

## CHAPTER 9 GARBAGE, TRASH AND REFUSE

### ARTICLE I. - IN GENERAL

Sec. 9-1. - Definitions.

Sec. 9-2. - Penalties.

Sec. 9-3. - Enforcement; notice to clear private property of litter and refuse; removal by village; collection of costs.

Sec. 9-4. - Village requirements.

Secs. 9-5—9-29. - Reserved.

### ARTICLE II. – DUMPING

Sec. 9-30. - Legislative intent.

Sec. 9-31. - Prohibition.

Secs. 9-32—9-56. - Reserved.

### ARTICLE III. - SOLID WASTE MANAGEMENT

Sec. 9-57. - Legislative intent.

Sec. 9-58. - Purpose.

Sec. 9-59. - Accumulations restricted.

Sec. 9-60. - Storage of refuse.

Sec. 9-61. - Collection of refuse.

Sec. 9-62. - Solid waste not acceptable for collection.

Sec. 9-63. - Limitations on amount of refuse collectible.

Sec. 9-64. - Fees for collection of excess refuse.

Sec. 9-65. - Resource recovery of recyclable solid waste.

Sec. 9-66. - Ownership of recyclables placed for collection.

Sec. 9-67. - Authorized collectors.

Sec. 9-68. - Fees for collection.

Sec. 9-69. - Tax levy for unpaid charges.

Secs. 9-70—9-95. - Reserved.

### ARTICLE IV. - LITTERING

Sec. 9-96. - In public places.

Sec. 9-97. - On private and commercial premises.

Sec. 9-98. - Commercial premises to be maintained free from litter.

Sec. 9-99. - Private premises to be maintained free of litter.

Sec. 9-100. - Placement of litter and refuse in receptacles so as to prevent scattering.

### ARTICLE I. - IN GENERAL

#### Sec. 9-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Authorized private receptacle*** means a solid waste storage collection receptacle as required and authorized by the director of public works.

**Commercial premises** means any privately owned lot and any dwelling, house, building or other structure not included within the definition of private premises.

**Dump** means a place used for the disposal and leaving of solid or liquid waste by the public or by any person.  
**Garbage** means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**Hazardous waste** includes, but is not limited to, the following products and their empty containers: insecticides, herbicides, petroleum products, caustic chemicals, paint, batteries, explosives, infected materials. Hazardous wastes generally display one or more of the qualities of ignitability, corrosivity, reactivity or toxicity.

**Litter** means garbage, refuse, and rubbish as defined herein and all other waste materials if thrown or deposited as herein prohibited, which tend to create a danger to public health, safety and welfare.

**Nonrecyclables** means that portion of the wastestream not included under recyclables, and not treated separately as:

- (1) Hazardous waste under Environmental Conservation Law § 27-0903;
- (2) Source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954; or
- (3) Low level radioactive waste as defined in Environmental Conservation Law § 29-0101.

**Nonrecyclables** includes, but is not limited to:

- (1) **Cardboard.** Woodpulp-based material which is usually smooth on both sides with a corrugated center; commonly used for boxes.
- (2) **Large appliances.** Stoves, refrigerators, dishwashers, dryers, washing machines and other large appliances.
- (3) **Newsprint.** Common, inexpensive machine finished paper made chiefly from woodpulp used for newspapers. The term "newsprint" excludes magazines, and may exclude glossy inserts.
- (4) **Other recyclables.** The term "other recyclables" may include vehicle tires, auto batteries, waste motor oil and others.
- (5) **Plastic containers.** Containers used primarily for laundry products, dishwashing detergents, milk, water and similar items. Most commonly being PET (polyethylene terephthalate) and HDPE (high density polyethylene), but may selectively include other common plastic resin types.
- (6) **Yard organics.** Grass clippings, leaves, branches up to inches in diameter, and other organic garden materials.

The village board of trustees will, by resolution, designate from time to time, which materials will be defined as recyclable.

**Refuse** means 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** means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding and similar materials.

**Solid or liquid waste** means all putrescible and nonputrescible wastes including garbage, human sewage, rubbish, ashes, incinerator residue, street and building demolition and construction debris, metals, abandoned vehicles, offal, commercial and industrial wastes, and hazardous and toxic wastes as defined by D.E.C. and E.P.A.

