

Chapter 176
SOLID WASTE

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[HISTORY: Adopted by the Board of Trustees of the Village of Caledonia: Art. I, 10-4-1988 as L.L. No. 2-1988 (Ch. 67, Art. I, of the 1981 Code); Art. II, 9-1-1992 as L.L. No. 2-1992 (Ch. 67, Art. II, of the 1981 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 67.

Outdoor storage of materials — See Ch. 144.

ARTICLE I
Garbage, Rubbish and Refuse

[Adopted 10-4-1988 as L.L. No. 2-1988 (Ch. 67, Art. I, of the 1981 Code)]

§ 176-1. Purpose.

The purpose of this Article shall be to protect and promote the health, safety and welfare of the people of the Village of Caledonia by controlling the storage, collection and disposal of garbage and refuse within the Village of Caledonia.

§ 176-2. Definitions.

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

ASHES — The residue of the combustion of any type of solid fuel such as wood, coal, coke, charcoal or like substances.

GARBAGE — All waste or animal, fish, fowl, fruit or vegetable matter produced from or resulting from the use and storage of food for human consumption within the village limits

and papers, rags, excelsior, straw, leather, rubber, boxes, sweepings from buildings, tinware metal, metallic substances, earthenware and others of similar nature.¹

REFUSE or TRASH — All discarded, relatively dry, miscellaneous refuse material, including wood, tree trimmings, shrubbery trimmings, leaves and grass and other discarded articles of similar nature, including furniture and appliances.

§ 176-3. Disposition of garbage and trash.

- A. Depositing on streets prohibited. No person shall throw or scatter or cause to be thrown or scattered or deposited any ashes, refuse, trash, garbage, metal cans or containers, wastepaper, sawdust, hay, grass, straw, weeds, litter or empty beer or pop bottles or bottles of any kind, boxes, barrels or cartons or any combustible flammable waste or rubbish of any kind upon the streets, alleys, thoroughfares or public places in the Village of Caledonia, New York.
- B. Accumulation on private property restricted. No person shall place or permit to remain in any courtyard, vacant lot, open space or alley or within any building any accumulation of ashes, refuse, trash, furniture, appliances, garbage, metal cans or containers, wastepaper, sawdust, hay, grass, straw, weeds, litter or empty beer or pop bottles or bottles of any kind, boxes, barrels or cartons or any combustible flammable waste or rubbish of any kind; but it shall not be deemed a violation of this Article to accumulate rubbish placed in suitable containers or suitably bundled and tied for a reasonable time to permit the collection thereof. No person shall suffer or permit garbage, refuse, trash, ashes, furniture or appliances to collect or remain upon the premises owned or occupied by him so that the same shall become offensive or dangerous to the public health, or to any person or property.²

§ 176-4. Responsibilities of property owners.

Use of incinerators or garbage disposal devices is permitted. Nothing contained in this Article shall be construed to prohibit any person or householder in the disposing of garbage and refuse in the home by means of household incinerators or other garbage disposal devices, provided that the same produce no smoke or odors nor become nor are nuisances or hazards.³

§ 176-5. Receptacles to be provided.

Every owner, lessee, tenant or occupant of any building, premises or place of business in the Village of Caledonia where garbage, refuse, trash or ashes are made or accumulated shall provide or cause to be provided, and at all times hereafter keep within such building or upon the premises or place of business, suitable and sufficient metal pails or receptacles, with tight covers, for receiving and holding, without leakage, all garbage, refuse, trash and ashes that may

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³ Editor's Note: Former Subsection B of this section was combined with § 176-3B above.

accumulate from said building, place of business or upon said premises or any portion thereof of which said person may be the owner, tenant, lessee or occupant. Said receptacles shall not be of greater capacity than twenty (20) gallons and not exceeding fifty (50) pounds for households and three (3) twenty-gallon cans or six (6) plastic bags of garbage in places of businesses and shall not be used for any purpose other than as receptacles for garbage, refuse, trash and ashes and shall be kept tightly covered and in a sanitary condition at all times. Also, rubbish may be tied in bundles so as to be easily handled by one (1) man or securely sacked.

§ 176-6. Use of receptacles required; exceptions.

All garbage, refuse, trash and ashes must be placed in receptacles or containers as herein specified, except articles and materials too bulky to be so removed. Materials which are too bulky to be placed in containers shall be tied in bundles not exceeding five (5) feet in length; cardboard boxes, wooden crates or collapsible material shall be knocked down and securely tied in flat bundles, none to exceed a size which may be conveniently carried by one (1) man.

