

Chapter 168: GARBAGE, WASTE, LITTERING AND RECYCLING

[HISTORY: Adopted by the Council of the City of Watervliet 4-20-1972 as Ch. 9 of the Code of Ordinances of 1972. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 123.

Burning of refuse — See Ch. 135.

Chapter 168: GARBAGE, WASTE, LITTERING AND RECYCLING

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The City Council deems it in the best interest of the citizens of the City of Watervliet to codify the rules and regulations, heretofore promulgated by the Office of the General Manager and the Department of Public Works, providing for the preparation, collection, and removal of refuse in the City.

§ 168-1.1_Curbside collection program.

In connection with the refuse collection system introduced in the City of Watervliet in 1974, there is hereby enacted a curbside collection program to provide for a weekly collection of garbage, trash, and other refuse.

§ 168-1.2_Weekly household garbage collection.

A.
Such program shall provide weekly curbside collection and removal of garbage and trash. This service is limited to household, garbage that is generated from the residents of the City of Watervliet. "Household garbage" is defined as household waste that is generated from normal everyday living. This service is available at no charge to residential dwellings of fewer than five units.

B.
Preparation and placement of materials for collection; specifications for containers. After the first day of May 2008, each person offering for collection by the City any garbage and refuse shall place the materials in a plastic bag and place in a plastic/metal garbage container which shall be kept clean, shall have suitable handles and a tight fitting cover and shall not exceed 50 pounds per container. Each unit will be allowed two containers for garbage. Any container weighing more than 50 pounds will not be picked up. The containers shall be placed on the curb or alley level in a readily accessible place on the day of collection. Household garbage cannot be placed out on the curb or alley level until 4:00 p.m. the day before the scheduled pickup day. Within 12 hours of the actual collection by the City, all containers shall be removed from the street or alley as mandated by § 244-3 of Chapter 244, Streets and Sidewalks, and no such containers shall again be placed on the street or alley level until 4:00 p.m. on the day before the next regular collection.

§ 168-2_Preparation of materials.

A.
Garbage, which shall include all kitchen wastes of animal and vegetable matter, paper, boxes, rags, leather and all rubbish which it is possible to burn, shall be securely wrapped in paper and shall be placed in separate metal containers.

B.
Rubbish, which shall include ashes of coal and wood fuel, gravel, bottles, cans, glass, metals, crockery and other refuse or rubbish which it is impossible to burn, shall be placed in separate metal containers.

C.
Grass, leaves and other yard waste and debris shall be placed in biodegradable paper bags approved for such use and/or made available by the City and placed at curbside for collection on the designated collection day.

[Amended 4-4-1990 by Ord. No. 1535]

§ 168-2.1_Business refuse.

All low-refuse-producing businesses will be allowed curbside or alley level refuse collection if the amount of refuse produced by said business is 100 pounds or less. If a business produces more than the household refuse limit of 100 pounds per week as provided in § 168-1.2 of this chapter, the business will be allowed to participate in the curbside collection program by purchasing from the City two, ninety-five-gallon containers and paying a yearly fee as determined by the City Council. All garbage must be placed in plastic bags and placed into the ninety-five-gallon containers. Business garbage will be picked up in accordance with the schedule provided in §§ 168-1.2B and 168-2.2 of this chapter. Placement of the ninety-five-gallon containers will be at the discretion of the City Manager or his designee. Any business that produces more refuse per week than 190 pounds of garbage (i.e., more than two, ninety-five-gallon containers) will have the option to pay a fee per year as determined by the City Council for each additional ninety-five-

gallon container or not participate in the collection program and utilize the services of a private contractor, at the business' own expense, for the removal of its refuse.

§ 168-2.2_Multiunit residences.

Any dwelling containing five units or more shall, for the purpose of this article, be considered a multiunit residence or multiple dwelling, including dwellings where one or more units are used for commercial or office purposes, and shall not be served hereunder. There shall be a yearly per-unit surcharge for all multiunit residences as determined by the City Council. This surcharge shall be applied to each unit exceeding four units in the multiunit residence. Property owners or their designees shall choose among the following options: contract with a private refuse company for all refuse and recyclable removal; or enter into an agreement with the City to provide refuse/recyclable removal and pay the above mentioned surcharge. Refuse/recyclable collection for multiunit residences shall be in accordance with this section and § **168-1.2B** of this chapter.

§ 168-2.3_Collection points and schedules; exceptions.

