

**Auburn City Council
Regular Meeting
Thursday, October 13, 2022 5:00 P.M.
City Council Chambers
Memorial City Hall
24 South St.
Auburn, NY 13021**

Minutes

The meeting of the Auburn City Council was called to order at 5:00 p.m. from the City Council Chambers, 24 South St. Auburn, NY by Mayor Quill.

ROLL CALL – The City Clerk called the roll. Mayor Quill and Councilor Jimmy Giannettino, Councilor Terry Cuddy and Councilor Tim Locastro were all present. Councilor Ginny Kent was excused.

The following City Staff was present for the meeting:

- City Manager, Jeff Dygert
- City Clerk, Chuck Mason
- Corporation Counsel, Stacy Tamburrino
- Director of Planning and Economic Development, Jennifer Haines
- Deputy Director of Planning and Community Development, Steve Selvek
- Deputy Police Chief, Roger Anthony
- Director of Municipal Utilities Seth Jensen

Pledge of Allegiance to the Flag – Mayor Quill led the Pledge of Allegiance.

Moment of Silent Prayer or Reflection – Mayor Quill asked for a moment of silent prayer.

Public Announcements –

- Seymour Public Library District will conduct a trustee election and referendum on its proposed 2023 budget on Friday, October 28, 2022. Absentee Ballots are available. Applications for absentee ballots may be applied for at Seymour Public Library during its regular hours, Monday through Wednesday, 9 a.m. to 7 p.m., Thursday and Friday, 9 a.m. to 6 p.m., and Saturday 9 a.m. to 5 p.m. More information on the absentee ballot process can be found on the library's website. If you have questions, please call Lisa Carr, Director, at 315-252-2571, ext. 425.
- City of Auburn Parks & Recreation and the Auburn Doubledays present Homerun Halloween 2022 to be held on Saturday, October 22, 2022 beginning at 5:30 - 7:30 pm at Falcon Park on N. Division Street in Auburn. Presenting sponsor is Hematology-Oncology Associates of CNY. The rain date will be Sunday, October 23, 2022 at the same time. Free admission; Free Cider & Donuts; Free Trick or Treat Bags; Bounce House; Face Painting; Balloon Artistry with Jeff the

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Magic Man; Special Halloween Guests; Food & Beverage Concessions also will be available; Fireworks; & more!

- City of Auburn, NY Transfer Station Fall Cleaning Days 2022
 - CITY RESIDENTS ONLY
 - All Rules Will Be STRICTLY ENFORCED
 - Date #1 Saturday, October 29, 2022
 - Date #2 Saturday, November 5, 2022
 - Hours: 7:00 am - 11:30 a.m.
 - Location: City of Auburn Transfer Station, 311 North Division Street
 - For more information or questions call: 315-252-6441
- Requirements/Rules/Regulations:
 - City residents will need to deliver the material directly to Auburn Transfer Station
 - No transfer station permits will be required in order to participate.
 - Driver's license and vehicle registration will be required as proof of residency for participation (the address on both must match and will be strictly enforced).
 - No trailers, no box vans, no u-hauls and all loads MUST BE TARPED.
 - All garbage must be containerized (can or bag) NO EXCEPTIONS.
- Materials That Will Be Accepted At NO COST To City Residents
 - GARBAGE, RECYCLING, MATTRESS/BOX SPRING, BRUSH/YARD WASTE, and FURNITURE.
 - Yard waste/brush in brown leaf bags. (Plastic bags are no longer acceptable for this material).
 - Car tires (accepting 4 tires per residence).
- Materials That Will Be Accepted AT COST To City Residents
 - FREON CONTAINING UNITS \$45.00 EACH (Refrigerators, Air Conditioners, Dehumidifiers).
 - ELECTRONICS (LIMIT 2) \$20.00 EACH (Computer, Monitor, Microwave, DVD, VCR, Printer, TV's).
- Materials That WILL NOT Be Accepted at the Transfer Station Fall Clean-up Days are as follows:
 - HAZARDOUS WASTE;
 - ASBESTOS;
 - MOTOR OIL;
 - LIQUID WASTE;
 - FLUORESCENT TUBES;
 - GREASE;
 - SOLVENTS;
 - PAINT;
 - COOKING OIL.

- Registration for the Cayuga County Household Hazardous Waste Collection event that will be held on Saturday, October 29, 2022 is now open. Pre-registration for this event is now open and information has been added to the City website.

CEREMONIAL PRESENTATIONS – none

Public to be heard: Mayor Quill asked the Clerk to read the public to be heard rules. No speakers.

Approval of Meeting Minutes –

October 6, 2022 Council Meeting Minutes

Motion to approve the October 6, 2022 minutes by Councilor Giannettino, seconded by Councilor Locastro. Motion to approve carried 4-0.

