treatment of a patient on isolation shall be placed into a second bag conforming to the above-written specifications and the bag must be securely closed and sealed.

C. The time and route of movement of infectious waste within a facility shall be selected so as to minimize the number of people exposed to the infectious waste.

§ 235-65. Transportation off-site.

A. All bagged infectious waste shall have the generator's legal name and address imprinted on or affixed to the bag. In addition, enclosed in each bag shall be at least two floatable identification tags bearing the legal name and address of the generator.

B. No person shall transport any infectious waste within the City of Glen Cove without a valid permit from the City of Glen Cove for the transportation of infectious waste in accordance with Article IX, Permits and Registration, of this Part 3, as well as any and all applicable federal and state permits and licenses.

C. Any person engaged in the transportation of infectious waste within the City of Glen Cove shall maintain aboard any vehicle used for the purpose of transporting such infectious waste a copy of the valid permit issued for that purpose by the City of Glen Cove in accordance with Article IX, Permits and Registration, of this Part 3, as well as any and all applicable federal or state permits or licenses.

D. No vehicle used for the transportation of infectious waste shall be leased or used for any other purpose.

E. Infectious waste shall be transported in closed, rigid, leakproof containers, trailers or vehicles. Such containers, trailers or vehicles shall be sealed and secured at all times except during on-loading and off-loading of such infectious waste in such a manner as to prevent loss of contents during transportation and so as to preclude unauthorized access to such infectious waste by any person.

F. Infectious waste shall not be transported with other waste unless the infectious waste is separately contained in rigid reusable containers kept separate by barriers from other waste, or unless all of the waste is to be disposed of as infectious waste in accordance with the provisions of this Part 3.

G. Infectious waste may not be compacted prior to or during transportation to reduce the volume of material being transported.

H. All vehicles used for the transporting of infectious waste shall be conspicuously marked with the word "INFECTIOUS" in letters a minimum of three inches high and of a color contrasting with the color of the vehicle and the universal biohazard symbol.

I. Transportation of infectious waste shall be only to a disposal facility duly licensed, permitted or approved by the New York State Department of Environmental Conservation for the disposal of such waste.

J. Spillage, leakage, broken bags, etc., of infectious waste shall be immediately cleaned up and repackaged, and all surfaces which have or may have come into contact with the infectious waste shall be decontaminated in an approved manner. Any liquid or solid resulting from such decontamination shall not be permitted to enter the public streets or storm sewers or lands or waters of the City of Glen Cove.

K. Every container, trailer or vehicle compartment used to contain infectious waste shall be decontaminated upon completion of off-loading of each and every load or cargo of such infectious waste at a duly authorized transfer station or disposal facility. No liquids or solids resulting from such decontamination shall be permitted to enter the public streets or storm drains or lands or waters of the City of Glen Cove.

L. Any spillage, leakage, discharge or loss of infectious waste into or onto any public street or storm drain or lands or waters within the City of Glen Cove shall be reported immediately to the Office of the Harbormaster of the City of Glen Cove, the Glen Cove Police Department and the Director of Public Works of the City of Glen Cove.

M. All vehicles, and all vehicle containers, trailers, etc., used for the transportation of infectious waste shall be wholly owned by the transporter, and shall be registered on the transporter's permit issued by the Office of the Harbormaster of the City of Glen Cove. Leasing of vehicles, vehicle containers, trailers, etc., for the purpose of transport of infectious waste is prohibited.

N. No transporter shall store or permit to remain for a period to exceed 12 hours any quantity of infectious waste in any vehicle, vehicle compartment or trailer within the City of Glen Cove.

§ 235-66. Off-site storage and transfer facilities.

A. No person shall operate, use, maintain or construct a facility for the off-site storage of infectious waste within the City of Glen Cove.

B. No person shall operate, use, maintain or construct a facility for the transfer of infectious waste from one vehicle to another, or from a vehicle to any intermediate storage or holding site within the City of Glen Cove, or for the purpose of consolidation of a load or cargo of infectious waste.

Article IX. Permits and Registration

§ 235-67. Registration.

A. Any generator of infectious waste shall register annually with the Harbormaster of the City of Glen Cove. At the time of filing for registration, the generator shall demonstrate in writing:

(1) The legal name and address of the generator, and the street address if different.

(2) The name and address of any person or persons subcontracted to transport any infectious waste off-site for disposal.

(3) The primary method of disposal of such infectious waste as is generated at the facility, such as on-site incineration, transportation off-site for incineration or landfilling.

(4) That the facility conforms to all applicable provisions of this Part 3 and to all applicable federal, state and county laws and regulations promulgated thereunder.

B. Any generator of infectious waste shall maintain accurate records of the quantity of such waste generated if such waste is transported off-site for disposal, the time and date such waste is transferred to a transporter and the legal name and address of the transporter. Such records shall be kept for a period of five years after the date of transfer and must be made available to any enforcement officer listed in § 235-81 of this Part 3.