**Vehicle** means every device in, upon or by which any person or property is or can be transported or drawn upon a highway.

**Waste material** includes all recyclables and nonrecyclables which make up the wastestream eligible for curbside pickup under this law.

**Waste material** does not include material treated separately as:

- (1) Hazardous waste under Environmental Conservation Law § 27-0903;
- (2) Source, special nuclear or byproduct material as defined in the United States Atomic Energy Act of 1954; or
- (3) Low level radioactive waste as defined in Environmental Conservation Law § 29-0101.

(Code 1978, § 9-1; L.L. No. 8-1991, § 3)

#### **Sec. 9-2. - Penalties.**

- (a) Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$1,000.00 for each offense or by imprisonment for not more than six months, or by both such fine and imprisonment.
- (b) The village board shall also have the power to bring civil action to restrain any violation of this chapter in a court of competent jurisdiction.
- (c) The violation of any provision of this chapter shall be an offense which shall be punishable by a civil fine of not more than \$10.00 for a first offense. A second or subsequent offense shall be punishable by a civil fine of not more than \$25.00.
- (d) Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. When a violation of this chapter is continuous, each 24 hours thereof shall constitute a separate and distinct offense.

(Code 1978, § 9-2; L.L. No. 8-1991, § 3)

#### **Sec. 9-3. - Enforcement; notice to clear private property of litter and refuse; removal by village; collection of costs.**

- (a) *Notice to remove.* The building inspector and/or director of public works is hereby authorized and empowered to notify the owner of any private property within the village or the agent of such owner, to properly dispose of refuse and litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by mail, registered or certified, addressed to such owner at his last known address.

- (b) *Action upon noncompliance.* Upon the failure, neglect or refusal of any owner or agent to properly dispose of refuse or litter dangerous to the public health, safety or welfare within ten days after receipt of written notice as provided for in subsection (a) of this section or within 15 days after the date of such notice in the event the same is returned to the village because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the director of public works is authorized and empowered to order its disposal by the village.
- (c) *Charge included in tax bill.* When the village has effected the removal of litter or refuse pursuant to subsection (b) of this section or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the village and such charge shall be due and payable by the owner at the time of payment of such bill.
- (d) *Recorded statement constitutes lien.* Where the full amount due the village is not paid by an owner within 30 days after the disposal of litter or refuse, as provided for in subsections (a) and (b) of this section, then and in that case, the building inspector and/or director of public works shall cause to be recorded in the village clerk-treasurer's office, a sworn statement showing the cost and expenses incurred for the work, the date the work was done and the location of the property on which such work was done. The recordation of such sworn statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and further, shall be subject to a delinquent penalty of six percent in the event same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof, shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible by law.

(Code 1978, § 9-3; L.L. No. 8-1991, § 3)

#### **Sec. 9-4. - Village requirements.**

- (a) The village shall not be required to collect any waste material which has not been separated and secured pursuant to the provisions of this chapter or the applicable regulations of the village.
- (b) The village shall have no obligation to pick up and remove any waste material nor prepared for collection in accordance with this law.
- (c) The village shall have no obligation to pick up and remove any waste material which was not used in the residence or business placing such waste material at the curbside for pickup.

(Code 1978, § 9-4; L.L. No. 8-1991, § 3)

#### **Secs. 9-5—9-29. - Reserved.**

### **ARTICLE II. - DUMPING**

#### **Sec. 9-30. - Legislative intent.**

The intent of this article is to regulate, control or prohibit the dumping, storing, or placing of certain kinds of solid or liquid waste material originating from inside or outside the boundaries of the village , or creating a dump or dumping ground of such materials within the village .

*(Code 1978, § 9-10; L.L. No. 8-1991, § 3)*

**Sec. 9-31. - Prohibition.**

- (a) The dumping, storing, or placing of any kind of solid or liquid waste material within the village which is picked up, brought or transported from inside or outside the village is hereby prohibited.
- (b) The creation and/or operation of sanitary landfills, dumps or dumping grounds within the village for solid or liquid waste coming from inside or outside the boundaries of the village is hereby prohibited.
- (c) There shall be no prohibition against the normal garbage and refuse collection and disposal currently regulated under article III of this chapter.

