

Chapter 45: SOLID WASTE

[HISTORY: Adopted by the Common Council of the City of North Tonawanda 8-18-1992.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Abandoned refrigerators — See Ch. 7.

Littering — See Ch. 55.

Tire disposal businesses — See Ch. 87A.

[1]:

Editor's Note: The Common Council readopted this ordinance over the Mayor's veto on 9-1-1992. This legislation also superseded former Ch. 45, Garbage and Waste Material, adopted 1-9-1950, as amended.

Chapter 45: SOLID WASTE

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§ 45-1 Findings.

The City of North Tonawanda finds that:

A.
The New York State Solid Waste Management Act of 1988^[1] requires that municipalities adopt a local law or ordinance by September 1, 1992, for separating solid waste into recyclable, reusable or other components for which economic markets for alternate uses exist.

[1]:

Editor's Note: See Laws of 1988, Chapter 70.

B.

Continued use of landfills for solid waste disposal poses a concern to human health and safety through increased risks of groundwater pollution and other environmental, health and safety hazards.

C.

Removal of certain materials from the solid waste stream will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources and reduce the required capacity of existing and proposed resource facilities.

D.

Landfill capacity is not adequate to meet New York State's long term solid waste disposal needs.

E.

Methods of solid waste management emphasizing source reduction, recovery, conversion and recycling of solid wastes are essential to the long range preservation of health, safety and well-being of the public, to the economic productivity and environmental quality of the City of North Tonawanda and to the conservation of resources.

§ 45-2_Legislative purposes.

In enacting this ordinance, the City of North Tonawanda supports the following statutory purposes:

A.

To increase the life expectancy of existing and potential landfill areas and to decrease the need for alternative refuse disposal facilities through a comprehensive program of waste stream reduction and recycling.

B.

To identify the methods of collection, reduction and separation which will encourage the more efficient utilization of solid waste disposal facilities and contribute to more effective programs for the reuse of solid wastes.

C.

To conserve energy by using recovered materials in manufacturing.

D.

To set forth a methodology for efficient separating and collecting of reusable and recyclable materials from the community's waste stream.

E.

To implement the applicable provisions of the New York State Solid Waste Management Act of 1988 (Chapter 70).

§ 45-3_Program established.

A.

There is hereby established a program for the separation, preparation for collection and collection of waste materials. The program shall be under the supervision of the City of North Tonawanda, its Superintendent of Public Works and any authorized agents.

B.

The City of North Tonawanda and its Superintendent of Public Works will determine recyclables and notify North Tonawanda residents by publishing said information in an official city newspaper or newspapers at least 30 days before said declaration will be incorporated into the city program.

§ 45-4_Designated powers.

A.

The collection and disposal of solid waste shall be under the supervision and control of the Department of Public Works for the City of North Tonawanda.

B.

The Superintendent of Public Works shall be empowered to designate the days and hours of collection, subject to the approval of the Common Council. The Superintendent shall have the authority to make rules and regulations, subject to the approval of the Common Council, concerning all matters pertaining to the collection and disposal of waste materials.

C.
The Department of Public Works shall instruct its collectors to report any violation of this ordinance to the Superintendent of Public Works, the Assistant Superintendent or his delegated agent.

D.
The Superintendent or Assistant Superintendent of Public Works shall determine, subject to the approval of the Common Council, the dates and times for heavy pickups (major appliances, large household furnishings, tree parts and construction debris).

§ 45-5_Ownership of recyclables.

A.
From the time any person places any recyclable materials at or near any curb, sidewalk, street or transfer station for purposes of collection by the City of North Tonawanda, those recyclable materials shall become the property of the City of North Tonawanda or its authorized agent. No person who is not acting under the authority of the City of North Tonawanda or its authorized agent 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, pickup or removal shall constitute a separate violation of this ordinance; provided, however, where the City of North Tonawanda has refused to collect certain recyclables because they have not been placed or treated in accord with the provisions of this ordinance, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side.

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.

§ 45-6_Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

BRUSH

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

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.

DANGEROUS WASTE

Wastes that represent an immediate threat to the safety of the City employees. This includes jagged glass and sharp or protruding objects (e.g., broken glass or nails).

GARBAGE

Animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food; table cleanings; offal from meat, fish and fowl; fruit and vegetable parings; decaying vegetables, animal and fruit matter.

