

Village of Hamburg, NY
Tuesday, August 16, 2016

Chapter 198. Solid Waste

[HISTORY: Adopted by the Board of Trustees of the Village of Hamburg as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Outdoor burning — See Ch. 132.

Property maintenance — See Ch. 182.

Sewers — See Ch. 186.

Article I. Health and Sanitation

[Adopted 4-6-1970 by §§ 8-3 through 8-7 of the 1970 Code]

§ 198-1. Use of animal, vegetable matter to fill in land.

No sunken places shall be filled in or made land constructed with any materials containing an admixture of putrescible animal or vegetable matter.

§ 198-2. Dead carcasses; unwholesome, offensive substances.

No person shall bring, deposit or leave exposed within this village any dead carcasses or other unwholesome or offensive substance.

§ 198-3. Offensive, noxious deposits.

No swill, brine, urine of animals or any stinking noxious or offensive liquid of any kind or any foul, filthy matter whatever shall be allowed to drip, run or fall from or out of any building, vehicle or structure into or upon any street or public place.

§ 198-4. Deposits of refuse.

- A. Definition. For the purposes of this section, an "off-street parking area" shall be construed to mean an area maintained by or leased to the village or maintained by private persons, firms or corporations open to the public or the customers, invitees or licensees of a particular business or group of businesses or maintained by churches, schools or fraternal organizations open to and for the use of their members, attendants, invitees or licensees.
- B. Deposits prohibited. No person shall throw, sweep or deposit any dirt, refuse, garbage, rubbish or filth, including but not limited to wastepaper, ashes, sweepings, dust, garbage, offal, plaster, lint, rags, glass, wrappings, scrap materials or tin cans, and leave the same on any sidewalk or within the limits of any street, alley, public place, park, school grounds, playgrounds or off-street parking areas or upon

the banks of or in the Eighteen Mile Creek.

- C. Exception. It shall not, however, be unlawful to place at curbs or between paved portions of the street and the public sidewalk such materials as above in this section defined for collection by public or private refuse and rubbish collectors.

§ 198-5. Penalties for offenses.

Any person violating any of the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall be punishable by a maximum fine of \$250 or by a term of imprisonment of not more than 15 days, or both.

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*

Article II. Solid Waste Management

[Adopted 7-20-1992 by L.L. No. 4-1992]

§ 198-6. Title.

This article shall be known as the "Municipal Solid Waste Law" of the Village of Hamburg.

§ 198-7. Purpose; effective date.

The reduction, reuse and recycling of solid waste are important public concerns and will aid in the protection and preservation of the environment, and the Solid Waste Management Act of 1988 mandates passage of a source separation ordinance or law to be passed by each local municipality within New York State by September 1, 1992, to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist. The Village of Hamburg establishes mandatory recycling within the Village of Hamburg will be effective on September 1, 1992.

A LOCAL LAW TO AMEND the Code of the Village of Hamburg, Chapter 198 thereof, entitled **SOLID WASTE**, amending Section §198-7 by adding a Section B.

Be it enacted by the Board of Trustees of the Village of Hamburg as follows:

SECTION 1.

Chapter 198 **SOLID WASTE** of the Code of the Village of Hamburg is hereby amended by adding the following:

§ 198-7B. Purpose; effective date.

Effective March 1, 2016, all improved real property located in the Village of Hamburg, and which receives solid waste and/or recyclable collection service from the Village of Hamburg shall be assessed a one-time user fee on the 2017-2018 Village Tax bill to cover the cost of a garbage tote(s) and/or a recycling container(s) as required by this Code. The cost of said user fee shall be equal to the amount charged by the third-party private contractor utilized by the Village for the purchase of garbage totes and recycling containers in the Village of Hamburg and shall be charged and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers in the same manner as taxes. In the event that replacement totes and/or containers are required, they shall be purchased directly through the Village of Hamburg at a cost to be determined by the Village of Hamburg.

JULY 18, 2016

LOCAL LAW NO. 6 OF 2016

A LOCAL LAW TO AMEND the Code of the Village of Hamburg, Chapter 198 thereof, entitled SOLID WASTE, by amending Section §198-8, 198-9 , 198-10 and 198-12 with regard to the implementation of a *Garbage Tote Program*.

Be it enacted by the Board of Trustees of the Village of Hamburg as follows:

SECTION 1.

