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*City of Kingston, NY*

*Wednesday, October 2, 2013*

## Chapter 350. SOLID WASTE

**[HISTORY: Adopted by the Common Council of the City of Kingston as indicated in article histories. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Container hazards — See Ch. **188**.

Housing — See Ch. **267**.

Sewers — See Ch. **338**.

Streets and sidewalks — See Ch. **355**.

### Article I. Landfill Sites and Disposal Areas

**[Adopted 8-7-1984 by L.L. No. 3-1984, approved 8-28-1984, as Ch. 59, Art. I, of the 1984 Code]**

§ 350-1. Hours established.

**[Amended 4-1-2008 by L.L. No. 1-2008, approved 4-23-2008]**

The following times are hereby fixed for accepting refuse at any disposal area operated and maintained by the City of Kingston, New York: Monday to Friday, 7:00 a.m. to 2:00 p.m., and on the first Saturday of every month 8:00 a.m. to 12:00 noon.

§ 350-2. Deposit on Saturday or Sunday prohibited; exception.

No refuse shall be deposited at any other time nor on any Sunday. No refuse shall be deposited on any Saturday, except that when it shall be necessary for the city to work at any site or disposal area on a Saturday where a weekday holiday prevented completion of its work, refuse may be deposited at the site or disposal area on such Saturday, but only at such times as the city employees are actually working at such site.

§ 350-3. Penalties for offenses.

**[Amended 9-7-2010 by L.L. No. 6-2010, approved 9-23-2010]**

Any violation of the provisions of this article shall constitute an offense, for each violation of which a fine of \$50 shall be imposed.

§ 350-4. Emergency exemption.

The employees of the Department of Public Works, in times of emergency and public necessity, are exempt from the provisions of this article.

§ 350-5. When effective.

This article shall take effect immediately.

## Article II. Solid Waste Collection and Disposal

**[Adopted 4-4-1995, approved 4-6-1995 *Editor's Note: This ordinance supersedes former Article II, Solid Waste Collection and Disposal, adopted 12-3-1991, approved 12-4-1991, as amended. (Ch. 59, Art. II, of the 1984 Code)*]**

§ 350-6. Title; compliance.

- A. This article shall be known and may be cited as the "Solid Waste Collection and Disposal Ordinance of the City of Kingston, New York."
- B. This article is in full compliance with: 6NYCRR Part 360, Solid Waste Management Facilities, Title 6 of the Official Compilation of Codes, Rules and Regulations, effective December 31, 1988, as published by the New York State Department of Environmental Conservation, Division of Solid Waste (50 Wolf Road, Albany, New York 12233-4919), and Part 364, if applicable.

§ 350-7. Definitions.

For the purpose of this article, the following terms shall have the following meanings ascribed to them, unless further meanings are given to them by context:

**ACCUMULATED SPECULATIVELY**

A solid waste accumulated before being recycled. A solid waste is accumulated speculatively if the person can show that the solid waste has potential for recycling and has a feasible means of being recycled and that, during the calendar year, the amount of solid waste that is recycled or transferred to a different site for recycling equals at least 75% by weight or volume of the amount of that solid waste present at the beginning of the period. Solid waste is no longer accumulated speculatively once removed from accumulation by recycling.

**ASBESTOS WASTE**

Friable solid waste that contains more than 1% asbestos by weight and can be crumbled, pulverized or reduced to powder, when dry, by hand pressure. Asbestos waste also includes any asbestos-containing solid waste that is collected in a pollution control device designed to remove asbestos.

**ASHES**

The residue of the combustion of solid fuels.

**BUILDING DEBRIS**

Any refuse or residue resulting from minor noncommercial repairs to a private dwelling made by the owner or occupant himself.

**BUILDING WASTES**

Any and all refuse or residue resulting directly from building construction, reconstruction, repair or demolition and from clearing, grubbing or other incidental work in connection with any premises.

**BULK REFUSE**

Discarded household furniture, bedding and mattresses.

**COMMERCIAL BUILDING DEBRIS**

Any refuse or residue resulting from minor noncontracted repairs made by the owner or occupant himself in a commercial or manufacturing establishment.

**COMMERCIAL WASTES**

Solid waste generated by multiple residences containing more than three families, stores, offices, institutions, restaurants, warehouses and nonmanufacturing activities of industrial facilities.

**DEAD ANIMALS**

Animals that have died naturally or have been accidentally killed. Animals or parts of animals from slaughter houses are not included in this category.

**DEPARTMENT**

The Department of Public Works of the City of Kingston, New York.

**FOOD-PROCESSING WASTE**

Waste resulting solely from the processing of crops and related food products. Food-processing waste includes, but is not limited to:

- A. Vegetative residues that are recognizable as part of a plant, fruit or vegetable (e.g. corn husks, cabbage leaves, grape and apple pomace, bean snips and carrot, tomato and potato skins); or
- B. Any solid, semisolid or liquid food sludge or residue that is nonrecognizable, but identifiable by analysis or is certified solely as a by-product of plant, fruit, vegetable or dairy processing (e.g. milk and cheese, whey, brewery and winery waste and by-products from canned, frozen or preserved fruit and vegetable processing operations).

