

*Town of Cheektowaga, NY
Friday, December 22, 2017*

Chapter 206. Solid Waste

[HISTORY: Adopted by the Town Board of the Town of Cheektowaga as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, weeds, obnoxious growth and debris — See Ch. **66**.

Open burning — See Ch. **77**.

Landfill — See Ch. **153**.

Article I. Garbage, Rubbish and Refuse

[Adopted 5-18-1992 by L.L. No. 5-1992; amended in its entirety 9-19-2005 by L.L. No. 2-2005]

§ 206-1. Title; applicability.

- A. This article shall be known and may be cited as the "Garbage, Rubbish and Collection Law of the Town of Cheektowaga, New York."
- B. This article shall apply to and affect only such part of the Town of Cheektowaga as is outside of the Villages of Sloan and Depew.

§ 206-2. Purpose.

This article is adopted in order to promote and protect the public health and safety, comfort, convenience, prosperity and other aspects of the general welfare of the residents of the Town of Cheektowaga and, in addition thereto, to protect property, to preserve property values and to eliminate fire, safety and health hazards by regulating the collection, storage and disposal of garbage, rubbish and refuse within the Town of Cheektowaga.

§ 206-3. Definitions.

- A. The following words, as used in this article, shall have the meanings hereby ascribed thereto unless the context clearly indicates a different meaning.

BRUSH

Cuttings from shrubs, hedges and trees which are less than four inches in diameter.

CODE INSPECTOR

Includes Code Enforcement Officer, Property Maintenance Inspector and any other person authorized to perform inspections and issue violation orders as designated by the Supervising Code Enforcement Officer.

[Added 6-15-2015 by L.L. No. 4-2015]

CONSTRUCTION DEBRIS

Discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

DUMPING

Throwing, depositing or burning of solid waste in or upon any public highway, street or other public place.

GARBAGE

All table refuse; animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food; offal from meat, fish and fowl; fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.^[1]

LARGE HOUSEHOLD FURNISHINGS

Large and/or other bulky articles actually used in the home and which equip it for living, such as chairs, sofas, tables, carpets, mattresses and box springs, but excluding major appliances.

MAJOR APPLIANCES

A large household mechanism, such as a refrigerator, washer, dryer, stove, etc., ordinarily operated by gas or electric current.

NONRECYCLABLE REFUSE AND RUBBISH

Waste material discarded as useless or worthless trash, including but not limited to rags, sweepings, rubber, leather, crockery, shells, clothing and straw.

[Amended 2-26-2007 by L.L. No. 2-2007]

NONRESIDENTIAL PRODUCERS

Any producer of garbage, refuse and recyclable materials other than a residential producer, including but not limited to commercial or industrial businesses, restaurants, plazas, malls and the like.

PERSON

An individual, society, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.

RECYCLABLE CONTAINER

A Town-authorized container(s) for the storage and collection of recyclable rubbish provided to and/or purchased by property owners in the Town of Cheektowaga to be used for the storage and disposal of recyclable rubbish. All recyclable containers/totes provided by the Town of Cheektowaga shall remain at the assigned location and shall not be removed from said location.

[Amended 2-26-2007 by L.L. No. 2-2007; 3-21-2016 by L.L. No. 2-2016]

RECYCLABLE RUBBISH

Rinsed food containers, such as metal cans, glass and plastic food containers; newspaper, magazines, cardboard and flat paper; and plastic materials and bottles with metal rings and tops removed.

RESIDENTIAL PRODUCERS

Those persons, owners or occupants of single-family or multifamily dwellings not exceeding eight units, used exclusively for residential purposes, which produce garbage, nonrecyclable refuse and recyclable rubbish.

SANITATION DEPARTMENT OFFICIAL

Shall include the Sanitation Department General Crew Chief, Working Crew Chief and/or his/her designees.

[Added 5-19-2008 by L.L. No. 4-2008]

SCAVENGER

A person that collects and removes refuse and searches through garbage for salvageable material.

SOLID WASTE

Includes but shall not be limited to garbage, nonrecyclable rubbish, recyclable rubbish, construction debris, major appliances, large household furnishings, brush and tree parts, grass and leaves.

TOTE

A Town-authorized container(s) for the storage and collection of garbage and nonrecyclable refuse and rubbish. All totes assigned by the Town of Cheektowaga (not including any totes purchased by the property owner) to each location shall be owned by the Town of Cheektowaga, shall remain at that location and shall not be removed from said location.

[Added 11-5-2012 by L.L. No. 4-2012; amended 3-21-2016 by L.L. No. 2-2016]

TREE PARTS

Cuttings from shrubs, hedges and trees which are more than four inches in diameter.

