

Chapter 168: GARBAGE, WASTE, LITTERING AND RECYCLING

[HISTORY: Adopted by the Council of the City of Watervliet 4-20-1972 as Ch. 9 of the Code of Ordinances of 1972. Amendments noted where applicable.]

ARTICLE I Garbage Collection

§ 168-1. Placement of materials for collection; specifications for containers. [Amended 6-27-1974 by Ord. No. 1181]

After the first day of July 1974, each person offering for collection by the city or its designee any ashes, garbage, refuse and rubbish shall place the materials in metal containers which shall be kept clean, shall have suitable handles and a tight-fitting metal cover and shall not exceed twenty-five (25) gallons or three and one-third (31/3) cubic feet in capacity, which containers shall be placed on street or alley level in a readily accessible place on the day of collection. Within twelve (12) hours of the actual collection by the city or its designee of the aforesaid ashes, garbage, refuse or rubbish, said metal containers shall be removed from the street or alley as mandated by § 244-3 of Chapter 244, Streets and Sidewalks, and no such containers, ashes, garbage, refuse or rubbish shall again be placed on street or alley level until the day of the next regular collection.

§ 168-2. Preparation of materials.

- A. Garbage, which shall include all kitchen wastes of animal and vegetable matter, paper, boxes, rags, leather and all rubbish which it is possible to burn, shall be securely wrapped in paper and shall be placed in separate metal containers.
- B. Rubbish, which shall include ashes of coal and wood fuel, gravel, bottles, cans, glass, metals, crockery and other refuse or rubbish which it is impossible to burn, shall be placed in separate metal containers.
- C. Grass, leaves and other yard waste and debris shall be placed in biodegradable paper bags approved for such use and/or made available by the city and placed at curbside for collection on the designated collection day. [Amended 4-4-1990 by Ord. No. 1535]

ARTICLE II Littering

§ 168-3. Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them:

AUTHORIZED PRIVATE RECEPTACLE — A litter storage and collection receptacle, not to exceed thirty (30) gallons in volume capacity.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER — Garbage, refuse and rubbish, as defined in this section, and all other waste material which, if thrown or deposited as prohibited by this Article, tends to create a danger to public health, safety and welfare.

PARK — A park, reservation, playground, beach, recreation center or any other public area in or owned or used by the city and devoted to active or passive recreation.

PRIVATE PROPERTY — Any dwelling, house, building or other structure designed or used either wholly or in part for residential, business or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any property, yard, grounds, walk, driveway, parking areas, porch, steps, vestibule or mailbox belonging or appurtenant to any such dwelling, house, building or other structure designed or used either wholly or in part for residential, business or industrial purposes.

PUBLIC PLACE — Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

REFUSE — 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 — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, handbills, placards, posters, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

§ 168-4. Throwing litter from vehicles.

No person while a driver or passenger in a vehicle shall throw, distribute or deposit litter upon any street, vehicle or other public place within the city or upon private property.

§ 168-5. Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the city unless the vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

§ 168-6. Penalties for offenses. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Any person violating any of the provisions of this Article shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article III, General Penalty.

§ 168-7. Notification to remove litter. [Amended 5-16-1991 by Ord. No. 1550 Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.]

After the Building Inspector has determined that litter has accumulated in violation of this Article, he shall serve a written notice thereof on the occupant or owner of the property or premises involved directing the removal of such litter within five (5) days after receipt of such notice. The notice shall be sent by first-class mail, authenticated by a United States Postal Service certificate of mailing. If the owner or occupant of the property or premises does not remove the litter after said due notice, the litter will be removed by the Department of Public Works at the owner's expense.

§ 168-8. Prohibited acts in public places.

No person shall throw, deposit or distribute litter in or upon any street, sidewalk, vehicle or other public place within the city, except in public receptacles or in authorized private receptacles for collection.

§ 168-9. Manner of placement of litter in receptacles.

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

§ 168-10. Sweeping litter into gutter prohibited; cleanliness of sidewalks.

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk adjacent to their premises free of litter.

§ 168-11. Duty of merchants to keep sidewalks free of litter; prohibited disposition of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk adjacent to their business premises free of litter.

§ 168-12. Litter in parks.

No person shall throw, distribute, or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this Article.

§ 168-13. Litter in watercourses.

No person shall throw or deposit litter in any fountain, pond, lake, stream, channel, bay or any other body of water in a park or elsewhere within the city.

§ 168-14. Occupied private property.

No person shall throw, distribute or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

§ 168-15. Duty of owner to maintain premises free of litter.

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

§ 168-16. Litter on vacant lots.

No person shall throw, distribute or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

ARTICLE III Source Separation of Recyclables [Added 1-17-1991 by Ord. No. 1546]

§ 168-17. Findings; purpose.

