

## **ORDINANCE # 9 OF 2014**

### **AMENDING CHAPTER 254 OF THE AUBURN CITY CODE ENTITLED "SOLID WASTE"**

## **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 Garbage and Trash 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:

**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.

**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.

### **§ 254-3. Transportation and deposit of waste material.**

- A. Generally. No person shall dump or deposit any ashes, rubbish, or garbage upon any lot, yard, premises or street in the City except in a sanitary landfill operated by the City and pursuant to all laws, ordinances, rules and regulations applicable thereto.
- 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 therefore from the City Manager.
- C. Transportation of rubbish. 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.

## Article II. Garbage Collection

### § 254-4. Authority of City Manager.

The City Manager, or the City Manager's designee, shall have power to take such measures as he or she shall deem appropriate for the removal of garbage and any other components 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 tax and fee supported basis for the sole benefit of individuals, business operations or other organizations residing in or occupying all properties in the City of Auburn.
- B. Solid waste management services provided by the City to properties shall include the waste categories of solid waste, yard waste and recycling.
- C. 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, unless in extreme health emergencies the City Manager, or the City Manager's designee shall deem it in the public's interest to do so on a limited basis. Multiple pickups shall be paid for at rates established at least annually by the City Council through a budget resolution that adopts a city fee schedule.

### § 254-5. Placing garbage for collection.

- A. Use of approved container required. All individuals, business operations or other organizations residing in or occupying all properties in the City of Auburn shall cause his or her garbage to be placed in approved containers defined as follows:

**APPROVED REFUSE CONTAINER:** Defined as a plastic or metal container or a clear plastic bag not larger than 35 gallons and not weighing more than 50 pounds when full. Cardboard boxes are not considered approved refuse containers. No more than five approved refuse containers per unit may be placed curbside each week.

**APPROVED RECYCLABLE CONTAINER:** Defined as a plastic or metal container, not larger than 35 gallons and not weighing more than 50 pounds when full. 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. To encourage recycling there is no limit to the number of approved recyclable containers per unit that may be placed curbside each week.

- B. Container to be accessible. The filled container shall be placed near the curb in front of the property in the City's right of way at such time as it shall be called for collection, except that a person may be exempted from these requirements upon obtaining a permit from the City Manager, or the City Manager's designee.

- C. Set-out times. All garbage to be picked up shall be at the curb no later than 7:00 a.m. on the day of collection. No garbage shall be placed at the curb before dusk (dusk being defined as 1/2 hour before sunset) on the day before the scheduled pickup day. All garbage and containers must be removed from the curb by 7:00 p.m. on the day of collection.

## § 254-6. Prohibited deposits in garbage containers.

No person shall place in an approved container, the contents of which are to be removed by the collector of garbage, any papers, rubbish, sweepings, ashes, tin cans, bottles or glass receptacles, paint cans or any other matter not defined as garbage in this chapter.

## § 254-7. Garbage to be kept dry and unfrozen.

All precautions shall be taken to keep garbage dry and prevent its freezing after being put in the approved container for removal. 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.

## § 254-8. Location of garbage containers.

- A. Generally. No container used for the storing of garbage shall be kept in or upon any street, sidewalk or any public place except for immediate removal, or within 20 feet of any line fence in the residential section, and such containers and the place where they stand shall be kept clean and disinfected. No garbage shall be thrown or allowed to remain in any public place or upon the ground or property near or adjacent to any store, bakery, milk plant or any other food stores.
- B. Authority of Superintendent of Public Works. In case of complaint or dispute arising as to the place where containers containing garbage awaiting removal shall be placed, the Superintendent of Public Works or his or her subordinate so designated for such purpose shall forthwith designate the place or places where such containers shall be set aside while awaiting removal.

