

## **Chapter 127**

### **SOLID WASTE**

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

#### **GENERAL REFERENCES**

**Littering — See Ch. 108.**

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#### **ARTICLE I** **Refuse Disposal** **[Adopted 2-7-1977 as Ch. 71 of the 1977 Code]**

##### **§ 127-1. Title.**

This article shall be known and may be cited as the “Village of Camden Refuse Disposal Law.”

##### **§ 127-2. Purpose.**

By the adoption of this article, the Village Board of the Village of Camden for the purpose of promoting the health, safety and general welfare of the Village of Camden and of its inhabitants

declares its intent to regulate the collection and disposal of garbage, rubbish and refuse, including the regulation of collectors thereof and requiring the disposal of such garbage, rubbish and refuse in a properly operated and supervised facility.

### § 127-3. Definitions.

As used in this article, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

**GARBAGE** — All putrescible animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food in any private dwelling house, multiple dwelling, hotel, residence, building or institution.

**HOLIDAYS** — Includes Christmas, New Year's Day, Thanksgiving, Memorial Day, Independence Day and Labor Day.

**REFUSE** — Includes rubbish and garbage.

**REFUSE COLLECTOR** — Any person, firm, corporation or legal entity carrying on the business of receiving, collecting, transporting or disposing of garbage, refuse and bulk rubbish or other waste for hire within the Village of Camden.

**RUBBISH** — Includes all cardboard, plastic, metal or glass food containers, waste paper, rags, sweepings, pieces of scrap wood, excelsior, rubber, leather, machines and large or small appliances, trash and other waste or discarded materials that normally accumulate around residences, businesses and industrial establishments.

### § 127-4. Accumulations prohibited.

- A. Unightly, unhealthy or hazardous conditions. No person shall permit the accumulation of garbage or rubbish, inoperable or junk machinery or equipment upon premises owned or occupied by him in such a manner or amount as to cause unsightly, unhealthy or hazardous conditions.
- B. Notice to remove. The Code Enforcement Officer shall give written notice in person or by certified mail to the owner or other person occupying any property in the village to remove and dispose of such material within 10 days, or less if an emergency situation so requires.
- C. Proceedings before Village Board. The Code Enforcement Officer shall report to the Village Board the failure of the owner of such premises to remove such refuse as so ordered. The Village Board may thereupon order the owner of the premises to appear before said Village Board and show cause why the village should not remove such refuse from said premises and charge the cost of such removal to the owner of such property. Such order shall be served upon the owner not less than five days prior to the date of such hearing of the Village Board, in the same manner as provided by law for the service of summons in any action or proceeding.
- D. Removal by village; assessment. If the owner shall fail or refuse to remove such refuse from said property as ordered by the Village Board after such hearing, the Village Board may cause such refuse to be removed from said property and charge the cost of such

removal to the owner of the real property together with an additional charge of 50% thereof for administration and supervision. The expenses so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other village charges.

**§ 127-5. Deposit on public or private property prohibited.<sup>1</sup>**

No person shall throw or deposit or cause to be thrown or deposited any garbage, trash, refuse, yard trimmings or brush in or upon any traveled portion of a public place or on any property not owned or occupied by him within the Village of Camden except placement for pickup by a licensed refuse collector.<sup>2</sup>

**§ 127-6. Registration required for collecting.**

No person shall engage in the business of receiving, collecting or transporting refuse within the Village of Camden without first registering with the Village Clerk.

**§ 127-7. Conditions for collectors.**

- A. Every operator registered with the Village Clerk pursuant to this article shall be subject to the following conditions:
- (1) The vehicles used by collectors shall be subject to inspection by the duly authorized and designated representative of the Village Board to ensure that there is compliance with this article as to the type of vehicle and the existence of a registration sticker on the vehicle.
  - (2) All trucks must have minimum liability insurance coverage as required by the State of New York for motor vehicle registration.
  - (3) Collector shall collect ashes, refuse and shrubs when tied in bundles or placed in containers; also, dirt and sod in reasonable amounts from normal yard cleanup and clippings when in containers, plus household wares.
  - (4) No collection work shall be made on Sundays or holidays, with the exception of commercial establishments, and no work shall commence earlier than 6:00 a.m., and all collection work shall stop at 6:00 p.m.
- B. No person shall engage in the business of garbage and refuse collection or collect garbage and refuse within the village except with a vehicle which is constructed and maintained so that the bottom of the load-carrying portion is leakproof for a distance of not less than eight inches up from the floor or uses watertight covered containers for hauling garbage

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>2</sup> Editor's Note: See also §§ 108-2 through 108-4, regarding littering, of Ch. 108, Peace and Good Order.

and is so covered or protected as to prevent the blowing or spilling of any such materials while in transport.<sup>3</sup>

- C. Such vehicles shall be kept in a clean and sanitary condition, and at the end of each working day the load-carrying part shall be washed and disinfected to prevent the accumulation of odors or filth.<sup>4</sup>

**§ 127-8. Disposal of refuse in the Northern Oneida County Landfill Project.**

All refuse originating in the Village of Camden from residential premises shall be delivered for disposal to the Northern Oneida County Landfill Project. Industrial and commercial refuse or waste originating in the Village of Camden shall also be disposed of at the Northern Oneida County Landfill Project if such refuse or waste is acceptable for disposal in accordance with the Northern Oneida County Landfill Project regulations. Subject to the above conditions, disposal of refuse in any other location or manner is hereby expressly forbidden.