Chapter 198 SOLID WASTE of the Code of the Village of Hamburg is hereby amended by as follows:

§198-8- Definitions - As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR -A person, individual, partnership or corporation or employee or agent thereof authorized by contract or license with the Village of Hamburg to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this article. In the event of the Village of Hamburg collection, this definition shall include the governing body and employees thereof.

BRUSH -Cuttings from shrubs, hedges and trees which are less than four inches in diameter.

BULKIES -Large items, such as sofas, upholstered chairs, mattresses and box springs, but excluding large appliances (white goods), such as refrigerators, stoves, dishwashers, washers, dryers, etc. which are considered recyclable.

COLLECTOR -The Village of Hamburg Department of Public Works or those collectors/haulers engaged in the collection of and/or transportation of solid waste by the Village of Hamburg.

COMMERCIAL OPERATIONS -All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments, trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONSTRUCTION AND DEMOLITION DEBRIS -Discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

CONTAINER -Can, bin, box, bag or other unit used for storage of recyclable materials or municipal solid waste.

FACILITY -Any solid waste management resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery of any means of any material

JULY 18, 2016

or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or landspreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE - Solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials and medical waste. For purposes of this article, hazardous waste does not include small quantities of such waste available on a retail basis to the homeowner (eg., aerosol cans, pesticides, fertilizers, etc.).

INSTITUTIONS -An organization or establishment devoted to the promotion of a particular object or cause, including schools, religious institutions, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) - All putrescible and nonputrescible materials, including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semi-solids and contained gaseous materials are hereby defined as solid waste. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON - Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR - Person, firm, corporation or legal entity providing for the collection of municipal solid waste and/or recyclable materials. To operate in the Village of Hamburg, they shall be required to obtain a license from the village and be subject to the rules and regulations of the village.

RECYCLABLE MATERIALS

A. Those materials specified by the municipality for separate collection in accordance with recycling regulations. Such materials may include, but are not limited to:

- (1) **ALUMINUM** — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverage or other food or drink.
- (2) **METAL CANS** — Containers fabricated primarily of steel and tin or bimetal cans or steel, tin and/or aluminum, but not including aluminum cans.
- (3) **GLASS FOOD AND BEVERAGE CONTAINERS**— New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass or flat glass.
- (4) **PLASTIC FOOD AND BEVERAGE CONTAINERS** — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET), designated respectively as 1, 2 and 3 on the recycling code located on the containers.

JULY 18, 2016

(5) **NEWSPRINT** — Any common newspaper, including inserts.

(6) **CORRUGATED**— Wood pulp-based material which is usually smooth on both sides with corrugated center, commonly used for boxes, excludes material with a wax coating.

(7) **HIGH GRADE PAPER**— White and colored office bond, duplicating paper, computer paper and other high-quality paper.

(8) **MAGAZINES** — Magazines, glossy catalogs and other glossy paper.

(9) **LARGE APPLIANCES**— Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal but excluding air conditioners, microwaves and televisions.

B. The above materials will be reviewed quarterly and will be modified as the need arises by the Superintendent of Public Works or other designated person.

RECYCLING -The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

RECYCLABLE CONTAINER - a rigid plastic container or bin, provided to the residents by the Village of Hamburg, or other like metal or rigid plastic container with drainage holes to be used solely for the placement of recyclable materials as defined by this Code. When filled, this container should not exceed 40 lbs in weight.

REFUSE TOTE - A village - authorized container of a capacity of either 65 gallons or 95 gallons for the storage and collection of municipal solid waste including but not limited to garbage and non-recyclable refuse and rubbish. All refuse totes shall be owned by the Village of Hamburg and will be assigned to residential units and/or buildings and structures as more particularly set forth in this Code. Any refuse tote assigned to a residential unit and/or a building or structure shall remain at that residential unit and/or building or structure and shall not be removed from same.

RESIDENT - Person residing within the village on a temporary or permanent basis, but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTY - Properties used as primary dwellings.

SOLID WASTE MANAGEMENT - The purposeful systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE SEPARATION - Removing or separating recyclable materials from the municipal solid waste stream at the point of waste generation.

TIRES - Any rubber automobile or truck tires.

TREE PARTS - Cuttings from shrubs, hedges and trees which are more than four inches in diameter.

