

## **Chapter 113, GARBAGE, RUBBISH AND REFUSE**

[HISTORY: Adopted by the Common Council of the City of Rensselaer as indicated in article histories. Amendments noted where applicable.]

### **GENERAL REFERENCES**

**Storage of hazardous materials -- [See Ch. 117.](#)**

**Housing standards -- [See Ch. 121.](#)**

**Littering -- [See Ch. 127.](#)**

**Abandoned refrigerators -- [See Ch. 139.](#)**

---

## **ARTICLE I, General Provisions [Adopted 9-2-1981]**

### **§ 113-1. Collection system established.**

There is established in the City of Rensselaer a municipal trash collection system.

### **§ 113-2. Collection availability.**

Trash collection shall be curbside and available only to residential family dwellings within the City of Rensselaer. Business, industry, commercial establishments and housing complexes are excluded from the municipal trash collection system.

### **§ 113-3. Preparation of household waste for collection.**

All trash must be placed in containers, either by use of heavy-duty plastic bags or containers made of metal or plastic, said containers to have tight-fitting lids. The maximum capacity of containers to be used is 32 gallons. Garbage may be disposed of with household trash and may be contained separately or included with trash. Plastic bags must be tied securely. Dilapidated, oversized and nonconforming containers will be considered trash. Broken glass must be wrapped before placing in plastic bags to prevent injury to collectors or tearing when the bag is filled and lifted. Hazardous waste must be identified to prevent injuries.

### **§ 113-4. Preparation of other trash and refuse for collection.**

A. Collection of other trash and rubbish is to be made at curbside. Small rubbish must be bagged, canned or bundled. Grass, leaves and garden debris must be placed in sturdy plastic bags. Sweeping into streets is not allowed.

B. Tree trimmings, limbs and wood must be tied in bundles not to exceed four feet in length. Maximum trash weight must not exceed 40 pounds.

### **§ 113-5. Bulk rubbish. [Amended 2-4-1998 by L.L. No. 4-1998]**

Special arrangements must be made with the Department of Public Works for the removal of bulk items, which are defined as white goods, to include exclusive to household goods (i.e., stoves, freezer, refrigerators, washer, dryer and dishwasher), household furnishings (i.e., couch, chair, table, rug, mattresses and box springs) and tires. Residents are limited to one bulk pick up, per billing unit per quarter. The number of pickups per address will be monitored in the Solid Waste Department. The pickups can not be rolled over to the next billing cycle, and they are not transferable.

**§ 113-6. Materials excluded from collection.**

Demolition material, bricks, concrete, waste materials, plumbing pipes and fixtures and felled trees are not considered household trash and are not to be placed for municipal pickup.

**§ 113-7. Responsibilities of residents and other users. [Amended 3-4-1998 by L.L. No. 7-1998]**

Residents are required to place trash out not earlier than 7:00 p.m. on the evening prior to collection day and not later than 2:00 a.m. on the collection day. Residents are required to keep the trash and recyclable containers secure from animals and rodents. The placement area of trash and recyclable containers are to be clean and free of loose trash, garbage, debris and any other solid or liquid waste for disposal not secured in suitable trash or recyclable containers. Loose trash, debris, recyclable waste and containers are to be removed from the disposal pickup area and that area left clean from loose trash, debris, recyclable waste and containers. All trash and recyclable containers are to be retrieved from the disposable area and properly secured at the residents or property owners designated area for said containers within 12 hours after collection.

**§ 113-8. Collection schedule. [Amended 3-4-1998 by L.L. No. 9-1998]**

A. Days of collection shall be Monday through Thursday in those areas designated by the Department of Public Works. Collection shall commence at 3:00 a.m. In the event of a holiday on a scheduled collection day, all collections for that week will be on the next day or one day later than regularly scheduled. The Public Works Commissioner reserves the right to discontinue or reschedule collection when circumstances dictate, i.e., weather, equipment, labor, public or employee safety, etc.

B. The Commissioner of Public Works will provide a notice of scheduled collection days to the public and will notify the public of any changes of scheduled collections that would effect the regular collection of solid waste, recyclable or bulk pickup. The Commissioner of Public Works will provide a collection schedule with the area to be serviced to the public as follows:

- (1) With each quarterly billing.
- (2) Post in city buildings.
- (3) Post in city newspaper quarterly.