## § 254-9. Frequency of collection.

- A. Generally. 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. Authority of City Manager.
- (1) The City Manager, or the City Manager's designee, shall have the authority to prescribe a different number of collections from those herein provided, if in his or her judgment conditions may require such, in the interest of the public health, safety and/or welfare. Any collections prescribed by the City Manager, or the City Manager's designee shall be done at the expense of the landowner or occupant. The cost of such cleanup shall be charged to the landowner in the format provided in § 254-29B. Rates for these collections will be established at least annually by the City Council through a budget resolution that adopts a city fee schedule.

- (2) The City Manager, or the City Manager's designee, shall also have the authority to order the immediate cleanup of solid waste placed for collection in violation of Article II, Article III or Article IV of this chapter, without notice to the landowner or occupant, where in his or her judgment conditions may require such, in the interest of the public health, safety and/or welfare. The cost of such cleanup shall be charged to the landowner in the format provided in § 254-29B. Rates for these collections will be established at least annually by the City Council through a budget resolution that adopts a city fee schedule.

## § 254-10. Private garbage collection regulated.

- 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 Landfill office authorizing such person to engage in said business in conformity with the provisions of this article.
- B. Renewals. Applications for renewals of such permits or licenses must be made annually on a schedule set by the City of Auburn landfill office at which time all said permits or licenses previously issued shall become void.

## § 254-11. General regulations.

- A. 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 Landfill, 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.
- B. 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.
- C. Manner of disposal. All garbage removed shall be disposed of in such manner as not to create a nuisance.
- D. Taking, removing, or disturbing garbage. No person, except the owner thereof, shall take, remove, molest or otherwise disturb any garbage which has been placed for and is waiting removal by the City without permission from the City Manager.
- E. Deposit of out-of-city garbage is strictly prohibited. It shall be a violation of this chapter for any person, firm or corporation not an owner, resident, occupant and/or tenant of real property

situated within the City of Auburn to place out for collection or cause to be collected on any highway within the City of Auburn or within the limits of the right-of-way of such highway or upon private land adjacent thereto household garbage, household green waste, miscellaneous waste of any kind, and recyclables, as those terms are defined in § 254-18 of this chapter.

- F. Allowing deposit of out-of-city garbage is strictly prohibited. It shall be a violation of this chapter for any owner, resident, occupant and/or tenant of any real property parcel situated within the City of Auburn to place out for collection or permit or allow to be placed out for collection any household garbage, household green waste, miscellaneous waste of any kind, and recyclables, as those terms are defined in § 254-18 of this chapter, that has not been generated at the real property parcel as it is defined by the City of Auburn.

## Article III. Licensing of Trash Collectors

### § 254-12. License required; definitions; insurance; application for license; fees.

- 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 Landfill as a prerequisite thereto.
- B. As used in this article, the following terms shall have the meanings indicated:

**HAULER:** Any person engaged in the collection and/or transportation of solid waste for compensation.

**LANDFILL 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 Landfill facility.

**SOLID WASTE:** As defined in § 254-18 of this chapter.

- C. 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.
- D. Applications and renewals. Application for a license, or renewal thereof, shall be filed with the City of Auburn Landfill annually on a schedule set by the City of Auburn Landfill office at which time all said permits previously issued shall become void.
- E. Fees. Fees shall be set at least annually by the City Council through a budget resolution that adopts a city fee schedule.

### § 254-13. Minimum criteria for disposing of solid waste.

- A. The City of Auburn shall further require, as an ongoing requirement to dispose of waste within

the City of Auburn, that the hauler meet the following minimum criteria:

- (1) Each hauler must covenant to deliver all of the solid waste originating in the City of Auburn to the Auburn Landfill.
- (2) Each hauler must supply a plan of operation, when required by the City Manager, to address present and future requirements of the City and county recycling programs.
- (3) Each hauler must agree not to deliver knowingly any hazardous waste into the landfill.

B. The minimum criteria delineated herein constitute the threshold level that each hauler must meet to obtain and hold a license and are in no way intended to limit the municipality's ability to establish any additional criteria which it deems necessary or desirable. Compliance with the minimum criteria shall be a condition precedent to holding a license, and the material noncompliance with these minimum criteria may result in the immediate revocation of the license.