**GARBAGE**

Putrescible solid waste, including animal and vegetable waste, resulting from handling, storage, sale, preparation, cooking or

serving of foods. Garbage originates primarily in homes, kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

**GENERATOR**

Any person whose act or process produces a solid waste or whose act first causes solid waste to be subject to regulation under this article.

**HAZARDOUS WASTE, HAZARDOUS HOUSEHOLD WASTE and/or INDUSTRIAL WASTE**

Any and all residue resulting directly from industrial and manufacturing operations. It shall not include waste originating from commercial operations of an industrial establishment, nor shall it include waste resulting from the commercial operation of persons, firms or corporations engaged in the construction of buildings and the repairing of streets and buildings.

**INFECTIOUS WASTE**

Includes the following:

- A. Surgical waste, which consists of materials discarded from surgical procedures involving the treatment of a patient on isolation, other than patients on reverse or protective isolation;
- B. Obstetrical waste, which consists of materials discarded from obstetrical procedures involving the treatment of a patient on isolation, other than patients on reverse or protective isolation;
- C. Biological wastes, which consists of discarded excretions, exudates, secretions, suctionings and disposable medical supplies which have come into contact with these substances that cannot be legally discarded directly into a sewer and that emanate from a patient on isolation, other than patients on reverse or protective isolation;
- D. Pathological waste, which consists of discarded human tissues and anatomical parts which are discarded from surgery, obstetrical procedures, autopsy and laboratory procedures;
- E. Discarded material soiled with blood emanating from the treatment of a patient on isolation, other than patients on reverse or protective isolation;
- F. All waste discarded from renal dialysis, including tubing and needles;
- G. Discarded serums and vaccines that have not been autoclaved or returned to the manufacturer or point of origin;
- H. Discarded laboratory waste which has come in contact with pathogenic organisms and which has not been rendered noninfectious by autoclaving or other sterilization techniques;
- I. Animal carcasses exposed to pathogens in research, their bedding and other waste from such animals that is discarded; and
- J. Other articles that are being discarded that are potentially infectious and that might cause punctures or cuts, including

hypodermic needles, intravenous needles and intravenous tubing with needles attached, that have not been autoclaved or subjected to similar decontamination techniques and rendered incapable of causing punctures or cuts.

**LICENSED WASTE COLLECTORS**

A private waste collector who has first obtained all necessary clearances through the Ulster County Board of Health and who obtains a permit and/or license from the Mayor to collect or transport for disposal public or private waste, industrial or commercial wastes and refuse within the City of Kingston. Said permit and/or license must be obtained no later than the first working day of January in each year.

**[Amended 12-16-1999 by L.L. No. 3-2000]**

**MIXED REFUSE**

Any combination of putrescible and nonputrescible waste materials.

**PERSON**

All individuals, corporations, associations, except the City of Kingston, and shall apply to all householders.

**PRIVATE WASTE COLLECTION**

Any business operated by any person involving the collection, removal and transportation of any refuse from or to any premises, other than such persons owning residential or business property within the City of Kingston.

**PRIVATE WASTE COLLECTOR**

Any person who engages in private waste collection.

**PUTRESCIBLE**

The tendency of organic matter to decompose with the formation of malodorous by-products.

**RECOVER**

Any act or process by which recyclables are separated from the solid waste stream.

**RECYCLE**

To use recyclables in place of virgin materials in manufacturing a product.

**RECYCLABLES**

Solid waste that exhibits potential to be used repeatedly in place of virgin material. This includes, but is not limited to, noncontaminated glass jars and bottles, plastic jars and bottles, metal cans, cardboard, newspapers and magazines.

**RECYCLABLES HANDLING AND RECOVERY FACILITY**

A solid waste management facility, other than collection and transfer vehicles, at which recyclables are separated from the solid waste stream or at which previously separated recyclables are collected.

**REFUSE**

Anything putrescible or nonputrescible that is discarded or rejected as useless or worthless.

**RESIDENTIAL WASTE**

Mixed refuse, ashes and bulk refuse originating in and around single or multiple dwellings of three or less families, living quarters connected with churches or any religious organizations and public recreation areas.

**SUPERINTENDENT**

The Superintendent of Public Works of the City of Kingston.

**SOLID WASTE MANAGEMENT FACILITY**

Any facility employed beyond the initial solid waste collection process and managing solid waste, including, but not limited to, storage areas or facilities, transfer stations, landfills, disposal facilities, solid waste incinerators, landspreading facilities, composting facilities, surface impoundments and waste oil storage, reprocessing and rerefining facilities, recyclables handling and recovery facilities and waste tire storage facilities.

**SOURCE SEPARATION**

Dividing solid waste into some or all of its components at the point of generation.

**TRANSFER STATION**

A solid waste management facility, other than a recyclables handling and recovery facility exclusively handling nonputrescible recyclables that have a combination of structures, machinery or devices, where solid waste is taken from collection vehicles and placed in other transportation units for movement to another solid waste management facility.

**TRANSPORTER**

A person engaged in the off-site transportation of solid waste by air, rail, highway or water.

**TREATMENT**

Except in the case of infectious waste (see definition), any method, technique or process designed to change the physical, chemical or biological character or composition of any solid waste to recover energy or materials from it to render it safer to transport, store or dispose of or to make amenable for reuse, recovery, storage or reduction in volume.