**§ 127-9. Penalties for offenses.<sup>5</sup>**

A violation of this article shall constitute a violation pursuant to the Penal Law and shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty. The registration of any person registered under this article may also be revoked.

**ARTICLE II**

**Recycling**

**[Adopted at time of adoption of Code  
(see Ch. 1, General Provisions, Art. I)]**

**§ 127-10. Purpose.**

There is hereby established a program for the mandatory separation of recyclables from garbage or rubbish within the Village of Camden, New York, thereby providing for the health and welfare of the citizens of the Village of Camden, New York.

**§ 127-11. Definitions.**

For the purpose of this article, the following terms shall have the meanings indicated:

**BOARD** — The Board of Trustees of the Village of Camden, New York. When used in reference to a voting body, it shall be taken to include the phrase “or a majority thereof.”

**CARDBOARD** — Corrugated boxes and similar corrugated materials which have a minimum of contamination by food or other materials.

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<sup>3</sup> Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>4</sup> Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>5</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**COLLECTOR** — Any person who holds himself out as a collector to collect either solid waste or recyclables from residential, business, commercial or other establishments.

**DEC** — The New York State Department of Environmental Conservation.

**DIRECTOR** — The Director of Public Works of this municipality or his authorized representative.

**GARBAGE** — All putrescible wastes except sewage and body wastes, including vegetable and animal offal.

**GLASS FOOD CONTAINER** — A glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.

**IPC** — An intermediate processing center which receives, processes and markets recyclables.

**LEAVES or LEAF WASTE MATERIAL** — The fallen foliage of trees.

**METAL FOOD CONTAINER** — An aluminum, bimetal, steel, tin-plated steel or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption.

**MUNICIPALITY or VILLAGE** — The Village of Camden.

**NEWSPAPER** — Used or discarded newsprint (newspaper advertisements, supplements, comics and newsprint-type enclosures) which has a minimum of contamination by food and other material.

**OFFICE PAPER** — Any used or discarded high-grade white paper and manila paper, including but not limited to paper utilized for file folders, tab cards, writing, typing or printing which is suitable for recycling and which has a minimum of contamination.

**PAPER LEAF BAGS** — A paper leaf bag which shall be a sanitary kraft paper sack or equal of thirty-gallon capacity, two-ply, fifty-pound wet strength, with decomposing glue and a reinforced, self-supporting square bottom closure.

**PERSON** — Any individual, corporation, partnership, association or other entity or organization of any kind.

**RECYCLABLE MATERIALS** — Any item designated by the DEC or the Board of Trustees which can be separated or diverted as defined below under "recycling."

**RECYCLING** — The separation or diversion of an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for the disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.

**RECYCLING CENTER** — The village's recycling dropoff facility or such other area or areas as designated by the Board of Trustees.

**RECYCLING CONTAINER** — A container described in § 127-17 hereof and used for the sole purpose of disposing of newspapers and cardboard as well as glass and metal food and beverage containers and other items that may be deemed recyclable by the Board of Trustees.

**RESIDENTIAL PROPERTY** — Real estate containing one or more dwelling units, but shall not include hospitals, motels or hotels.

**RUBBISH** — All nonputrescible waste materials except ashes, including but not limited to wood, glass, bedding, crockery and industrial wastes. The term "rubbish," as used herein, shall not mean nor shall it include in its meaning unacceptable waste or recyclable materials.

**SCRAP METAL** — Used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof, including but not limited to white goods and metal food containers.

**SOLID WASTE** — Solid, liquid, semisolid or contained gaseous, material that is unwanted or discarded, including but not limited to demolition debris, material burned or processed at a resource-recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

**STORAGE BATTERY** — Lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

**UNACCEPTABLE WASTE:**

- A. An item of waste either smoldering or on fire.
- B. Waste in quantities and concentrations which, by law, require special handling in their collection and/or processing.
- C. All other items of waste which, at the time of delivery to the solid waste disposal area, transfer station, recycling center or IPC, would be likely to pose a threat to health or safety, would not normally be disposed of in a sanitary landfill, recycling center or IPC or would be prohibited by any judicial decision, order or action of any federal, state or local government or any agency thereof or any other regulatory authority, or any applicable law or regulation, from being disposed of at the solid waste disposal area, transfer station, recycling center or IPC.