§ 235-68. Permits for transportation off-site.

A. No person shall engage in the off-site transportation of infectious waste within the City of Glen Cove without a valid permit for the transportation of infectious waste issued by the Harbormaster of the City of Glen Cove. At the time of filing for a permit for the transportation of infectious waste the prospective applicant shall demonstrate in writing:

- (1) The legal name and address of the transporter, and the street address of the facility if different.
- (2) The street address of any transfer station or stations intermediate between the point of generation and the point of ultimate disposal of the infectious waste.
- (3) The name and address of any and all disposal facilities to which the transporter transports infectious waste.
- (4) The name and address of any and all generators of infectious waste within the City of Glen Cove for whom the transporter is transporting such wastes.
- (5) That the transporter conforms to all applicable provisions of this Part 3 and to all applicable federal, state and county laws and regulations promulgated thereunder.
- (6) That the transporter has a minimum policy of insurance from a reliable insurer or surety authorized to do business in the State of New York that shall provide liability coverage for bodily injury or property damage, including liability for environmental restoration resulting from negligence in the operation, maintenance or use of any motor vehicle involved in the transportation of infectious waste in the amount of \$1,000,000.
- (7) The registration, make, year and model of any and all vehicles used for the transportation of infectious waste and that the transporter is the lawful owner of said vehicle or vehicles.
- (8) That a procedure has been established for the decontamination of any person having had bodily contact with any infectious waste during the transportation of such waste, or as a result of any spill, loss, leakage or discharge of such waste.
- (9) That a procedure has been established for the disinfection of any reusable container, vehicle compartment, vehicle or trailer used for the transportation of infectious waste.

B. Any transporter of infectious waste shall maintain accurate records of the quantity of such waste transported, the legal name and address of the generator from whom such waste is received, the time and date such waste is received from the generator, the legal name and address of the point or place of disposal and the time and date such waste is delivered for disposal. Such records shall be kept on record for a period of five years after the date of delivery of such infectious waste to the point of ultimate disposal, and must be made available for inspection by any enforcement officer listed in § 235-81 of this Part 3.

C. The Mayor and City Council of the City of Glen Cove may review any and all applications for a transporter's permit and may require, at their discretion, the posting of a bond of surety by the applicant in an amount to be set by the Harbormaster of the City of Glen Cove in consultation with the Mayor and City Council of the City of Glen Cove.

D. Any transporter operating within the City of Glen Cove shall, as a provision of this permit, make an annual report to the Harbormaster of the City of Glen Cove indicating the quantity of infectious waste transported, the names and addresses of all generators of infectious waste located within the City of Glen Cove served by the transporter, the place and manner in which the infectious waste was disposed and any other pertinent information that the Harbormaster may require.

E. Any transporter granted a permit for transportation of infectious waste shall notify the Office of the Harbormaster of the City of Glen Cove in writing within 30 days of the following occurrences:

- (1) Change in transporter's majority ownership, name or location; and/or
- (2) Change in ownership or control of a vehicle or vehicular compartment or trailer used for the transportation of infectious waste registered with the Office of the Harbormaster.

§ 235-69. Permits for disposal.

No person or facility shall engage in the disposal of infectious waste within the City of Glen Cove without a valid permit for the disposal of infectious waste issued for that purpose by the Harbormaster of the City of Glen Cove. At the time of filing, the prospective applicant shall demonstrate in writing:

- A. The legal name and address, and street address if different, of the disposal facility.
- B. That all infectious waste shall be disposed of by incineration only.
- C. That the disposal facility conforms to all applicable provisions of this Part 3 and to all applicable federal, state and county laws and the regulations promulgated thereunder.

§ 235-70. Records.

- A. Any facility engaged in the off-site incineration of infectious waste shall maintain accurate records of the quantity of such waste received for disposal, the time and date such waste is received, the legal name and address of the generator and transporter from whom such waste is received and the time and date such waste is incinerated.
- B. All records maintained as a condition of a certificate of registration or permit issued pursuant to this Part 3 shall be available for inspection by any officer specified in § 235-81.

§ 235-71. Duration of permit.

Any certificate of registration or permit issued pursuant to this Part 3 shall be effective only for the duration of the time specified thereon, not to exceed one year from the effective date of issuance.

§ 235-72. Actions pursuant or taken under permit.

No person in possession of or acting pursuant to a permit issued under the provisions of this Part 3 shall undertake, allow or cause any act in contravention of any provision of the permit or of this Part 3.

§ 235-73. Inspection.