Reports of City Officials

City Manager's Report –

- Testing of the raw water at the filtration plant has shown decreasing levels of microcystin. The Powder Activated Carbon System (PAC) is in operation but is being dialed back, and our finished water has been testing with no microcystin.
- Staff has developed a Request for Proposals for Architectural and Engineering services for upgrades to the Auburn Police and Auburn Ambulance Headquarters Buildings. The RFP should be viewable on the city webpage tomorrow and responses are due back November 10.
- Work on John St. is currently slightly ahead of schedule. Our Engineering Department is working with the contractor to adjust schedules to minimize the impact to traffic and keep the project moving along.
- On Wednesday October 19, we will be conducting the first actual hearing under the Nuisance Abatement Committee. The regular meeting will occur for other properties and a hearing will be conducted specifically for 64 Grant Avenue.

Reports from members of Council – none

Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR) - none

B. Ordinances – First reading of Ordinance #3 of 2022. The Ordinance will be back before the City Council on October 20, 2022 for vote.

ORDINANCE #3 OF 2022

REPEALING AND REPLACING CHAPTER 254 ENTITLED “SOLID WASTE”

October 20, 2022

WHEREAS, on March 28, 1991, the Auburn City Council enacted and established the Ordinance which adopted Chapter 72 of the Auburn City Code, which is now Chapter 254 of the City Code, entitled “Solid Waste”; and

WHEREAS, in light of the closure of the City of Auburn Landfill and the new operation of the City of Auburn Transfer Station, and a renewed focus on keeping the City clean for the health and benefit of residents, City staff recommends an update and revision to City Code Chapter 254; and

WHEREAS, City recommends repealing the existing City Code, Chapter 254, entitled “Solid Waste,” and replacing with the updated Chapter 254, also entitled “Solid Waste, which is attached and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED that the Auburn City Council does hereby repeal Chapter 254 in its entirety, passed on March 28, 1991, which was originally adopted as Chapter 72 of the City Code; and

BE IT FURTHER ORDAINED, that the Auburn City Council does hereby adopt Ordinance #3 of 2022 as Chapter 254 of the Auburn City Code entitled “Solid Waste”; and

BE IT FURTHER ORDAINED, that the Auburn City Council hereby directs codification of Chapter 254 of the Auburn City Code entitled “Solid Waste”; and

BE IT FURTHER ORDAINED that the foregoing repeal and adoption of this shall take effective immediately upon adoption.

C. Local Laws – none

D. Resolutions – none

E. Staff or Vendor Presentations –

Department of Public Works Fall Update and Review of Chapter 254 of the City Code - Mike Talbot, Superintendent of the Department of Public Works and Jeremy Hutson, Recycling Coordinator

TABLED ITEMS - none

OTHER BUSINESS –

Second Public to be Heard. No speakers.

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Executive Session:

Councilor Giannettino made a motion to enter Executive Session, seconded by Councilor Locastro. Council voted to enter an executive session regarding the following matters:

- Two matters pertaining to sale or lease of real property.

The motion to enter executive session carried 4-0. The Council entered Executive Session at 5:50 p.m. Executive session adjourned at 7:00 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:01 p.m..

Minutes submitted by: Chuck Mason, City Clerk

CHAPTER 254: SOLID WASTE

GENERAL REFERENCES

Housing Standards – See Ch. 182

Nuisances – See Ch. 213

Property Maintenance - See Ch. 230

ARTICLE I
GENERAL PROVISIONS

§ 254-1 Title.

This chapter shall be known and may be cited as the "City of Auburn Solid Waste Ordinance."

