

## Chapter 234

### RECYCLING

#### GENERAL REFERENCES

Housing and property maintenance — See Ch. 176. Solid waste— See Ch. 247.

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#### § 234-1. Legislative intent.

The intent and objective of this chapter is to promote and protect the public health and welfare by regulating the safe collection and disposal of solid waste; to reduce the amount of solid waste transported to solid waste facilities; to recover recyclable materials and deliver them to their final disposal site; to offer alternative refuse disposal and recycling options; and to encourage participation by the whole community in more efficient solid waste management through a simple and cost-effective recycling plan.

#### § 234-2. Definitions.

As used in this chapter, unless otherwise expressly stated, the following terms shall have the meanings indicated:

**ABANDONED VEHICLES** — All vehicles which are no longer intended for or in condition for legal use on public streets or highways and which do not possess a current New York State Motor Vehicle inspection or registration sticker and shall include but not be limited to cars, buses, trucks, and motorcycles.

**ASHES** — The residue resulting from the burning of wood, coal, coke, or other combustible material.

**ASH RESIDUE** — All the solid residue and entrained liquid resulting from the combustion of solid waste, or solid waste in combustion with fossil fuel, at a solid waste incinerator, including bottom ash, boiler ash, fly ash and solid residue of any air pollution control device used at a solid waste incinerator.

**CANS** — Containers comprised of aluminum, tin, steel, or a combination thereof, which contain or formerly contained food and/or beverage substances.

**CARDBOARD** — All corrugated cardboard normally used for packing, mailing or shipping of perishable/nonperishable goods, merchandise or other material, but shall not mean wax-coated or soiled cardboard.

**CITY COUNCIL** — The elected governing body of the City of Troy consisting of six district representatives and three at-large representatives.<sup>1</sup>

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1. Editor's Note: The original definition of "City Manager," which immediately followed this definition, was repealed 10-2-2003 by L.L. No. 4-2003.

COLLECTOR — Any individual or firm permitted by the City, in accordance with this chapter, to manage the collection of recyclable materials within the corporate boundaries of the City.

COMMERCIAL WASTE — All solid waste emanating from establishments engaged in business. This category includes, but is not limited to, solid waste originating in stores, markets, office buildings, restaurants, shopping centers and theaters, and waste generated by nonmanufacturing activities at industrial facilities.

COMMINGLED — To blend together designated recyclables in one collection device that are separated from the disposable materials in the municipal solid waste stream.

COMMISSIONER — The Commissioner of the City of Troy Department of General Services or the Deputy Mayor in the event that a Commissioner of General Services has not been appointed. **[Amended 12-29-2017 by Ord. No. 133]**

COMPOST — Decayed organic matter, including but not limited to yard waste, kitchen scraps, table cleanings, fruit and vegetable parings, decaying vegetable, animal and fruit matter.

CONSTRUCTION AND DEMOLITION DEBRIS WASTE — Waste and building material, dredging materials, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

DEAD ANIMALS — All animals that have died naturally or have been killed, and shall include but not be limited to cats, dogs, cows, horses, pigs and rodents.<sup>2</sup>

GARBAGE — All animal and vegetable waste resulting from the handling, processing, preparation, cooking or consumption of foods in any private dwelling house, multiple-dwelling house, hotel, restaurant, building, or institution.

GLASS — All clear (flint), green, or brown (amber) colored glass containers, crystal and plate, window, and laminated or mirrored glass, but shall not include wire glass.

HAZARDOUS MATERIALS/HAZARDOUS WASTE — Any refuse the handling or disposal of which, in the opinion of the Commissioner, would constitute a danger to City employees, City property, or the public and shall include but not be limited to radioactive wastes, toxic chemicals, concentrated acids, flammable oils, and pathological wastes.

INDUSTRIAL WASTES — Any and all residue resulting directly from industrial or manufacturing operations and shall include but not be limited to water treatment plant wastes, sewage solids, building wastes, and bulk wastes.

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2. **Editor's Note: The former definition of "dwelling unit," which immediately followed this definition, was repealed 12-29-2017 by Ord. No. 133. See now the definition for "residential premises."**

LARGE HOUSEHOLD FURNISHINGS — Any large bulky article actually used in the home and which may be used for living, including but not limited to chairs, sofas, tables, beds and carpets.

