

CHAPTER 54
SOLID WASTE MANAGEMENT

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

ARTICLE I - DEFINITIONS

Section 54-1. Definitions

ARTICLE II – SOLID WASTE COLLECTION

- Section 54-2.** Rules and regulations pertaining to materials preparation.
Section 54-3. Use of distinctively labeled bags or tags.
Section 54-4. Re-use of distinctively labeled bags or tags prohibited.
Section 54-5. Resumption concerning depositing of waste in non-distinctively labeled bags, tags or other means.
Section 54-6. Materials subject to mandatory recycling.
Section 54-7. Recycling exceptions.
Section 54-8. Alternate disposal methods allowed.
Section 54-9. Disturbance of refuse for collection.
Section 54-10. Building materials prohibited.
Section 54-11. Garbage and recyclables from outside the village prohibited.
Section 54-12. Permitting disposal of materials from outside the village prohibited.
Section 54-13. Placement of materials for collection.
Section 54-14. Yard wastes.
Section 54-15. Deposit of materials into trash receptacles located on village property restricted.
Section 54-16. Throwing or depositing litter in public places prohibited: Exceptions.
Section 54-17. Restrictions on use of vehicles.
Section 54-18. Fee schedule.
Section 54-19. Enforcement and penalties.
Section 54-20. Unconstitutionality or illegality clause.
Section 54-21. Effective date.

ARTICLE 1 – DEFINITIONS

SECTION 54-1. DEFINITIONS

Whenever used in this local law, or in the rules and regulations duly adopted by the Board of Trustees, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following words shall have the respective meanings hereinafter set forth:

- A. Ashes shall mean all substances or material which remain after combustion.
- B. Bag shall mean a plastic garbage bag no larger than thirty-three (33) gallons produced for the purpose of containing garbage. The bag shall weigh no more than fifty pounds (50 lbs.) when placed at the curb for collection
- C. Distinctively Labeled Bag shall mean a bag embossed with such design as may be determined by the Board of Trustees. Such design shall contain a distinctive imprint or label to be used for the collection and disposal of non-recyclable garbage and trash in the Village of Arcade.
- D. Garbage shall mean all organic waste material, both animal and vegetable.

- E. Hazardous Waste means a waste or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may:
1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or,
 2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
 3. All those chemicals, waste, oils, and/or all those articles or materials listed under Section 27-0903 of the Environmental Conservation Law as drawn up by the Commissioner.
- F. Landfill means a disposal facility or part of a facility meeting all NYS Department of Environmental Conservation (DEC) and US Environmental Protection Agency (EPA) standards, where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment or an injection well.
- G. Litter means garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- H. Paper shall mean waste paper.
- I. Park means a park, reservation, playground, beach, recreation center or any other public area in the Village, owned or used by the Village and devoted to active or passive recreation.
- J. Person shall mean an individual, trust, firm, joint stock company, corporation, partnership, association or any interstate body.
- K. Refuse shall mean all other waste material not otherwise specifically defined.
- L. Recyclables means those items or materials appearing on the official list of mandatory recyclable materials as adopted by the Board of Trustees:
- M. Storage shall mean the containment of waste, garbage or refuse for a period of over sixty (60) days, in such a manner as not to constitute disposal of such waste.
- N. Tag shall mean a tag of such design as may be determined by the Board of Trustees. Such design shall contain a distinctive imprint or label to be used for the collection and disposal of non-recyclable garbage and trash in the Village of Arcade.
- O. Trash shall mean all discarded material not suitable for further use.
- P. Vehicle shall mean a motor vehicle designed or adapted for use in the removal of garbage and trash.
- Q. Village shall mean the Village of Arcade acting through its authorized agents.
- R. Waste means any garbage, refuse, trash, sludge and all other waste material not otherwise specifically defined.
- S. White Goods shall mean washing machines, clothes dryers, refrigerators, freezers and all other similar types of materials that are of recyclable value.
- T. Yard Waste shall mean grass clippings, leaves and cuttings from shrubs and hedges.