**§ 113-9. Penalties for offenses; enforcement. [Added 5-2-1984; amended 8-15-1990 by L.L. No. 4-1990; 10-20-1993; 2-4-1998 by L.L. No. 4-1998]**

A. Any person, individual or firm violating the provisions of this section shall be subject to:

- (1) A mandatory fine of \$100 for the first offense, plus any and all fees incurred by the City of Rensselaer in the cost of service and removal;
- (2) A mandatory fine of \$250 for the second offense, plus any and all fees incurred by the City of Rensselaer in the cost of service and removal;
- (3) A mandatory fine of \$500 for the third offense, plus any and all fees incurred by the City of Rensselaer in the cost of service and removal; with
- (4) A mandatory minimum fine of \$500 up to a maximum fine of \$1,000, plus any and all fees incurred by the City of Rensselaer in the cost of service and removal.

B. The Commissioner of Public Works, Deputy Commissioner, Building and Zoning Department and the Police Department (or their designees) shall have the power to enforce the provisions of this chapter and are empowered to issue appearance tickets for violations thereof requiring attendance in City Court of those persons or firms alleged to be in violation of this chapter.

---

**ARTICLE II, Solid Waste User Fee [Adopted 11-7-1990 by L.L. No. 5-1990]**

---

**§ 113-10. Legislative findings and intent.**

In order to protect the health, safety and welfare of the people of the City of Rensselaer, to provide for the collection and disposal of solid waste generated by residential properties, to provide public refuse collection and disposal services defined and limited by this article and within the appropriations made therefor by the Common Council and to encourage **recycling** and effectively manage the waste stream generated by such users, the Common Council finds that the most equitable method of providing the funds for such services is through the solid waste user fee provided for in this article.

### **§ 113-11. Definitions.**

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

**BULK** -- Large household furniture and appliances, such as mattresses, chairs, refrigerators, stoves weighing more than 30 pounds, motor vehicle tires and large tree trimmings, properly bundled and reasonably capable of being lifted by two people, except recyclables.

**EXEMPTIONS** [Added 1-21-1998 by L.L. No. 3-1998] -- To be established and defined as follows:

A. **PERMANENT** -- Kitchen has been eradicated and building has been reassessed.

B. **ANNUAL** -- Kitchen converted to another use but facilities to restore it are intact, or owner has executed an affidavit indicating that he/she will not be renting the apartment for one full year.

C. **TEMPORARY** -- Unit vacant for the entire three-month billing period (must be renewed on a quarterly basis).

**GARBAGE** -- Animal or vegetable leavings or similar food or food refuse, together with paper products, cardboard or wood or metal containers thereof, paper refuse or other household refuse which shall be flammable or capable of fermentation or decay, except recyclables.

**HAZARDOUS REFUSE** -- Any refuse, the handling or disposal of which, in the opinion of the Commissioner of Public Works, would constitute a hazard to the persons collecting or disposing of the same or which may not be placed in the disposal site.

**MIXED USE** -- A separate classification for solid waste services to be called "mixed use." Mixed use is to be defined as a building, which consists of a commercial establishment on one floor and residential unit(s) on the additional floors. The rates would be applicable and billed as such unless proof of private disposal is provided to the Building Inspector and inspection of the premises to ensure compliance is conducted. [Added 1-21-1998 by L.L. No. 3-1998]

**PERSON IN CHARGE** -- A natural person, association, partnership, firm or corporation that occupies, manages, uses or controls the premises.

**PUBLIC COLLECTION** -- The collection of solid waste by the City of Rensselaer, its agents, employees or persons with whom the City of Rensselaer has entered into a contract for the collection of solid waste.

**RECYCLABLES** -- Any material designated from time to time by the City Engineer, the Department of Environmental Conservation, the City of Albany Answers Program or other governmental entity which is applicable to the City of Rensselaer and which, under any applicable law or regulation, is not hazardous and which is separated from the waste stream and held for its material **recycling** or reuse value.