METAL/WHITE GOODS — Any large bulky household mechanisms, including but not limited to refrigerators, washers, dryers, stoves, hot water tanks and any other household items made of aluminum, steel, brass, copper, stainless steel, iron, or any combination thereof, but not including cans, as defined in this section.

NONRECYCLABLE REFUSE — Materials currently not designated as recyclable, including but not limited to rags, sweepings, leather, fabrics, crockery, shells, and similar waste materials.

NEWSPAPER — Newsprint and all newspapers and newspaper advertisements, supplements, comics and enclosures.

PAPER — All high-grade office paper, fine paper, bond paper, low-grade office paper, Xerox paper, mimeo paper, duplication paper, magazines, paperback books, all types of school paper, catalogs, junk mail, computer paper, telephone books, and similar material as specifically designated, but shall not mean newspaper, wax paper, plastic- or foil-coated paper, styrofoam, wax-coated food and beverage containers, carbon paper, blueprint paper, paper contaminated by food, soiled paper, and cardboard.

PLASTICS — Items composed of a plastic-based component, including but not limited to high-density polyethylenes (HDPE), low-density polyethylenes (LDPE), polyethylene terephthalate (PET) and polyvinyl chloride (PVC) or other specific plastics as designated by the City, which contained or contain substances including but not limited to food and/or beverages.

RECYCLABLES — Those solid wastes designated by the City that exhibit the potential to be used repeatedly in place of a virgin material and to be marketable in a cost-effective manner, and shall include but not be limited to clean plastic and glass containers, metal and bimetal cans, dry discarded newspaper, cardboard and flat paper. A list of all designated recyclables shall be maintained on file in the main office of the City's Department of Public Works.

RECYCLING COORDINATOR — That person appointed by the Mayor to coordinate the recycling program, to arrange for the marketing and/or appropriate disposal of collected items, and to perform educational and informational functions.<sup>3</sup>

RESIDENTIAL PREMISES — A building (synonymous with residence) containing one to six residential units; shall not include a hotel, motel or hospital, dormitory, fraternity, sorority, boarding house or nonprofit facility providing client housing services.**[Added 12-29-2017 by Ord. No. 133]**

RESIDENTIAL UNIT — An individual enclosed living space providing kitchen, bathroom facilities along with space for sleeping, etc., with its own entrance.**[Added 12-29-2017 by Ord. No. 133]**

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3. Editor's Note: The former definition of "residence/multiresidence," which immediately followed this definition, was repealed 12-29-2017 by Ord. No. 133.

RUBBISH — All cardboard, plastic, metal or glass food or beverage containers, waste paper, rags, sweepings, small pieces of wood, rubber, leather, and similar waste materials that ordinarily accumulate around a home, business, industry, institution, or public facility.

SCAVENGING — The unauthorized picking through, sorting or removal of recyclable materials following the placement for collection of such materials in or about the City right-of-way.

SOLID WASTE — Materials or substances discharged or rejected as being spent, useless, worthless or in excess by the owner at the time of such discard or rejection, except sewage and other highly diluted water-carried materials or substances and those in gaseous form. Such waste shall include but not be limited to garbage, sludge, rubbish, ashes, incinerator residue, dead animals, abandoned vehicles, industrial wastes, commercial wastes, and construction and demolition debris.

SOLID WASTE COLLECTION PERMIT (SWCP) — That permit issued by the City to an individual or firm which authorizes said individual or firm to collect some or all categories of solid waste, as defined in this Code, within the boundaries of the City of Troy. The Commissioner shall issue each said permit on behalf of the City and he/she shall specify which categories of solid waste may be collected pursuant to said permit.

SOURCE-SEPARATED — The segregation and collection of individual recyclable components before they become mixed into the municipal solid waste stream.