§ 254-2. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

- A. APPROVED REFUSE CONTAINER** — A plastic or metal container not weighing more than 50 lbs. when full. Cardboard boxes are not approved containers.
- B. APPROVED RECYCLABLE CONTAINER** — A plastic or metal container. Recyclable containers should be clearly marked with a large letter "R" to define them as containers that hold only the contents defined as recyclables.
- C. GARBAGE** — Includes all refuse from animal or vegetable matter, or both, intended for human food but rejected for such use; all ordinary kitchen refuse, except dirt, ashes, cans, bottles and glass containers; and all refuse of food supplies not used for human food, all offal, and decayed fruit.
- D. GREEN WASTE OR "YARD WASTE"** — Grass clippings, leaves, and cuttings from shrubs, hedges and trees and garden debris. "Green waste" shall not be construed to include garbage, recyclable materials, construction debris and major appliances.
- E. HAULER** — Any person engaged in the collection and/or transportation of solid waste for compensation.
- F. MISCELLANEOUS WASTE** — Encompasses the following terms and items:
 - i. **CARDBOARD and CORRUGATED CARDBOARD** — Respectively, single-ply cardboard and triple-ply corrugated cardboard where the middle ply is a wavy flute of reinforcing material. This definition does not include plastic liners, wood, plastic, string and/or straps which may be attached to the cardboard, nor does it include wax or plastic boxes associated with "wet foods" (i.e., ice cream, frozen food, take-out food containers, etc.). Cardboard items are to be kept dry.
 - ii. **COMMERCIAL AND INDUSTRIAL GARBAGE** — Includes all nonhazardous and nontoxic wastes which are not recyclable commercial and industrial byproducts or green wastes.
 - iii. **COMMODITY GRADE PLASTIC** — Only high-density polyethylene (HDPE) cloudy white milk and water jugs plus mixed colors. Commodity grade plastics are graded as follows: polyethylene terephthalate (PETE) No. 1; high-density polyethylene (HDPE) No. 2; polyvinyl chloride (PVC) No. 3; low-density polyethylene (LDPE) No. 4; Polypropylene (PP) No. 5; polystyrene (PS) No. 6.
 - iv. **CONSTRUCTION AND DEMOLITION DEBRIS** — Waste resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. Such wastes include but are not limited to

bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material, and stumps of trees.

- v. **FARM HAZARDOUS WASTE** — All containers containing pesticides and/or pesticide residue and which can no longer be utilized for farm purposes.
- vi. **GLASS** — Any empty and clean glass food jars and beverage bottles without any lids and caps. Auto glass, light bulbs, mirrors, fluorescent tubes, Pyrex, window glass, ceramics or table china is not acceptable.
- vii. **HAZARDOUS WASTES** - hazardous wastes are exempt from state and federal regulations. For the purpose of this article, "household hazardous waste" shall include pesticides, used motor oil, automobile batteries, swimming pool chemicals, flammable materials, flammable liquids, paints, special metals, explosives and any other "red label" substance. Special disposal times for these substances will be established. The substances that are generated by commercial or industrial establishments cannot be collected per federal law.
- viii. **HOUSEHOLD FURNISHINGS** — All large and/or bulky articles actually used in the home and which equip it for living (such as chairs, sofas, tables, beds, carpets, etc.).
- ix. **INFECTIOUS WASTE** — As defined in 6 NYCRR 360, as amended. Infectious and medical waste must be incinerated.
- x. **MAJOR APPLIANCES** — A large and/or bulky household mechanism (which shall include, without limitation, items such as refrigerators, washers, dryers, stoves, air conditioners, microwaves, televisions etc.) ordinarily operated by gas or electric current.
- xi. **METALS** — Any empty metal food containers, including aluminum, bimetal and steel cans (tin cans).
- xii. **PAPER A-GRADE** — Newspapers without a glossy or waxy coated surface. Paper is to be kept dry. Newspapers used for reasonable secondary household uses, such as for animal droppings, shall not be required to be recycled.
- xiii. **PAPER B-GRADE (PUBLIC, COMMERCIAL AND INDUSTRIAL)** — Typical office correspondence paper. Paper is to be kept dry.
- xiv. **VEHICULAR TIRES** — Tires from cars, trucks, lawnmowers, etc...and their casings.

G. PERSON — Any individual, head of household, tenant, landlord, chief executive officer, owner or manager of a commercial or industrial establishment.

H. RECYCLABLES — Any material designated, from time to time, by the City Council, either upon the Council's own initiative or upon the recommendation of the City Manager, 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.

I. RECYCLERS — Those persons who deal with recyclable material as collectors, separators and marketers. This definition shall include not-for-profit corporations and charitable organizations which collect recyclables for fundraising purposes.

J. RECYCLABLE COMMERCIAL AND INDUSTRIAL BYPRODUCTS — Includes all materials which are a byproduct of production utilized in production or sale after sale by a commercial enterprise or industrial enterprise.

K. ROADSIDE DUMPING — Solid waste abandoned on unauthorized sites. Littering is unlawful. The Department of Environmental Conservation has a hotline called 1-800-TIPP-DEC (1-800-847-7332). The "TIPP" stands for "Turn in a Poacher or Polluter."

L. RUBBISH — All crockery, bottles, refuse, glass, tin cans and other metal and noncombustible substances in whatever form they may be and no longer intended or suitable for reuse.

M. SOLID WASTE — All putrescible and nonputrescible solid wastes, which include but shall not be limited to all:

- i. Garbage waste (useless);
- ii. Green waste (usable for composting);
- iii. Miscellaneous waste (usable and useless);
- iv. Recycling items (reusable items from households and agricultural, public, commercial and industrial sites).
- v. All materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection;
- vi. All materials or substances which, are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as a manufacturing byproduct, garbage, refuse, industrial, commercial and agricultural waste, sludge from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris;

Solid waste shall not include sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or byproduct materials within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the Commissioner of Environmental Conservation.