§ 176-7. Placing of receptacles prior to collection. [Amended 4-3-1989 by L.L. No. 3-1989]

Garbage cans and other receptacles containing garbage, refuse, trash, ashes, furniture, appliances and bundles of refuse to be disposed of shall be placed at the curb ready for collection by 6:30 a.m. on the scheduled day of collection. In no event shall said garbage, refuse, furniture or appliances be placed ready for collection more than twenty-four (24) hours prior to said collection. Also, no containers, etc., can be left out more than twenty-four (24) hours on collection day. No garbage or mixed refuse shall be burned in an open fire or in a metal basket, can or drum in any part of the village.

§ 176-8. Penalties for offenses.⁴

Any person violating any of the provisions of this Article shall be guilty of a violation and shall be punishable by a fine not less than twenty-five dollars (\$25.) and not exceeding two hundred fifty dollars (\$250.) or fifteen (15) days' imprisonment, or both, for each twenty-four-hour period of violation.

ARTICLE II

Recycling

[Adopted 9-1-1992 as L.L. No. 2-1992 (Ch. 67, Art. II, of the 1981 Code)]

§ 176-9. Findings; purpose.

- A. The Village of Caledonia finds that the removal of certain materials from the solid waste stream will decrease the amount of solid waste disposed of in landfills and aid in the conservation of valuable resources.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- B. The Village of Caledonia finds that the New York Solid Waste Management Act of 1988 requires all municipalities to adopt a local law or ordinance by September 1, 1992, requiring separation of recyclable and reusable material from solid waste.
- C. The Village of Caledonia finds that in order to protect the health, safety and welfare of the people of the Village of Caledonia, it is necessary for the Village of Caledonia to enact this Article in order to encourage and facilitate the maximum recycling practicable on the part of every household, business and institution within the Village of Caledonia.
- D. The Village of Caledonia declares that the purpose of this Article is to establish and implement recycling-related practices and procedures to be applicable to all waste generators within the Village of Caledonia.

§ 176-10. Definitions.

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

COMMERCIAL WASTE GENERATOR — Any business, governmental agency, municipality or other nonresidential generator of solid waste requiring off-site disposal.

COUNTY — Livingston County, New York, or any authorized county agency.

DROPOFF CENTER — A private or publicly operated facility to which recyclables can be delivered.

MATERIALS RECOVERY FACILITY — A private or public facility for receiving source-separated recyclable materials and processing them into marketable commodities.

RECYCLABLES — Any material designated as such by the county, provided that such material is not hazardous and can be reasonably separated from the solid waste stream and held for material recycling or reuse value.

RECYCLING RULES AND REGULATIONS — County rules and regulations adopted by the county pertaining to the separation, collection, transportation and disposal of recyclables, as may be amended from time to time by the county.

RESIDENTIAL WASTE GENERATOR — Any person or household which produces solid waste requiring off-site disposal.

SOLID WASTE — All putrescible and nonputrescible solid waste, including but not limited to materials or substances discarded or rejected as being spent, useless, worthless or in excess to owners at the time of such discard or rejection or which are being accumulated, stored or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as industrial, commercial and agricultural waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the Commissioner of the Department of Environmental Conservation.

SOURCE SEPARATION — The segregation of recyclables from the solid waste stream at the point of generation for separate collection, sale or other disposition.

SOURCE SEPARATION LAW — This Local Law No. 2 of 1992.

VILLAGE OF CALEDONIA — Caledonia, New York.

WASTE GENERATOR — A commercial waste generator or a residential waste generator.

WASTE HAULER — All persons engaged in the commercial collection, transportation and/or disposal of solid waste and/or recyclables generated, originated or brought within the county.

§ 176-11. Preparation for collection.

- A. Each commercial and residential waste generator in the Village of Caledonia shall source-separate recyclables from solid waste.
- B. Each waste generator in the Village of Caledonia shall provide for the removal of recyclables from the property on which they are generated either through a service provided by the municipality, a private hauler or by direct haul by the individual waste generator to a disposal location permitted by law.
- C. Nothing in this Article is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables.
- D. Each waste generator shall provide for the source separation of recyclables in conformance with the recycling rules and regulations.

§ 176-12. Waste haulers.

All waste haulers doing business in the village shall offer or cause to be offered to their customers collection, transportation and disposal services for recyclables as any such waste hauler offers collection, transportation and disposal services for solid waste. Unless otherwise provided in the recycling rules and regulations, such services shall be provided on the same day(s) as solid waste pickup, transportation or disposal services are provided.

- A. All waste haulers shall offer a per-bag fee system to promote reduction of solid waste.
- B. Waste haulers are required to take recyclables to a materials recovery facility where such materials are recycled.
- C. Waste haulers are required to follow the requirements of the recycling rules and regulations.

§ 176-13. Administration.

This chapter shall be primarily administered by the Village of Caledonia. The county shall be primarily responsible for the development and implementation of the recycling rules and regulations.