GARBAGE RECEPTACLE

A permanent container which the City may issue from time to time to the properties of residential and nonresidential producers of garbage for public collection, including ninety-five-gallon or other volume containers, for semi-automated or automated collection methods. The residential or nonresidential producer shall use the container furnished by the City and use it pursuant to this chapter and the rules and regulations of the Superintendent. Nonresidential producers using a solid waste collector other than the City to collect garbage receptacles shall have them marked in such a way as to identify the solid waste collector being utilized.

[Amended 6-2-2004]

HAZARDOUS WASTES

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. "Hazardous wastes" generally display one or more of the qualities of ignitability, corrosivity, reactivity or toxicity. This definition may include but is not limited to the following products and their empty containers: insecticides, herbicides, petroleum products, caustic chemicals, paint and batteries.

HEAVY PICKUP

Includes but is not limited to large household furnishings, major appliances, tree parts, large bulky items or items over 60 pounds in weight, such as lawn mowers, storm windows, gutters and bicycles.

LARGE HOUSEHOLD FURNISHINGS

All large or bulky articles other than major appliances actually used in the home and which equip it for living (as chairs, sofas, tables, beds, carpets, etc.).

MAJOR APPLIANCES

A large and/or bulky household mechanism (as a refrigerator, washer, dryer, stove, etc.), ordinarily operated by gas or electric current.

MULTIFAMILY RESIDENTIAL COMPLEX

Five or more residential apartments located on a single property or continuous properties under common ownership, control or management.

[Amended 6-2-2004]

NONRECYCLABLE RUBBISH

Plastic containers, rags, ashes, rubber, leather, crockery, shells, clothing, and straw. Small quantities of lightweight interior building materials that neatly fit in a garbage receptacle will be considered nonrecyclable rubbish.

[Amended 6-2-2004]

NONRESIDENTIAL PRODUCERS

Any producer of solid waste other than a residential producer, including but not limited to commercial or industrial businesses, schools, churches, post offices, restaurants and multifamily residential complexes.

[Amended 6-2-2004]

PERSON

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

REAR YARD

A yard extending between the side lot lines of a lot and situated between the rear lot line and the rear lines of the principal building or use, projected to the side lot lines; in a corner lot, a yard extending between the interior side lot line and the exterior side yard and situated between the rear lot line and the rear line of the principal building or use, projected to interior side lot line and exterior side yard.

RECYCLABLE RUBBISH

Clean metal containers and cans; glass food containers and bottles with metal rings and tops removed; discarded newspaper, cardboard and flat paper.

A.

METAL CANS

— Containers fabricated mainly of metal or tin or a combination thereof which contained or formerly contained only food and/or beverage substances, but not including aluminum cans.

B.

GLASS BOTTLES

— Transparent or translucent jars, bottles and containers which are primarily used for packaging and bottling of various matters, but only those glass bottles that are green, amber (brown) or clear (flint) in color.

C.

NEWSPRINT

— The common, inexpensive machine-finished paper made chiefly from woodpulp for newspapers, newspaper advertisements, supplements and enclosures. This term excludes magazines and glossy inserts.

D.

PAPER

— All high-grade office paper, fine paper, bond xerographic paper, mimeo 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.

E.

CARDBOARD

— Woodpulp-based material which is usually smooth on both sides with a corrugated center; commonly used for packing, mailing, shipping of containerized goods, merchandise or other material, but shall not mean wax-coated or soiled cardboard.

F.

PLASTIC CONTAINERS

— Containers used primarily for milk, water and similar items, most common being PET (polyethylene terephthalate) and HDPE (high-density polyethylene), but may selectively include other common plastic resin types.

G.

YARD ORGANICS

— Leaves, grass clippings, cuttings up to two inches in diameter and other mulch-like organic materials. This does not include tree roots, trunks and stumps.

[Amended 6-2-2004]

H.

TELEVISIONS

— Tube-type, flat screen and projection television sets. Television sets in consoles must have the electronic component separated from the furniture component prior to disposal. Televisions are not to be set out to the curb for disposal. Residents may deliver television sets to the Department of Public Works for recycling between the hours of 7:00 a.m. and 3:00 p.m., Monday through Friday, except holidays.