The City Council of the city finds that the reduction of the amount of solid waste and the conservation of recyclable materials are important public concerns. The separation and collection of newspaper, paper, cardboard, glass, cans, plastic containers, vegetative yard waste and other materials for recycling from the residential, commercial, industrial and institutional establishments in the city will protect and enhance the city's physical and visual environment as well as promote the health, safety and well-being of persons and property within the city by minimizing the potential adverse effects of landfilling through reduction of the need for landfills and conservation of existing landfill capacity, facilitating the implementation and operation of other forms of solid waste management, conserving natural resources, ensuring conformances with the New York State Solid Waste Management Plan and facilitating the implementation of a solid waste management plan for the city as a whole. The promotion and use of recyclable materials, goods produced from recyclable materials and goods which facilitate recycling will further serve the same purpose by encouraging and facilitating recycling.

§ 168-18. Definitions.

As used in this Article, the following definitions shall apply:

CANS — Containers comprised of aluminum, tin, steel or a combination thereof which contain or formerly contained only food and/or beverage substances.

CARDBOARD — All corrugated cardboard normally used for packing, mailing, shipping of containerizing goods, merchandise or other material, but shall not mean wax-coated or solid cardboard.

COMMISSIONER — The Commissioner of the Department of Public Works.

DEPARTMENT OF PUBLIC WORKS — The City of Watervliet Department of Public Works.

DISPOSITION OR DISPOSITION OF DESIGNATED RECYCLABLE MATERIALS — The transportation, placement or arrangement for transportation or placement of designated recyclable materials for all possible end uses to the City of Albany ANSWERS facility.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GLASS — All clear (flint), green and brown (amber) colored glass containers.

HAZARDOUS MATERIAL OR HAZARDOUS WASTE — 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. Such materials or wastes shall include, but are not limited to, explosives, hazardous radioactive materials, toxic substances and those substances which the Commissioner has identified as a hazardous waste pursuant to the above criteria and has included on a list of hazardous waste promulgated by the Department of Public Works.

MULTIRESIDENTIAL COMPLEX — Five (5) or more residential units located on a single property or continuous properties under common ownership, control or management. For this purpose, "residential" shall mean an enclosed space consisting of one (1) or more rooms designed for use as a separate residence and shall include, but is not limited to, an apartment, condominium unit, town house cooperative unit, mobile home, living unit in a group home and room or set of rooms in a

boardinghouse, but shall not include rooms within a single family residence, motel or hotel.

NEWSPAPERS — Includes newsprint and all newspapers and newspaper advertisements, supplements, comics and enclosures.

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

PERSON — An individual, firm, partnership, company, corporation, association, joint venture, cooperative enterprise, trust, municipality or other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this Article prescribing a fine, penalty or imprisonment, the term "person" shall include the officers, directors, partners, managers or persons in charge of a company, corporation or other legal entity having officers, directors, partners, managers or other persons in charge.

PLASTIC CONTAINERS — Containers composed of high-density polyethylene, polyethylene terephthalate or other specific plastics as the city may designate.

RECYCLABLE MATERIAL — A material which would otherwise become solid waste which can be collected, reclaimed, used or processed, treated, reclaimed, used or reused to produce a new material or product.

RECYCLABLES — Those recyclable materials designated by this Article and/or by determination of the Commissioner to be source separated. The term includes, but is not limited to, newspaper, glass, paper, cardboard, cans, plastic containers and vegetative yard waste.

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

RECYCLING COLLECTION AREA — Any facility designed and operated solely for the receiving and storing of source-separated designated recyclable materials.

RESIDENT — Any person residing within the city on a temporary or permanent basis, but excluding persons residing in hotels or motels. For purposes of this Article, "resident" does not include commercial, industrial or institutional establishments.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including, but not limited to, nonrecyclable paper, wrappings, cigarettes, wood, wire, glass, bedding, furniture and similar materials which are not designated recyclable materials.

SOLID WASTE — All putrescible and nonputrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter, rubbish, industrial waste, but not including designated recyclable materials, solid or dissolved matter in domestic sewage or substances, materials in noncontainerized gaseous form or hazardous materials or waste.

SOURCE SEPARATE — To separate recyclable materials from the solid waste stream at the point of waste generation.

VEGETATIVE YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 168-19. Preparation of recyclables for curbside collection.

All designated recyclables placed for collection, or other location, by residents for collection pursuant to the curbside programs established pursuant to this Article shall be prepared for collection in accordance with regulations promulgated by the Commissioner.

§ 168-20. Collection for multiresidential complexes.