YARD WASTE

Grass clippings, leaves, flowers and vegetable trimmings.

[1] *Editor's Note: The former definition of "garbage container," as amended 2-26-2007 by L.L. No. 2-2007, which immediately followed this definition, was repealed 11-5-2012 by L.L. No. 4-2012, effective 12-10-2012.*

- B. None of the terms defined in this section shall be deemed or construed to include vehicular tires, tire casings, oil or batteries.

§ 206-4. Separation and preparation.

- A. Each person who places any item at the curb for collection and disposal by the Town of Cheektowaga shall separate nonrecyclable refuse and rubbish from recyclable rubbish, and such person shall prepare the same for collection and disposal in accordance with this article.

- B. Totes conforming to the specifications of this article shall be used when storing or placing garbage and nonrecyclable refuse and rubbish for collection by the Town. When filled, a tote shall not exceed 150 pounds in weight.

[Amended 11-5-2012 by L.L. No. 4-2012^[1]]

[1] *Editor's Note: This local law provided an effective date of 12-10-2012.*

- C. Recyclable rubbish.

[Amended 2-26-2007 by L.L. No. 2-2007; 3-21-2016 by L.L. No. 2-2016]

(1) Recyclable rubbish shall be placed in recyclable containers or bundled as herein provided.

(2) A recyclable container, when filled, shall not exceed 150 pounds. Glass, metal and plastic recyclables shall have their contents removed, be thoroughly drained of liquid and rinsed prior to being deposited for collection.

- D. All brush and tree parts generated by the individual activity or efforts of the owner or occupant of

the premises shall be tied with string or twine in bundles not to exceed 48 inches in length and 12 inches in diameter and weighing no more than 40 pounds.

- E. Plaster, wood and shingles which result from work performed by an individual owner or occupant of a single- or two-family residential dwelling may be placed for collection and disposal by the Town of Cheektowaga, but such plaster, wood and/or shingles must first be placed in an authorized tote or tied in bundles not exceeding 48 inches in length and 12 inches in diameter and not exceeding 40 pounds in weight. The quantity of such debris shall not exceed two totes or six bundles.

[Amended 11-5-2012 by L.L. No. 4-2012^[2]]

[2] *Editor's Note: This local law provided an effective date of 12-10-2012.*

- F. All major appliances or large household furnishings not capable of being placed in receptacles or bundles as provided herein may be placed at the curblineline or pavement line only on the scheduled pickup collection day for that area. With respect to major appliances, at least 24 hours' advance notice via the telephone shall be given to the Sanitation Department. It shall be the sole responsibility of the owner to dismantle the household furnishing so that it will not be a hazard to the public. Specifically, all refrigerator and freezer doors and compressors must be removed by the owner. Large household furnishings such as sofas and chairs must be dismantled into a length not to exceed 48 inches and weigh no more than 40 pounds.

- G. All cut grass, leaves and garden clippings shall be placed in totes, which when filled do not exceed 150 pounds in weight, or in biodegradable paper bags, which when filled shall not exceed 40 pounds in weight.

[Amended 11-5-2012 by L.L. No. 4-2012^[3]]

[3] *Editor's Note: This local law provided an effective date of 12-10-2012.*

- H. Solid waste shall not be placed on any public street or on any premises unless the same is in a tote or is bundled as required by this section.

[Amended 11-5-2012 by L.L. No. 4-2012^[4]]

[4] *Editor's Note: This local law provided an effective date of 12-10-2012.*

- I. Protruding nails and other sharp objects, including glass that may inflict bodily harm to personnel or residents of the Town of Cheektowaga, shall be removed from all solid waste prior to being deposited in containers or bundled for collection.

§ 206-5. Containers and storage.

[Amended 11-5-2012 by L.L. No. 4-2012^[1]]

- A. The Town shall provide and assign to each residential unit one tote (but no more than two totes per building/structure). Residents may purchase additional totes from the Town. Totes shall be used for the collection, storage and disposal of all garbage and nonrecyclable refuse and rubbish that may accumulate or be produced by them.
- B. Garbage and nonrecyclable refuse and rubbish shall be stored in totes with lids completely closed. No tote shall exceed 150 pounds in weight when filled.
- C. All totes shall be maintained in good condition. All reusable refuse containers and totes shall be kept as sanitary as possible in view of the use to which they are put and shall be thoroughly cleaned by the owner or occupant of the premises after garbage is removed by the collector. Except when placed at the curblineline for collection, all totes shall be stored on the property producing the solid waste.

[1] *Editor's Note: This local law provided an effective date of 12-10-2012.*

§ 206-6. Placement of containers for collection.