RECYCLING

Any process by which materials which would otherwise become waste are collected, separated and/or processed, treated, reclaimed, used or reused to produce raw material or product.

RESIDENTIAL PRODUCERS

Those persons, owners or occupants of one-, two-, three-, or four-family dwelling units which produce solid waste and are used exclusively for residential purposes.

[Amended 6-2-2004]

SOLID WASTE

Garbage, nonrecyclable rubbish, recyclable rubbish, plumbing fixtures, major appliances, large household furnishings, yard organics and tree parts.

[Amended 6-2-2004]

TREE PARTS

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

WASTE CONTAINER

Any container or vessel used for the bulk collection of waste material. This shall include but is not limited to dumpsters, front-end loaders, lugger boxes and rollofs.

[1]:

Editor's Note: This ordinance also stated that the City will pay for the cost of the recycling tipping fee for residents only.

§ 45-7 Collection.

A.

The City of North Tonawanda shall provide for the collection and disposal of solid waste from all residential and non-residential producers. All garbage and nonrecyclable rubbish placed in the terrace for collection shall be contained within the garbage receptacle(s) issued by the City. Residential producers shall be issued one garbage receptacle per dwelling unit up to a maximum of four garbage receptacles. The Superintendent of Public Works shall issue nonresidential producers up to a maximum of four garbage receptacles for each parcel of property as deemed necessary.

[Amended 6-2-2004]

B.

Those parcels of property which generate garbage and nonrecyclable rubbish in excess of the amount which can be contained within the maximum of four garbage receptacles shall receive a written notice by ordinary mail that they are not serviced by the City of North Tonawanda and must personally provide for the collection and disposal of their solid waste and shall comply with those sections of this ordinance which may be applicable and the rules and regulations hereinafter adopted by the Common Council regarding collection by independent contractors and commercial agencies.

[Amended 6-2-2004]

C.

The City of North Tonawanda will not collect or remove cut grass, brush or tree parts produced by commercial contractors. Cut grass, brush and tree parts produced by commercial contractors must be removed from the premises by the contractor or the owner or occupant of the premises.

D.

City employees or equipment shall not enter private property or structures in making collections unless requested to do so by such private property owner and such request is approved by the Superintendent of Public Works with the provision that such private property owner agrees in writing to indemnify and hold harmless the City of North Tonawanda, its agents and employees, as well as its municipal corporate structure, from any and all claims which may arise regardless of the nature of said claims, and regardless of the identity of said claimants, which may arise out of the City entering onto said private property for purposes of making a collection.

E.

The City shall have no obligation to pick up and remove any solid waste which was not used in a residence or produced by a resident of the City of North Tonawanda.

F.
Ownership of recyclable rubbish which has been placed at the curb for collection in accordance with this chapter shall be vested in the City of North Tonawanda. It shall be unlawful and a violation of this ordinance for any person without authority from the City to collect, pick up, remove or cause to be collected, picked up or removed any recyclable rubbish. Each such collection, pickup or removal of recyclable rubbish from one or more premises shall constitute a separate and distinct offense in violation of this ordinance.

G.
All commercial/industrial property, including nonresidential producers and/or multifamily residential complexes of more than four units, are limited to a maximum of four garbage receptacles. Over this limit, collection will be the responsibility of the owner.

[Amended 6-2-2004]

§ 45-8 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 as being detrimental to the health, safety and welfare of the residents of North Tonawanda.

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 solid waste upon any public highway, street or other public place or upon any private property, except as provided in this ordinance or under the authorization, supervision and direction of the Superintendent of Public Works.

C.
Vehicular tires and tire casings will not be picked up or removed by the City of North Tonawanda or any agency thereof. The City of North Tonawanda will dispose of tires for a nominal charge, as provided in this ordinance, if said tires are dropped off to the Department of Public Works garage.

D.
The City of North Tonawanda shall not collect dangerous, hazardous or chemically toxic wastes, including but not limited to the following:

(1)
Dangerous wastes: wastes that represent an immediate threat to the safety of City personnel, such as jagged or sharp protruding objects (e.g., broken glass, nails, etc.)

(2)
Hazardous wastes: as defined in the New York State Environmental Conservation Law and regulations thereto, including but not limited to:

(a)
Ignitable wastes, such as paint thinners, solventbased cleaners, degreasers (e.g., acetone, xylene) or hot ashes.