**WASTE OIL** — Crankcase oil that has been utilized in internal combustion engines.

**§ 127-12. Separation of recyclables required.**

On and after the effective date of this article, each person who generates solid waste from residential property shall separate from other solid waste the items designated for recycling in § 127-13 hereof, and every other person who generates solid waste shall make provision for the separation from other solid waste of the items designated for recycling.

**§ 127-13. Designation of recyclables.**

- A. The following items shall be separated and recycled in accordance with the provisions of this article:
- (1) Cardboard.
  - (2) Glass food containers.
  - (3) Leaves.
  - (4) Metal food containers.
  - (5) Newspapers.
  - (6) Office paper.
  - (7) Scrap metal.
- B. The Board of Trustees will revise this list as opportunities become available to recycle additional items.

**§ 127-14. Registration of collectors; permit fee; duties and qualifications.**

- A. Any collector hauling solid waste generated by residential, business, commercial or other establishments in the Village of Camden shall register with the village on forms prescribed by the Board. Upon registration and payment of an annual permit fee as set from time to time by resolution of the Board of Trustees, each such collector shall be issued a permit to collect or continue the collection of solid waste with the village. Permits issued hereunder shall not be transferred by the holder thereof.
- B. Each such collector shall disclose the name of any other municipality in which such collector hauls such solid waste.
- C. The door of any private vehicle used to haul solid waste shall be clearly marked with the business name and address of the collector.
- D. Each collector shall further be required to sign an affidavit of origin, under penalty of false statement, that all recyclables disposed of in the name of the Village of Camden or its residents shall originate from properties located within the corporate limits of the village or from such other locations as the village may permit.
- E. Each collector permitted to collect solid waste within the village pursuant to the provisions of Subsections A through D hereof shall, subject to the further provisions hereof, collect or cause to be collected all recyclables generated by their village customers and required to be recycled pursuant to the requirements of this article.
- F. No collector shall be required to provide collection services to any customer who is more than 30 days delinquent in the payment of collector's fees. If the delinquent customer shall discharge his delinquency, the collector shall immediately resume collection services to the customer.
- G. As conditions of the permits issued pursuant to this section, all collectors shall comply with the following requirements:

- (1) Collectors shall conform to all provisions of federal, state and local law.
- (2) Collectors shall keep accurate records of and report to the village or to any other entity designated by it the amounts in the aggregate of all recyclable materials collected by such collector within the village.
- (3) Collectors shall pay to the IPC operator or to any other entity designated by them or the Board the applicable tipping fees and charges with respect to those categories of recyclable materials accepted by and delivered to the IPC by such collector.
- (4) When delivering recyclable materials to the IPC, collectors shall use only equipment compatible with the efficient operation of the IPC, which equipment shall be subject to the reasonable approval of the operator thereof.
- (5) Collectors shall be responsible for all costs or damages relating to the delivery by it to the IPC of materials other than those recyclable materials which have been designated and approved by the village for delivery to the IPC.
- (6) Collectors shall provide to IPC operator or owner a suitable performance bond or letter of credit to ensure the performance of the collector's obligations hereunder. Said security shall be in such forms and amounts as determined by the village.
- (7) Collectors shall provide insurance covering their recycling operation, which coverage shall include the village and, if recyclable materials are delivered to an IPC, the IPC owner and its operator, as additional insureds. Such coverage shall include but not be limited to general liability, automotive liability, excess liability, workers' compensation and employers liability in amounts reasonably deemed by the village.

#### **§ 127-15. Notification of violations.**

On or after the effective date of this article, any collector who has reason to believe that a person from whom he collects solid waste has discarded recyclable items with such solid waste in violation of the provisions of this article shall promptly notify the Board of Trustees of the alleged violation. Upon the request of the Board, a collector shall provide warning notices, by the placement of tags provided by the village, to any person suspected by the collector or the village of violating the separation requirements of state law or this article. Each collector shall also be required to assist the village in the identification of any person responsible for creating loads containing significant quantities of items subject to the separation requirements of state law or this article which are delivered to a resources recovery facility, detected by the owner or operator of such facility.