- A. All totes and recyclable containers shall be transferred to the right-of-way or pavement line in front of the premises by the producer of the solid waste.
[Amended 11-5-2012 by L.L. No. 4-2012; 3-21-2016 by L.L. No. 2-2016]
- B. No garbage, nonrecyclable refuse and rubbish or recyclable rubbish shall be set out for collection before 3:00 p.m. on the day preceding collection, nor subsequent to 6:00 a.m. on the day of collection.
[Amended 5-19-2008 by L.L. No. 4-2008]
- C. Totes and recyclable containers shall be removed from the right-of-way within 12 hours after being emptied to a location behind or beside any structure or building on the premises; said location shall not be in the defined front yard area and shall be a minimum of 10 feet from any neighboring structure or building.
[Amended 2-26-2007 by L.L. No. 2-2007; 11-5-2012 by L.L. No. 4-2012; 6-15-2015 by L.L. No. 4-2015; 3-21-2016 by L.L. No. 2-2016]

§ 206-7. Collection and disposal.

- A. The Town of Cheektowaga shall provide for the collection and disposal of all recyclable rubbish, as well as for the collection and disposal of solid waste, which are placed in Town-approved totes or otherwise at the right-of-way at each location in the Town.
[Amended 11-5-2012 by L.L. No. 4-2012; 3-21-2016 by L.L. No. 2-2016]
- B. The Town of Cheektowaga will collect cut grass, brush and tree parts produced by commercial contractors and residents, provided that such cut grass, brush and tree parts were generated at the site upon which they are placed for collection and they are placed for disposal in accordance with § 206-4G of this article.
- C. Town employees or equipment shall not enter private, residential property or structures in making collections, unless specifically directed by the General Crew Chief, or in his absence, the Working Crew Chief of the Sanitation Department.
- D. The Town shall have no obligation to pick up and remove any solid waste which was not produced within the confines of the Town of Cheektowaga.
- E. Ownership of rubbish which has been placed at the curb for collection in accordance with this article shall vest in the Town of Cheektowaga. It shall be unlawful and a violation of this article for any person without authority from the Town to collect, pick up, remove or cause to be collected, picked up or removed any rubbish. Each such collection pick up or removal of rubbish from one or more premises shall constitute a separate and distinct offense in violation of this article.

§ 206-7.1. Solid waste left at curb upon owner/tenant vacating property.

In the event an owner or tenant vacates the property, and leaves solid waste at the curb in violation of any of the provisions of this article (i.e., quantity or time for placement of solid waste), and the Town of Cheektowaga collects and disposes of such solid waste, the owner of such property shall be responsible for the actual cost incurred by the Town of Cheektowaga for collecting and disposing of such solid waste. In the event the owner of such property does not remit payment to the Town of Cheektowaga within 30 days after the mailing of an invoice by the Town of Cheektowaga, the Town of Cheektowaga

may add such charge onto the tax bill for such property.

§ 206-8. Prohibited deposits or accumulations.

- A. No person shall allow, permit or cause to exist any unsanitary or filthy condition in or about any premises owned, used or occupied by said person. Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited.
- B. No person shall cart to, dump, burn, deposit or otherwise dispose of or cause to be carted, dumped, burned, deposited or otherwise disposed of any solid waste upon any public highway, street or other public place or upon any private property, except as provided in this article or under the authorization, supervision and direction of the head of the Sanitation Department or Recycling Contractor.
- C. Vehicular tires and tire casings will not be picked up or removed by the Town of Cheektowaga or any agency thereof. The Town of Cheektowaga will dispose of unmounted vehicular tires for a nominal charge per tire, provided that said tires are brought to the Sanitation Department.
- D. Dangerous, hazardous or chemically toxic wastes.
 - (1) The Town of Cheektowaga shall not collect dangerous, hazardous or chemically toxic wastes, including but not limited to the following:
 - (a) Dangerous wastes: wastes that represent an immediate threat to the safety of Town employees and general public, such as jagged or protruding objects, broken glass, nails etc.
 - (b) Hazardous wastes: wastes as defined in the New York State Environmental Conservation Law and regulations thereto, including but not limited to:
 - [1] Ignitable wastes, such as paint thinners, solvent-based cleaners, degreasers (e.g., acetone, xylene) and gasoline.
 - [2] Corrosive wastes, such as battery acid, metal cleaning bath sludges (e.g., sodium hydroxide and sulfuric or hydrochloric acid).
 - [3] Reactive wastes, such as cyanide metal plating sludges, or any waste that will react violently with water or generates toxic gases, vapors or fumes (e.g., sodium metal).
 - [4] EP toxicity wastes which produce an extract containing contaminants, such as arsenic, lead, chromium, silver or herbicides, or industrial process wastes, contaminated soil from a spill or other solids containing any of the metals or organic materials in excess of the concentrations listed in the state law and regulations thereto.
 - [5] Toxic wastes, such as sludges from solvent recovery, solvents and the industry specific wastes listed in Part 371, Section 371.4(b).
 - [6] Oil-based, alkalyd-based or enamel-based paint. (Empty, dry paint containers are permissible.)
 - (2) Dangerous, hazardous, chemically toxic wastes shall be disposed of by the owner or producer of the same.
- E. It shall be the duty of every person, owner or occupant of every property within the Town to keep such buildings free and clear of all kinds of solid waste and to keep sidewalk and yard areas clean.