### § 234-3. Preparation and procedures.

- A. Preparation. No person shall dispose of recyclables except as follows: Prior to placement for collection and removal, all commingled recyclables must be properly stored in a recyclable collection device as approved by the Commissioner of the Department of General Services. Glass, metal and plastic recyclables shall be clean, and all contents shall be removed therefrom; caps shall be removed from glass recyclables, and paper labels shall be removed from metal recyclables. Newspaper and other fiber-based materials for recycling should be kept dry. Additional materials may be added based on market availability. Preparation requirements may from time to time be changed by the Commissioner of the Department of General Services due to market requirements. **[Amended 12-29-2017 by Ord. No. 133]**
- B. Recyclables collection systems:
  - (1) General provisions:
    - (a) It shall be the responsibility of all residents to separate recyclables from all residential solid waste and to place recyclables out for collection. Recyclables shall not be placed in the same container as, or otherwise mixed with, other forms of solid waste.

- (b) All residents shall separate designated recyclables and place them in the appropriate collection device either at a centralized collection storage area or curbside, and in accordance with all provisions of this chapter.
  - (c) It shall be a violation of this chapter for any person to collect and dispose of solid waste which consists of recyclables combined with other forms of solid waste, and (such person) shall be subject to all penalties as outlined in this chapter.
  - (d) All recyclables placed in curbside containers or placed at recyclables collection areas are considered the property of the generator until such recyclables are placed at the curb or alley area for collection by the City or the City's permitted collector.  
**[Amended 12-29-2017 by Ord. No. 133]**
  - (e) Ownership. Recyclable materials, as defined in this section, once placed at the curb or alley area adjacent to the residence where regular municipal solid waste is placed for collection, shall become the property of the City of Troy.
  - (f) Scavenging.
    - [1] It shall be a violation of this section for any person to collect, pick up, remove or cause to be collected, picked up or removed, any recyclables placed for collection, without the written permission of the Commissioner of the Department.
    - [2] Each collection, pickup or removal shall constitute a separate violation of this section and shall be subject to the following penalties: Any person committing an offense of scavenging, as defined in this chapter, shall be guilty of a violation punishable by a fine not to exceed \$250 or imprisonment not to exceed 15 days, or both.
- (2) Municipal/public system: **[Amended 12-29-2017 by Ord. No. 133]**
- (a) The City shall designate either the Department of General Services or by contract, pursuant to applicable state law, an individual or firm to act as the City's recyclables collection and disposal contractor ("the contractor").
  - (b) Exclusive right to collect. The City of Troy Department of General Services or the designated contractor shall have the exclusive right to collect recyclables from any property containing six or fewer residential units.
  - (c) Recyclable collection device. The Commissioner shall make available to every owner of a property containing six or fewer residential units a recyclable collection basket for use at said

property. The first such collection basket shall be made available to the property owner at no charge. Additional baskets for the same property, or replacement baskets for lost or stolen baskets, shall be made available to the property owner by the Commissioner, according to a schedule of charges to be established by the Commissioner. The collection baskets shall remain the property of the City.

- (d) Residential properties exceeding six units. The owner of any property containing more than six residential units shall contract with a firm or individual having a solid waste collection permit issued by the City for the collection and recycling of recyclables. The property owner shall provide and maintain an appropriate area to receive and store the recyclables generated by the residents of the property. The storage area shall be maintained by the property owner in a neat and sanitary condition. Such area shall comply with all regulations of the Department of General Services and any other applicable rules, regulations, ordinances or laws. All recyclables shall be stored in an appropriate container of sufficient size to hold all the recyclables generated by the use of the property between scheduled collections.
  - (e) Nonresidential property. The owner of any nonresidential property, the use of which generates recyclables, shall contract with a firm or individual having a solid waste collection permit issued by the City for the collection and recycling of recyclables. The property owner shall provide and maintain an appropriate area to receive and store the recyclables generated by the use of the property. The storage area shall be maintained by the property owner in a neat and sanitary condition. Such area shall comply with all regulations of the Department of General Services and any other applicable rules, regulations, ordinances or laws. All recyclables shall be stored in an appropriate container of sufficient size to hold all the recyclables generated by the use of the property between scheduled collections.
  - (f) Mixed-use properties. An owner of a property which is used for nonresidential purposes and which also contains six or fewer residential units shall comply with all requirements applicable to residential properties containing six or fewer residential units.
- (3) Collection devices. All recyclable collection devices to be used within the boundaries of the City of Troy shall be approved by the Commissioner prior to use. Said recyclable collection devices shall include, but not be limited to, sixty-gallon, ninety-gallon, three-hundred-and-sixty-gallon automated pickup containers; twelve-gallon, fourteen-gallon, eighteen-gallon color-coded/marked recycling boxes and compartmentalized roll-offs. Any individual or

firm using nonapproved collection devices shall be in violation of this chapter and subject to all penalties included herein.