**VEHICLE**

Any motor vehicle, trailer, water vessel, railroad car, airplane or any other device for transporting solid waste.

**WASTE TIRE**

Any tire that has ceased to serve the purpose for which it was initially intended due to factors such as, but not limited to, wear or imperfections, and has been discarded.

**WHITE GOODS**

For the purpose of this article, includes, but is not limited to, refrigerators, freezers, stoves, washers, dryers, dishwashers, trash compactors, air conditioners, ovens, hot-water heaters, furnaces, wood stoves, sinks, bathtubs and dehumidifiers.

**[Amended 8-4-2009 by L.L. No. 10-2009, approved 8-13-2009]**

#### **YARD WASTE**

Leaves, grass clippings, garden debris and small or chipped branches.

§ 350-8. Responsibility for the collection and disposal of refuse.

A. The Mayor of the City of Kingston shall have the power and is empowered to take such measures as they shall have deemed effectual for the removal and disposal of refuse from the City of Kingston or any portion thereof.

**[Amended 12-16-1999 by L.L. No. 2-2000; approved 1-3-2000]**

B. The removal and disposal of refuse shall at all times be under the supervision of the Superintendent of Public Works.

C. In the event of a private contract rather than a municipal operation, the Superintendent is hereby empowered to supervise the proper performance of the contract as the interests of the City of Kingston may appear to require.

D. It shall be unlawful for a private waste collector to engage in the business of private waste collection within the City of Kingston without having a valid permit and/or license issued by the Mayor of the City of Kingston or to operate any vehicle in the course of such business without having displayed thereon a valid sticker.

**[Amended 12-16-1999 by L.L. No. 2-2000; approved 1-3-2000]**

§ 350-9. Power to license collectors.

**[Amended 12-16-1999 by L.L. No. 2-2000; approved 1-3-2000]**

On certification that a private waste collector has complied with all rules, regulations and practices promulgated by the Mayor for the collection of refuse and in conformance to all requirements set forth by the County Health Officer, the Mayor shall be empowered to license, on application, any person, firm or corporation for the purpose of collecting refuse and transporting same over the streets of the City of Kingston, New York.

§ 350-10. Ownership of trash.

A. All trash placed for scheduled collection by the City of Kingston or deposited at the disposal site of the City of Kingston shall become the property of said City; and

B. It shall be unlawful for any person to separate and/or collect, carry off or dispose of any trash placed or deposited as aforesaid unless duly licensed or under written direction by the Mayor.

**[Amended 12-16-1999 by L.L. No. 2-2000; approved 1-3-2000]**

§ 350-11. Frequency, type and conditions of collection.

**[Amended 4-1-2008 by L.L. No. 1-2008, approved 4-23-2008]**

There shall be combined municipal refuse and garbage collection scheduled once weekly for residential and business districts subject to the provisions and conditions as herein set forth:

A. Residential and Business District:

- (1) Receptacles and refuse placed for collection shall be placed at curbside prior to 6:00 a.m. on the scheduled day of collection, but not before 5:00 p.m. on the day preceding the scheduled collection.
- (2) It shall be unlawful for any person or persons to deposit for collection and removal any refuse at curbside or within the sidewalk area on the eve preceding or before 7:00 p.m. on any Sunday and on the following holidays: New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veterans Day, Thanksgiving Day and Christmas Day.
- (3) Emptied receptacles shall be removed from the sidewalk area and curbside not later than 6:00 p.m. for residential and 12:00 noon for commercial on the scheduled day of collection.
- (4) A space measuring a minimum of 36 inches by 36 inches must be cleared curbside (by the property owner or occupant) for each refuse or recycle receptacle that is placed curbside.

**[Added 3-1-2011 by L.L. No. 2-2011, approved 3-21-2011]**

§ 350-12. Limitations to municipal collection services.

**[Amended 4-1-2008 by L.L. No. 1-2008, approved 4-23-2008]**

Municipal collection shall be limited as follows:

A. Residential properties.

- (1) Refuse.

**[Amended 4-1-2008 by L.L. No. 1-2008, approved 4-23-2008]**

- (a) Single-family residence: three cans, not exceeding 32 gallons each (96 gallons combined volume) or six bags having a combined volume not to exceed 96 gallons.
- (b) Two-family residence: six cans, not exceeding 32 gallons each (192 gallons combined volume) or 12 bags having a combined volume not to exceed 192 gallons.
- (c) Three-family residence: nine cans, not exceeding 32 gallons each (288 gallons combined volume) or 18 bags having a combined volume not to exceed 288 gallons.
- (d) Four-family or more residences and/or commercial properties: nine cans, not exceeding 32 gallons each (288 gallons combined volume) or 18 bags having a combined volume not to exceed 288 gallons.

(2) Recyclables.

**[Amended 4-1-2008 by L.L. No. 1-2008, approved 4-23-2008]**

- (a) Recyclables shall consist of glass bottles, metal (aluminum, tin and mixed metal cans), aluminum foil and pie plates, plastic containers, which must be properly containerized and placed curbside.
- (b) Mixed paper shall consist of periodicals, newspapers and magazines which must be either placed in a recyclable bin or bundled and tied and placed curbside.
- (c) Cardboard boxes must be either stacked one inside the other, or flattened and placed curbside.
- (d) There shall be no limit on the amount of recyclables that may be placed curbside for the above classifications.