(b)
Corrosive wastes, such as battery acid, metal cleaning bath sludges (e.g., sodium hydroxide, sulfuric or hydrochloric acid).

(c)
Reactive wastes, such as cyanide metal plating sludges or any waste that will react violently to water (e.g., sodium metal) or generates toxic gases, vapors or fumes.

(d)

EP toxicity waste, which produces 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.

(e)

Toxic wastes, such as sludges from solvent, recovery solvents and the industry-specific wastes listed in Part 371 Section 371, Subsection 4(b) of said law. Dangerous, hazardous or 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 dwelling within the City to keep such buildings free and clear of all kinds of solid waste and to keep sidewalk and yard areas clean.

F.

All building materials from either new buildings or remodeled buildings where building permits are required shall not be placed at the curbs. The owner or contractor shall be responsible for the disposal of the same. The Building Inspector shall stamp this notice on all building permits.

G.

No dirt, stone, brick, concrete or other substances that may accumulate as a result of building construction, demolition, remodeling or repair operations shall be set out for collection by the Department of Public Works but shall be otherwise disposed of by the contractor or owner.

H.

The City of North Tonawanda shall not collect waste motor oil, transmission fluids or any other petroleum oils/fluids used for mechanical purposes and otherwise.

§ 45-9 Separation and preparation.

A.

Each person who places items at the curb for collection and disposal by the City of North Tonawanda, as well as all other generators of solid waste within the City, shall separate garbage and nonrecyclable rubbish from recyclable rubbish at the point of generation and prepare the same for collection and disposal in accordance with this ordinance. [Amended 8-4-1998]

B.

Garbage and nonrecyclable rubbish placed at the curb for collection shall be placed in garbage receptacles issued by the City. Solid waste including garbage and recycling receptacles shall not be placed in the street. [Amended 6-19-2001; 6-2-2004]

C.

Recyclable rubbish shall be placed in suitable sanitary containers or bundled as herein provided. Recyclable rubbish shall be separated for collection as follows:

(1)

Discarded newspaper and flat nonglossy paper shall be separated from other recyclable rubbish for separate collection and shall be securely tied in bundles or placed in paper bags, each weighing not in excess of 60 pounds.

(2)

Discarded cardboard shall be separated from other recyclable rubbish for separate collection and shall be securely tied in bundles, each weighing not in excess of 60 pounds. Cardboard containers shall be disassembled, flattened and bundled. Overall size of cardboard shall not exceed four feet in any dimension.

(3)

Glass, metal, gable top, and plastic recyclables may be deposited together within the City-issued recycling container. Glass, metal, gable top, and plastic recyclables shall have the contents removed, be thoroughly drained of all liquid and rinsed prior to being deposited for collection. Caps shall be removed from glass, metal, and plastic recyclables.

[Amended 6-19-2001; 6-2-2004]

D.

Any and all brush and tree parts produced by the individual activity or efforts of the occupant of the premises shall be tied in bundles not to exceed 48 inches in length and 36 inches in diameter and not weighing more than 60 pounds.

E.

Construction debris may not be placed for collection by the City of North Tonawanda.

[Amended 6-2-2004]

F.

Large items.

[Amended 6-2-2004]

(1)

All large household furnishings, large bulky items or items over 30 pounds in weight or not capable of being placed in garbage receptacles may be placed at the curb line only on the scheduled heavy pick up collection day for that area. Each property is limited to a pile of bulky solid waste no larger than 12 feet long, three feet high, and three feet wide, or four cubic yards total. It shall be the sole responsibility of the property owner to dismantle any item so that it will not be a hazard to the public.

(2)

Residents may arrange for collection of items described above, outside of the scheduled heavy pickup collection dates, on a fee-for-service basis with the Department of Public Works. Such collections are arranged and paid for prior to setting materials out to the curb for collection. Rules and regulations for these collections, including the fee schedule, shall be determined by the Superintendent or Assistant Superintendent of Public Works, subject to the approval of the Common Council.

G.