ARTICLE II – SOLID WASTE COLLECTION

SECTION 54-2. RULES AND REGULATIONS PERTAINING TO MATERIALS PREPARATION

The Board of Trustees is hereby empowered to adopt, by resolution, rules and regulations pertaining to solid waste management. Such rules and regulations to include those as may be necessary to effectively and efficiently ensure sound management of this local law. The provisions of this local law shall incorporate by reference such rules and regulations as are in effect, and reference such rules and regulations as are in effect, and in compliance with the provisions of this local law shall require compliance with such rules and regulations. Said rules and regulations may be changed from time to time by resolution of the Board. Failure to comply with said rules and regulations, except where otherwise excepted in this local law, shall constitute a violation of this local law.

SECTION 54-3. USE OF DISTINCTIVELY LABELED BAGS OR TAGS

It shall be the responsibility of all persons residing within the Village to separate all non-recyclable garbage and trash from recyclables, and to place such non-recyclables in bag or container with a distinctively labeled bag or tag sold by the Village of Arcade or its authorized agent. No person shall use any bag or tag other than those issued by the Village for disposal under the Village-operated solid waste program. No person shall duplicate or imitate any distinctively labeled bag or tag issued by the Village of Arcade. No person shall give, sell or issue in any manner a duplicate or imitated distinctively labeled bag or tag. Any prohibited action of this section shall constitute a violation of this local law.

SECTION 54-4. RE-USE OF DISTINCTIVELY LABELED BAGS OR TAGS PROHIBITED

It shall be a violation to re-use, or permit to be re-used, a distinctively labeled bag or tag that has previously been placed at the curb, or street side, for collection.

SECTION 54-5. PRESUMPTION CONCERNING DEPOSITING OF WASTE IN NON-DISTINCTIVELY LABELED BAGS, TAGS OR OTHER MEANS

In the case where waste is deposited in bags or containers that are not distinctively labeled with a tag, it shall be presumed that such waste is the responsibility of the person, or persons, that may be identifiable by inspection of the contents of the container or bag. In the event that identification cannot be determined by said inspection, it will be presumed that the waste is the responsibility of the occupant of single family dwellings, or the owner of all other buildings or real property where such placement has been made. If placement is made on a public or private right-of-way, the closest private real property will be deemed to be the location of the violation.

SECTION 54-6. MATERIALS SUBJECT TO MANDATORY RECYCLING

For the purpose of being able to react promptly to recycling requirements of the State of New York, the Board of Trustees is hereby empowered to adopt, by resolution, an official list of mandatory recyclable materials. Said list may be changed from time to time by resolution of the Board. Failure to recycle materials on this official list, except where otherwise excepted by this local law, shall be a violation of this local law. The list of mandatory recyclables is attached to this local law as Appendix A.

SECTION 54-7. RECYCLING EXCEPTIONS

There are no exceptions for compliance with this local law.

SECTION 54-8. ALTERNATE DISPOSAL METHODS ALLOWED

Nothing in this local law shall be deemed to prohibit any person from contracting with a private hauler for removal of waste and recyclables. All collected materials shall be recycled properly.

SECTION 54-9. DISTURBANCE OF REFUSE FOR COLLECTION

No person shall take, remove, molest or otherwise disturb any refuse, garbage, rubbish, solid disposable materials or outdoor vegetation which has been placed for and is waiting for removal except the owner thereof, without permission from the Department of Public Works of the Village.

SECTION 54-10. BUILDING MATERIALS PROHIBITED

Building materials of any kind will not be collected nor allowed to accumulate on any property and must be disposed of by the property owner.

SECTION 54-11. GARBAGE AND RECYCLABLES FROM OUTSIDE THE VILLAGE PROHIBITED

It shall be a violation for non-residents of the Village of Arcade to purchase or otherwise use the distinctively labeled bags or tags for the purpose of depositing garbage and trash in the Village or to permit any person to bring in, place or deposit any refuse or recyclables originating from outside the Village on any real property owned or leased by him or her or under his or her control for the purpose of disposal under the Village operated solid waste disposal and recycling program.

SECTION 54.12. PERMITTING DISPOSAL OF MATERIALS FROM OUTSIDE THE VILLAGE PROHIBITED

It shall be a violation for any resident of the Village, owner, lessee or person in control of real property within the Village to permit any person to bring in, place or deposit any refuse or recyclables originating from outside the Village on any real property owned or leased by him or her or under his or her control for the purpose of disposal under the Village operated waste disposal and recycling program.