*(Code 1978, § 9-11; L.L. No. 8-1991, § 3)*

**Secs. 9-32—9-56. - Reserved.**

**ARTICLE III. - SOLID WASTE MANAGEMENT**

**Sec. 9-57. - Legislative intent.**

It is hereby declared and found that solid waste carelessly deposited in the village is a health, fire and safety hazard and a pollutant; that solid waste management, collection and resource recovery are matters affecting the public interest and subsequently should be subject to supervision and administrative control for the purpose of safeguarding the public health, safety and general welfare of the people of the village.

*(Code 1978, § 9-17; L.L. No. 8-1991, § 3)*

**Sec. 9-58. - Purpose.**

The purpose of this article shall be to protect and promote the health, safety and welfare of the people of the village by controlling the storage, collection and/or resource recovery and disposal of solid waste within the village.

*(Code 1978, § 9-18; L.L. No. 8-1991, § 3)*

**Sec. 9-59. - Accumulations restricted.**

No person shall accumulate or permit accumulation of refuse on any premises owned or occupied by him within the village except for the purpose of collection. This provision is not intended to restrict any person from accumulating any grass cuttings, leaves and other materials in heaps or piles contained within barriers constructed of boards, slots or wires for reduction to compost for use on the premises; provided, that no garbage is deposited in such piles and that no offensive odors are permitted to emanate therefrom and that such storage is not unsanitary or unsightly and that such storage does not create a health hazard.

*(Code 1978, § 9-19; L.L. No. 8-1991, § 3)*

**Sec. 9-60. - Storage of refuse.**

- (a)

Every owner or person in control of private or commercial premises shall provide or cause to be provided at all times suitable and sufficient receptacles as determined by the director of public works for receiving and containing garbage and refuse that may be accumulated upon such premises.

- (b) The owner shall be responsible to have the container emptied in a manner as to prevent such container to expose refuse or excessive odor to the public. If such container is not controlled by the owner, the superintendent of public works shall have the right to have the container removed at the owner's expense.

(Code 1978, § 9-20; L.L. No. 8-1991, § 3; L.L. No. 1-2000)

### **Sec. 9-61. - Collection of refuse.**

- (a) *Receptacles, etc.* The village shall provide for regular collections of refuse. Such collection shall be made during specified days to be determined from time to time by the village board of trustees, and shall be made from receptacles as hereinafter described.

(1) All refuse (except recyclables) placed for collection shall be wrapped or bagged in a closed container. Garbage shall be wrapped or bagged separately from all other refuse. Such container shall be thoroughly sealed or closed and shall be of metal or plastic and shall have a capacity of not less than ten nor more than 30 gallons but in any event shall not exceed 60 pounds in weight when sealed.

(2) Any refuse other than garbage which cannot be readily deposited or stored in any receptacle may be compactly and securely tied, bundled or otherwise secured so as to be easily handled, but shall weigh no more than 50 pounds in weight and shall not exceed six feet in length, and shall be contained so as to make it unlikely that such refuse shall be scattered.

(3) Containers used by commercial premises shall be regulated by resolution of the board of trustees and when so regulated shall not be limited to the sizes and weight referred to in this section. Notwithstanding any other provisions of this article, construction debris shall not be collected by the village.

- (b) *Time and place of collection.*

(1) Refuse described in subsections (a)(1), (2) and (3) of this section and containers containing same shall be placed for collection not earlier than 5:00 p.m. prior to the designated day of collection, except as provided in subsection (b)(1)d of this section.

a. In the area of the village bounded by the Niagara River, N. 5th Street, Center Street, S. 3rd Street and the south village line, the day of collection is every Monday.

b. In the area of the village bounded by the north village line, N. 5th Street, Center Street and the Robert Moses Parkway, the day of collection is every Thursday.

c. In the area of the village bounded by the south village line, S. 3rd Street, Center Street and the east village line, the day of collection is every Friday.

d. In addition to the foregoing days of collection, the village has a village-wide general pickup once per month of refuse described in subsections (a)(1) through (3) of this section whether or not containerized or secured and whether or not exceeding the weight and length limitations and the day of collection for such general village-wide pickup is the first Monday of every month. Any such refuse shall not be placed for collection earlier than 24 hours prior to the day of collection.