- F. No dirt, stone, brick, concrete, railroad ties or other substance that may accumulate as a result of building construction, demolition, remodeling or repair operations shall be set out for collection by the Department of Sanitation, but shall be otherwise disposed of by the owner or contractor.
- G. The Town of Cheektowaga shall not collect or accept waste oils.
[Amended 2-26-2007 by L.L. No. 2-2007]

§ 206-8.1. Owner responsibility.

[Added 5-19-2008 by L.L. No. 4-2008]

The owner of the premises where the solid waste is generated shall be responsible for ensuring compliance with the provisions of this article.

§ 206-9. Supervision; promulgation of rules and regulations.

- A. The collection and disposal of solid waste shall be under the supervision and control of the Sanitation Department and the Recycling Contractor.
- B. The General Crew Chief of the Sanitation Department, or his designee, shall be empowered to designate the days and hours of collection and to make rules and regulations concerning all matters pertaining to the collection and disposal of solid waste.
- C. The collection and disposal of recyclable waste shall be under the supervision and control of the Town of Cheektowaga and the Recycling Contractor.
- D. The General Crew Chief of the Sanitation Department or his designee shall be empowered to designate the days and hours of collection and to make rules and regulations concerning all matters pertaining to the collection and disposal of recyclable rubbish.
- E. Sanitation Department officials, Police Department officers and Code Inspectors are authorized to enforce the provisions of this chapter. Sanitation Department officials, Police Department officers and Code Inspectors shall also be authorized to issue informational notices, warning notifications, violation notices, summonses and appearance tickets under this chapter.
[Amended 5-19-2008 by L.L. No. 4-2008; 7-7-2014 by L.L. No. 5-2014; 6-15-2015 by L.L. No. 4-2015]

§ 206-10. Violations; penalties for offenses.

[Amended 2-26-2007 by L.L. No. 2-2007; 5-19-2008 by L.L. No. 4-2008]

- A. Whenever a Sanitation Department official, Police Department officer or Code Inspector finds that there has been a violation of this chapter, he/she shall issue a violation order, summons or appearance ticket to the property owner or other person responsible.
[Amended 6-15-2015 by L.L. No. 4-2015]
- B. Violations of any of the provisions of this chapter shall be punishable as follows:
[Amended 6-15-2015 by L.L. No. 4-2015]
 - (1) A fine of \$25 for the first violation;
 - (2) A fine of \$50 for the second violation;
 - (3) A fine of not less than \$100 nor more than \$500 for the third and subsequent violations.

- C. In the event of succeeding and continuing violation(s) of this chapter, any person who shall be convicted of violating or failing to comply with the provisions of this article, except unauthorized dumping and unauthorized scavenging, shall, at the direction of a court of competent jurisdiction, be punishable by a fine of not more than \$250 or imprisonment for not exceeding 15 days, or by both such fine and imprisonment. The continuation of such violation(s) for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation shall be punishable as above for each separate offense.
- D. Violation orders/summonses or appearance tickets may be served as follows:
[Amended 6-15-2015 by L.L. No. 4-2015]
 - (1) By personal service. The Sanitation Department official or Code Inspector shall file an affidavit of service for each owner so served with the violation order/summons.
 - (2) By certified mail, return receipt requested.
- E. In addition to the financial penalties imposed above, the Sanitation Department official shall have the discretion to refuse to collect the materials which are improperly separated and/or prepared and/or placed for collection. He/she may provide for pickup of said materials on the next scheduled collection date for that area or at such other time as he/she deems reasonable, provided that the appropriate rules and regulations pertaining to the materials collected are fully complied with.
- F. Unauthorized dumping shall be punishable by a mandatory fine of \$1,000.
- G. Scavengers are subject to a mandatory fine of \$250.

§ 206-11. Severability; supersession of other laws.

- A. The declaration of any section of this article by a court of competent jurisdiction to be invalid shall not invalidate the entire article, but only that part thereof so declared to be invalid, and the remainder of said article shall remain in full force and effect.
- B. Any and all laws, rules, regulations or ordinances affecting the collection of refuse and recyclables in the Town of Cheektowaga are hereby declared to be superseded by this article.