(3) Yard waste.

- (a) Grass clippings, leaves (except as noted in section on leaf collection), garden clippings and hedge clippings shall be small enough to need containerization and chippings.

[1] There shall be no limit on the amount that may be placed curbside for collection.

[2] All of the above must be properly containerized.

[3] Yard waste will be collected biweekly from March 15 through October 31 only, except loose leaf curbside collection, which shall be from November 1 through November 30, and Christmas

trees and greens, which will be collected during the month of January.

**[Amended 4-6-2010 by L.L. No. 2-2010, approved 4-27-2010; 3-1-2011 by L.L. No. 2-2011, approved 3-21-2011]**

(b) Brush and tree prunings:

- [1] Brush and tree prunings shall not exceed four feet in length or three feet in diameter.
- [2] Brush and tree prunings must be bundled with cut ends in same direction and tied with twine (no wire).
- [3] Bundles must not exceed a combined volume of 36 cubic feet (three feet long by three feet wide by four feet high).
- [4] Brush and tree prunings shall be collected biweekly from April 15 through June 15 and September 15 to October 15.

**[Amended 3-1-2011 by L.L. No. 2-2011, approved 3-21-2011; 4-14-2011 by L.L. No. 6-2011, approved 5-3-2011]**

(c) Leaves.

**[Amended 6-8-2004, approved 6-15-2004; 4-6-2010 by L.L. No. 2-2010, approved 4-27-2010]**

- [1] Leaves shall be collected from November 1 through November 30. Leaves must be containerized in brown biodegradable paper bags or containerized in a trash barrel or container no larger than 32 gallons, not to exceed 50 pounds.
- [2] Nothing herein shall preclude a person from using yard or decentralized composting as a method of disposal of his/her leaves.

(d) Anyone not in compliance with the provisions of the City of Kingston Code, § **350-12A(3)(c)** or **350-12B(3)(c)**, as adopted by the Common Council on April 6, 2010, shall be subject to a fine of \$35 for the first offense, with an incremental increase of \$10 for each additional offense.

**[Added 4-6-2010, approved 4-8-2010]**

(4) Wood waste.

- (a) Wood wastes shall not exceed four feet in length.
- (b) Wood wastes must be bundled and tied with twine (no wire).

- (c) Bundles must not exceed a combined volume of 36 cubic feet (three feet long by three feet wide by four feet high).
- (d) Small pieces of wood must be containerized.
- (e) Pallets shall be one pallet in length and width by three feet high and must not exceed a combined volume of 36 cubic feet.
- (f) Wood waste will be collected from the second week in April to the first week in June and from the first week in September to the second week in October.

**[Amended 3-1-2011 by L.L. No. 2-2011, approved 3-21-2011]**

- (5) Building debris shall be containerized and/or bundled with a combined volume not to exceed 36 cubic feet.

**B. Commercial and manufacturing establishments.**

- (1) Refuse. All of the above classifications shall be allowed not more than nine receptacles having a volume not to exceed 32 gallons each (288 gallon combined volume) or 18 bags having a combined volume not to exceed 288 gallons.

- (2) Recyclables.

- (a) There shall be no limit on the amount of recyclables that may be placed curbside for the above classifications.
- (b) All recyclables must be properly containerized.

- (3) Yard waste.

- (a) Grass clippings, leaves (except as noted in section on leaf collection), garden clippings and hedge clippings shall be small enough to need containerizing, and chippings.

- [1] There shall be no limit on the amount that may be placed curbside for collection.

- [2] All of the above must be properly containerized.

- [3] Yard waste will be collected biweekly from March 15 through October 31 only, except loose leaf curbside collection, which shall be from November 1 through November 30, and Christmas trees and greens, which will be collected during the month of January.

**[Amended 4-6-2010 by L.L. No. 2-2010, approved 4-27-2010; 3-1-2011 by L.L. No. 2-2011, approved 3-21-2011]**

(b) Brush and tree prunings.

- [1] Brush and tree prunings shall not exceed four feet in length or three feet in diameter.
- [2] Brush and tree prunings must be bundled with cut ends in same direction and tied with twine (no wire).
- [3] Bundles must not exceed a combined volume of 36 cubic feet (three feet long by three feet wide by four feet high).
- [4] Brush and tree prunings shall be collected biweekly from March 15 through October 31.

**[Amended 3-1-2011 by L.L. No. 2-2011, approved 3-21-2011]**

(c) Leaves.

**[Amended 4-6-2010 by L.L. No. 2-2010, approved 4-27-2010]**

- [1] Leaves shall be collected from November 1 through November 30. Leaves must be containerized in brown biodegradable paper bags or containerized in a trash barrel or container no larger than 32 gallons, not to exceed 50 pounds.
- [2] Nothing herein shall preclude a person from using yard or decentralized composting as a method of disposal of his/her leaves.

(d) Anyone not in compliance with the provisions of the City of Kingston Code, § **350-12A(3)(c)** or **350-12B(3)(c)**, as adopted by the Common Council on April 6, 2010, shall be subject to a fine of \$35 for the first offense, with an incremental increase of \$10 for each additional offense.

**[Added 4-6-2010, approved 4-8-2010]**

(4) Wood waste.