## § 254-14. 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.

## § 254-15. 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 landfill at any time for a violation of this chapter.

## § 254-16. Rubbish to be covered.

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.

# Article IV. Solid Waste Recycling Program

## § 254-17. Components of solid waste.

Solid waste consists of:

- A. Garbage waste (useless).
- B. Green waste (usable for composting).

C. Miscellaneous waste (usable and useless).

D. Recycling items (reusable items from households and agricultural, public, commercial and industrial sites).

## § 254-18. Definitions.

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

**APPROVED REFUSE CONTAINER:** Defined as a plastic or metal container, or a clear plastic bag not larger than 35 gallons and not weighing more than 50 pounds when full. Cardboard boxes are not considered approved containers. No more than five approved refuse containers per unit may be placed curbside each week.

**APPROVED RECYCLABLE CONTAINER:** Defined as a plastic or metal container, not larger than 35 gallons and not weighing more than 50 pounds when full. Recyclable Containers should be clearly marked or labeled with a large letter 'R' to define them as containers that hold only the contents defined as recyclables. To encourage recycling there is no limit to the number of approved recyclable containers per unit that may be placed curbside each week.

**HOUSEHOLD GARBAGE:** All components of household solid waste not included in recyclables, green waste or miscellaneous waste.

**HOUSEHOLD GREEN 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.

**MISCELLANEOUS WASTE:** Encompasses the following terms and items:

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

**LARGE HOUSEHOLD FURNISHINGS:** All other large and/or bulky articles actually used in the home and which equip it for living (such as chairs, sofas, tables, beds, carpets, etc.).

**VEHICULAR TIRES:** Tires from cars and trucks and their casings.

**HOUSEHOLD HAZARDOUS WASTES:** Household 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.

**INFECTIOUS WASTE:** As defined in 6 NYCRR 360, as amended. Infectious and medical waste must be incinerated.

**COMMERCIAL AND INDUSTRIAL GARBAGE:** Includes all nonhazardous and nontoxic wastes which are not recyclable commercial and industrial by-products or green wastes.

**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.

**FARM HAZARDOUS WASTE:** All containers containing pesticides and/or pesticide residue and which can no longer be utilized for farm purposes.

**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.

**HOUSEHOLD METALS:** Any empty metal food containers, including aluminum, bimetal and steel cans, (tin cans).

**HOUSEHOLD 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.

**HOUSEHOLD 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) #1; High Density Polyethylene (HDPE) #2; Polyvinyl Chloride (PVC) #3; Low Density Polyethylene (LDPE) #4; Polypropylene (PP) #5; Polystyrene (PS) #6.

**CARDBOARD and CORRUGATED CARDBOARD:** Respectively mean 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.

**HOUSEHOLD 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.

**PUBLIC, COMMERCIAL AND INDUSTRIAL PAPER B-GRADE:** Typical office correspondence paper. Paper is to be kept dry.

**RECYCLABLE COMMERCIAL AND INDUSTRIAL BY-PRODUCTS:** Includes all materials which are a by-product of production utilized in production or sale after sale by a commercial enterprise or industrial enterprise.

**RECYCLERS:** Those 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 fund-raising purposes.

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

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

**ROADSIDE DUMPING:** Solid waste abandoned on unauthorized sites. Littering is unlawful. The DEC has a hot-line called 1-800-Tipp-DEC. (1-800-847-7332) The "Tipp" stands for "Turn in a Poacher or Polluter."

**SET-OUT TIMES:** All refuse and recyclables to be picked up must be at the curb no later than 7:00 a.m. on the regularly scheduled day of collection. No refuse and recyclables shall be placed at the curb before dusk (dusk being defined as 1/2 hour before sunset) on the day before the regularly scheduled collection day. Large items that require arrangements for a special collection must be at the curb no later than 7:00 a.m. on the arranged day of collection and shall not be placed at the curb before dusk (dusk being defined as 1/2 hour before sunset) on the day before the scheduled collection day. All empty refuse and recyclable containers must be removed from the curb by 7:00 p.m. on the day of collection.

