

Chapter 239: SOLID WASTE

[HISTORY: Adopted by the Common Council of the City of Cohoes as indicated in article histories. Amendments noted where applicable.]

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Junk and junkyards — See Ch. 179.

Chapter 239: SOLID WASTE

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Article I: Dumps and Dumping

[Adopted 2-24-1959 by Ord. No. 11-1959]

Chapter 239: SOLID WASTE Article I: Dumps and Dumping

§ 239-1 Permit for collection required.

[Amended 4-27-2004 by Ord. No. 3-2004]

It shall be unlawful for any person, firm or corporation to engage in the business of removal of refuse, recyclable materials, demolition materials, junk construction materials, glass, metals, plastics, paper, cardboard, carpeting, plumbing materials, trees, tree stumps, tree trimmings, garbage, junk or other offal in or upon the streets, alleys or highways of said City of Cohoes as part of such business activity, unless such person, firm or corporation shall have for such purpose procured from the Commissioner of Public Works a solid waste collection permit to so engage therein.

§ 239-1.1 Issuance and expiration of permits.

[Added 4-27-2004 by Ord. No. 3-2004]

The annual permit shall be issued on the basis of the calendar year and shall expire on the 31st day of December of each year. No permit shall be issued prior to the submittal and approval of a complete application form for same and payment of applicable fees.

§ 239-1.2 Fees.

[Added 4-27-2004 by Ord. No. 3-2004]

A fee of \$100 shall be charged for an annual permit, and an additional \$10 per vehicle authorized to operate pursuant to said permit shall be charged to each permittee.

§ 239-1.3 Contents of application for permit.

[Added 4-27-2004 by Ord. No. 3-2004]

The application form for a solid waste collection permit shall provide the following:

A. The name and address of the applicant and, if a corporation, firm, or partnership, the names and addresses of each officer, director, or partner of that organization.

B. The name, address, and telephone number, both day and evening, of the applicant or person in charge of the business.

C. The number of collection vehicles to be operated by the applicant and a description of each vehicle; including the ownership of the vehicle, the make, year, model, body type, color, cubic capacity or tare weight of the vehicle; proof of current insurance coverage and the current New York State registration and inspection numbers; and the municipalities in which the vehicle will operate.

D. The type and quantity of solid waste the applicant collected in the geographic bounds of the City of Cohoes during the preceding six months.

E. A statement indicating that the applicant is operating in compliance with all statutes, rules and regulations of the New York State Environmental Conservation Law and, if applicable, pursuant to a permit(s) issued by the New York State Department of Environmental Conservation.

F. Listing of all facilities, including recycling facilities, accepting solid waste collected by the applicant.

G. Any other relevant information the Commissioner of Public Works may require.

§ 239-2 Dumps prohibited; fill dirt excepted.

It shall be unlawful for any person, firm or corporation owning or leasing land within the limits of the City of Cohoes, New York, to use or allow to be used such land for the purpose of a public or private dump as such is generally understood to mean. This prohibition does not include the use of topsoil, gravel or earth for the purpose of fill.

§ 239-3 Receiving of garbage from outside of City prohibited.

It shall be unlawful for any person, firm or corporation owning or leasing lands within the limits of the City of Cohoes, New York, to allow to be received upon such lands, temporarily or otherwise, garbage or other offal from any premises whatsoever located without the boundaries of the City of Cohoes, New York.

§ 239-4 Penalties for offenses.

[Amended 6-23-1992 by Ord. No. 39-1992; 12-10-1996 by L.L. No. 4-1996]

Any person, firm, or corporation found in violation of this article shall be subject to a fine of not less than \$100 nor more than \$250 or imprisonment not to exceed 15 days, or both, for each violation thereof. Each day that the violation continues shall be a separate offense. In addition in the cases where the City of Cohoes has removed any improperly placed material, the City of Cohoes may charge any violator under this article the greater of \$250 or the actual cost of removal of garbage, junk or other offal placed within the City of Cohoes in violation to any fines levied under this article.

Chapter 239: SOLID WASTE

Article II: Garbage and Refuse

[Adopted 1-8-1969 by Ord. No. 5-1969]

§ 239-5 Land to be kept clear of waste.

The owner, lessee, tenant or any other person who has the management or control of or who occupies any land in the City shall keep such land at all times free and clear of accumulation of ashes, rubbish, refuse, grass cuttings, leaves, garbage and offal or other waste, except as hereinafter provided.