- A. In any area designated by the Commissioner of this chapter, there is also established a program (private collection program) for the source separation, collection and delivery of newspaper and any other designated recyclable material included in the curbside program from all nonphysically disabled residents of multiresidential complexes.
- B. The owner, manager or superintendent of every multiresidential complex subject to Subsection A above shall provide and maintain, in a neat and sanitary condition, recycling collection areas to receive newspaper and other designated recyclables included in the curbside program which are generated by residents of the complex. In cases where a condominium, cooperative, homeowners' or similar association exists, the association shall be responsible for provision and maintenance of the recycling collection areas. Said recycling collection areas shall be constructed and capable of receiving newspaper and other designated recyclables within one hundred eighty (180) days of such inclusion in the curbside program.
- C. Once the recycling collection area for a particular multiresidential complex has been constructed and is capable of receiving newspaper and other designated recyclables as may be included in or added to the curbside program, all nonphysically disabled residents of such complex shall source separate such materials by placing them in the appropriate containers or

areas within the collection area.

- D. The owner, manager or superintendent of each multiresidential complex subject to Subsection A above shall arrange for the collection for recycling of newspaper and other designated recyclables from the recycling collection areas.
- E. The number and design of the recycling collection areas required by this section for each multiresidential complex shall be consistent with guidelines provided by the Commissioner.

§ 168-21. Preparation of recyclables for recycling collection areas.

Designated recyclables required to be placed in recycling collection areas pursuant to § 168-21 of this Article shall be prepared for collection in accordance with regulations promulgated by the Commissioner.

§ 168-22. Mandatory commercial, industrial and institutional source-separation program.

- A. All commercial, industrial and institutional establishments within an area of the city subject to a curbside program established pursuant to regulation of the Commissioner shall source separate and arrange for the collection for recycling of newspaper and any and all other designated recyclables as may be included in or added to such curbside program within one hundred eighty (180) days of such inclusion in the curbside program.
- B. Designated recyclables for the mandatory commercial, industrial and institutional source-separation program may consist of the following materials:
 - (1) Newspaper;
 - (2) High-grade paper, including, but not limited to, white letterhead paper, white bond paper, white typing paper, white copier paper, white note pad paper, white writing paper, white envelopes without glassine windows, other nonglossy white office paper without plastic, computer printout paper, computer tab cards and white onion skin paper;
 - (3) Corrugated cardboard;
 - (4) Glass containers, plastic containers and cans generated by food and beverage service establishments;
 - (5) Vegetative yard waste; and
 - (6) Other recyclable materials as designated by resolution of the city at all times thirty (30) days after said designation and publication of notice in an official newspaper of the city or a newspaper of general circulation within the city.
- C. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the person who owns, manages or operates the commercial, industrial or institutional establishment at which the recyclables are generated (generator) or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste.

§ 168-23. Vegetative waste.

Nothing in this Article shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscaping purposes.

§ 168-24. Enforcement; rules and regulations.

The Department of Public Works is authorized to enforce the provisions of this Article and to administer the recycling programs established herein. The Commissioner of said department may adopt and promulgate, amend and repeal rules and regulations implementing this Article in order to carry out and effectuate the intent and purposes thereof.

§ 168-25. Unlawful activities.

- A. It shall be unlawful for:
 - (1) Any person, other than those persons so authorized, to collect any designated recyclable which has been placed at the roadside for collection or within a recycling collection area pursuant to this Article.
 - (2) Any person to violate or to cause to assist in the violation of any provision of this Article or any implementing rule or regulation promulgated by the Commissioner of the Department of Public Works.
 - (3) Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling collection area.
- B. All unlawful conduct set forth in this section shall constitute a violation.

§ 168-26. Noncollection of solid waste contaminated by designated recyclables.

The Department of Public Works may refuse to collect solid waste from any person who has clearly failed to source separate recyclables (as designated under an applicable section of this Article) at any solid waste disposal facility owned or operated by the city.

§ 168-27. Noninterference with existing contracts.

- A. Nothing contained in this Article shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the city on the effective date of this Article.
- B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this Article, unless renewal of such contract shall conform to the requirements of this Article.

§ 168-28. Penalties for offenses. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Any person who engages in unlawful conduct as defined in this Article may, upon conviction thereof, in a proceeding before a court of competent jurisdiction, be subject to a penalty as set forth in Chapter 1, General Provisions, Article III, General Penalty.

§ 168-29. Injunction; concurrent remedies.

- A. In addition to any other remedy provided herein, the city may institute a suit in equity where unlawful conduct exists for an injunction to restrain a violation of this Article.
- B. The penalties and remedies prescribed by this Article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the city from exercising any other remedy provided herein or otherwise provided at law or equity.
- C. The terms and provisions of this Article are to be liberally construed, so as best to achieve and effectuate the goals and purposes hereof.

ARTICLE IV Corrective Action [Added 2-4-1993 by Ord. No. 1580]**§ 168-30. Cost of removal to be lien.**

If the General Manager or his designee deems any accumulation of garbage, waste or littering under this chapter to be hazardous to the general public, he shall notify the adjacent property owner to remove said garbage, waste or littering, and if said owner does not comply with said notice, the city shall make the proper removal and the cost of which shall become a lien against the adjacent property and be added to and appear on the next city tax bill for said property.