Yard organics shall be placed in transparent plastic bags securely closed and not exceeding 30 pounds in weight. No more than two such bags may be placed outside of the garbage receptacle for each collection day. Major appliances such as hot water tanks, stoves, refrigerators, washers and dryers; large metal items such as swing sets or bicycles, and tree parts may be placed outside of the garbage receptacle for each collection day. It shall be the sole responsibility of the property owner to dismantle the item so that it will not be a hazard to the public. It shall be the sole responsibility of the property owner to have a sticker affixed to any appliance which uses Freon refrigerant, stating that such appliance has been certified as Freon-free by an individual qualified to certify same, prior to its placement at the street for collection.

[Amended 6-19-2001; 6-2-2004]

H.

Solid waste shall not be placed on any public street or on any premises unless the same is contained or otherwise complies with this chapter.

[Amended 6-2-2004]

I.

Protruding nails, glass and other sharp objects that might inflict bodily harm to personnel or residents of the City of North Tonawanda shall be removed from all solid waste prior to being placed for collection.

[Amended 6-2-2004]

J.

Placement of recyclable rubbish and nonrecyclable rubbish at curblines or pavement lines shall be separate. Where applicable, recyclables are to be placed on the right side of the resident's driveway, nonrecyclables are to be placed on the left side of the resident's driveway. Otherwise, separation will be five feet apart.

§ 45-10 Placement of materials for collection.

- A.
No containers, receptacles, bags, bundles or other materials shall be placed at the curb for collection more than 24 hours prior to the regularly scheduled collection date.
- B.
Containers or receptacles shall be removed from the curblines or pavement lines within 12 hours after being emptied by the Department of Public Work sanitation personnel and returned to their original location.
- C.
No solid waste, including the garbage and recycling receptacles, shall be placed in the street for collection. Garbage receptacles shall be placed behind the curb or street line, with handles and wheels toward the house.
[Added 6-2-2004]
- D.
Solid waste and its containers shall not be placed atop snow accumulations.
[Added 6-2-2004]

§ 45-11 Receptacles and storage.

- A.
Every person, owner or occupant of any building, premises or place of business within the City shall provide or cause to be provided suitable and sufficient receptacles for receiving and containing solid waste that may accumulate or be used upon said premises.
- B.
Garbage receptacles shall not overflow and the lid must be tightly closed at all times. No solid waste shall be placed on top of, next to, or around the garbage receptacle as to impede its movement.
[Amended 6-2-2004]
- C.
Garbage receptacles as issued by the City shall not have construction/demolition debris placed in them. Garbage receptacles as issued by the City shall not exceed 200 pounds for the ninety-five-gallon, 150 pounds for the sixty-five-gallon, or 100 pounds for the thirty-five-gallon, including the contents,
[Amended 6-19-2001; 6-2-2004]
- D.
Any garbage or recycling receptacle that is issued by the City of North Tonawanda shall remain the property of the City. The Common Council shall prescribe rules and regulations regarding the initial and replacement cost of such containers.
[Amended 6-19-2001; 6-2-2004]
- E.
Garbage and recycling receptacles issued by the City to certain properties shall not be removed from those properties nor painted or otherwise defaced.
[Amended 6-2-2004]
- F.
No solid waste, except for recyclable rubbish, shall be deposited in cardboard boxes or paper bags. Recyclable rubbish shall not be placed in plastic bags.
[Amended 6-2-2004]

G.
All garbage and recycling receptacles 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 solid waste has been removed by the collector.

[Amended 6-2-2004]

H.
All garbage receptacles, yard organic bags and bundles shall be stored in the rear yard, as that term is defined in this ordinance, except when placed at the curb line or pavement line for collection.

[Amended 6-2-2004]

§ 45-12_Tires.

A.
Vehicular tires and tire casings will not be picked up or removed by the City of North Tonawanda or its authorized agent. The City will dispose of vehicular tires for a nominal charge per tire if said tires are dropped off at the Department of Public Works garage between the hours of 7:00 a.m. and 3:00 p.m., Monday through Friday, except holidays. Said nominal charges shall be as follows:

(1)

For any size unmounted auto tire: \$1.

(2)

For any size unmounted truck tire: \$10.

(3)

For any mounted auto tire: \$5.

(4)

For any mounted truck tire: \$15.

B.
Nothing herein shall prevent any person from making arrangements for the private collection or disposal of vehicular tires and tire casings, provided that tires and tire casings to be privately collected or disposed of shall not be placed curbside.