§ 239-6 Sanitary landfill operations authorized.

The Common Council of the City of Cohoes, by a majority vote, may by resolution permit or authorize the operation of a sanitary landfill within corporate limits of the City of Cohoes, New York.

§ 239-7 Statutory provisions in effect.

The landfill shall be operated pursuant to § 19 of the New York State Sanitary Code promulgated by the New York State Department of Health and pursuant to a permit issued by the Albany County Department of Health.

§ 239-8 Permit revocable.

Any permit issued by the Common Council of the City of Cohoes shall be revocable upon 48 hours' written notice to the permittee.

§ 239-9_Penalties for offenses.

[Amended 6-23-1992 by Ord. No. 39-1992; 12-10-1996 by L.L. No. 4-1996; 5-25-1999 by Ord. No. 28-1999; 8-28-2001 by Ord. No. 18-2001; 5-4-2005 by Ord. No. 10-2005]

Any person, firm or corporation found in violation of this Article II shall be subject to a fine of not more than \$250 or up to 15 days in jail, or both, for each violation thereof. Appropriate amounts of community service may be substituted for fine or jail. Each day that the violation continues shall be a separate offense. In addition, in the cases where a City of Cohoes Code Enforcement Officer or garbage enforcement officer, as defined in § 239-22 herein, has identified any improperly placed material, said Officer may issue an order to remove the material. Said order to remove shall serve as notice that the owner of the affected property must remove said improper material by 7:00 a.m. the next calendar day or the City of Cohoes may remove said material and charge any violator under this article the greater of \$100 or the actual cost of removal of garbage, junk or other offal placed within the City of Cohoes in violation of this article. This civil charge shall be in addition to any fines levied under this article and may be collected as restitution as defined in the New York State Penal Law, or said charge may be assessed as a lien against the property concerned and collected by the City, like other taxes and assessments. Before the assessment of any lien against the land, the owner, as indicated by the latest records of the City Assessor, shall be provided with notice and an opportunity to be heard. Said notice, whether in the form of the order to remove or other, shall be served by regular mail to the last known address and by affixing to the residence or most obvious structure on the property concerned where possible.

Enforcement.

§ 239-10 Title.

This article shall be known and may be cited as the "City of Cohoes Waste Disposal Ordinance."

§ 239-11_City-issued waste containers required for residential properties.

A. Residential property shall be defined herein as those parcels containing a structure that comprises one, two, or three dwelling units.

[Added 3-22-2005 by Ord. No. 6-2005; amended 5-25-2005 by Ord. No. 10-2005; 5-27-2008 by Ord. No. 5-2008]

(1) Included in the definition of "residential property" shall be those properties falling under the New York State Office of Real Property Services Classification Codes: 471, "Funeral Homes" and 483, "Converted Residences or Residential with Partial Office Space."

B. Residential properties that are occupied shall have one sixty-five-gallon waste container issued to it and delivered by the City or its agent at no charge. City issued waste containers shall be inscribed with a serial number and matched with the owner of the property. A residential property owner may substitute a City issued thirty-five-gallon or ninety-five-gallon waste container, if available, at no charge by making that request to the Commissioner of Public Works. At the initial outset of this waste collection program discussed herein, the Commissioner of Public Works will post public notice and attempt to contact affected properties to make them aware of the new law and program, as well as any restrictions on receiving different size waste containers.

C. Residential property owners may purchase an additional, or replacement, waste container(s) for an amount to be approved by the Board of Managers, based on cost to the City. Only two containers, regardless of the size, are authorized to be put out for collection from each residential property.

D. All solid waste, trash, and garbage for collection by the City must be placed in the City-issued waste containers. It shall be unlawful to put out for collection any solid waste, trash, rubbish, offal, or garbage in any container or bag not issued by the City of Cohoes. A violation of this subsection shall be deemed a violation by both the property owner, even if not the person actually depositing unauthorized trash for collection, and the person actually depositing unauthorized trash for collection, even if not the owner of the property.

E. It shall be unlawful for a person to deposit any solid waste, trash, rubbish, offal, or garbage in any City-issued waste container issued to a residential or commercial property at which that person is not a resident, owner, or manager, without consent of the owner of the City-issued waste container.

F. Residential properties may purchase overflow trash collection bags for a fee that shall be set from time to time by the Board of Managers. Said bags shall be available for purchase from the Department of Public Works and shall enable a residential property owner to put out solid waste, for collection on a specified pickup day, that would otherwise be a violation of this article. The Commissioner of Public Works may also authorize drop-off of solid waste at a site specified pursuant to Article VI of this chapter.