WASTE GENERATOR - Any person or legal entity which produces waste requiring off-site disposal.

JULY 18, 2016

WASTE OIL - Used engine lubricating oil and any other oil, including but not limited to fuel oil, motor oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residues, animal oil and vegetable oil, which has been contaminated by physical or chemical impurities, through use or accident, and has not subsequently been re-refined.

YARD WASTE - Organic yard and garden waste, leaves, grass clippings, brush and tree parts

§198-9- Duty of owners and occupiers of property.

A. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the Village of Hamburg. Owners or occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof.

B. Residential properties who receive solid waste and/or recyclable collection services from the Village of Hamburg are required to have refuse tote(s) and/or recyclable container(s). Single-family households are required to have one refuse tote and one recyclable container and two-family households are required to have two (2) refuse totes and two (2) recyclable containers. Such containers shall be stored behind the front setback line of the building on the lot or shall be secured in a separate structure located on the property approved by the Building Inspector until placed to the curb for collection.

C. An owner or occupier of a property that contains more than two (2) dwelling units, or property conducting commercial or institutional operations and who receives solid waste and/or recyclable collection services from the Village of Hamburg, shall be required to have a minimum of two (2) refuse totes and two (2) recyclable containers, or in the alternative, an appropriate number of said totes and containers as determined by Superintendent of Public Works that allows the owner/occupier to comply with this Code. All municipal solid waste shall be kept in closed refuse totes, or in dumpsters which have been approved for such use on such property by the Building Inspector until ready for collection. Such containers shall be kept until placed for collection behind the front setback line of the building on the lot or secured in a separate structure on the lot approved by the Building Inspector.

D. All municipal solid waste accumulated on any residential, commercial, industrial and institutional property in the Village of Hamburg may be collected, conveyed and disposed of by the authorized collector in accordance with the provisions of this article. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Village of Hamburg except as provided in this article.

E. All municipal solid waste accumulated on commercial and institutional properties may be collected, conveyed and disposed of by authorized collectors under contract with, or licensed by, the Village of Hamburg. In such case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by the Village of Hamburg, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks,

JULY 18, 2016

provided that they comply with the provisions of this article applicable thereto and New York State Department of Environmental Conservation regulations.

§ 198-10. Properties to be kept clear of solid waste.

- A. It shall be the duty of the owner, lessee or occupant of every dwelling, store or other building within the Village of Hamburg to keep such buildings free, clear and clean of all kinds of municipal solid waste of any kind or description and to keep sidewalk and yard areas free, clear and clean of all municipal solid waste of any kind or description.

~~§198-10. Properties to be kept clear of solid waste.~~

B. It shall be the duty of the owner, lessee or occupant of every store or other building within the Village of Hamburg, excepting dwellings, to keep all municipal solid waste and recyclable material containers inside the building on the occupied premises or in a suitable structure considered for that particular purpose of approved design from approved noncombustible building materials in accordance with the building regulations of the village, but nothing herein shall be construed to require the alteration, modification or reconstruction of any existing structure or portion thereof presently in use for such purposes in the Village of Hamburg. Said structure shall be located behind the front setback line of the building on the lot or shall be secured in a separate structure on the lot approved by the Building Inspector.

§ 198-11. Source separation of recyclable materials.

Municipal solid waste generated or originated within the Village of Hamburg which has been left for collection shall be handled in the following manner: Prior to initial collection or transport, source separation shall be required of each and every person or party discarding municipal solid waste and/or recyclable materials. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection. Collectors shall refuse to collect municipal solid waste from any person, residential, commercial, institutional or industrial property or party who has clearly failed to source separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the Village of Hamburg.

§198-12- Preparation for collection.

No person shall dispose of municipal solid waste or recyclable materials except as follows:

A. All municipal solid waste including garbage and non recyclable refuse and rubbish shall be stored in a refuse tote or a dumpster as set forth in this Code. All municipal solid waste and non-recyclable refuse placed into a refuse tote shall be placed either loosely, in a trash compactor bag or in a clear plastic bag. The lids on all refuse totes and dumpsters must be completely closed. No refuse tote shall exceed 150 lbs in weight when filled.