N. SOURCE SEPARATION - The segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

O. TRANSFER STATION SERVICE AREA — Encompasses the City of Auburn and the towns and villages within Cayuga County and the Central New York region which have entered into intermunicipal agreements with the City of Auburn for the disposal of solid waste at the Auburn Transfer Station facility.

P. WASTE PRODUCTS - shall be defined as all solid wastes; yard waste; recycling materials; garbage and rubbish; green waste; miscellaneous wastes; commercial and

industrial garbage and recyclables; residential, commercial, and industrial construction and demolition debris; major appliances, large household furnishings and trees; household hazardous wastes and farm hazardous wastes; and chlorofluorocarbons as the foregoing terms are defined and used in this Chapter.

ARTICLE II **COLLECTION**

§ 254-3. Authority

The City Manager, or the City Manager's designee, and the Superintendent of Public Works shall have power to take such measures as they shall deem appropriate for the removal of solid waste as defined by this chapter from the City, subject to the following requirements:

- A. The solid waste management services of collection, transportation, recycling and disposal shall be provided on a fee-supported basis.
- B. The solid waste management services are meant for the sole benefit of individuals, persons residing in or occupying all properties in the City of Auburn.
- C. Solid waste management services provided by the City to properties shall include the waste categories of solid waste, yard waste and recycling.

§ 254-4. Placing garbage for collection.

- A. Approved containers required.

All Persons residing in or occupying properties in the City of Auburn shall cause their solid waste to be placed in Approved Containers not weighing more than 50 lbs., or in a clear plastic 13-gallon trash bags.

- B. Container Limits.

All Approved Containers shall not weigh more than 50 pounds when full.

- C. Number of Containers Permitted.

No more than five (5) approved containers per unit may be placed curbside each week. This limit shall not apply to Approved Recyclable Containers.

- D. Recyclable Containers.

Recyclable Containers shall be clearly marked or labeled with a large letter "R" to define them as containers that hold only the contents defined as recyclables.

- E. Condition of Containers.

All approved containers must be clean, sealed, watertight, and in good condition. Approved containers must be covered to prevent rain and snow accumulation.

- F. Location.

- i. During Set-Out Times: Approved containers or garbage bags shall be placed near the curb in front of a property in the City's right-of-way according to the Set-Out Times set forth herein.
- ii. Storage: Except during Set-Out times, Approved Containers or garbage bags shall be stored or kept at the side or in the rear of the premises at all times. Approved containers shall not be stored in the front of any property or upon any street, sidewalk or any public place, or within 20 feet of any line fence in the residential section.

G. Set-out times.

All garbage to be picked up shall be at the curb by 7:00 a.m. on the day of collection. No garbage shall be placed at the curb before 5 p.m. on the day before the scheduled pickup day. All approved containers must be removed from the curb by 7:00 p.m. on the day of collection.

- i. Large or bulk items that require arrangements for a special collection must be at the curb no later than 7:00 a.m. on the scheduled date of collection and shall not be placed at the curb before 5 p.m. on the day before the scheduled collection day.

§ 254-5. Prohibited Deposits.

Clear Plastic Bags Required. All Approved Containers containing garbage shall contain said garbage within clear plastic bags. No person shall place in an approved garbage container, loose garbage, papers, rubbish, sweepings, ashes, tin cans, bottles or glass receptacles, paint cans or any other matter not defined as garbage in this chapter.

§ 254-6. Garbage to be Kept Dry and Unfrozen.

All precautions shall be taken to keep garbage dry and unfrozen. Frozen garbage will not be collected, and the collector of garbage shall not be responsible for damage to any container when its contents are frozen.

§ 254-7. Frequency.

- A. Weekly. Solid waste shall be collected once a week from all places in the City of Auburn where placed for collection in compliance with Article II and Article IV of this chapter.
- B. Multiple Pickups. There shall be no multiple pickups for special areas unless such extra services are paid for, nor will extra collection routes be established that do not treat every property the same.
- C. In extreme health emergencies, the City Manager, or the City Manager's designee, or the Superintendent of Public Works shall have the authority to (i) prescribe a different number of collections from those herein provided; or (ii) to order the immediate cleanup of solid waste placed for collection in violation of Article II, Article III or Article IV of this chapter. Said collections and clean-ups shall be made without notice to the landowner or occupant, where the conditions require immediate action in the interest of the public health, safety and/or welfare of residents. The cost of such collections or cleanup shall be charged to the landowner. Rates for these collections and clean-ups shall be established at least annually by the City Council through a budget resolution that adopts a Consolidated Fee schedule.