[Amended 5-24-2005 by Ord. No. 10-2005]

G. During the week immediately following the holidays of Thanksgiving, Christmas, New Year's Day, and Easter, the City shall collect overflow trash in containers or bags that would otherwise be a violation of this article.

§ 239-12 Duty to provide sufficient containers.

[Amended 6-22-2004 by Ord. No. 4-2004]

A. It shall be the duty of every person, firm, partnership or corporation owning, or having the management or control of, any residential property to provide sufficient City-issued waste containers, to a maximum of two ninety-five-gallon containers, to hold all accumulations of garbage, trash, waste, offal, ashes and any other offensive waste substances ordinarily accumulated on the premises.

B. Notwithstanding any other provision in this article to the contrary, a property owner of a residential structure housing three or four dwelling units may notify the Commissioner of Public Works of his or her choice to substitute up to three thirty-five-gallon containers for a residential structure housing three dwelling units, or up to four thirty-five-gallon containers for a residential structure housing four dwelling units, for the otherwise maximum of two ninety-five-gallon containers. If this option is exercised, the first thirty-five-gallon container would be issued at no charge, and the additional two or three thirty-five-gallon containers could be purchased for an amount to be approved by the Board of Managers. Notwithstanding any other provision of this article to the contrary, all three or four of said thirty-five-gallon containers would be authorized to be put out for collection from each residential property exercising this option.

§ 239-13 Certain materials not authorized for deposit in City-issued waste containers.

No person, firm or corporation shall place waste material as defined below in any City-issued waste container:

A. Explosives or munitions.

B. Combustible liquid or gas containers, bottles, cylinders or cans.

C. Caustic acids, corrosives, chemical or other hazardous materials.

D. Liquid wastes or slurry wastes.

E. Recyclable materials pursuant to Article IV of this chapter.

F. Paint.

G. Tree trunks, stumps, branches, lumber or limbs over four inches in diameter or over five feet in length, and the same shall be tied in bundles not over 75 pounds.

H. Slag, rock, sand, brick or concrete.

I. Thick-walled or solid metallic objects, such as castings, forgings, gas cylinders or large motors.

J. Steel or nylon rope, cables or slings more than four feet long.

K. Case-hardened or alloy steel chains over 3/8 inch in diameter or more than four feet long.

L. Rolls of carpet or fencing over 12 inches in diameter.

M. Animal wastes, unless in sealed plastic containers, or parts of animals.

N. Automotive or larger size tires.

O. Solid blocks or rubber or plastic in excess of two cubic feet.

§ 239-14_Collection areas.

[Amended 5-24-2005 by Ord. No. 10-2005]

All City-issued waste containers shall be placed at the curb for collection or in other areas as designated by the City of Cohoes. No City employee shall enter upon private property for trash collection and shall not collect unauthorized materials placed in City-issued waste containers.

§ 239-15_Times for placement.

No person, firm or corporation shall place City-issued waste containers at any designated area for collection prior to 5:00 p.m. of the day immediately preceding the scheduled collection time for such designated area. City-issued waste containers must be removed from the front of the property or any designated area for collection prior to 9:00 p.m. of the day of collection and may not be stored in front of the property.

§ 239-16_Commercial properties to provide private trash removal.

A. Commercial property shall be defined herein as those parcels containing a structure that comprises four or more dwelling units or houses a business or nonresidential entity.

[Amended 5-27-2008 by Ord. No. 5-2008]

B. Commercial properties must provide for private collection of any waste material, trash, rubbish, or garbage. Any dumpsters must be covered and may require a barricade permit pursuant to § 244-1C of this Code.

C. Commercial properties may opt-in to the residential City waste collection program; a commercial property owner or manager may contact the Commissioner of Public Works and apply for a commercial waste collection opt-in permit and, upon approval, receive up to two ninety-five-gallon City-issued waste containers.

D. Upon receipt of a commercial waste collection opt-in permit, said commercial property is subject to all applicable laws, fees, rules and regulations set forth in this article regarding City-issued waste containers and City waste collection.

E. An annual fee of \$235 shall be payable to the City upon the receipt or renewal of a commercial waste collection opt-in permit. Said permit shall be issued effective July 1 of each year and shall expire on June 30 of the following year. Should an opt-in permit be purchased after July, the amount of the fee for said permit shall be prorated based on number of months until the June 30 expiration date.