B. All recyclable materials shall be placed in a recyclable container as defined in this Code.

C. From the time of placement of recyclable materials at the curb by a resident for collection in accordance herewith such recyclable materials shall become and be the property of the Village of Hamburg or its authorized agent. It shall be a violation of this chapter of the Code of the Village of Hamburg for any person without authority from the Village of Hamburg to collect, pickup, remove or cause to be collected, picked up or removed any recyclable materials, and each such collection, picking up or removal from one or more premises shall constitute a separate and distinct offense in violation of the Code of the Village of Hamburg.

D. It shall be a violation of this chapter of the Code of the Village of Hamburg for any person to place at the curb for collection any can or container other than one which contains municipal solid waste or recyclable materials.

E. The Village of Hamburg will not collect any municipal solid waste or recyclables from any residential, commercial, industrial or institutional property within the Village of Hamburg where the municipal solid waste and recyclables are not separated in accordance with this article.

§ 198-13. Collection and disposal.

Only authorized collectors shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection. Where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accord with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the curbside.

§ 198-14. Construction and demolition debris, large appliances and bulkies.

- A. The Director of Public Works shall determine, subject to the approval of the Board of Trustees, schedules for the collection of construction and demolition debris, large appliances and bulkies.
- B. No person shall place or store construction and demolition debris with municipal solid waste. The person creating construction and demolition debris shall remove same and dispose of same in a sanitary manner. In the event construction and demolition debris results from work performed by an owner or resident individually, the debris may be placed at the curb for pickup by the village, except that the quantity of such debris may not exceed 10 containers or bundles of not more than 60 pounds each. Quantities of such debris in excess of the amount stated shall be removed by the property owner or resident at his or her expense.
- C. Any and all debris from work done by a contractor must be removed by the contractor that did the work. The village will not collect any contractor debris.
- D. All large appliances or bulkies which are to be discarded from a residence where the appliance or furnishing was actually in use shall be placed by the owner of said appliance or furnishing at the curb on the scheduled collection day for pickup by the village. It shall be the sole responsibility of the owner to dismantle the appliance or furnishing so that it will not be a hazard to the public. In this respect, doors shall be removed from the appliance or furnishing before placing it at the curb for collection.
- E. The village shall have no obligation to pick up and remove any construction and demolition debris, large appliance or household bulkies which were not used in a residence in the Village of Hamburg.

§ 198-15. Collection schedule; time for placement; removal of empty containers.

- A. The Director of Public Works shall designate the days and hours for collection of municipal solid waste and recyclable materials and nonrecyclable rubbish.^[1]
[1] *Editor's Note: The current solid waste collection schedule is on file in the village offices.*
- B. Village employees or equipment shall not enter private property or structures in making collections.
- C. All municipal solid waste, recyclable materials, construction and demolition debris, large appliances and bulkies to be picked up must be at the curb no later than 7:00 a.m. on the day of collection, and no material may be placed at the curb before 12:00 noon of the day preceding the scheduled pickup day.
[Amended 4-23-2001 by L.L. No. 3-2001]
- D. Empty containers shall be removed from the curblines or other places of collection by the occupants of the property before the end of the day on which collection is made from the property.

§ 198-16. Yard waste.

- A. The Director of Public Works is authorized to provide for the collection of brush and tree parts at such times and in such manner as the Board of Trustees shall from time to time provide.
- B. The authorization provided for in the preceding subsection shall apply only to brush and tree parts produced by the individual activity or efforts of the owner or occupant of the property.
- C. Brush and tree parts produced by commercial contractors must be removed from the property by the contractor or by the owner or occupant of the property. Such brush and tree parts may not be placed at or near the curb or street right-of-way, except temporarily as may be necessary in the course of the work which produced the brush and tree parts.

- D. The Village of Hamburg will not collect or remove brush or tree parts produced by commercial contractors.

§ 198-17. Collectors; license; requirements; records.

- A. All authorized collectors must obtain a solid waste collection license from the Village of Hamburg. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the fiscal year, or such portion thereof.^[1] There shall be no reduction in the fee for a license issued after the beginning of any fiscal year. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector.