§ 254-8. Out-Of-City Garbage and Solid Waste Prohibited

- A. Deposit of out-of-city garbage is strictly prohibited. Only solid waste that has been generated within the City limits shall be placed for collection. It shall be a violation of this chapter for all persons or corporate entities to place out for collection solid waste that has been generated outside of the geographical limits of the City of Auburn.
- B. The Superintendent of Public Works, or his designee, shall have the authority to refuse to collect or remove solid waste upon information and belief that it has been generated outside of the City and placed for collection in violation of this Chapter. In the event that the person or entity refuses to remove said solid waste, a collection or clean-up may be ordered with the cost of the same being charged to the property owner. Rates for these collections and clean-ups shall be established at least annually by the City Council through a budget resolution that adopts a Consolidated Fee schedule.

ARTICLE III **LICENSING**

§ 254-9. License Required for Private Garbage Collectors

- A. Permit or license required. No person shall engage in the business of collecting and transporting garbage without first having obtained a permit or license from the City of Auburn Clerk's Office authorizing such person to engage in said business in conformity with the provisions of this article.
 - i. No person, except the owner thereof, shall take, remove, interfere with or otherwise disturb any garbage or solid waste which has been placed for and is waiting removal by the City, without permission from the City Manager.
- B. Renewals. Applications for renewals of such permits or licenses must be made annually on a schedule set by the City of Auburn Clerk's Office at which time all said permits or licenses previously issued shall become void.
- C. Garbage to be conveyed in covered, watertight containers and vehicles. All garbage being removed shall be carried through the City in watertight, covered vehicles or in watertight, covered containers placed in vehicles and shall be so loaded and transported that no part thereof shall fall, spill or leak from such vehicle or vessel. In passing through the streets of the City to and from the City Transfer Station, the doors and covers of all vehicles must be tightly closed so that the contents will not be exposed to view; at other times they must be kept closed as much as the nature of the work will permit. Any open truck, vehicle, trailer, or conveyance transporting garbage or containers of garbage must be adequately and securely covered with a tarpaulin at all times when the truck, vehicle, trailer, or conveyance is in motion.
- D. Vehicles and containers. All vehicles and containers used by a collector of garbage must be thoroughly washed and disinfected, inside and outside, at least once a day. They must at all times be kept as clean and neat as possible and in a condition approved by the City Manager, or the City Manager's designee.
- E. Manner of disposal. All garbage removed shall be disposed of in such manner as not to create a nuisance.

§ 254-10. License required for Haulers

- A. License required. Any hauler desiring to collect, transport or haul any solid waste materials for hire within the City of Auburn must obtain a license to do business from the City Clerk's Office as a prerequisite thereto.
- B. Insurance. The hauler shall present to the City of Auburn and maintain therewith a current copy of his or its insurance binder governing his or its business operations within the State of New York, to the minimum requirements as may be established by the City Manager.
- C. Applications and renewals. Application for a license, or renewal thereof, shall be filed with the City Clerk annually on a schedule to be set by the City Clerk, at which time all said permits previously issued shall become void.

- D. Fees. Fees shall be set at least annually by the City Council through a budget resolution that adopts a Consolidated Fee schedule.
- E. No person shall be issued a license or permit to transport or haul ashes, rubbish or refuse for hire within the City in an open truck, vehicle, trailer or conveyance unless said ashes, rubbish or refuse is adequately covered with a tarpaulin at all times when the truck, vehicle, trailer or conveyance is in motion.

§ 254-11. Other conditions and restrictions.

The City of Auburn, through its City Manager, may place any additional conditions and/or restrictions on the granting of a license which it deems necessary or advisable and in the best interest of the City, as determined by the City Manager.

§ 254-12. Revocation of License.

The City Manager of the City of Auburn retains the right to revoke a license to collect, transport or haul solid waste within the City or to dispose of solid waste at its Transfer Station at any time for a violation of this chapter.

ARTICLE IV
SOLID WASTE

§ 254-13. Preparation of garbage and recyclable material for residential collection

No person shall dispose of garbage or recyclables except as follows:

