

Chapter 188 SOLID WASTE

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[HISTORY: Adopted by the Board of Trustees of the Village of Youngstown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Junkyards-See Ch.133.

Abandoned refrigerators - See Ch. 176.

ARTICLE I Refuse Collection

[Adopted 7-16-1987 by L.L. No. 1-1987]

§ 188-1. Collection schedule.

The Village Board shall make provisions for the collection of garbage and refuse, and a regular collection schedule shall be made public.

§ 188-2. Time for placement.

Residents shall put their garbage for collection in suitable disposable bags, cans or containers and shall place the same at the street in front of their premises not earlier than 5:00 p.m. on the day prior to the day scheduled for collection and shall remove the emptied cans and containers as soon thereafter as the garbage has been collected, but not later than 8:00 p.m. on the day of collection.¹

§ 188-3. White goods. [Added 9-10-1992 by L.L. No. 4-1992]

The village will not accept any "white goods," including but not limited to refrigerators, freezers and air conditioners which contain chlorinated fluorocarbons (CFC's) or hydrochlorinated fluorocarbons (HCFC's), unless a certificate issued by a licensed technician accompanies such device confirming that the CFC's or HCFC's have been removed using the proper equipment and techniques applicable to the device and disposed of in accordance with applicable federal, state and local laws, rules and regulations.

§ 188-4. Certificate for white goods. [Added 9-10-1992 by L.L. No. 4-1992]

Prior to any such white goods being placed for collection, the owner of said device shall provide the Clerk of the village with the original of such above mentioned certificate so that it may properly be removed from his premises.²

§ 188-5. Penalties for offenses. ³

Any person violating any of the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall be punishable by a maximum fine of \$250 or by a term of imprisonment of not more than 15 days, or both.

ARTICLE II

Dumping and Storage

[Adopted 1-11-1990 by L.L. No. 1-1990]

§ 188-6. 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 of Youngstown or creating a dump or dumping ground of such materials within the village.

§ 188-7. Definitions.

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

DUMP - A place used for the disposal and leaving of solid or liquid waste by the public or by any person.

PERSON - An individual, firm, partnership, corporation, municipality or association of individuals.

SOLID OR LIQUID WASTE - All putrescible and nonputrescible solid 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 the Department of Environmental Conservation (DEC) and the Environmental Protection Agency (EPA).

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1. Editor's Note: Former Section 3, dealing with violations of these provisions, which immediately followed this section, was deleted at time of adoption of Code (see Ch. I, General Provisions, Art. I).
 2. Editor's Note: The unnumbered sentence, dealing with placement of devices without said certificate, which immediately followed this section, was deleted at time of adoption of Code (see Ch. I, General Provisions, Art. I).
 3. Editor's Note: Added at time of adoption of Code (see Ch. I, General Provisions, Art. I).

§ 188-8. Prohibited acts; normal refuse collection.

- A. The dumping, storing or placing of any kind of solid or liquid waste material within the Village of Youngstown which is picked up, brought or transported from inside or outside the Village of Youngstown is hereby prohibited.
- B. The creation and/or operation of sanitary landfills, dumps or dumping grounds within the Village of Youngstown for solid or liquid waste coming from inside or outside the boundaries of the Village of Youngstown is prohibited.
- C. There shall be no prohibition against the normal garbage and refuse collection and disposal currently sanctioned by the village.

§ 188-9. Penalties for offenses.⁴

Any person violating any of the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not exceeding \$250 for each offense or by imprisonment for not more than 15 days, or by both such fine and imprisonment. The Village Board shall also have the power to bring civil action to restrain any violation of this article in a court of competent jurisdiction. When a violation of this article is continuous, each 24 hours thereof shall constitute a separate and distinct offense.

ARTICLE III

Recycling

[Adopted 5-14-1992 by L.L. No. 3-1992]

§ 188-10. Findings.

The Youngstown Village Board finds that:

- A. The New York State Solid Waste Management Act of 1988 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.
- 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 Village of Youngstown and to the conservation of resources.

§ 188-11. Legislative purpose.

In enacting this article, the Village of Youngstown supports the following statutory purposes:

⁴ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. To increase the life expectancy of existing and potential landfill areas and 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 reusable and recyclable materials from the community's waste stream.
- E. To implement the applicable provisions of the New York State Solid Waste Management
 - 1. Act of 1988.

§ 188-12. Definitions.

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

ADMINISTRATOR - Person or persons designated by the Village Board to monitor and enforce this article.

HAZARDOUS WASTE - Includes but is not limited to the following products and their empty containers: insecticides, herbicides, petroleum products, caustic chemicals, paint, batteries. Hazardous wastes generally display one or more of the qualities of ignitability, corrosivity or toxicity.