§ 45-13_Waste container prohibitions; liability.

A.
It shall be deemed a violation for any person who or which owns, leases or uses a waste container for private or commercial use:

(1)

To permit any garbage or rubbish to overflow from the waste container or to place or allow the same to accumulate outside the waste container.

(2)

To permit any cover lid on the waste container to be open and unsecured at any time.

(3)

To fail to cause the waste container to be cleaned and sterilized as necessary to avoid noxious or offensive odors or to prevent rodent breeding and infestation.

(4)

To cause or permit the waste container to be located on any City right-of-way without prior consent of the Department of Public Works.

(5)

To cause or permit the waste container to be located where a required off-street parking space is eliminated from any parking lot.

B.

No waste container shall be located on property so as to be injurious or offensive to the owners or occupants of adjacent or neighboring property. The failure to remove or relocate said waste container within seven days of an order by the North Tonawanda Police Department directing the same shall be deemed a violation of this ordinance.

C.

Any damages to person or property that occur through the use of a waste container shall hereforth be the responsibility of the person using said solid waste container.

§ 45-14_Supervision and enforcement.

A.

The collection and disposal of solid waste shall be under the supervision and control of the Department of Public Works for the City of North Tonawanda.

B.

The Superintendent or Assistant Superintendent of Public Works shall be empowered to designate the days and hours of collection. The Superintendent or Assistant Superintendent of Public Works shall have authority to make rules and regulations, subject to the approval of the Common Council, concerning all matters pertaining to the collection and disposal of solid waste.

C.

The Superintendent or Assistant Superintendent of Public Works shall determine, subject to the approval of the Common Council, the dates and times for heavy pickups (major appliances, large household furnishings, tree parts and construction debris).

D.

The Superintendent or Assistant Superintendent of Public Works, a police officer or such other person as may be designated by the Common Council are authorized and directed to enforce this ordinance and cause collections to be made accordingly.

E.

The Department of Public Works shall instruct its collectors to report any violation of this ordinance to the Superintendent or his delegated agent.

§ 45-15_Penalties for offenses.

A.

A violation of any provision of this ordinance is hereby declared to be an offense punishable, upon conviction thereof, by a fine not exceeding \$25 for the first offense and is punishable by a fine of not less than \$50 nor more than \$250 or by imprisonment of not more than 15 days for each subsequent offense, or by both fine and imprisonment.

B.

However, any violation of §§ 45-8B or 45-12 of this ordinance shall constitute an offense punishable, upon conviction thereof, by a fine not exceeding \$250 for the first offense and by a fine of \$500 or by imprisonment of not more than 15 days for each subsequent offense, or by both fine and imprisonment.

[Amended 6-2-2004]

C.

Each and every day in which a violation of any provision of this ordinance exists shall constitute a separate violation, and the person allowing or permitting the continuation of the violation may be punished as above provided for each separate offense.

D.

In addition to the financial penalties imposed above, the Superintendent of Public Works or Assistant Superintendent of Public Works shall have the right to contact by writing, in person or through normal mail, the owner of the property abutting the City right-of-way upon which such waste material has been deposited in violation of this ordinance and advise that if such material remains upon the City right-of-way for a period in excess of five days, the City shall remove same on a fee-for-service basis in accord with § 45-9, as a lien against the property and that the Police may issue an appearance ticket for the violation. This notice shall be satisfied by the recipient by removal of the material from the City's right-of-way or by voluntarily entering into a fee-for-service arrangement with the City within the five days.

[Amended 6-2-2004]

E.

Violations of this ordinance shall be reported to the Police Department, which shall have the responsibility of enforcing this ordinance and of issuing appearance tickets, when necessary.

§ 45-16 Severability; supersession of legislation.

A.

The declaration of any section of this ordinance by a court of competent jurisdiction to be invalid shall not invalidate the entire ordinance, but only the part thereof so declared to be invalid, and the remainder of said ordinance shall remain in full force and effect.

B.

Any and all laws, regulations or ordinances affecting the collection of garbage and refuse to the City of North Tonawanda are hereby declared to be superseded by this ordinance.

§ 45-17 When effective.

This ordinance shall take effect upon being adopted by the Common Council and publication in the official newspaper of the City of North Tonawanda.