[Amended 6-27-2006 by Ord. No. 8-2006; 5-27-2008 by Ord. No. 5-2008; 5-26-2009 by Ord. No. 3-2009]

F. Owner-occupied parcels containing a structure that is comprised of four dwelling units may receive a reduced annual fee of \$165 that is payable to the City upon receipt or renewal of a commercial waste collection opt-in permit and proof of owner occupancy under the requirements of New York State's School Tax Relief (STAR) Program. Said permit shall be issued effective July 1 of each year and shall expire on June 30 of the following year. Should an opt-in permit be purchased after July, the amount of the fee for said permit shall be prorated based on number of months until the June 30 expiration date.

[Added 5-27-2008 by Ord. No. 5-2008^{III}]

[1]:

Editor's Note: This ordinance also redesignated former Subsection F as Subsection G.

G. All commercial properties shall continue to have their recyclable materials collected by the City pursuant to Article IV of this chapter and may deposit certain household items pursuant to Article VI of this chapter.

§ 239-17_Actions at law.

The City may institute an action at law against the owner of said property to recover any such costs and fines as are outlined under this article.

§ 239-18 Material not complying to be removed at personal expense.

Any accumulation of waste material resulting from failure of any person to comply with any provision of this article, including unauthorized or hazardous materials, or any waste building materials in excess of 100 pounds, shall be removed by such person at his own expense. Such failure to comply shall be a violation of this article and, if materials are removed by the City, additional costs may be charged as set forth herein.

§ 239-19 (Reserved)

§ 239-20 Mulch piles and clean fill permitted.

Nothing in this article shall be construed as denying any person the right to maintain a mulch pile or accumulation of grass cuttings, leaves or other inoffensive materials on his own or leased property, as long as dust, odors or other nuisances are not permitted to develop from the resulting compost. Nothing in this article shall be construed as denying any person the right to use ashes or other clean material as fill on his own property, so long as dust or any other nuisance is not permitted to develop.

§ 239-21 Penalties for offenses.

[Amended 5-24-2005 by Ord. No. 10-2005]

Any person, firm or corporation found in violation of this Article II shall be subject to a fine of not more than \$250 or up to 15 days in jail, or both, for each violation thereof. Appropriate amounts of community service may be substituted for fine or jail. Each day that the violation continues shall be a separate offense. In addition, in the cases where a City of Cohoes Code Enforcement Officer or garbage enforcement officer, as defined in § 239-22 herein, has identified any improperly placed material, said Officer may issue an order to remove the material. Said order to remove shall serve as notice that the owner of the affected property must remove said improper material by 7:00 a.m. the next calendar day or the City of Cohoes may remove said material and charge any violator under this article the greater of \$100 or the actual cost of removal of garbage, junk or other offal placed within the City of Cohoes in violation of this article. This civil charge shall be in addition to any fines levied under this article and may be collected as restitution as defined in the New York State Penal Law, or said charge may be assessed as a lien against the property concerned and collected by the City, like other taxes and assessments. Before the assessment of any lien against the land, the owner, as indicated by the latest records of the City Assessor, shall be provided with notice and an opportunity to be heard. Said notice, whether in the form of the order to remove or other, shall be served by regular mail to the last known address and by affixing to the residence or most obvious structure on the property concerned where possible.

§ 239-22 Enforcement.

A. The Director of Code Enforcement of the City of Cohoes is hereby authorized and empowered to appoint no more than five garbage enforcement officers who shall assist the Department of Public Works in the enforcement of this article. The Director of Code Enforcement and such appointed garbage enforcement officers as provided herein shall have the power to issue appearance tickets or summonses to any person for apparent violation of any of the provisions of this article.

B. Employees of the Department of Public Works assigned to sanitation will work in cooperation with the Director of Code Enforcement to implement enforcement of this article.

C. The Board of Managers may promulgate rules and regulations with respect to the establishment of this program set forth in this article, not in conflict with the provisions of this article, that shall have the same force and effect as if they were specifically set forth herein.

Chapter 239: SOLID WASTE

Article IV: Recycling

[Adopted 5-28-1991 by Ord. No. 30-1991; amended in its entirety 1-22-2002 by Ord. No. 1-2002¹]

[1]:

Editor's Note: This ordinance also provided for an effective date of 4-1-2002.