**SOLID WASTE:** All putrescible and nonputrescible solid wastes, including but not limited to 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, or 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 by-product, including but not limited to garbage, refuse, industrial, commercial and agricultural waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product 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.

## § 254-19. 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 Sanitary Landfill 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.
  - 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" in § 254-18.

## § 254-20. Public sale of recyclables.

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

## § 254-21. Residential, commercial and industrial construction and demolition debris.

- A. The City shall provide a location at the Sanitary Landfill or other suitable area for residential, commercial and industrial construction and demolition debris. Such material which is recycled or reused for construction shall not be regulated by this chapter.
- B. Tipping fees or other charges for the handling and disposal of residential, commercial and industrial construction and demolition debris shall be established at least annually by the City

Council through a budget resolution that adopts a city fee schedule.

- C. Any rules and regulations pertaining to said handling and disposal of solid waste not specifically stated in this ordinance may be established by the City of Auburn Landfill and communicated at least annually to the public.

## § 254-22. Residential green waste.

- A. 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.
- B. Tipping fees or other charges for the handling and disposal of residential green waste shall be established at least annually by the City Council through a budget resolution that adopts a city fee schedule.
- C. Any rules and regulations pertaining to said handling and disposal of residential green waste not specifically stated in this ordinance may be established by the City of Auburn Landfill and communicated at least annually to the public.

## § 254-23. Commercial and industrial garbage and recyclables.

- A. All commercial and industrial garbage collected by the generator or private hauler shall be delivered to the Auburn Landfill or facility designated by the City Council.
- B. 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.
- C. Tipping fees or other charges for the handling and disposal of commercial and industrial garbage and recyclables shall be established and modified at least annually by the City Council through a budget resolution that adopts a city fee schedule.
- D. Rules and regulations pertaining to the handling and disposal of commercial and industrial garbage and recyclables not specifically stated in this ordinance may be established by the City of Auburn Landfill and communicated at least annually to the public.
- E. 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.
- F. Recyclable industrial and commercial by-products 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.
- G. Green waste produced by commercial and industrial enterprises shall be delivered to the Auburn

Landfill or a location designated by the City Manager. It shall not be left for City pickup.

## § 254-24. Major appliances, large household furnishings and tires.

- A. The City shall provide a schedule for the collection and disposal of major appliances, large household furnishings and tires.
- B. Major appliances, large household furnishings and tires shall be disposed of by the City at a site or sites designated by the City Manager.
- C. Tipping fees or other charges for the handling and disposal of major appliances, large household furnishings and tires shall be established at least annually by the City Council through a budget resolution that adopts a city fee schedule.
- D. Any rules and regulations pertaining to said handling and disposal of major appliances, large household furnishings and tires not specifically stated in this ordinance may be established by the City of Auburn Landfill and communicated at least annually to the public.

## § 254-25. Household hazardous waste and farm hazardous waste.

- A. The City of Auburn Landfill 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.

## § 254-26. 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 Landfill and in compliance with all applicable state laws and regulations.

## Article V. Accumulation of Solid Waste

## § 254-27. Maintenance of property.

It shall be a violation of this chapter for any owner, occupant or any person having control of any lot or land in the City to permit or maintain on such lot or land any accumulation of solid waste as that term is defined in § 254-18 or to place or allow to be placed solid waste on the curb in violation of § 254-5A and C, the definition of "roadside dumping" in § 254-18 and § 254-24.

## § 254-28. Duty of owner or occupant.

It shall be the duty of any such owner, occupant or any person having control 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 § 254-27.

