

RESOLUTION No. 2019-

**RELATIVE TO AMENDING CHAPTER 911 OF THE CODIFIED ORDINANCES
ENTITLED "SOLID WASTE REFUSE AND RECYCLING"**

BY:

Council Chairman Andrew Touma
Council Member William Kennedy
Council Member Ezra P. Scott, Jr.
Council Member Kenny Tompkins

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 911 of the Codified Ordinances entitled "Solid Waste Refuse and Recycling" is hereby amended to read as follows:

911.01 GENERAL PROVISIONS

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CITY-ISSUED REFUSE CART

A 64 gallon roll-away (wheeled) refuse cart issued by the City to property owners or their representatives, capable of semi-automated and/or automated refuse collection, for the sole purpose of storage, collection and disposal of source-separated solid waste.

CITY ISSUED REFUSE TAG/STICKER

A tag or sticker issued by the Director and purchased from the Office of the Niagara Falls City Clerk or from the Director which shall bear an identification mark established by the City. The cost of such tags/stickers shall be established by the Director with approval of the City Council.

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DEAD ANIMALS

Dead animals or parts of animals from slaughterhouses are not included in this category.

DISPOSABLE PLASTIC BAG

A 30 gallon disposable plastic bag, having a minimum thickness of 1.1 mil. In addition, such bags must be free from rips or tears, waterproof, strong, securely tied, not exceed more than 30 pounds in weight (each) and only filled with refuse as set forth in this Chapter.

DIRECTOR

The Director of the Department of Public Works or his designee.

DUMP PERMIT

A permit issued by the Director to allow a residential user the ability to dispose of construction or demolition waste at the private waste hauler's facility. The cost of such permit shall be established by the Director with approval of the City Council.

ELECTRONIC WASTE (E-WASTE)

Any discarded electronic or electrical devices or their parts.

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911.03 REFUSE.

- A. Public collection and disposal of refuse.

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(4) The waste hauler shall collect residential refuse as well as commercial refuse from commercial users, inclusive of multi-family complexes, that qualify for and participate in the City's program once per week.

A residential user that produces construction or demolition waste must arrange for the disposal of such waste by a licensed private waste hauler or, in the alternative, may obtain a **DUMP** PERMIT from the Director to dispose of such waste at the waste hauler's facility. **In addition, a residential user that produces a quantity of refuse that exceeds the capacity of the City-Issued Cart may also place excess refuse in Disposable Plastic Bags and place them adjacent to the City-Issued Refuse Carts. However, glass and other objects of refuse that are sharp or that could cause injury or tearing of the Disposable Plastic Bag shall not be placed in a Disposable Plastic Bag. The Director is authorized to revoke the use of Disposable Plastic Bags where safety and health conditions warrant. No user shall be permitted to place Disposable Plastic Bags for collection in excess of the quantities allowed in Section 911.03(A)(6) herein.**

(5) Refuse collection at a frequency greater than once per week will be handled on a case-by-case basis. Such separate and additional collections must be scheduled by the user with the waste hauler or a private waste hauler. User fees for such separate and additional collections shall be established by the waste hauler or a private waste hauler and charged to the user consistent with the frequency of the additional collections.

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(6) [Single-family, two-family, three-family and multi-family dwelling users and multi-family complexes that qualify to participate in the City program may place one bulk waste item per dwelling unit at the curb at a frequency determined by the waste hauler.] A residential user that qualifies to participate in the City Program is permitted to place for collection its City Issued Refuse Cart plus a combination of three (3) additional items consisting of Disposable Plastic Bags or bulk items. Additionally, a residential user may place for collection a combination of two (2) additional items consisting of Disposable Plastic Bags or bulk items provided that each such additional item placed for collection has affixed to it a City Issued Refuse Tag/Sticker purchased from the Director by that residential user. Bulk waste must be placed in a location that does not impede with the collection of the City-Issued Carts. Users are responsible for removing refrigerant, must present adequate information indicating refrigerant has been removed and the doors shall be removed.

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D. Preparation of refuse for collection by the waste hauler.

(1) A user who places items at the curb for collection and disposal by the waste hauler shall separate garbage and non recyclable material from recyclable material and prepare the same for collection and disposal in accordance with this Chapter.

(2) Refuse offered for collection shall be prepared for collection by the user of the premises as provided in this section.