Chapter 239: SOLID WASTE Article IV: Recycling

§ 239-23 Purpose.

This article shall be known as the "City of Cohoes Source Separation Law"; its purpose is to encourage and facilitate the maximum recycling practicable on the part of each and every household, business and institution within the City of Cohoes. It shall further be the purpose of the City of Cohoes Source Separation Law to establish, implement and enforce minimum recycling-related practices and procedures to the extent applicable to all waste generators within the City.

§ 239-24 Definitions.

As used in this article, the following definitions shall apply:

CANS

Containers comprised of aluminum, tin, steel or a combination thereof which contain or formerly contained only food and/or beverage substance. This term excludes aerosol cans, paint cans, and metal containers that contained hazardous liquids.

CARDBOARD

All corrugated cardboard normally used for packing, mailing, shipping of containerizing goods, merchandise or other material, but shall not mean wax-coated or soiled cardboard, and which are cleaned of contamination or food waste.

COMMISSIONER

The Commissioner of the Department of Public Works.

CURBSIDE COLLECTION

The use of collection receptacles, including but not limited to recycling containers, for residential, commercial, industrial and institutional waste generators and the regular periodic transfer of the contents of such receptacles by a recyclables collector at the location of the waste generator.

DEPARTMENT OF PUBLIC WORKS

The City of Cohoes Department of Public Works.

DISPOSITION or DISPOSITION OF DESIGNATED RECYCLABLE MATERIALS

The transportation, placement or arrangement for transportation or placement of designated recyclable materials for all possible end uses to a materials recovery facility (MRF).

GARBAGE

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GLASS

Empty, washed glass jars, bottles and containers of clear, green and amber (brown), caps removed. This term excludes ceramic, window glass, auto glass, mirror and kitchenware.

HAZARDOUS MATERIAL or HAZARDOUS WASTE

A solid waste or a combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. Such materials or wastes shall include, but are not limited to, explosives, hazardous radioactive materials, toxic substances and those substances which the Commissioner has identified as a

hazardous waste pursuant to the above criteria and has included on a list of hazardous waste promulgated by the Department of Public Works.

MULTIRESIDENTIAL COMPLEX

Five or more residential units located on a single property or continuous properties under common co-ownership, control or management. For this purpose, "residential unit" shall mean an enclosed space consisting of one or more rooms designed for use as a separate residence and shall include, but not be limited to, an apartment, condominium unit, townhouse cooperative unit, mobile home, living unit in a group home and room or set of rooms in a boardinghouse, but shall not include rooms within a single-family residence, motel or hotel.

NEWSPAPERS

Includes newsprint and all newspapers and newspaper advertisements, supplements, comics and enclosures.

OTHER RECYCLABLES

Any additional item designated by the City of Cohoes Commissioner of General Services as provided for in additional regulations promulgated pursuant to this article.

PAPER

All high-grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeo paper, duplication paper, magazines, paperback books, school paper, catalogs, junk mail, computer paper, telephone books and similar cellulosic material but shall not mean newspaper, waxpaper, plastic or foil-coated paper, styrofoam, wax-coated food and beverage containers, carbon paper, blueprint paper, food-contaminated paper, soiled paper and cardboard.

PERSON

Any individual, firm, partnership, company, corporation, association, joint venture, cooperative enterprise, trust, municipality or other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, penalty or imprisonment, the term "person" shall include the officers, directors, partners, managers or persons in charge of a company, corporation or other legal entity having officers, directors, partners, managers or other persons in charge.

PLASTICS

All HDPE and PET-type plastics, including empty, washed, food, beverage, detergent, bleach and hair-care containers with lids removed. This term excludes all film, vinyl, rigid and foam plastic materials and those which contained hazardous materials.

RECYCLABLE MATERIAL

A material which would otherwise become solid waste, which can be collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

RECYCLABLES

Those materials able to be practically separated from nonrecyclable waste for which reuse markets can be accessed for equal to, or less than, the cost of disposal. No material shall be excluded from this definition solely for the purpose of maintaining the volume of waste processed by the recycling collectors.

RECYCLING

Any process by which materials, which would otherwise become solid waste, are collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

RECYCLING COLLECTION AREA

Any facility designed and operated solely for the receiving and storing of source-separated designated recyclable materials.

RECYCLING CONTAINER

The bin or other container approved by the City of Cohoes or its designee for the use by eligible households within the City. Such containers shall be used exclusively for the storage of City recyclable materials.