(2)

All containered and noncontainered refuse and newspapers to be collected shall be placed three feet from the paved surface of the street, fronting the premises from which said refuse and newspapers originate, to facilitate snow removal and collection. Places of collection from commercial premises shall be individually determined by the director of public works on the basis of accessibility and such other considerations that he deems necessary.

(3)

All containers shall be removed from the place of collection not later than 12 hours after they are emptied.

(Code 1978, § 9-21; L.L. No. 8-1991, § 3)

### **Sec. 9-62. - Solid waste not acceptable for collection.**

The following materials shall not be considered acceptable for collection:

(1)

Materials resulting from the repair, construction, alteration or excavation of buildings, structures, streets and sidewalks, such as earth, plaster, concrete, brick, lath and roofing materials.

(2)

Hazardous waste.

(3)

Materials which have not been prepared in accordance with the provisions of this article.

(4)

Solid waste resulting from industrial process.

(5)

Such other material or items that from time to time shall, in the opinion of the board of trustees, be deemed to be dangerous, obnoxious, etc., or impossible for collection, and others specifically excluded.

(6)

Any device including, but not limited to, refrigerators, freezers and air conditioners, which contain chlorinated fluorocarbons or hydrochlorinated fluorocarbons, unless a certificate, issued by a licensed technician, accompanies such device confirming that the chlorinated fluorocarbons or hydrochlorinated fluorocarbons have been removed using proper equipment and techniques applicable to the device and disposed of in accordance with applicable federal, state or local laws, rules and regulations.

(7)

Any work done by a contractor, i.e., tree removal, trimming, brush, etc., must be taken away by the contractor and will not be considered acceptable for collection.

(Code 1978, § 9-22; L.L. No. 8-1991, § 3; L.L. No. 4-1992, § 1; L.L. 03-2013)

### **Sec. 9-63. - Limitations on amount of refuse collectible.**

The amount of refuse, excluding materials determined to be recyclable and recoverable per section 9-65, shall be limited at each place of collection, per week as follows:

(1)

*Private premises.* One- or two-family residences, limit to be determined by resolution of the board of trustees; three or more family residences, two containers or two noncontainered bundles or combination thereof per dwelling unit.

(2)

*Commercial premises.* 12 containers or 12 noncontainered bundles or a combination thereof or its equivalent.

(Code 1978, § 9-23; L.L. No. 8-1991, § 3)

### **Sec. 9-64. - Fees for collection of excess refuse.**

Where, at the time of collection, there is placed for collection refuse, in excess of the limitations as provided in section 9-23, such refuse shall be collected and an excess collection fee shall be charged to the person placing such refuse for collection in the following amounts: \$0.30 per container or noncontainered bundle or any part or portion thereof, plus a monthly charge of \$20.00.

*(Code 1978, § 9-24; L.L. No. 8-1991, § 3; L.L. No. 01-2006)*

**Sec. 9-65. - Resource recovery of recyclable solid waste.**

- (a) The village board of trustees is hereby authorized to determine by resolution what solid waste placed for collection is required to be and capable of resource recovery and to make such regulations as they deem necessary to facilitate the collection of such solid waste for recovery.
- (b) The director of public works, when directed by the village board of trustees, shall cause reasonable notice of the requirements regarding resource recovery of solid waste to be given persons in the village and shall secure the proper and effective collection of such materials.
- (c) Recyclable material shall be prepared for collection in accordance with the following:
  - (1) Recyclable aluminum cans and items, glass bottles, and plastic items shall be separated from nonrecyclables and placed in separate collection containers.
  - (2) Recyclable metal cans, aluminum cans, glass and plastic containers and other items, so separated shall be rinsed of contents and placed in the recyclable collection container.
  - (3) Newsprint shall be separated from all other refuse and properly secured into bundles not to exceed 25 pounds in weight with rope or cord sufficient in strength to facilitate handling and placed at curbside for collection. Effort is to be made to keep the newsprint clean and dry and contamination free.
  - (4) Other items to be included for recycling are to be prepared as set forth by resolution of the board of trustees.