- (a) Wood waste shall not exceed four feet in length.
- (b) Wood waste must be bundled and tied with twine (no wire).
- (c) Bundles must not exceed a combined volume of 36 cubic feet (three feet long by three feet wide by four feet high).

- (d) Small pieces of wood must be containerized.
- (e) Pallets shall be one pallet in length and width by three feet high and must not exceed a combined volume of 36 cubic feet.
- (f) Wood waste will be collected from the second week in April to the first week in June and from the first week in September to the second week in October.

**[Amended 3-1-2011 by L.L. No. 2-2011, approved 3-21-2011]**

(5) Commercial building debris.

- (a) Shall be containerized and/or bundled with a combined volume not to exceed 36 cubic feet.
- (b) Owners, occupants or operators or other persons creating or causing the accumulation of trash in excess of the amounts specified herein shall be responsible for the removal of same.
- (c) Hotels, restaurants, hospitals, nursing homes, schools, cafeterias and boardinghouses boarding five or more individuals shall be responsible for the collection and removal daily of trash generated by such operations.

§ 350-13. Wastes not accepted for collection.

A. Hazardous materials.

- (1) Hazardous materials shall include such items as:
  - (a) Flammable liquids.
  - (b) Motor oils.
  - (c) Paints.
  - (d) Explosives.
  - (e) Drugs.
  - (f) Acids.
  - (g) Poisons.
  - (h) Radioactive materials.
  - (i) Asbestos.

- (j) *Editor's Note: Former Subsection A(1)(j), Television sets with picture tubes intact, was repealed 8-4-2009 by L.L. No. 10-2009, approved 8-13-2009. This local law also redesignated former Subsection A(1)(k) through (o) as Subsection A(1)(j) through (n), respectively.* Discarded liquid propane, butane, oxygen or acetylene cylinders.
- (k) Any container used for the transportation or storage of gasoline.
- (l) Magnesium by-products.
- (m) Ashes containing live coals or fire.
- (n) Any other deleterious material that, in the opinion of the Superintendent of Public Works, may be deemed hazardous.
- (2) Hazardous material as described above will not be collected by municipal forces but shall be transported and disposed of at the expense of the owner, occupant or contractor generating such waste.
- (3) Radioactive materials, drugs, poisons and like substances shall be disposed of under the supervision of the County Health Officer.

B. Miscellaneous material not accepted.

- (1) The following items will not be accepted:
  - (a) Industrial wastes.
  - (b) Infectious wastes.
  - (c) Chemical wastes.
  - (d) Excavated material.
  - (e) Automobile bodies or parts thereof.
  - (f) Sealed drums or containers of any description.
  - (g) Stumps and trunk wood.
  - (h) Tree limbs in excess of three feet in diameter and/or four feet in length.
  - (i) Brush and shrubs in excess of four feet lengths.
  - (j) Stumps, trunk wood and brush generated by tree removal contractors.
  - (k) Lumber in excess of four feet lengths.

- (l) Debris from building and remodeling in excess of 36 cubic feet.
- (m) Wastes generated by contractors engaged in building, remodeling or demolition.
- (n) Broken concrete, asphalt or masonry.
- (o) Any and all refuse not generated within the City of Kingston.
- (p) Mass household and/or commercial contents exceeding 36 cubic feet, including but not limited to household appliances, equipment, furnishings and other debris resulting from but not limited to relocations, evictions and household cleanups.

**[Added 12-7-1999; approved 12-10-1999]**

- (2) Such wastes as defined herein must be removed by the owner, occupant, operator or contractor performing such work or other persons creating or causing the accumulation of such materials as the case may be.

#### C. Dead animals.

- (1) Dead animals shall be disposed of by burying at least 18 inches below the surface of the ground. The owner of said animal or, if said owner is unknown, the owner, occupant or person in charge of the property on which the dead animal is located is responsible for disposing of the animal as aforesaid within 24 hours. Upon request by the person responsible for disposing of a dead animal or, if such animal be located on public property, the Dog Control Officer of the City of Kingston, if available, and if not, the Department of Public Works shall dispose of the dead animal within 24 hours of request or notification.  
**[Amended 12-16-1999 by L.L. No. 2-2000; approved 1-3-2000]**

- (2) After being notified of the presence of a dead animal within the City of Kingston on private property, it shall be lawful for the Department of Public Works to enter such property and remove said animal for disposal, but only if the Department shall have attempted with due diligence to locate the owner of such property and failed to do so or if successful said owner refused to dispose of said animal. The presence of dead animals not properly disposed of as herein provided is hereby declared to be a threat to the public health and a public nuisance.

#### § 350-14. General collection regulations.

- A. It shall be unlawful to fail or refuse to dispose of all trash or to fail or refuse to place such trash in approved containers, as set forth in this

article, for collection by the Department or a duly licensed waste collector.

- B. It shall be the duty of all persons producing or accumulating trash and all owners of property on which trash is produced or accumulated to provide for the disposal of the same as provided herein at intervals no less frequent than the scheduled municipal collection.
- C. It shall be the duty of all persons producing or accumulating garbage to properly drain and wrap with heavy paper, plastic or like material the garbage to prevent seepage or the mixing of liquids with other portions of the trash.
- D. All trash containers shall be placed for collection in such a manner as to prevent the scattering, spilling or leaking of the trash.
- E. It shall be unlawful for any person to produce, accumulate or place trash and wastes on property belonging to another.

