

ARTICLE II Source Separation of Recyclables (§ 313-11 — § 313-25)

[Added 11-19-1990]

§ 313-11 Legislative findings; intent.

The Common Council of the City of Albany 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 conformance 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.

§ 313-12 Definitions.

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

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 soiled cardboard (i.e., pizza boxes).

[Amended 12-20-2004 by Ord. No. 38.121.04]

COMMISSIONER

The Commissioner of the Department of General Services.

[Amended 5-4-1998 by Ord. No. 28.42.98; 12-20-2004 by Ord. No. 38.121.04]

DEPARTMENT OF GENERAL SERVICES

The City of Albany Department of General Services.

[Amended 12-20-2004 by Ord. No. 38.121.04]

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 General Services.

[Amended 12-20-2004 by Ord. No. 38.121.04]

MULTIRESIDENTIAL COMPLEX

Five or more residential units located on a single property or continuous properties under common ownership, control or management. For this purpose, "residential unit" shall mean an enclosed space consisting of one or more rooms designed for use as a separate residence and shall include, but not be limited to, an apartment, condominium unit, townhouse 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

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, mimeo paper, duplication paper, magazines, paperback book, school paper, catalogs, junk mail, computer paper, telephone books and similar cellulosic material, but shall not mean 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.

[Amended 12-20-2004 by Ord. No. 38.121.04]

PERSON

Any 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 polyethylenes, 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, separated and/or processed, treated, reclaimed, used or reused to produce a raw 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, wires, 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 and 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-SEPARATED

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.

§ 313-13 Requirements applicable to source separation and collection of designated recyclables for the curbside program.

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

§ 313-14 Establishment of private collection program 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 non-physically-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, homeowner 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 180 days of such inclusion into 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 non-physically-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.

§ 313-15 Requirements applicable to source separation and placement of designated recyclables in recycling collection areas.

Designated recyclables required to be placed in recycling collection areas pursuant to § 313-14 of this article shall be prepared for collection in accordance with regulations promulgated by the Commissioner.

§ 313-16 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 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 notepad paper, white writing paper, white envelopes without glassine windows, other nonglossy white office paper without plastic, computer printout paper, computer tab cards and white onionskin paper.

(3)

Corrugated cardboard.

(4)

Glass containers, plastic containers and cans generated by food and beverage service establishments.

(5)

Vegetative yard waste.

(6)

Other recyclable materials as designated by resolution of the City at all times 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.

§ 313-17 Special provision regarding vegetative yard 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.

§ 313-18 Enforcement; rules and regulations.

[Amended 12-20-2004 by Ord. No. 38.121.04]

The Department of General Services is authorized to enforce the provisions of this article and to administer the recycling programs established herein. The Commissioner 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.

§ 313-19 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.

[Amended 5-4-1998 by Ord. No. 28.42.98; 12-20-2004 by Ord. No. 38.121.04]

(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.

§ 313-20 Noncollection of solid waste contaminated by designated recyclables.

[Amended 12-20-2004 by Ord. No. 38.121.04]

The Department of General Services may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables designated under an applicable section of this article at any solid waste disposal facility owned or operated by the City.

§ 313-21 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.

§ 313-22 Penalties for offenses.

[Amended 12-5-2005 by Ord. No. 73.112.05; 5-19-2008 by Ord. No. 25.42.08]

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 sentenced to imprisonment for a term not to exceed 15 days or to a term of community service related to the purposes of this article or to pay a fine of not more than \$325 and not less than \$25, or any combination of the above penalties, including all associated court costs.

§ 313-23 Injunction; concurrent remedies.

A.

In addition to any other remedy provided herein, the City of Albany 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.

§ 313-24 Severability.

A.

The provisions of this article are severable. If any provision of this article or its application to any person or circumstances is held invalid, said invalidity shall not affect any other provision or application which can be given effect without the invalid provision or application of the article.

B.

All provisions of any other local law or ordinance which are inconsistent with the provisions of this article are hereby repealed.

§ 313-25 (Reserved)

Editor's Note: Former § 313-25, Effective date, was repealed 12-20-2004 by Ord. No. 38.121.04.