**RUBBISH or TRASH** -- Dry flammable or nonflammable household junk or refuse, including ashes and magazines, lawn and small tree trimmings and leaves, except recyclables.

**SOLID WASTE** -- Refers generally to garbage, rubbish and bulk.

**§ 113-12. Collection and disposal of solid waste.**

Except as otherwise specifically provided herein, the collection and disposal of solid waste shall be in accordance with the provisions of the Municipal Trash Collection Ordinance adopted September 2, 1981, as amended. EN

**§ 113-13. Use of refuse bags or containers required.**

All garbage and rubbish set out for public collection shall be placed and sealed in a refuse bag or container which can be reasonably lifted by two people, except as may otherwise be provided in specifications adopted by the Common Council or the Commissioner of Public Works. All owners and occupants of residential structures and any other person who places or deposits garbage or refuse for curbside collection in a container above described must use the public collection system. However, public agencies within the city may use larger containers pursuant to § 113-14C below.

**§ 113-14. Fee established.**

The City of Rensselaer hereby establishes a solid waste user fee for the public collection and disposal of solid waste from properties located within the City of Rensselaer.

A. The solid waste user fee shall be charged and collected by the imposition of a solid waste user fee at a price to be determined by ordinance of the Common Council.

B. For bulk and other items not reasonably capable of being placed within a refuse bag or container reasonably manageable by two people, the rates for collection and disposal of such items shall be as determined by ordinance of the Common Council.

C. The Commissioner of Public Works may negotiate a rate for large container services with public agencies within the city, provided that such rates shall in all instances cover, at a minimum, the full cost of providing such services. Such rates shall be subject to approval of the Common Council.

**§ 113-15. Solid waste service charge.**

A. There shall be a solid waste service charge to be paid on a quarterly basis by the owners of all property using the public collection service during the year. [Amended 10-2-1996 by L.L. No. 1-1996]



B. For purposes of determining the amount of the solid waste service charge, properties located within the City of Rensselaer shall be classified as follows:

- (1) Each residential dwelling unit equals one solid waste service charge.
- (2) Residential units serviced by private solid waste collection contractors shall be exempt from any solid waste service charge so long as they are serviced by a private contractor.

(3) Mixed use: a building which consists of a commercial establishment on one floor and residential unit(s) on the additional floors. The rates hereby established for mixed use buildings would be applicable and billed as such unless proof of private disposal is provided to the Building Inspector and an inspection of the premises to ensure compliance is conducted. [Added 1-21-1998 by L.L. No. 3-1998]

### **§ 113-16. Collection of service charge.**

The Commissioner of Public Works shall send out bills and the City Treasurer shall collect the service charge from the person responsible for payment thereof. The service charge shall be due on December 1 and June 1 in each year. The City Treasurer is the official designated to collect the user fee, and he or she shall charge for the benefit of the city interest and penalties for late payment of the solid waste service charge calculated on the same basis as interest and penalties for late payment of city taxes.

### **§ 113-17. Unpaid service charges.**

Unpaid service charges shall be the personal responsibility of the owner and shall be a lien upon the real property in connection with which solid waste collection was offered. Where the solid waste service charge has been billed in a timely manner, those charges remaining unpaid as of July 10 of each year shall be added to the following year's city tax bill and be collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of city taxes.

### **§ 113-18. Service charge status dates.**

The status of property for purposes of imposing the solid waste service charge shall be determined semiannually as of April 1 and November 1. The solid waste service charge for the following fiscal year shall be imposed in accordance with its use and condition as of that date. An appeal regarding the status of the property, i.e., proper classification of the property or claiming that it does not use the public collection system, must be filed in accordance with § 113-20 on or before June 1 or December 1; provided, however, that whenever a parcel which was not using the public collection service on that date thereafter begins using the public collection service, it shall immediately become subject to the solid waste service charge pro rata for the unexpired portion of the fiscal year. In such event, the Commissioner of Public Works shall notify the owner of the imposition and advise him of his right to review the charge pursuant to § 113-20 of this Article.