A.
The areas, routes, and days of collection shall be determined by the General Manager and shall consist of the following schedule:

(1)
Monday: Section 1 south of Arsenal (9th Street) to City line (1st Street).

(2)
Tuesday: Section 2 Arsenal Wall (10th Street) to 15th Street (both sides).

(3)
Wednesday: Section 3 north of 15th Street to 19th Street (both sides) to include 12th Avenue, Hillside Drive and Wiswall Avenue.

(4)
Thursday: Section 4 north of 19th Street to 25th Street to include 10th Avenue, 11th Avenue, Glen Avenue and Ball Place.

(5)
Friday: The City will pick up grass clippings from April through November.

B.
Exceptions. When a refuse pickup day falls on a Monday holiday, the refuse will be picked up on the following Tuesday. When a refuse pickup day falls on a Tuesday through Thursday holiday, the pickup day will be on the preceding Friday.

§ 168-2.4_Bulk items.

"Bulk items" in the City of Watervliet shall be defined as waste that requires special handling, including, but not limited to, large appliances with refrigerants and doors properly removed, white goods, couches, chairs, mattresses, tables, appliances, lumber, carpets, and padding. The City of Watervliet shall pick up bulk items from its residents at no cost twice per year, once in the spring and once in the fall. The City Council shall set the dates for the spring and fall collection. During the spring/fall collection, bulk items must be placed for pickup in accordance with the schedule set forth in § **168-1.2** above. Bulk items that would fit into an area four feet wide by eight feet long by four feet high will be picked up. Items that fill up more than the above described dimensions will not be picked up. Residents of the City of Watervliet who find the need to dispose of bulk items before or after the established dates must pay to do so. Residents will be allowed to bring their bulk items to the Department of Public Works the last Friday of each month. In this specific situation, residents will be required to show proof of residency to the City Clerk, pay a fee as determined by the City Council for the bulk item disposal, and must then transport the bulk item to the Department of Public Works garage between the hours of 9:00 a.m. to 3:00 p.m. Bulk items must conform to the same dimensions of four feet wide by eight feet long by four feet high as stated above.

§ 168-2.5_Recycables.

Recycables will be picked up by the City of Watervliet in accordance with Article III of this chapter. Recycables shall be placed out for pickup in accordance with the schedule set forth in § 168-1.2 above.

§ 168-2.6_Private contractors.

All private refuse contractors must annually obtain a permit from the City of Watervliet to remove refuse from any establishment within the City limits. There shall be a yearly permit fee as determined by the City Council. All private contractors must purchase a medallion/sticker per truck from the City for each refuse truck utilized within the City limits at a price to be determined by the City Council. Refuse must be picked up by a private contractor in accordance with the schedule set forth in § 168-1.2C above. All private contractors must maintain records as to the refuse that is picked up in the City. The General Manger shall report to the City Council on the last Council meeting each year to review the records of the private contractors.

§ 168-2.7_Importing of garbage, refuse, recyclables, and bulk items prohibited.

The curbside collection program is intended as a benefit for the residents of the City of Watervliet. No person, business or any other entity, including residents, shall transport garbage, refuse, recyclables or bulk items into the municipal boundaries of the City of Watervliet for the purpose of leaving such items for curbside collection. Residents and businesses shall be prohibited from accepting imported garbage, refuse, recyclables or bulk items to their property or residence from outside the City with the intent that such garbage, refuse, recyclables or bulk items will be removed by the City of Watervliet Department of Public Works.

§ 168-2.8_Penalties for offenses.

A.
A person, agent, operator, firm, association, organization, partnership, company, corporation, beneficiary, trust, trustee, and all other persons having a legal or equitable interest in the residence or other private property or recorded in the official records of the state, county or municipality as holding title to the property or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, which shall knowingly and willingly violate or assist in the violation of the provisions of this article or who or which fails to comply with a lawful directive from the Building Department, Department of Public Works, and General Manger of the City of Watervliet concerning the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article III, General Penalty.

B.
Containers that are in a dilapidated or unsanitary condition, are oversized or otherwise do not conform to the requirements set forth herein shall be removed by the Department of Public Works upon the violator's failure, along with written notice, to do so.

C.
In determining violations concerning multiple dwellings, the Building Inspector shall have the power, discretion and duty, after due investigation, to apportion liability between or among the property owner and residents responsible therefor.

§ 168-2.9_Promulgation of rules and regulations.