#### **§ 127-16. Preparation and disposal of recyclables.**

##### **A. Materials from residential property disposed of by a collector.**

- (1) The following materials generated from residential property and required to be recycled pursuant to the provisions of § 127-13A hereof, if disposed of by a collector, shall be prepared for collection by the resident in accordance with the further provisions hereof:



- (a) Newspaper should be tightly packed and tied in bundles not to exceed 50 pounds in weight and placed out for the collector in accordance with his requirements as approved by the Board.
  - (b) Cardboard must be flattened and tied in bundles not to exceed 50 pounds in weight and placed out for the collector in accordance with his requirements as approved by the Board.
  - (c) Glass and metal food or beverage containers shall contain a minimum of contamination and may be mixed together in a recycling container of the type as approved by the Board. The removal of lids and labels from said food and beverage containers shall not be required; provided, however, that ceramic lids shall be separated and shall not be mixed with other recyclable materials. No other recyclable materials or solid waste shall be disposed of in said recycling container unless so designated by the Board.
- (2) After being prepared in the manner described in the foregoing subsections of this section, each recycling container shall be placed for collection purposes within 10 feet of the street or curblane or in such other location as shall be agreed upon by the owner or tenant and the collector. The containers shall be so placed not earlier than 12 hours before the scheduled time of collection and shall be removed from the street, curblane or other collection point within 12 hours after the materials therein have been collected. Said containers shall be so placed in such a manner that said containers do not constitute a travel or health hazard or nuisance of any sort. The collector shall deliver all recyclables so set out for collection to such locations as shall be designated by the village.

**B. Leaf waste.**

- (1) On days specified by the Board as leaf waste collection days, residents in the village shall place their leaf waste material generated from residential property into leaf bags of a type approved by the Board. Leaf bags shall be placed at such locations as may be approved by the village in a manner assuring access by those employees of the village collecting said bags. Said bags shall be so placed in such a manner that said bags do not constitute a travel or health hazard or nuisance of any sort. The village may refuse to collect leaves from any person who fails to comply with the provisions hereof.
  - (2) Nothing herein shall preclude a person from using backyard or decentralized composting as a method for disposal of their leaves. Residents may also deliver their leaves to the composting site as designated by the Board.
- C. All persons generating solid waste from nonresidential properties shall make arrangements to have all recyclable materials described in § 127-13 hereof collected and recycled in a manner consistent with the provisions of state law and this article.
- D. Except as may be permitted by the Board, the disposal of recyclable materials originating from a source outside the village at the recycling center shall be prohibited. Except as may be permitted by the Board, the disposal of recyclable materials originating from a source outside the village at any location designated by the Board, including a regionally designated IPC, in the name of the village or its residents shall be prohibited.

**§ 127-17. Recycling containers.**

- A. All glass and metal food and beverage containers generated from residential properties shall be prepared for disposal in accordance with the provisions of § 127-16 and placed in a recycling container, which shall be a type approved for use by the Board.
- B. All newspapers and cardboard generated from residential properties shall be prepared for disposal in accordance with the provisions of § 127-16A(1) and (2) hereof.
- C. All leaves generated from residential properties shall be prepared for disposal in accordance with the provisions of § 127-16B hereof.

**§ 127-18. Ownership of recyclables; scavenging prohibited.**

- A. Upon placement of recyclables on the street or at the curblin or at such other locations as has been agreed upon by the property owner or tenant and the collector, or upon delivery of recyclables to any disposal site designated by the village pursuant to the provisions of this article, it shall be a violation of this article for any person other than the depositor or the collector or the authorized agents of the village acting in the course of their employment to collect or pick up any such recyclables or cause the same to be collected or picked up.
- B. In addition to the fine imposed for violations of this section, the violator may be required to make restitution to the village for the value of any materials illegally removed.
- C. Nothing in this article shall abridge the right of any person to give or sell their recyclables, including deposit beverage containers, to any person, provided that such materials shall not have been set out on the street or curblin, or at any designated collection, pickup or disposal site.

**§ 127-19. Penalties for offenses.**

- A. Any collector found to have violated the collection requirements of § 127-14E hereof shall be subject to a fine in the amount of \$250 or imprisonment not to exceed 15 days, or both, for each offense. In addition, the village reserves the right to suspend or revoke the permit of any such collector. Any collector whose permit is either suspended or revoked as provided for herein shall be entitled to a hearing before the Board.
- B. Any person who violates the provisions of § 127-20A and B shall be subject to the following penalties:
  - (1) Upon a first or second offense, the violator shall receive a written warning.
  - (2) Upon a third offense occurring within a period of one year from the date of the original offense, the violator shall be subject to a fine in the amount of \$50.
  - (3) Upon any subsequent offense occurring within a period of one year from the date of the original offense, the violator shall be subject to a fine of \$250 or imprisonment not to exceed 15 days, or both.

- C. Any person who violates any other provision of this article shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty.

**§ 127-20. Additional regulations.**

The Board is hereby authorized to adopt such regulations as it deems necessary to implement the provisions of this article. At least one public hearing, notice of which shall be given at least five days but not more than 15 days in advance by publication in a newspaper having a general circulation in the village and by posting a notice of such hearing in a public place, shall be held by the Board before any such regulation is adopted. After adoption, every regulation shall, within 10 days, be published in its entirety in a newspaper having a general circulation in the village and, unless it shall specify a later date, shall become effective on the 30th day after such publication.