SECTION 54-13. PLACEMENT OF MATERIALS FOR COLLECTION

Bagged garbage or recyclable containers shall be placed on the street line, curb, or edge of pavement within forty-eight (48) hours of the collection day, and no emptied containers shall be left at the street line after 6:00pm of the day of collection. Bulky waste shall be placed at the street line, curb, or edge of pavement within one (1) week of the scheduled day of bulky waste materials for collection (see also Chapter 32 Section 32-3. All containers and materials for collection shall be placed within six (6) feet of the street line or edge of pavement.

SECTION 54-14. YARD WASTES

The Village of Arcade Streets and Parks Department will pick up any yard wastes including leaves, grass clippings, and bundled twigs and limbs every Monday during the spring, summer and fall. These items will not be part of the regular garbage and trash pickup.

Limitations:

- Construction debris must be disposed of by the property owner,
- Limbs and twigs must be cut into four foot (4') lengths and bundled so as to weigh less than forty pounds (40 lbs.),
- Yard waste must be placed in containers weighing less than forty pounds (40 lbs.).

SECTION 54-15. DEPOSIT OF MATERIALS INTO TRASH RECEPTACLES LOCATED ON VILLAGE PROPERTY RESTRICTED

It shall be a violation to place any materials into a trash receptacle located on Village property unless such waste was generated at that location. Permitted waste would include picnic waste.

SECTION 54-16. THROWING OR DEPOSITING LITTER IN PUBLIC PLACES PROHIBITED: EXCEPTIONS

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Village, except in public receptacles, in authorized private receptacles for collection or in official Village dumps.

SECTION 54-17. RESTRICTIONS ON USE OF VEHICLES

The collection, removal and carrying of garbage, refuse, trash, paper, hazardous waste and/or materials and ashes on any highway, street, alley, or land of the Village must be done in covered, watertight vehicles which shall be in accordance with the rules and regulations of the Board of Health. No garbage, papers, trash, refuse, hazardous waste and/or materials or ashes shall be spilled or scattered along the streets or public places and the vehicles used for the collection and transportation of such material shall not be allowed to stand or tarry along the public streets for a longer time than shall be reasonably necessary for the loading of the same.

SECTION 54-18. FEE SCHEDULE

The Board of Trustees shall establish by resolution the user collection fee which shall be applicable to all users of the Village solid waste management program. Fees may be imposed for both recyclable as well as non-recyclable materials but shall not be in excess of what is needed to operate the waste management program. Said fees may be changed from time to time by resolution of the Board of Trustees and are in accordance with the fee schedule on file with the Village Clerk.

SECTION 54-19. ENFORCEMENT AND PENALTIES

- A. The provisions of this local law shall be enforceable by any peace officer or any police officer, or any agent duly authorized.
- B. A person convicted by violating any provision of this local law shall be guilty of a violation which is punishable as described below:
 - 1. For a first conviction, by a fine of \$50.00, or imprisonment for 15 days, or both.
 - 2. For a second conviction within one year, by a fine of \$100.00, or imprisonment for 15 days, or both.
 - 3. For a third conviction within one year, by a fine of \$200.00, or imprisonment for 15 days, or both.
 - 4. For a fourth and all subsequent convictions within one year, by a fine not less than \$500.00 nor more than \$1,000.00, or imprisonment for 15 days, or both.

SECTION 54-20. UNCONSTITUTIONALITY OR ILLEGALITY CLAUSE

If any clause, sentence, paragraph, word, section or part of this local law shall be adjusted by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

SECTION 54-21. EFFECTIVE DATE

This Local Law shall take effect once filed with the Secretary of State or as noted below.

Original Law:

Local Law No. 2-1991
Adopted: March 18, 1991
Filed: April 8, 1991

Amended:

Local Law No. 3-1993
Adopted: January 7, 1992
Filed: January 15, 1992

Amended:

Local Law No. 7-2000
Adopted: September 5, 2000
Filed: September 9, 2000

Amended:

Local Law No. 2-2001
Adopted: January 16, 2001
Filed: January 24, 2001

Amended:

Local Law No. 1-2009
Revision: 4
Adopted: April 21, 2009
Filed: June 8, 2009

APPENDIX A
MANDATORY RECYCLABLE MATERIALS

PAPER

Newspaper
Magazines
Catalogs
Telephone books
Corrugated cardboard
Brown bags

GLASS – remove caps and rinse

Clear
Green
Brown

PLASTIC – remove caps and rinse

PETE #1
HDPE #2

TIN – remove labels and rinse