The General Manager is hereby authorized to promulgate such other rules and regulations as may be necessary to effectuate and supplement the provisions of this article, including the imposition, collection, and increase of fees to offset and defray the costs and expenses involved in the curbside collection program and in correcting and/or alleviating violations of the provisions hereof.

§ 168-2.10_Severability.

If any section, provision, clause or other part of this article is declared unconstitutional or otherwise ineffective by a court of competent jurisdiction, such determination shall not be deemed to invalidate the remaining parts hereof, and to that extent, the article shall remain in full force and effect.

§ 168-2.11_When effective.

This article shall take effect immediately.

Article II: Littering

§ 168-3_Definitions.

As used in this article, the following terms shall have the meanings ascribed to them:

AUTHORIZED PRIVATE RECEPTACLE

A litter storage and collection receptacle, not to exceed 30 gallons in volume capacity.

ENFORCEMENT OFFICER

The person(s) designated by the City Council to carry out the duties of enforcement and administration for this chapter.

[Added 10-2-2008 by Ord. No. 1831]

GARBAGE

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

LITTER

Garbage, refuse and rubbish, as defined in this section, and all other waste material which, if thrown or deposited as prohibited by this article, tends to create a danger to public health, safety and welfare.

OWNER

A person, agent, operator, firm, association, organization, partnership, company, corporation, beneficiary, trust, trustee, and all other person(s) having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

[Added 10-2-2008 by Ord. No. 1831]

PARK

A park, reservation, playground, beach, recreation center or any other public area in or owned or used by the City and devoted to active or passive recreation.

PRIVATE PROPERTY

Any dwelling, house, building or other structure designed or used either wholly or in part for residential, business or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any property, yard, grounds, walk, driveway, parking areas, porch, steps, vestibule or mailbox belonging or appurtenant to any such dwelling, house, building or other structure designed or used either wholly or in part for residential, business or industrial purposes.

PUBLIC PLACE

Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

REFUSE

All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH

Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, handbills, placards, posters, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

§ 168-4_Throwing litter from vehicles.

No person while a driver or passenger in a vehicle shall throw, distribute or deposit litter upon any street, vehicle or other public place within the City or upon private property.

§ 168-5_Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the City unless the vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

§ 168-6_Penalties for offenses.

[Amended 9-5-1996 by Ord. No. 1638]

Any person violating any of the provisions of this article shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article III, General Penalty.

§ 168-7_Notification of violation.

[Amended 5-16-1991 by Ord. No. 1550; 9-5-1996 by Ord. No. 1638; 10-2-2008 by Ord. No. 1831]

A.
Whenever the enforcement officer finds that there has been a violation of this article or of any rule or regulation adopted pursuant thereto, he shall issue and serve upon the owner, as defined in § 168-3 of this article, or to any person(s) responsible, an appearance ticket as defined and authorized pursuant to Chapter 276 of the Code of the City of Watervliet.

B.
Nothing contained herein shall prevent the enforcement officer from filing a summons, complaint or any other accusatory instrument in Watervliet City Court in lieu of the issuance and service of an appearance ticket for a violation of this article.

§ 168-8_Prohibited acts in public places.

No person shall throw, deposit or distribute litter in or upon any street, sidewalk, vehicle or other public place within the city, except in public receptacles or in authorized private receptacles for collection.

§ 168-9_Manner of placement of litter in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 168-10_Sweeping litter into gutter prohibited; cleanliness of sidewalks.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk adjacent to their premises free of litter.

§ 168-11_Duty of merchants to keep sidewalks free of litter; prohibited disposition of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk adjacent to their business premises free of litter.

§ 168-12_Litter in parks.

No person shall throw, distribute, or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article.

§ 168-13_Litter in watercourses.

No person shall throw or deposit litter in any fountain, pond, lake, stream, channel, bay or any other body of water in a park or elsewhere within the city.

§ 168-14_Occupied private property.

No person shall throw, distribute or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

§ 168-15_Duty of owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter; however, this section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ 168-16_Litter on vacant lots.

No person shall throw, distribute or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

Article III: Source Separation of Recyclables

[Added 1-17-1991 by Ord. No. 1546]

§ 168-17_Findings; purpose.