(4) Miscellaneous provisions.

- (a) If consistent with the rules, regulations and articles of the City of Troy, large household furnishings may be placed curbside or in the alley adjacent to the owner's property to be picked up and disposed of or recycled by the City, subject to applicable fees for the collection and removal of such items. **[Amended 12-29-2017 by Ord. No. 133]**
- (b) The Commissioner may periodically provide for the collection of household hazardous materials. It shall be a violation of this chapter to place hazardous materials out for collection by the City or the City's contractor except as periodically provided for by the Commissioner.
- (c) Construction and demolition debris shall not be collected by the City. The generator of construction and demolition debris shall have the responsibility for the removal and authorized disposal of said debris.
- (d) Metal/white goods shall be collected curbside by the City and shall be recycled when market conditions permit, subject to any applicable fees for the collection and removal of such items. **[Amended 12-29-2017 by Ord. No. 133]**
- (e) Reinstatement of fee. The recycling collection fee terminated herein will automatically reinstate at the end of fiscal year 2018, provided the City of Troy has not completed the implementation of a comprehensive solid waste collection and disposal plan for fiscal year 2019. **[Added 12-29-2017 by Ord. No. 133<sup>4</sup>]**
- (f) The Commissioner may make such rules and regulations, consistent with this chapter, as the Commissioner deems necessary to properly conduct the City's recycling program and to further the City Council's legislative intent as expressed in § 234-1 of this chapter.

**§ 234-4. Permits for private haulers.**

- A. Permit required. No commercial hauler shall engage on a regular basis in the business of collecting, transporting, disposing of solid waste, and/or the recyclables generated within the City of Troy without obtaining a solid waste collection permit (SWCP).

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4. Editor's Note: This ordinance also redesignated Subsection B(4)(e) as Subsection B(4)(f).

- B. Solid waste collection permit application and issuance. The following procedures shall be followed by commercial haulers in order to obtain a solid waste collection permit:
- (1) An SWCP application shall be made, in writing, on a form prescribed by the Commissioner, accompanied by a fee of \$200, payable to the City of Troy.
  - (2) An SWCP may only be issued after approval of the application by the Commissioner.
  - (3) Upon the recommendation of the Commissioner to the Mayor, violation of this chapter or any City ordinance may be cause for revocation of the SWCP issued to said individual or firm. Permittee suspected of violating this chapter or any City ordinance shall be given official written notification of permit revocation.
  - (4) The effective term of a permit shall be from the date of approval by the Commissioner and shall expire 365 days after said approval. Said permit must be reapplied for a minimum of 15 days prior to expiration.

**§ 234-5. Enforcement procedures and penalties. [Amended 12-29-2017 by Ord. No. 133]**

Failure to comply with this chapter by any person or firm shall be deemed a violation punishable by a fine no greater than \$250 or imprisonment no longer than 15 days, or both. Each day that a violation of this chapter continues shall constitute a separate offense punishable by a fine and/or imprisonment.

**§ 234-6. Amendments.**

Based on the recommendations of the Mayor, the City reserves the right to amend this chapter in total or in part.

**§ 234-7. Statutory authorization.**

This chapter is enacted pursuant to the authority and directive contained in § 120-aa of the General Municipal Law of the State of New York.

**§ 234-8. Citizens advisory board.**

At the discretion of the Mayor, an advisory board shall be appointed to review and work with the City administration on current and future recycling issues and programs. Said advisory board members shall be appointed by, and serve at the pleasure of, the Mayor and shall receive no financial compensation for their work. Advisory board members shall be residents of the City and shall not hold public office within the City administration. The advisory board shall consist of a minimum of five and a maximum of nine members. The advisory board shall have a Chair who shall preside at all meetings. Meetings of the advisory board shall be

scheduled by the Chair in conjunction with the Mayor or his/her designated representative.