§ 350-15. Importation of refuse prohibited.

- A. It shall be unlawful for any person to place curbside for collection any refuse not generated within the City of Kingston.
- B. Any person who violates the importation provision of this section shall be found guilty of an offense punishable by a fine of \$500; for a second violation, shall be guilty of an offense punishable by a fine of \$750; for a third and subsequent violation, shall be guilty of an offense punishable by a fine of \$1,000.

§ 350-16. Receptacle specifications.

- A. Receptacles shall be of metal or heavy duty plastic construction fitted with a cover and lifting handles and of a volume not to exceed 32 gallons. Total combined weight of receptacle and contents shall not exceed 50 pounds. Receptacles shall be kept in good repair with no ragged metal or plastic edges and no missing wheels and shall be replaced by the owner upon written notice from the Code Enforcer, Superintendent or Assistant Superintendents of Public Works that the same are hazardous to the men collecting the contents thereof. If not so replaced within 10 days after receipt of such notice, such nonconforming or defective containers shall be disposed of by the Department of Public Works as waste. If heavy duty plastic receptacles are used, the City of Kingston assumes no liability for damages due to breakage caused by handling same.

**[Amended 8-4-2009 by L.L. No. 10-2009, approved 8-13-2009]**

- B. Heavy duty, disposable, waterproof plastic bags, properly tied to avoid spilling, each having a capacity not to exceed 32 gallons, may be substituted in lieu of containers as specified herein.
- C. Recyclables may be placed in any metal or heavy duty plastic container having a lifting handle. Lids are optional. Recycling containers must be clearly marked as to the material contained. Marking may be accomplished by marking with permanent marking pen or appropriate labels as supplied by the City of Kingston.
- D. Newspapers, magazines, junk mail and office paper only shall be placed in 18 gallon blue boxes supplied by the Ulster County Resource Recovery Agency to one- , two- and three-family residences. Lids shall be used to keep the contents dry.
- E. Corrugated cardboard, grayboard (gray cardboard) and brown paper bags shall be placed together either by flattening out and bundling or by nesting inside each other.

§ 350-17. Bulk refuse.

- A. It shall be unlawful for any person, firm or corporation within the City of Kingston to abandon or place for collection refrigerators, ice boxes, or any other container, equipment or appliance having self locking doors, without first removing and detaching the doors or covers from same.
- B. The charge for white goods, without Freon, picked up at curbside is \$20 per item. The charge for white goods, with Freon, picked up curbside is \$30 per item. If the resident brings the white goods, without Freon, to the transfer station, the charge will be \$10 per item. If the resident brings the white goods, with Freon, to the transfer station, the charge will be \$20 per item.  
**[Amended 12-16-1999 by L.L. No. 2-2000; approved 1-3-2000; 9-6-2005, approved 9-7-2005; 9-7-2010 by L.L. No. 6-2010, approved 9-23-2010 *Editor's Note: This local law also provided for the charging of fines for receptacles not kept in good repair and for appliances or other items placed for collection without having had the doors removed. ]***
- C. Tires. There is no curbside collection for tires. Said tires must be taken to the transfer station between the hours of 7:00 a.m. and 2:00 p.m., Monday through Friday. There is a fee schedule, recommended by the Mayor and approved by the Common Council, for tires. Said fee schedule is dependent upon the size and type of tire and whether or not the tire is mounted on a rim and is subject to annual review.  
**[Amended 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000; 9-6-2005, approved 9-7-2005; 12-6-2005, approved 12-28-2005; 9-7-2010 by L.L. No. 6-2010, approved 9-23-2010]**

Type of Tire	Fee
Bicycle tire	\$4
Bicycle tire with rim	\$5
Passenger car tire up to 17 inches	\$4
Passenger car tire up to 17 inches with rim	\$6
Passenger car tire 18 inches to 24 inches	\$30
Passenger car tire 18 inches to 24 inches with rim	\$35
Farm and construction vehicle tire	\$175
Farm and construction vehicle tire with rim	\$200

D. Upon request for a City truck for refuse disposal, the Superintendent of Public Works may, in his discretion, provide the requested vehicle for a fee of \$250 per trip (tipping fee of \$100 included; any additional to be billed to homeowner). This service is only available for a resident's request; no commercial use is permitted.

**[Added 1-12-1999; approved 1-19-1999 *Editor's Note: This ordinance also provided for the redesignation of former Subsection D as Subsection E. ; amended 12-5-2000, approved 12-18-2000; 9-6-2005, approved 9-7-2005; 9-7-2010 by L.L.No. 6-2010, approved 9-23-2010]***

E. Nothing in this section shall be interpreted as preventing the Superintendent of Public Works from approving some other devices which, in his opinion, meet the requirement of this section.

§ 350-18. Licensing of private waste collectors.

**[Amended 12-16-1999 by L.L. No. 2-2000; approved 1-3-2000]**

A. The Superintendent shall accept all applications for a license as a licensed waste collector on such forms as he shall provide and certify on the face thereof, if he shall so find, that the private waste collector has and will be able to comply with all the rules, regulations and practices promulgated by the Mayor and this article for the collection of refuse and that said collector has obtained all the necessary permits from the Ulster County Board of Health.