- A. In order to provide for public health and safety and to facilitate the conservation of vital resources, each person shall provide for the removal of garbage and recyclables from the property on which they are generated either through a service provided by the City or a licensed private hauler or by direct haul by the individual generator to the Auburn Transfer Station or other designated location approved by the City.
- B. In order to facilitate the conservation of vital natural resources through recycling, and pursuant to Article 6, § 120-aa of the General Municipal Law, each person is required to provide for the source separation and segregation of recyclables in suitable containers as authorized by the City for recyclable material.
- C. In order to further facilitate the conservation of vital natural resources through recycling, household glass, household metals, household commodity grade plastics, newsprint, and cardboard and corrugated cardboard shall be separated from garbage. The particular requirements for separation shall be established by the City.
- D. From the time of placement of garbage and of recyclable material at the street curb or other designated area approved by the City by a person for collection in accordance herewith, such garbage and recyclable material shall be delivered to the appropriate facility designated by the City. It shall be a violation of this chapter for any person without authority from the City to collect, pick up, remove, or cause to be collected, picked up or removed any garbage and recyclable material placed at the street curb or other designated area, and each such collection, pickup, or removal from one or more premises shall constitute a separate and distinct offense in violation of this chapter. A resident may dispose of his or her recyclables by selling or donating the same to recyclers, but these recyclables may not be picked up at the street curb. Residents are encouraged to report scavengers to the Police Department.
- E. It shall be a violation of this chapter for any person to place at the street curb for collection the following:
 - 1. Household garbage in containers other than approved containers or clear plastic bags.
 - 2. Household garbage un-bagged.
 - 3. Household garbage in excess of 50 pounds per approved container.
 - 4. Recyclables in non-approved containers.
 - 5. Recyclables not separated from household garbage.
 - 6. Recyclables not scheduled to be picked up.

7. Recyclables not cleaned.
 8. Non-recyclable materials mixed with recyclables.
 9. Household green waste unbundled.
 10. Household green waste in excess of four inches in diameter.
 11. Household green waste in excess of six feet long.
 12. Construction and demolition debris in excess of 50 pounds per approved container and in excess of two such containers.
- F. It shall be a violation of this chapter for any person without authority from the City to collect, pick up, tamper with, remove or cause to be collected, picked up or removed any clear bag or recyclable material placed at the street curb or other designated area, and each such collection, pickup, or removal from one or more premises shall constitute a separate and distinct offense in violation of this chapter.
- G. Tipping fees, if necessary, for the collection, handling and disposal of recyclables shall be established by the City Council as needed, either upon its recommendation or that of the City Manager.
- H. It shall be a violation of this chapter for any person to place at the street curb for collection household garbage, recyclables, household green waste and miscellaneous waste except at such times as allowed pursuant to the definition of "set-out times" set forth in this Chapter.

§ 254-14. Public sale of recyclables

It shall be the responsibility of the City Manager, the Superintendent of Public Works and the Transfer Station Supervisor to administer a program for proper disposal of recyclables collected in the City of Auburn and at the Auburn Transfer Station. Such program shall make attempts to obtain the most economical return to the City when the recyclables are sold.

§ 254-15. Green waste

The City shall provide a schedule for the collection of residential green waste. Said green waste shall be composted by the City at a site or sites designated by the City. Where allowed by law or regulation, this section shall not prohibit private composting of green waste.

§ 254-16. Commercial and industrial garbage and recyclables

- A. All commercial and industrial recyclables designated for disposal at an approved facility shall be packaged and collected in a manner designated by the City and delivered to the facility.
- B. The materials collected by the metal industry, recyclers, and their agents, as well as the materials that they separate and market shall be exempt from this chapter. Any waste they tender for municipal collection shall not include recyclables.

- C. Recyclable industrial and commercial byproducts may be sold or donated by an industrial and/or commercial enterprise to any scrap metal enterprise or recycler. Materials cannot be placed at the curbside for collection by said scrap metal enterprise or recycler.
- D. Green waste produced by commercial and industrial enterprises shall be delivered to the Auburn Transfer Station or a location designated by the City Manager. It shall not be left for City pickup.

§ 254-17. Major appliances, large household furnishings and tires

The City shall provide a schedule for the collection and disposal of major appliances, large household items, furnishings, tires and other similar bulk items, which shall include, without limitation, furniture, air conditioners, televisions, refrigerators, microwaves, freezers etc...The same shall be disposed of by the City at the City of Auburn Transfer Station or at a site or sites designated by the City Manager.

§ 254-18. Household hazardous waste and farm hazardous waste

The City of Auburn Transfer Station will not accept household hazardous waste and farm hazardous waste of any kind. For the purpose of this article, "household hazardous waste" shall include pesticides, used motor oil, automobile batteries, swimming pool chemicals, flammable materials, flammable liquids, paints, special metals, explosives and any other "red label" substance. Special disposal times for these substances will be established. The substances that are generated by commercial or industrial establishments cannot be collected per federal law. "Farm hazardous waste" shall include containers containing pesticides and/or pesticide residue and which can no longer be utilized for farm purposes.

§ 254-19. Infectious waste

All infectious waste, including needles and other sharps, as defined and regulated by 6 NYCRR 360, shall be disposed of at a location and by a method as designated and approved by the City of Auburn Transfer Station and in compliance with all applicable state laws and regulations.