NONRECYCLABLES - That portion of the waste stream not included under "recyclables," and not treated separately as: hazardous waste under § 27-0903 of the New York Environmental Conservation Law; source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954; or low-level radioactive waste as defined in § 29-0101 of the New York Environmental Conservation Law. Nonrecyclables include, but are not limited to:

- A. **GARBAGE** - Putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods.
- A. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.
- B. **RUBBISH**- Rags, sweepings, rubber (excluding tires), leather, excelsior, crockery, shells, clothing, straw, dirt, filth, ashes, wastepaper and similar waste material.
- C. **LARGE HOUSEHOLD FURNISHINGS** - Large and/or bulky articles actually used in the home and which equip it for living (as chairs, sofas, tables, beds, carpets, etc.).

PERSON - Natural persons, corporations, partnerships, unincorporated associations or any other organization of two or more persons.

RECYCLABLES:

- A. May or may not include, but are not limited to the following:
 - (1) **ALUMINUM CANS AND ALUMINUM ITEMS**- Containers fabricated primarily of aluminum, commonly used for soda, beer or other beverages and other items made solely from aluminum.

- (2) METAL CANS - Containers fabricated primarily of metal or tin, but not including aluminum cans.
- (3) 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 clear (flint) in color.
- (4) NEWSPRINT- The common, inexpensive machine-finished paper made chiefly from wood pulp used for newspapers. This term excludes magazines and may exclude glossy inserts.
- (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) CARDBOARD - Wood pulp-based material which is usually smooth on both sides with a corrugated center; commonly used for boxes.
- (7) YARD ORGANICS - Grass clippings, leaves, branches up to four inches in diameter, not exceeding 10 feet in length, and other organic garden materials. 5
- (8) LARGE APPLIANCES - Stoves, refrigerators, dishwashers, dryers, washing machines and other large appliances.
- (9) OTHER RECYCLABLES - May include vehicle tires, auto batteries, waste motor oil and others.

- B. The Village Board and/or its administrator will be responsible to determine which materials will be defined as recyclable.

WASTE MATERIAL - Includes all recyclables and nonrecyclables which make up the waste stream eligible for curbside pickup under this article. Waste material does not include material treated separately as: hazardous waste under § 27-0903 of the New York Environmental Conservation Law; source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954; or low-level radioactive waste as defined in § 29-0101 of the New York Environmental Conservation Law.

§ 188-13. 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 Village of Youngstown, its administrator and its collection agent.
- B. The Youngstown Village Board and its administrator will determine recyclables and notify village residents by publishing said information in the official newspaper or newspapers at least 30 days before said declaration will be incorporated into the village program.
- C. All waste material shall be separated, prepared for collection and collected in accordance with §§ 188-14 and 188-15 this article.
- D. The Village of Youngstown, its administrator and its collection agent shall have no obligation to pick up and remove any waste material not prepared for collection in accordance with this article.
- E. The Village of Youngstown, its administrator and its collection agent 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.

§ 188-14. Preparation of recyclable material for collection.

No person shall dispose of waste material except as follows:

- A. Recyclable material shall be prepared for collection in accordance with Subsection A(l) through (4) of this section:

5 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(1) Each person shall provide separate, sealable galvanized iron cans or other suitable sanitary sealable containers or heavy-duty plastic bags for nonrecyclables unless stipulated otherwise in this article. Such cans or containers shall not exceed 32 gallons capacity and when filled shall not exceed 60 pounds in weight. All cans or containers shall be placed at the curb for collection.

(2) Recyclable aluminum cans and items, glass bottles and plastic items shall be separated from nonrecyclables and placed in the recyclable collection container.

(3) 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.

(4) Newsprint shall be separated from nonrecyclables and properly secured into bundles not to exceed 30 pounds in weight and placed at curbside for collection. Effort is to be made to keep the newsprint clean and dry and contamination-free.

(5) Other items to be included for recycling are to be prepared as set forth by the authorized collection agent or as determined by the Village Administrator.

§ 188-15. Collection.

Waste materials shall be collected in accordance with this article or consistent with the collection contract.

§ 188-16. 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 of Youngstown, those recyclable materials shall become the property of the Village of Youngstown or its authorized agent. No person who is not acting under authority of the Village of Youngstown 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, pick up or removal shall constitute a separate violation of this article; provided, however, that where the Village of Youngstown has refused to collect certain recyclables because they have not been placed or treated in accord 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. 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.

§ 188-17. Enforcement; penalties for offenses.

- A. The Village of Youngstown, its administrator and its authorized agent shall not be required to collect any waste material which has not been separated and secured pursuant to the provisions of this article or the applicable regulations of the Village of Youngstown.
- B. Any person violating any of the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall be punishable by a maximum fine of \$250 or by a term of imprisonment of not more than 15 days, or both.⁶

⁶ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).