*(Code 1978, § 9-25; L.L. No. 8-1991, § 3)*

**Sec. 9-66. - Ownership of recyclables placed for collection.**

- (a) From the time any person places any recyclable materials at or near any curb, sidewalk or street for purposes of collection by the village , those recyclable materials shall become the property of the village or its authorized agent.
- (b) Nothing herein shall prevent any person from making arrangements for the private collection of recyclables provided that recyclables to be privately collected shall not be placed curbside on or immediately preceding the day for municipal collection of such recyclables.

*(Code 1978, § 9-26; L.L. No. 8-1991, § 3)*

**Sec. 9-67. - Authorized collectors.**

- (a) No person other than an authorized employee or agent of the village shall collect, pick up, remove or cause to be collected, picked up or removed, any recyclable materials so placed for collection. Each such unauthorized collection, pick up or removal shall constitute a separate violation of this article, provided, however, where the village has refused to collect certain recyclables because they have not been placed or treated in accordance with

the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side.

- (b) This section shall not apply to recognized charitable institutions or the agents of such institutions when acting within the scope of their authority for the purpose of collecting recyclables, provided that such institutions make written application to the board of trustees of the village for permission to collect recyclables and the board of trustees grants a permit therefor, upon such conditions as they deem necessary.

*(Code 1978, § 9-27; L.L. No. 8-1991, § 3)*

**Sec. 9-68. - Fees for collection.**

The following fees for collection will be charged by the village in addition to any other fees as may be applicable: for each vehicle tire, \$3.00.

*(Code 1978, § 9-28; L.L. No. 7-1992, § 1)*

**Sec. 9-69. - Tax levy for unpaid charges.**

- (a) Any unpaid charges shall constitute a lien upon the property from which the item was collected. The lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof.

- (b) The board of trustees shall annually cause a statement to be prepared setting forth each amount of fees and/or charges in arrears, a brief description of the property for which or in connection with which such services were provided, and the name and address of the person or corporation liable to pay such amount. Upon completion of such a statement, the board of trustees shall levy such amounts remaining unpaid on the date taxes are levied against real property for which or in connection with which such services were provided.

- (c) All unpaid fees or charges under section this section, including penalties or interest, due but not paid by the date for levy of taxes in the village each year shall be added to the annual village tax levy.

*(Code 1978, § 9-29; L.L. No. 7-1992, § 1)*

**Secs. 9-70—9-95. - Reserved.**

**ARTICLE IV. - LITTERING**

FOOTNOTE(S):

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**State Law reference—** Littering, Vehicle and Traffic Law § 1220.

**Sec. 9-96. - In public places.**

No person shall throw or deposit litter in or upon any public place within the village except in public receptacles. Where public receptacles are not provided, all such litter shall be carried away from the public place by the person responsible for its presence and properly disposed of elsewhere as provided herein.

*(Code 1978, § 9-36; L.L. No. 8-1991, § 3)*

**Sec. 9-97. - On private and commercial premises.**

No person shall throw or deposit litter on any private or commercial premises within the village, whether owned by such person or not, except that the owner or person in control of such private or commercial premises may maintain authorized private receptacles in such a manner that litter would be prevented from being carried or deposited upon any street, or other public place or upon any private property.

*(Code 1978, § 9-36; L.L. No. 8-1991, § 3)*

**Sec. 9-98. - Commercial premises to be maintained free from litter.**

Each owner or person in control of any commercial premises including shopping centers, and plazas, and delivery and parking areas thereat, shall keep such places, parking fields, parking areas, or delivery area or other open areas which are part of such commercial premises free from litter. Such owner or person in control of any commercial premises shall keep all sidewalks in front of the premises free of litter.

*(Code 1978, § 9-36; L.L. No. 8-1991, § 3)*

**Sec. 9-99. - Private premises to be maintained free of litter.**

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

*(Code 1978, § 9-36; L.L. No. 8-1991, § 3)*

**Sec. 9-100. - Placement of litter and refuse in receptacles so as to prevent scattering.**

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

*(Code 1978, § 9-37; L.L. No. 8-1991, § 3)*