B. Upon approval of the aforesaid certified application and the fees provided hereafter, the Mayor shall issue a license to the named applicant along with a sticker for each vehicle listed on said application specifically identifying the vehicle to which each sticker shall be affixed and the license under which the sticker is issued.

- C. All licenses issued pursuant to this article shall be for a period of one year and shall not be transferable. Additional vehicle stickers may be issued from time to time by the Mayor upon application as described in Subsections **A** and **B** of this section, but shall expire at the end of the license period applicable at the time the sticker was issued.
- D. Licenses issued under this article may be revoked or suspended on order of the Superintendent of Public Works that the private waste collector has failed to comply with all applicable laws, ordinances, rules and regulations.
- E. The annual fee for a license hereunder and for each vehicle sticker shall be recommended by the Mayor and approved by the Common Council. The fees shall be reviewed annually.
- F. Should a private waste collector fail to obtain a license to collect refuse from the City of Kingston and is found to be collecting refuse in the City of Kingston, a fine in the amount of \$100 will be imposed for a first offense, a fine of \$250 will be imposed for a second offense, and a fine of \$1,000 will be imposed for a third offense.

**[Added 9-7-2010 by L.L. No. 6-2010, approved 9-23-2010]**

§ 350-19. Compliance required; enforcement; penalties for offenses.

- A. All persons shall be responsible for compliance with the provisions of this article.
- B. The Superintendent of Public Works and his designees are hereby authorized and directed to enforce the provisions of this chapter.  
**[Amended 4-6-2010 by L.L. No. 1-2010, approved 4-27-2010]**
- C. Unless otherwise provided for, any person who violates any provisions of this article, including any rule or regulation, shall be found guilty of an offense punishable by a fine of \$100 and, in addition thereto, shall be liable to pay a civil penalty of \$100; for a second violation within one year of the first violation, shall be guilty of an offense punishable by a fine of \$250 or by imprisonment for up to 15 days, or both, and, in addition thereto, shall be liable to pay a civil penalty of not less than \$250; for a third and subsequent violation, any person shall be guilty of a misdemeanor, punishable by a fine of not less than \$500 nor more than \$1,000 or by imprisonment of not more than 30 days, or both, and in addition thereto, shall be liable to pay a civil penalty of \$1,000. Each violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation.

- D. Any penalties levied and/or damages recovered under this article shall be in addition to any other remedies available under federal, state or local law and may include a provision to the effect that the violator pay the actual cost to rectify the problem created by the aforesaid violation of improper disposal of inappropriate wastes. *Editor's Note: Former Subsections E and F, regarding notice of violation, which immediately followed this subsection, were repealed 4-7-1998, approved 4-15-1998. This ordinance also redesignated former Subsection G as Subsection E.*
- E. The owner and any occupant and/or tenant of the premises to which the trash pickup and recycling service is provided to by the City of Kingston will be jointly and severally liable for any violation and penalties of these provisions.

### Article III. Litter and Trash Receptacles

**[Adopted 8-7-1984 by L.L. No. 3-1984 approved 8-28-1984, as Ch. 59, Art. III, of the 1984 Code]**

§ 350-20. Littering; private receptacles required.

**[Amended 7-13-2004, approved 7-16-2004]**

No person shall cast, throw, place or deposit or cause to be cast, thrown, placed or deposited any papers, throwaways, handbills, debris, rubbish, refuse or other foreign matter in or upon any street, lane, alley or public place in the City of Kingston. No person having private permanent quarters on any street shall use or employ the receptacles provided for the public which may be placed along such street, and such persons are hereby required to maintain private receptacles for such discarded material at the rear of their respective properties, which receptacles must conform to the minimum requirements and standards hereinafter set forth and provided. Such persons shall cause all discarded paper and other material capable of being moved or strewn by wind or other agency to be securely confined in such receptacles so that the same shall not be overturned, dumped or otherwise treated in such a way as to permit the material therein deposited to escape or fall therefrom. Public receptacles shall be posted with signage prohibiting the discarding of private refuse and materials in said receptacles.

§ 350-21. Disposal of receptacle contents.

Such persons shall cause such receptacles regularly to be emptied and removed, either to the City of Kingston dump or such other place of disposal as shall eliminate permanently said material from the limits of the City of Kingston.

§ 350-22. Specifications for receptacles.

Said containers must by reason of their weight or method of anchoring be sufficient to maintain the same in a rigid and upright position and must be equipped with a lid or gate adequately hinged or attached to such receptacle as to permit facility of opening, and must be provided with a catch or lock sufficient to secure the same in a closed position. Said gate or lid shall be maintained in such closed and securely fastened position at all times except when being filled or emptied.

§ 350-23. Definitions.

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

**PERSON**

Includes all firms, corporations and other entities.

§ 350-24. Penalties for offenses.

**[Amended 7-13-2004, approved 7-16-2004]**

Any violation of this article or any part thereof shall constitute disorderly conduct, and any person violating the same shall be and hereby is declared to be a disorderly person and shall be liable to a penalty of \$100 for each and every such offense.

§ 350-25. When effective.

This article shall take effect immediately.