§ 254-20. Tipping Fees, Charges, Rules and Regulations

- A. Tipping fees or other charges for the handling and disposal of the types of solid waste set forth herein at Section 16 through 21 shall be established at least annually by the City Council through a budget resolution that adopts a City fee schedule.
- B. Any rules and regulations pertaining to said handling and disposal of solid waste not specifically stated in this chapter may be established by the City of Auburn Transfer Station and communicated at least annually to the public.

ARTICLE V
ACCUMULATION OF SOLID WASTE

§ 254-21. Property Maintenance

It shall be a violation of this chapter for any owner of real property within the City to permit or maintain on such lot or land any accumulation of solid waste, or to place or allow to be placed solid waste alongside, next to or on the curb or area between the sidewalk and the curb, the definition of "roadside dumping."

- A. Generally. No person shall dump or deposit any ashes, rubbish, or garbage upon any lot, yard, premises, curb, right-of-way or street in the City.
- B. Exception. The above Subsection A shall not apply to the filling of land on private premises by the owner or with his or her permission with ashes or clean fill upon obtaining a permit therefor from the City Manager.

§ 254-22. Duty of owner.

It shall be the duty any person having ownership of any such lot or land to remove or cause to be removed all such solid waste as may be necessary to comply with the requirements of this Chapter.

§ 254-23. Clean-Ups

- A. Annual Notice. The City shall provide an annual notification within its Streamline Publication to the public outlining the rules and regulations of the City of Auburn's Solid Waste Ordinance. Each property owner will be presumed to have been given sufficient notice of violations of the City of Auburn's Solid Waste Ordinance for the entire year following this annual public notification.
- B. First Violations and Courtesy Notice. If the provisions of this Chapter are not complied with, then upon a first violation, the Municipal Recycling Enforcement Officer shall provide a written notice, to be physically placed at the property providing the owner or occupant an additional 24-hour notice to either arrange for pick-up and payment for pick-up with the Department of Public Works or, be noticed that the City would provide the curbside collection and invoice the property owner as set forth herein.
- C. Subsequent Violations: If violations within this Chapter continue beyond the first instance mentioned in subsection B herein, then, the Superintendent of Public Works or the Municipal Recycling Enforcement Officer shall have the authority to immediately correct violations, which shall include, without limitation, immediate clean-up and disposal of waste dumped onto the curb, right-of-way or street. Said corrections shall be conducted by the City without additional notice to the owner, who shall subsequently be charged and mailed an invoice for said collection as set forth herein.

D. Charges and Fees.

- i. The charge for the collection, plus a service charge of 50% of the same to cover costs of supervision and administration, shall be billed to the property owner. This charge shall be established at least annually by the City Council through a budget resolution that adopts a City fee schedule.
- ii. If not paid, said collection charges for clean-ups shall be added to and become in form part of the real property taxes to be assessed and levied upon such lot or land and shall bear interest at the same rate as City real estate taxes and shall be collected and enforced in the same manner as such taxes.
- iii. Subsequent violations shall be charged at the same fees are set forth herein.

§ 254-24. Interference with City employees

It shall be a violation for any person to resist, obstruct or interfere with any agent or employee of the City in the removal of solid waste as set forth in this Chapter.

ARTICLE VI **ENFORCEMENT**

§ 254-25. Penalties for offenses; appearance tickets

- A. Failure to comply. Failure to comply with any provision set forth in this Chapter by any person, entity, or tenant in cases where a written agreement gives specific responsibility for solid waste disposal to said tenant, shall be an offense punishable as provided herein.
- B. Criminal Fines and penalties.
 - (1) Conviction of a first offense provided by this chapter shall be punishable by a fine of \$25, and, in addition, anyone convicted of a first offense thereunder shall be liable to pay a civil penalty of \$25.
 - (2) Conviction of a second offense within a year of the first offense shall be punishable by a fine of \$50 or imprisonment of not more than 15 days, or both.
 - (3) Convicted of a third or subsequent offense shall be punishable by a fine of at least \$100 and not more than \$200 or imprisonment of not more than 15 days, or both. In addition, anyone convicted of a third or subsequent offense hereunder shall be liable to pay a civil penalty of \$500.
- C. Appearance tickets.
 - (1) The City Manager, the City Manager's designee, the Superintendent of Public Works, the Building Inspector, the Municipal Recycling Enforcement Officer, the Transfer Station Supervisor and/or a designated assistant shall have the authority to issue appearance tickets for violations of this chapter.
 - (2) The requirements set forth in Article 150 of the Criminal Procedure Law of the State of New York shall govern herein.