RESIDENT

Any person residing within the City on a temporary or permanent basis, but excluding persons residing in hotels or motels. For purposes of this article, "resident" does not include commercial, industrial or institutional establishments.

RUBBISH

Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including, but not limited to, nonrecyclable paper wrappings, cigarettes, wood, wires, glass, bedding, furniture and similar materials which are not designated recyclable materials.

SOLID WASTE

All putrescible and nonputrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter, rubbish and industrial waste, but not including designated recyclable materials, solid or dissolved matter in domestic sewage or substances, materials in noncontainerized gaseous form or hazardous materials or waste.

SOURCE SEPARATION

The segregation of disposable materials into recyclable materials and nonrecyclable waste at the site of the waste generator.

VEGETATIVE YARD WASTE

Organic yard and garden waste, leaves, grass clippings and brush.

WASTE GENERATOR

Any person or legal entity which produces waste requiring off-site disposal.

WASTE HAULER

Any person or business which is licensed or contracted with for the purpose of collecting solid waste from waste generators for disposal at a permitted solid waste facility or a municipal department or other governmental division responsible for collection of solid waste from some or all waste generators in the municipality for disposal at a permitted solid waste facility. A waste hauler may also be a recyclables collector.

§ 239-25_Requirements for source separation and collection for curbside program.

All residents shall source separate all designated recyclables, and prepare said recyclables for collection in accordance with regulations promulgated by the Commissioner.

§ 239-26_Private collection program for multiresidential complexes.

A. There is also established a program (private collection program) for the source separation, collection and delivery of newspaper and any other designated recyclable material included in the curbside program from all nonphysically disabled residents of multiresidential complexes.

B. The owner, manager or superintendent of every multiresidential complex subject to Subsection A above shall provide and maintain, in a neat and sanitary condition, recycling collection areas to receive newspaper and other designated recyclables included in the curbside program which are generated by residents of the complexes. In cases where a condominium, cooperative, homeowner or similar association exists, the association shall be responsible for provision and maintenance of the recycling collection areas. Said recycling collection areas shall be constructed and capable of receiving newspaper and other designated recyclables within 180 days of such inclusion into the curbside program.

C. Once the recycling collection area for a particular multiresidential complex has been constructed and is capable of receiving newspaper and other designated recyclables as may be included in or added to the curbside program, all nonphysically disabled residents of such complex shall source separate such materials by placing them in the appropriate containers or areas within the collection area.

D. The owner, manager or superintendent of each multiresidential complex subject to Subsection A above shall arrange for the collection for recycling of newspaper and other designated recyclables from the recycling collection areas.

E. The number and design of the recycling collection areas required by this section for each multiresidential complex shall be consistent with guidelines provided by the Commissioner.

§ 239-27_Recyclables to be placed in collection areas.

Designated recyclables required to be placed in recycling bins where applicable in recycling collection areas pursuant to § 239-26 of this article shall be prepared for collection in accordance with regulations promulgated by the Commissioner.

§ 239-28_Mandatory commercial, industrial and institutional source separation program.

A. All commercial, industrial and institutional establishments within the City shall source separate and arrange for the collection for recycling of newspaper and any and all other designated recyclables as may be included in or added to the City's recycling program within 180 days of such inclusion in the City's recycling program.

B. Designated recyclables for the mandatory commercial, industrial and institutional source separation program shall consist of the following materials:

(1) Newspaper.

(2) High-grade paper, including, but not limited to, white letterhead paper, white bond paper, white typing paper, white copier paper, white notepad paper, white writing paper, white envelopes without glassine windows, other nonglossy white office paper without plastic computer printout paper, computer tab cards and white onionskin paper.

(3) Corrugated cardboard.

(4) Glass containers, plastic containers and cans generated by food and beverage service establishments.

(5) Vegetative yard waste.

(6) Other recyclable materials as designated by ordinance of the City at all times 30 days after said designation and publication of notice in an official newspaper of the City or a newspaper of general circulation within the City.

C.

The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the person who owns, manages or operates the commercial, industrial or institutional establishment at which the recyclables are generated (the "generator") or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste.

§ 239-29_Vegetative yard waste.

Vegetative yard waste must be placed in biodegradable paper bags or acceptable biodegradable containers, and not in City recyclables containers or other permanent containers. Nothing in this article shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural horticultural, gardening or landscaping purposes.

§ 239-30_Enforcement; rules and regulations.