Article IV. Fees

**[Adopted 4-5-1988; approved 4-7-1988 (Ch. 59, Art. IV, of the 1984 Code)]**

§ 350-26. Transfer station use fee.

**[Amended 6-5-1990; approved 6-7-1990]**

The tipping fee at the transfer station shall be increased from the current charge of \$60 per ton to \$80 per ton.

§ 350-27. Fee for collection of certain wastes.

**[Added 12-5-1989; approved 12-7-1989]**

A. Tires.

**[Amended 12-16-1999 by L.L. No. 2-2000; approved 1-3-2000]**

- (1) The Common Council of the City of Kingston authorizes the charging of a fee for the collection of tires by the Department of Public Works.

- (2) A fee schedule will be recommended by the Mayor and approved by the Common Council. Said fee shall vary dependent upon the size and type of tire and whether or not the tire is mounted on a rim.
- (3) Said fee will be subject to an annual review by the Mayor and approved by the Common Council.
- (4) The procedure for the implementation of this subsection shall be established by the Mayor.

B. Appliances.

**[Added 12-5-1989; approved 12-7-1989]**

- (1) There will be a charge recommended by the Mayor and approved by the Common Council per appliance that is picked up by the Department of Public Works within the City of Kingston.  
**[Amended 12-16-1999 by L.L. No. 2-2000; approved 1-3-2000]**
- (2) These fees will be reviewed annually by the Common Council.

C. The initial fees for disposal of furniture shall be as follows:

**[Added 3-1-2011 by L.L. No. 2-2011, approved 3-21-2011]**

- (1) The charge for furniture brought to the transfer station during operating hours shall be:
  - (a) Mattress/box spring: \$5 each.
  - (b) Couches (nonsleeper): \$12 each.
  - (c) All other furniture: \$8 each.
- (2) Any furniture that is to be picked up curbside by the Department of Public Works shall require a permit from the Department of Public Works. The fee for said permit shall be \$20.
- (3) The above fees may be changed from time to time by the Common Council by resolution after recommendation by the Mayor.

D. Construction and masonry debris.

**[Added 3-1-2011 by L.L. No. 2-2011, approved 3-21-2011]**

- (1) Construction and masonry debris will be accepted at the Transfer Station during operating hours in accordance with the following fee schedule:
  - (a) Commercial rate (brush only): \$10 per load.
  - (b) One-ton dump truck: \$25 per load.

(c) Commercial rate for dumping: \$0.15 per load.

- (2) The above fee schedule may be changed from time to time by resolution of the Common Council after recommendation by the Mayor.

§ 350-28. Fee upon noncompliance and notification; disposition.

**[Added 1-11-1994; approved 1-12-1994; amended 4-7-1998; approved 4-15-1998]**

- A. A fee in the amount of \$75 is hereby established for having to collect refuse at a property that has not complied with Article II, Solid Waste Collection and Disposal, of this chapter. A penalty of 10% shall be added to balances carried over a ninety-day period for all uncollected fee balances.

**[Amended 9-6-2005, approved 9-7-2005]**

- B. Said fees, after collection, shall be put in the appropriate revenue line of the Department of Public Works budget.

- C. A collection fee of \$175, plus the tipping fee in the amount of \$80 per ton shall be established for a violation of § 350-13B(1)(p), mass household and/or commercial contents.

**[Added 12-7-1999; approved 12-10-1999; amended 9-7-2010 by L.L.No. 6-2010, approved 9-23-2010]**

§ 350-29. Collection of electronic equipment.

**[Added 10-3-1995; approved 10-6-1995; amended 1-8-2008, approved 1-16-2008 L.L.No.; 9-7-2010 by L.L. No. 6-2010, approved 9-23-2010]**

- A. Effective upon the passage of this local law, *Editor's Note: "This local law" refers to L.L. No. 6-2010, adopted 9-7-2010, approved 9-23-2010.* the fee for the collection of all electronic equipment, curbside, including but not limited to monitors, PCs, printers, fax machines, scanners, microwaves, and video systems shall be \$6 for each unit and piece of electronic equipment, plus a fine of \$10 for each unit collected curbside. Effective upon passage of this local law, the fee for the collection of all electronic equipment brought to the transfer station by a resident, including but not limited to monitors, PCs, printers, fax machines, scanners, microwaves and video systems shall be \$6 for each unit and piece of electronic equipment.
- B. Effective upon the passage of this local law, the fee for the collection of all televisions, curbside, shall be \$8 per television, with a fine of \$10 for each television collected curbside. Effective upon passage of this local

law, the fee for the collection of all televisions brought to the transfer station by a resident shall be \$8 per television.

- C. Effective upon the passage of this local law, the fee for the collection of all large printers/copiers, curbside, shall be \$30 for each large printer/copier. Effective upon passage of this local law, the fee for the collection of all large printers/copiers brought to the transfer station by a resident shall be \$20 for each large printer/copier.

## Article V. Medical Infectious Waste

**[Adopted 8-6-1991; approved 8-7-1991 (Ch. 71 of the 1984 Code)]**

§ 350-30. Importation for disposal prohibited.

The importation of any and all medical infectious waste into the City of Kingston from outside of the City's limits for any commercial purpose of burying, burning or final disposal is hereby prohibited.