### **§ 113-19. Certain parcels not to be charged.**

- A. Parcels of land which are not improved by a structure or which, due to disconnection of city water service, gas and/or electric, are not habitable and which have been inspected by the Building Inspector and found to be properly secured shall not be charged the solid waste service charge until the city water service is reconnected.
- B. The Common Council, by resolution, may establish an inspection fee to be charged by the Building Inspector for said inspections.
- C. Exemptions are to be established and defined as follows:
- (1) Permanent: kitchen has been eradicated and building has been reassessed.
  - (2) Annual: kitchen converted to another use, but facilities to restore it are intact or owner has executed an affidavit indicating that he/she will not be renting the apartment for one full year.
  - (3) Temporary: unit(s) vacant for the entire three-month billing period (must be renewed on a quarterly basis).

**§ 113-20. Appeals.**

A. Any person aggrieved by a decision or regulation arising out of this article shall have the right to appeal the same. An application for appeal shall be in writing, verified by the applicant, and shall set forth the grounds therefor and the amount of any adjustment to the service charge sought. Such application shall be presented to the Commissioner of Public Works, who shall determine whether an adjustment, if any, may be due and advise the Common Council, in writing, of his or her decision and the reasons for the decision. Such application must be made within 30 days of the date of any notice.

B. Where an application involves a request for a refund or modification of the solid waste service charge after the bill for the same has been sent, the Commissioner of Public Works shall present the application, together with his or her written report and recommendation thereon, to the Common Council for disposition. The Commissioner of Public Works shall send a copy of his report and recommendation to the applicant and notify him that it has been submitted to the Common Council and that the applicant has an opportunity to present any additional material relevant to the application to the Common Council on or before a specified date. The Common Council shall then determine the merits of the application by resolution. If the Common Council determines that the application is justified, it may direct that a refund be paid, the charge canceled, the bill amended or any other appropriate relief and shall notify the Commissioner of Public Works, the City Treasurer and the applicant of its determination. While the application is pending, the applicant must pay the entire balance due shown on the bill. If the application is granted, the applicant shall receive a refund plus interest at the rate applicable to refunds on city taxes.

### **§ 113-21. Administration and enforcement.**

The implementation, administration and enforcement of this article shall be the responsibility of the Commissioner of Public Works. The Commissioner of Public Works shall have the full cooperation of all other city departments in performing his or her duties. The Commissioner of Public Works may adopt, as deemed necessary, rules and regulations providing further for the implementation, administration and enforcement of the solid waste user fee.

### **§ 113-22. Solid Waste Enterprise Fund.**

The City Treasurer shall establish and maintain a Solid Waste Enterprise Fund to record and control the financial activity related to the provision of solid waste collection and disposal by the city. This fund shall be maintained on the same fiscal year as that of the city.

### **§ 113-23. Alternate method of enforcement.**

As an alternative to or in addition to any other remedy provided by law, the Commissioner of Public Works may, at his or her discretion, direct the city's employees or the city's contractors to collect and dispose of garbage, refuse or bulk which has been improperly prepared, stored or disposed of as required by the provisions of law. The Commissioner of Public Works will promptly bill the owner for such services. Such bills shall be due and payable within 30 days from the date thereof. If not paid within such time, the Commissioner of Public Works shall have the power to add the unpaid bill to the city tax, and the same shall be a lien and shall be collected in the same manner as regular city taxes.

**§ 113-24. Penalties for offenses.**

In addition to any other charge or penalty provided by law, any person who shall violate any provision of this article shall be punished by fine or term of imprisonment to be set by ordinance adopted by the Common Council. In any case, the court may order community service as an alternative or in addition to fine or imprisonment.

**§ 113-25. Fee not a tax.**

The user fee provided for above shall not be deemed a tax against any real property within the city.

**§ 113-26. Transitional provisions.**

Notwithstanding the provisions of § 113-16 above, bills for the solid waste user charge for the first half of fiscal year 1990-91 shall be sent as practicable but may be sent after November 9, 1990. In the event that such bills are sent after November 9, 1990, the interest and penalty provision of § 113-16 shall be modified to allow payment without penalty on or before the last day of the month immediately following the month during which bills are sent. Thereafter, interest and penalties shall accrue in the same manner as provided in § 113-16.