The Department of Public Works is authorized to enforce the provisions of this article and to administer the recycling programs established herein. The Commissioner of said Department may adopt and promulgate, amend and repeal rules and regulations implementing this article in order to carry out and effectuate the intent and purposes thereof.

§ 239-31_Prohibited activities.

A.

It shall be unlawful for:

(1) Any person, other than those persons so authorized, to collect any designated recyclable which has been placed at the roadside for collection or within a recycling collection area pursuant to this article.

(2) Any person to violate or to cause to assist in the violation of any provision of this article or any implementing rules or regulations promulgated by the Commissioner of the Department of Public Works.

(3) Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling collection area.

B.

All unlawful conduct set forth in this section shall constitute a violation.

§ 239-32_Noncollection of improperly sorted waste.

The Department of Public Works may refuse to collect solid waste from any person who has clearly failed to source separate recyclables designated under an applicable section of this article at any solid waste disposal facility owned or operated by the City.

§ 239-33_Existing contracts.

A. Nothing contained in this article shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the City on the effective date of this article.

B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this article, unless renewal of such contract shall conform to the requirements of this article.

§ 239-34_Penalties for offenses.

Any person who engages in unlawful conduct as defined in this article may, upon conviction thereof, in a proceeding before a court of competent jurisdiction be sentenced to imprisonment for a term not to exceed 15 days or to a term of community service related to the purposes of this article or to pay a fine of not more than \$250 and not less than \$25, or any combination of the above penalties.

§ 239-35_Injunction; concurrent remedies.

A. In addition to any other remedy provided herein, the City of Cohoes may institute a suit in equity where unlawful conduct exists for an injunction to restrain a violation of this article.

B. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the City from exercising any other remedy provided herein or otherwise provided at law or equity.

C. The terms and provisions of this article are to be liberally construed, so as best to achieve and effectuate the goals and purposes hereof.

§ 239-35.1_Severability.

If any part of this article is found to be illegal by a court of competent jurisdiction, the remaining parts hereof shall remain in full force and effect.

§ 239-36_Loose disposal prohibited; proper disposal method.

Loose disposal of syringes, lancets and needles is hereby prohibited. Syringes, lancets and needles must be disposed of in a sealed and clearly marked container before material is brought to the curb for collection. A sealed container can be an empty plastic bleach bottle, plastic soda, container, etc. with caps securely tightened. It should be printed or written on the outside of the container any of the following: SYRINGES or NEEDLES. If it is difficult to write on the container, it can be written on a piece of masking tape or on paper and affixed to the container. It is recommended that needles be bent or clipped before being placed in the sealed container. The Commissioner of Public Works is hereby authorized to refuse any garbage not so prepared.

§ 239-37_Penalties for offenses.

[Amended 12-10-1996 by L.L. No. 4-1996]

Any person who commits an offense against any provision of this article shall be guilty, upon conviction, of a misdemeanor punishable pursuant to § C3-14 the City Charter.

§ 239-38 Program established.

The Commissioner of Public Works is hereby authorized to establish a program at such site and under such regulations as he or she deems appropriate to allow residents and property owners of the City of Cohoes to dispose of certain household items by depositing them at said site. The items enumerated in a "Schedule of Household Items Eligible for Collection," which shall be on file in the Department of Public Works, are eligible for acceptance under this program upon payment of the fee set forth in said schedule. Transport of said items to the location designated for deposit shall be the sole responsibility of the individual or property owner.

§ 239-39 Fees.

The Commissioner of Public Works is authorized to add to the items enumerated in the Schedule of Household Items Eligible for Collection and to levy a fee based on the weight of the item so added (which item shall be boxed or bound as may be required by the Commissioner of Public Works), in the amount set by the Commissioner and approved by the Board of Managers.

§ 239-40 Authority of promulgated rules and regulations.

The rules and regulations promulgated by the Commissioner of Public Works regarding the establishment of this program shall have the same force and effect as if they were specifically set forth in this article. The Commissioner or his designee may reject any item offered for disposal if, in his/her sole discretion, the acceptance of said item is inappropriate for any reason.

§ 239-41 Penalties for offenses.

Any person who violates any provision of this article or the rules and regulations duly made pursuant thereto shall be subject to a fine of not less than \$50 for the first violation; of not less than \$250 for the second violation; of not less than \$500 for the third violation; and is further, upon conviction or entry of a plea of guilty thereto, barred from further participation in the program.