It shall be a condition to the issuance of any certificate of registration or permit issued pursuant to this Part 3 that reasonable on-site inspection by the Harbormaster or any enforcement officer specified in § 235-81 of this Part 3 of any facility, vehicle, vehicle compartment or trailer used for the generation, storage, transportation or disposal of infectious waste shall be permitted by the owner or operator of his or her employees or agents to ascertain compliance with the provisions of this Part 3.

§ 235-74. Posting.

Any certificate of registration or permit issued pursuant to this Part 3 shall be conspicuously posted for public view.

§ 235-75. Transfer of permits prohibited.

No person shall transfer a certificate of registration or permit issued pursuant to this Part 3 from one location to another, from one facility to another, or from one person to another. Any permit transferred in violation of this section shall be deemed null and void. However, upon making proper application to the Harbormaster of the City of Glen Cove in writing, a new owner of a facility which was previously operating under a valid permit may continue the same operation under the terms of the old permit until such time as a new permit is issued or denied by the City of Glen Cove.

§ 235-76. Fees.

[Amended 5-27-1997 by L.L. No. 2-1997]

A. Fees for permit to transport off-site. The permit fee for a permit to transport infectious waste out of the City of Glen Cove shall be as set forth from time to time by the City Council. *Editor's Note: The fee schedule is on file in the City offices.*

B. Fees for permit to dispose. The permit fee for a permit to operate a facility for the disposal of infectious waste within the City of Glen Cove shall be as set forth from time to time by the City Council. *Editor's Note: The fee schedule is on file in the City offices.*

Article X. General Regulations and Provisions

§ 235-77. Prohibitions.

A. No person shall deposit or cause to be deposited any infectious waste into or onto any highway, street, gutter, sidewalk, lands, waters or any public place within the City of Glen Cove.

B. No person shall landfill or bury infectious waste within the City of Glen Cove.

C. Notwithstanding any other provision of the Code of the City of Glen Cove, no person shall dispose of or cause to be disposed of any infectious waste by inclusion, incorporation or admixing of such waste with any rubbish, garbage or refuse delivered for pickup or intended for removal by the municipal refuse collection system of the City of Glen Cove, nor shall any infectious waste be placed at curbside for pickup or inclusion by said municipal refuse collection system.

D. Notwithstanding any other provision of the Code of the City of Glen Cove, no generator, transporter or disposer of infectious waste shall place, deposit or cause to be placed or deposited any solid infectious waste of a nature prohibited by the City of Glen Cove Sewer Use Ordinance *Editor's Note: See Ch. 225, Sewers.* into the sanitary sewers of the City of Glen Cove.

E. Notwithstanding any other provisions of the Code of the City of Glen Cove, no person shall deliver, place, deposit or cause to be delivered, placed or deposited any infectious waste at or in any municipal incinerator facility owned, operated, leased or maintained by the City of Glen Cove.

F. No person shall store any quantity of infectious waste within the City of Glen Cove at a place other than the site of generation of such waste.

G. No person shall transfer any quantity of infectious waste from one vehicle to another, or from a vehicle to any intermediate point of storage, for the purpose of consolidating a load of infectious waste, except when such transfer occurs pursuant to the:

(1) Removal of infectious waste from a duly permitted vehicle which has been rendered inoperable by mechanical breakdown; or

(2) The transfer of infectious waste from the site of generation of such waste to a duly permitted waste transporter.

§ 235-78. Penalties for offenses.

[Amended 5-27-1997 by L.L. No. 2-1997]

A. Any person who violates any provisions of this article, in the case of the first violation, shall be liable for a civil penalty not more than \$2,500, with an additional penalty of not more than \$1,000 for each additional day during which a violation continues, and such person may be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied. In the case of a second and further violation, the liability shall be for a civil penalty not to exceed \$5,000 and an additional penalty not to exceed \$2,500 for each day during which such subsequent violation continues.

B. In addition, the violator will be assessed the City's cost of cleanup and removal of any spillage, leakage or dumping of infectious waste.

§ 235-79. Emergency waivers.

In the event of any instance or occurrence that is deemed a health emergency by the Commissioner of Health of Nassau County, the Mayor or City Council of the City of Glen Cove, the Harbormaster of the City of Glen Cove or the Director of Public Works of the City of Glen Cove, any or all of the provisions of this article may be waived in the interest of the public safety, health and welfare for the duration of the health emergency only.

§ 235-80. Nonexclusive remedies.

The remedies and penalties set forth in this Part 3 are nonexclusive and are in addition to any common law remedies, statutory actions or proceedings provided for under applicable federal, state and county laws, and those regulations promulgated thereunder, and any other applicable ordinance of the City of Glen Cove and any regulations promulgated thereunder.

§ 235-81. Enforcement.

The provisions of this Part 3 shall be enforced by the Harbormaster of the City of Glen Cove, by any police officer of the City of Glen Cove or by any traffic control officer or Code Enforcement Officer of the City of Glen Cove acting pursuant to his or her special duties.