ARTICLE VII
AUBURN TRANSFER STATION

§ 254-26. City of Auburn Residents - Disposal of Residential Waste

- A. The City of Auburn, owner of the Auburn Transfer Station, agrees to permit residents of the City of Auburn to continue to deposit small amounts of refuse at the Transfer Station residential drop off point, subject to the following terms and conditions:
- (1) Each vehicle entering the Auburn Transfer Station must display on the driver-side window an Auburn Transfer Station sticker. New Transfer Station stickers may be obtained at the Office of Solid Waste, Auburn Transfer Station. Stickers are nontransferable and shall be limited to one per family. The permit fee and fee per ton of all solid waste disposed at the City of Auburn Transfer Station shall be established at least annually by the City Council through a budget resolution that adopts a City fee schedule.
 - (2) Disposal. All refuse must be deposited in an approved container. Loose materials will not be accepted. Bulk materials may be disposed of at the discretion of the Transfer Station Supervisor or the Transfer Station Supervisor's designee depending upon the nature and volume of the materials to be disposed of.
 - (3) Limitations. Disposal of residential waste by residents of the City of Auburn shall be limited to waste that has been generated on the property they reside and will be paid for at the time of disposal on a fee per ton of all solid waste disposed.
 - (4) Recyclable materials. All recyclable materials shall be accepted into the Auburn Transfer Station at a fee that shall be established at least annually by the City Council through a budget resolution that adopts a City fee schedule.
 - (5) Tires. Each tire, up to a maximum of 24 inches in diameter, disposed of at the Transfer Station will be charged a fee that shall be established at least annually by the City Council through a budget resolution that adopts a City fee schedule.
 - (6) Chlorofluorocarbons. Disposal of any appliance containing chlorofluorocarbons (CFC) or Freon shall be charged a fee that shall be established at least annually by the City Council through a budget resolution that adopts a City fee schedule.
- B. This program shall be limited to residents of the City of Auburn only.

§ 254-27. Transportation and deposit of waste material

No person shall haul or transport ashes, garbage, rubbish or other similar waste material in any vehicle in such a manner as to cause or permit any such material to fall or be blown therefrom. Any open truck, vehicle, trailer, or conveyance transporting garbage or containers of garbage must be adequately and securely covered with a tarpaulin at all times when the truck, vehicle, trailer, or conveyance is in motion.

§ 254-28. Non-Residents - Disposal of Residential Waste

The City of Auburn, owner of the Auburn Transfer Station, agrees to permit participating town and village residents to continue to deposit small amounts of refuse at the Transfer Station residential drop-off point, subject to the following terms and conditions:

- (1) Permits. Each vehicle entering the Auburn Transfer Station must display on the driver- side window an Auburn Transfer Station permit sticker. New Transfer Station permit stickers may be obtained at the Solid Waste Office, Auburn Transfer Station. Stickers are nontransferable and shall be limited to one per family. The permit fee and fee per ton of all residential waste disposed at the City of Auburn Transfer Station by nonresidents of the City of Auburn shall be established at least annually by the City Council through a budget resolution that adopts a City fee schedule.
- (2) Waste Not Generated Within the City Prohibited. Only waste generated from real property located within the City shall be disposed of and shall be paid for at the time of disposal on a fee per ton of all solid waste disposed. Waste generated from real property located outside of the territorial limits of the City shall not be accepted or disposed. The fee per ton of all residential waste disposed at the City of Auburn Transfer Station by property owners of the City of Auburn shall be established at least annually by the City Council through a budget resolution that adopts a City fee schedule.
- (3) Tires. Each tire disposed of at the Auburn Transfer Station shall be charged a fee that shall be established at least annually by the City Council through a budget resolution that adopts a City fee schedule.
- (4) Chlorofluorocarbons. Disposal of any appliance containing chlorofluorocarbons (CFC) or Freon shall be charged a fee that shall be established at least annually by the City Council through a budget resolution that adopts a City fee schedule.
- (5) This program shall be limited to Cayuga County residents of adjoining towns to the City of Auburn.

§ 254-29. Refuse collection fee for tax exempt properties located in City of Auburn

- A. There is hereby enacted by the Auburn City Council a refuse collection fee to be paid by entities which own or occupy real property within the City and receive solid waste collection services provided by the City, and are exempt from the payments of Auburn City property taxes.
- B. Calculation of the refuse collection fee shall be established at least annually by the City Council through a budget resolution that adopts a City fee schedule.
- C. Billing of the refuse collection fee for tax exempt properties. All charges incurred for the solid waste collection fee shall be included in a utility bill issued monthly or quarterly with water and sewer rate charges for water and sewer services supplied to the premises.

- D. Penalty for nonpayment. Nonpayment of the solid waste collection fee shall be subject to the same penalty provided for the nonpayment of water rates pursuant to Chapter 297 of the City Code.
- E. Termination of services. The nonpayment of any portion of the utility bill for water rates and the solid waste collection fee may result in the termination of the water and solid waste collection services pursuant to the provisions of Chapter 297 of the City Code.