

Chapter 216: GARBAGE, RUBBISH AND REFUSE

Article X: Source Separation of Recyclables

[Adopted 10-13-1992, effective 10-22-1992]

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Article X: Source Separation of Recyclables

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[Amended 9-17-1996, effective 9-18-1996]

The reduction of the amount of solid waste and the conservation of recyclable material are important public concerns. The separation and collection of newsprint, paper, cardboard, glass, aluminum containers, metal cans, plastic containers, vegetative yard waste and other material for recycling from residential and commercial users in the City will protect and enhance the city's physical and visual environment. Such source separation and collection of recyclable material will promote the health, safety and well-being of persons and property within the City by minimizing the potential adverse effects of overusing landfills 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 and ensuring conformance with the New York State Solid Waste Management Plan. The promotion and use of recyclable material, goods produced from recyclable material and goods which facilitate recycling will further serve the same purposes.

§ 216-39_(Reserved) [1]

[1]:

Editor's Note: Former § 216-39, Definitions, was repealed 9-17-1996, effective 9-18-1996.

§ 216-40_Requirements applicable to source separation and collection of recyclable material for the curblin program.

[Amended 9-17-1996, effective 9-18-1996]

All recyclable material as indicated by § **216-43B** of this chapter placed for collection at the curblin or other location by residents for collection pursuant to the curblin programs established pursuant to this chapter shall be prepared for collection in accordance with regulations promulgated by the Commissioner.

§ 216-41_(Reserved) [1]

[1]:

Editor's Note: Former § 216-41, Establishment of private collection program for multiresidential complexes, was repealed 9-17-1996, effective 9-18-1996.

§ 216-42_(Reserved) [1]

[1]:

Editor's Note: Former § 216-42, Requirements applicable to source separation and placement of designated recyclables in recycling collection areas, was repealed 9-17-1996, effective 9-18-1996.

§ 216-43_Mandatory commercial user source separation program.

[Amended 9-17-1996, effective 9-18-1996]

A.

All commercial users within the City shall source-separate and arrange for the collection for recycling of recyclable material as may be included in or added to such curblin program pursuant to the rules and regulations promulgated by the Commissioner.

B.

Recyclable material for the mandatory commercial user source separation program shall consist of the following:

(1)

Newsprint.

(2)

Paper.

(3)

Magazines.

(4)

Cardboard.

(5)

Glass, plastic containers, aluminum containers, and metal cans generated by food and beverage service establishments.

(6)

Wood waste.

(7)

Other recyclable material as designated by resolution of the Common Council or by the Commissioner's regulations promulgated under this chapter 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.

In any multiresidential complex, there shall be an area designated by the Commissioner for the source separation, collection and delivery of recyclable material included in the curblin program from occupants of such multiresidential complexes pursuant to the rules and regulations promulgated by the Commissioner.

D.

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 recyclable material included in the curblin program which are generated by residents of the complex pursuant to the rules and regulations promulgated by the Commissioner. 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.

E.

Once the recycling collection areas for a particular multiresidential complex have been constructed and are capable of receiving recyclable material as may be included in or added to the curblin program, occupants of such complex shall source separate such materials by placing them in the appropriate receptacles or areas within the collection area pursuant to the rules and regulations promulgated by the Commissioner, except qualified individuals with a disability may source separate.

F.

Recyclable material required to be placed in recycling collection areas shall be prepared for collection pursuant to the rules and regulations promulgated by the Commissioner.

G.

The arrangement for collection of recyclable material shall be the responsibility of the commercial user or the agent or person contractually obligated to the commercial user to arrange for collection and disposal of its solid waste. The City reserves the right to collect recyclable material placed at the curblin pursuant to the rules and regulations promulgated by the Commissioner.

§ 216-44_Special provisions regarding vegetative yard waste.

[Amended 9-17-1996, effective 9-18-1996]

Nothing in this article shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural, horticultural, forestry, gardening or landscaping purposes, provided that such vegetative yard waste is stored in a receptacle which shall be covered in such a fashion so as to eliminate the possibility of divergence by wind or soaking by rain or snow or accessibility to animals or pests. Grass clippings, weeds and leaves shall be placed for public collection in plastic bags and other vegetative yard waste shall be placed in compact bundles no longer than four feet. Vegetative yard waste intended for composting shall be prepared and placed for public collection pursuant to the rules and regulations promulgated by the Commissioner.

§ 216-45_Enforcement; rules and regulations.

[Amended 9-17-1996, effective 9-18-1996]

The Departments of Street Sanitation and Public Works are authorized to enforce the provisions of this article and to administer the curblin program established herein. The respective Commissioners of said Departments 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.

§ 216-46_Unlawful activities.

[Amended 9-17-1996, effective 9-18-1996]

A.

It shall be unlawful for:

(1)

Any person, other than those persons so authorized, to collect or scavenge any recyclable material which has been placed at the street or curblin for collection or within a recycling collection area pursuant to this article.

(2)

Any person to violate or to cause or assist in the violation of any provision of this article or any implementing rule or regulation promulgated by the Commissioner.

(3)

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

B.

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

§ 216-47_(Reserved) ^[1]

[1]:

Editor's Note: Former § 216-47, Noncollection of solid waste contaminated by designated recyclables, was repealed 9-17-1996, effective 9-18-1996.

§ 216-48_Noninterference with existing contracts.

[Amended 9-17-1996, effective 9-18-1996]

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 shall be entered into after the effective date of this article, unless renewal of such contract shall conform to the requirements of this article.

§ 216-49_Reporting requirements.

[Amended 9-17-1996, effective 9-18-1996]

A.

All solid waste collectors must submit quarterly reports on the tonnages of material collected to be recycled and the tonnages of material collected for disposal from within the City of Buffalo.

B.

All commercial users within the City of Buffalo shall submit quarterly reports for all material reused and/or recycled from their businesses that are in addition to the city's list of source-separated material.

C.

All reports are to be submitted to the Commissioner of Public Works.

§ 216-50_Penalties for offenses.

[Amended 9-17-1996, effective 9-18-1996]

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 of 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.

§ 216-51_Injunction; concurrent remedies.

[Amended 9-17-1996, effective 9-18-1996]

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

§ 216-52_(Reserved) ^[1]

[1]:

Editor's Note: Former § 216-52, Severability; repealer, was repealed 9-17-1996, effective 9-18-1996.

§ 216-53_(Reserved) ^[1]

[1]:

Editor's Note: Former § 216-53, Effective date, was repealed 9-17-1996, effective 9-18-1996.