(3) The placement of refuse for collection at or in front of a premises other than the premises at which the refuse originated constitutes illegal dumping and is prohibited by this Chapter and such activity shall constitute a violation of this Chapter.

(4) All residential and commercial refuse shall be placed in City-Issued Refuse Carts for collection **and, if needed, Disposable Plastic Bags** between the sidewalk and the curb or alongside the roadway in front of the premises where the refuse originated at a distance between three and five feet from the street edge; the cart's latch bar must face the street in an area free of snow to allow for the placement of the owners'/occupants' refuse and recycling carts. Such carts **and Disposable Plastic Bags** must be placed in such a location so as to not interfere with pedestrian or vehicular traffic in the City right-of-way nor impede wheelchair access in the public right-of-way. Such carts may not be placed for collection prior to 5:00 p.m. the day prior to the scheduled collection day and must be removed no later than 11:00 p.m. the day the refuse and recyclables are collected.

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911.05 STORAGE OF REFUSE AND RECYCLABLES.

(1) No refuse or recyclable material shall be placed or stored on any premises within the City except as permitted by this Chapter.

(2) Residential refuse and recyclables shall be deposited promptly and stored in City-issued carts as set forth in this Chapter. **Excess refuse may be stored in Disposable Plastic Bags as provided herein.**

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911.06 MISCELLANEOUS PROVISIONS.

A. No person shall write, paint or draw any word, inscription, design, figure or mark, or otherwise mar or deface any City-Issued Cart without express written consent of the City. Any such conduct is a violation of this Chapter.

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B. Severability. Should any section, paragraph, sentence, clause or phrase in this Chapter be declared unconstitutional or invalid for any reason, the remainder of the Chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this article are declared to be severable.

C. Dead animals. Dead animals shall be removed by the City, from the right-of-way only, upon request, except that an animal hospital or other business caring for or harboring animals must remove and dispose of dead animals without the aid of the City. The owner or custodian of an animal may remove and dispose of any dead animal by contract with a private waste hauler. In no event shall a dead animal remain undisposed of for a period longer than 12 hours.

D. Emergency collection and disposal. In the event of a public emergency declared by the Mayor, the Director may provide by contract for the public collection, removal and disposal of refuse without competitive bidding. In such case, the Director may impose such conditions as he or she may deem advisable and shall supervise all work under such contracts.

E. Scavenging. No person shall interfere with, take, remove or scavenge for any material in any City-Issued Refuse Cart, recycling cart or any bulk waste which has been placed between the sidewalk and the curb by the owner and/or occupant for collection by the waste hauler.

F. City-Issued Refuse Carts and Recycling Carts for special events. City-Issued Refuse Carts and Recycling Carts provided by the City and placed by the City in the public right-of-way, parks or other public places shall be used only for deposit of refuse and recyclables

generated on the public right-of-way by pedestrians and motorists or generated by persons using the parks or other public places. The placing into such carts of refuse or recyclables originating from areas other than the public right-of-way or other public places constitutes illegal dumping and is prohibited by this Chapter. Carts provided by the City for special events or projects shall be used only for deposit of refuse and recyclables generated at the special event or project. When so deposited, such refuse and recyclables become the property of the City.

G. Illegal dumping. No person shall place, throw, deposit or dump or cause to be placed, thrown, deposited or dumped any refuse of any nature including, but not limited to, residential refuse, building refuse, bulk waste, commercial refuse, institutional refuse, construction waste, hazardous waste, industrial waste, infectious waste and/or recyclable materials in or upon any premises, street (including the area between the sidewalk and the curb), sidewalk or park, or in any refuse or recycling cart placed in a right-of-way, park or public place, or provided for a special project or event.

H. Regulations governing collection of refuse and or recyclables. No collector of refuse and/or recyclable collector shall:

- (1) Violate a rule or regulation established by the Director.
- (2) Dispose of refuse at a site not approved by the New York State Department of Environmental Conservation.
- (3) Litter.
- (4) Scavenge.
- (5) Collect refuse or recyclables placed between the sidewalk and curb by residential or nonresidential producers for collection without prior written approval by the Director.

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I. City issued Refuse Tags/Stickers may be purchased from the Office of the Niagara Falls City Clerk or the Director. Such Tags/Stickers may be used one (1) time only and are not reusable.

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THESE AMENDMENTS WILL BE EFFECTIVE MAY 1, 2019

Bold and Underline Indicate **Additions**

Bold and Brackets Indicate **[Deletions]**