The City Council of the City finds that the reduction of the amount of solid waste and the conservation of recyclable materials are important public concerns. The separation and collection of newspaper, paper, cardboard, glass, cans, plastic containers, vegetative yard waste and other materials for recycling from the residential, commercial, industrial and institutional establishments in the City will protect and enhance the city's physical and visual environment as well as promote the health, safety and well-being of persons and property within the City by minimizing the potential adverse effects of landfilling through reduction of the need for landfills and conservation of existing landfill capacity, facilitating the implementation and operation of other forms of solid waste management, conserving natural resources, ensuring conformance with the New York State Solid Waste Management Plan and facilitating the implementation of a solid waste management plan for the City as a whole. The promotion and use of recyclable materials, goods produced from recyclable materials and goods which facilitate recycling will further serve the same purpose by encouraging and facilitating recycling.

§ 168-18_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 substances.

CARDBOARD

All corrugated cardboard normally used for packing, mailing, shipping of containerizing goods, merchandise or other material, but shall not mean wax-coated or solid cardboard.

COMMISSIONER

The Commissioner of the Department of Public Works.

DEPARTMENT OF PUBLIC WORKS

The City of Watervliet 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 the City of Albany ANSWERS facility.

GARBAGE

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

GLASS

All clear (flint), green and brown (amber) colored glass containers.

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 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 (5) or more residential units located on a single property or continuous properties under common ownership, control or management. For this purpose, "residential" shall mean an enclosed space consisting of one (1) or more rooms designed for use as a separate residence and shall include, but is not limited to, an apartment, condominium unit, town house 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.

PAPER

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

PERSON

An 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.

PLASTIC CONTAINERS

Containers composed of high-density polyethylene, polyethylene terephthalate or other specific plastics as the City may designate.

RECYCLABLE MATERIAL

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

RECYCLABLES

Those recyclable materials designated by this article and/or by determination of the Commissioner to be source separated. The term includes, but is not limited to, newspaper, glass, paper, cardboard, cans, plastic containers and vegetative yard waste.

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.

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, wire, 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, 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 SEPARATE

To separate recyclable materials from the solid waste stream at the point of waste generation.

VEGETATIVE YARD WASTE

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

§ 168-19 Preparation of recyclables for curbside collection.

All designated recyclables placed for collection, or other location, by residents for collection pursuant to the curbside programs established pursuant to this article shall be prepared for collection in accordance with regulations promulgated by the Commissioner.

§ 168-20 Collection for multiresidential complexes.

A.
In any area designated by the Commissioner of this chapter, 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 complex. In cases where a condominium, cooperative, homeowners' 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 one hundred eighty (180) days of such inclusion in 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.

§ 168-21 Preparation of recyclables for recycling collection areas.

Designated recyclables required to be placed in recycling collection areas pursuant to § 168-21 of this article shall be prepared for collection in accordance with regulations promulgated by the Commissioner.

§ 168-22 Mandatory commercial, industrial and institutional source-separation program.

A.
All commercial, industrial and institutional establishments within an area of the City subject to a curbside program established pursuant to regulation of the Commissioner 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 such curbside program within 180 days of such inclusion in the curbside program.

B.
Designated recyclables for the mandatory commercial, industrial and institutional source-separation program may 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 note pad paper, white writing paper, white envelopes without glassine windows, other nonglossy white office paper without plastic, computer printout paper, computer tab cards and white onion skin paper;

(3)
Corrugated cardboard;

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

(5)
Vegetative yard waste; and

(6)
Other recyclable materials as designated by resolution 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 (generator) or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste.

§ 168-23 Vegetative waste.

Nothing in this article shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscaping purposes.

§ 168-24 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.

§ 168-25 Unlawful 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 rule or regulation 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.

§ 168-26 Noncollection of solid waste contaminated by designated recyclables.

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

§ 168-27 Noninterference with 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.

§ 168-28 Penalties for offenses.

[Amended 9-5-1996 by Ord. No. 1638]

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 subject to a penalty as set forth in Chapter 1, General Provisions, Article III, General Penalty.

§ 168-29 Injunction; concurrent remedies.

A.

In addition to any other remedy provided herein, the City 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.

Chapter 168: GARBAGE, WASTE, LITTERING AND RECYCLING

Article IV: Corrective Action

[Added 2-4-1993 by Ord. No. 1580]

Chapter 168: GARBAGE, WASTE, LITTERING AND RECYCLING Article IV: Corrective Action

§ 168-30 Cost of removal to be lien.

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If the General Manager or his designee deems any accumulation of garbage, waste or littering under this chapter to be hazardous to the general public, he shall notify the adjacent property owner to remove said garbage, waste or littering, and if said owner does not comply with said notice, the City shall make the proper removal and the cost of which shall become a lien against the adjacent property and be added to and appear on the next City tax bill for said property.