## § 254-29. City to perform cleanup.

- A. The City shall provide an annual notification to the public outlining the rules and regulations of the City of Auburn's Solid Waste Ordinance. Each owner, occupant or person having control of real property in the City of Auburn will be presumed to have been given sufficient notice of infraction of the City of Auburn's Solid Waste Ordinance for the entire year following this annual public notification. If the provisions of the foregoing articles of this City of Auburn Solid Waste Ordinance are not complied with, the City Manager, the City Manager's designee, the City Superintendent of Public Works, the City Landfill Supervisor, the City Building Inspector, or any of the aforementioned title's designee shall have the authority to immediately correct violations. Said corrections to be conducted by the City or its agent without additional notice to the owner, occupant or person having control of said property.
- B. The actual charge for the collection, plus a service charge of 50% of the same, to cover costs of supervision and administration, shall be established at least annually by the City Council through a budget resolution that adopts a city fee schedule. Said amount to be charged shall be added to and become in form part of the taxes next 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. The City also has the authority to bill said property owner prior to adding the bill to the taxes if it chooses to do so.
- C. Subsequent violations shall be charged at the same fee as outlined in § 254-29B.

## § 254-30. 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 § 254-9 and/or § 254-29.

## § 254-31. Right to hearing.

- A. The owner, occupant or any person having control over a lot, land or property upon whom a violation is billed may request a hearing before the City Manager, or the City Manager's designee. The request for a hearing shall be in writing addressed to the City Manager and shall be served within seven days of receipt of the bill served pursuant to this article.
- B. After hearing, the City Manager or the City Manager's designee shall have the authority to do any one of the following:

- (1) Confirm the bill served pursuant to § 254-29.
  - (2) Sustain the charges assessed for the cleanup of the premises.
  - (3) Reduce, in whole or in part, the charges assessed for the cleanup of the premises.
  - (4) A combination of any of the above.
- C. The decision of the City Manager or the City Manager's designee shall be in writing and shall be served by regular U. S. mail.

## § 254-32. Remedies not exclusive.

The remedies set forth herein are in addition to the penalties as provided in Article VI of this chapter.

## Article VI. Enforcement

### § 254-33. Penalties for offenses; appearance tickets.

- A. Failure to comply. Failure to comply with this chapter by any person, 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. Fines and penalties. 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. 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, and, in addition, anyone 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 Landfill 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 Landfill

### § 254-34. Disposal of residential waste by Auburn residents.

- A. The City of Auburn, owner of the Auburn Landfill, agrees to permit residents of the City of Auburn to continue to deposit small amounts of refuse at the landfill residential drop off point, subject to the following terms and conditions:
- (1) Each vehicle entering the Auburn Landfill must display on the driver-side window an Auburn Landfill sticker. New landfill stickers may be obtained at the Office of Solid Waste, Auburn Landfill. 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 Landfill 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 Landfill Supervisor or the Landfill 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 Landfill 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 Landfill 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.

## § 254-35. Disposal of residential waste by non-residents.

- A. The City of Auburn, owner of the Auburn Landfill, agrees to permit participating town and village residents to continue to deposit small amounts of refuse at the landfill residential drop-off point, subject to the following terms and conditions:
- (1) Permits. Each vehicle entering the Auburn Landfill must display on the driver-side window an Auburn Landfill permit sticker. New landfill permit stickers may be obtained at the Solid Waste Office, Auburn Landfill. 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 Landfill 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) Non-residents who own property in the City of Auburn may purchase a landfill permit. Disposal of residential waste by nonresident property owners of the City of Auburn shall be limited to waste that has been generated on the property they own and will be paid for at the time of disposal on a fee per ton of all waste disposed. The fee per ton of all residential waste disposed at the City of Auburn Landfill 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 Landfill 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.

## § 254-36. 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 § 297-24 of this 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 § 297-40 of this Code.

## § 254-37. Mandatory deposit of all City waste products in Auburn Landfill.

- A. All waste products picked up within the City limits of the City of Auburn, whether picked up by a public hauler or by a private hauler, shall be deposited at the Auburn Landfill.

- B. 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 Chapter 254 of the Auburn City Code.
- C. Enforcement of this article shall be in a manner consistent with § 254-33 of the City of Auburn Code