[Amended 8-17-1998 by L.L. No. 4-1998]

[1] *Editor's Note: The current fee schedule is included in the Appendix of this Code.*

- B. Authorized collector applications may be denied if the applicant or license has been adjusted or administratively determined to have committed one or more violations of this article during the preceding fiscal year. All authorized collectors licensed by the Village of Hamburg indemnify and hold harmless the Village of Hamburg for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this article. Authorized collectors shall offer collection services for all recyclable materials to all commercial, industrial and institutional customers from whom they provide municipal solid waste services. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the municipal solid waste and recyclable materials from its commercial, industrial and institutional customers.

[Amended 8-17-1998 by L.L. No. 4-1998]

- C. Records.

- (1) Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector which include the following information:

- (a) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.
- (b) The quantity, by ton, of solid waste and of each type of recyclable material collected.
- (c) The quantity, by ton, of recycled material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
- (d) The quantity, by ton, of solid waste delivered to each facility.

- (2) Reports containing the information required as stated above shall be compiled and delivered to the Village Director of Public Works or other designated individual for each reporting period as designated by the regulations, but which shall be no more frequently than quarterly.

- D. Authorized collectors shall not accept for collection municipal solid waste which has not been source separated in conformity of this article.

§ 198-18. Noncompliance; denial, suspension or revocation of license.

When the designated public officials determine that a failure to comply with this article may have occurred, Director of Public Works shall recommend to the Village of Hamburg that the authorized collector application or the license be denied, suspended or revoked or its holder subjected to a reprimand

or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty.

§ 198-19. Notice of violation.

- A. The Director of Public Works shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include the following:
 - (1) A statement of the condition allegedly violated, referring to the pertinent law, rule or regulation.
 - (2) A short and plain statement of the alleged misconduct.
 - (3) A statement of the time, place and nature of the hearing.
- B. The notice shall be personally served or sent by registered mail to the generator, applicant or licensee's last known address, at least 10 days before the hearing date, with a copy to the Administrator.

§ 198-20. Hearings; determination; conviction.

- A. Hearings shall be held before the Village Justice within a reasonable period, which shall be at least 10 days after service of notice. The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses. Within 20 days after the close of the hearing, the Village Justice shall determine whether the alleged failure to comply with this article has occurred and, if the Village Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to fine or penalty.
- B. Upon conviction of a violation by the Village Justice, after a hearing or default in appearing by the alleged violator in addition to any fine or penalty, the Director of Public Works may, without further hearing, issue a reprimand, suspend the violator's authorized collector's license for a period not to exceed 90 days from the date of suspension order or revoke the authorized collector's license.

§ 198-21. Final determination.

Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method, prior to final determination by the Village Justice. The Village Justice shall promptly notify the applicant or licensee, in writing, of his or her final determination, decision or order.

§ 198-22. Inspection.

All portions of vehicles and containers used to haul, transport or dispose of municipal solid waste materials, including such containers placed outside residential, commercial, industrial or institutional sites, shall be subject to inspection to ascertain compliance with this article.

§ 198-23. Unauthorized disposal of garbage, recyclable rubbish, nonrecyclable rubbish or construction and demolition debris.

No person shall cart to, dump or deposit any municipal solid waste upon any property in the village except under the authorization, supervision and direction of the Director of Public Works.

§ 198-24. Penalties for offenses.

- A. The failure of any person engaged in the business of collecting municipal solid waste and/or recyclable materials or rendering solid waste and/or recycling services who is not authorized by the village or who collects, picks up, removes or causes to be collected, picked up or removed municipal solid waste or recyclable materials in a manner not in compliance with this article shall be guilty of a violation, punishable by a fine of not less than \$500 and not exceeding the sum of \$5,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense. Failure of a waste generator to comply with the provisions in this article designated as a violation shall be punishable as follows:
- (1) For the first violation: by a written warning clearly stating the nature of the violation and a schedule of fines for future violations.
 - (2) For the second violation within one year: by a fine not less than \$50 nor more than \$100.
 - (3) For the third violation within one year: by a fine not less than \$100 nor more than \$300.
 - (4) For the fourth violation and each subsequent violation within one year: by a fine of not less than \$300 nor more than \$500.
- B. Any penalties or damages recovered or imposed under this article are in addition to any other remedies available at law or equity. No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to January 1, 1993, in order to permit persons regulated hereunder to come into compliance with this article.

§ 198-25. Enforcement.

The Director of Public Works, a police officer or such other person as may be designated by the Board of Trustees is authorized and directed to enforce these articles and to cause collections to be made accordingly.