

Chapter 48

GARBAGE, RUBBISH AND REFUSE

ARTICLE I Collection and Disposal

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[HISTORY: Adopted by the Board of Trustees of the Village of Champlain: Art. I, 7-27-1992 as L.L. No. 2-1992. Amendments noted where applicable.]

ARTICLE I Collection and Disposal [Adopted 7-27-1992 as L.L. No. 2-1992]

§ 48-1. Title.

This Article shall be known as the "Village of Champlain Refuse Law."

§ 48-2. Purpose.

The purpose of this Article shall be to protect and promote the health, safety and welfare of the people of the Village of Champlain and their respective property values by providing for the orderly collection and disposal of refuse as provided herein.

§ 48-3. Definitions.

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

GARBAGE — All decayable wastes, except sewage and body wastes. The term "garbage" shall include animal, vegetable, fruit and table scraps.

PERSON — Any individual, firm, partnership, company, corporation, association, society or group.

RECYCLABLE WASTE — Includes but is not limited to glass, newspapers, yard waste and clippings and any other waste as may be mandated by the State of New York.

REFUSE — Includes rubbish, garbage and trash.

REFUSE COLLECTOR — Any firm, corporation or other legal entity that receives, collects, transports or disposes of refuse within the Village of Champlain.

RUBBISH — All dry material produced routinely by households or commercial or industrial establishments, such as paper, cans, containers made of glass and other material, ashes and other waste materials other than garbage or trash.

TRASH — Includes bundles of brush, leaves, holiday trees, bulky objects, including discarded household appliances, equipment or furniture, and building demolition and construction wastes.

UNACCEPTABLE WASTE — Dead animals, fecal material, septic sludge, explosives, flammable liquids, pesticides, compressed gas cylinders, petroleum distillates, infectious wastes, regulated hazardous wastes, tires, automobiles, batteries and construction debris created by a contractor.

§ 48-4. Storage location of containers.

All containers of garbage, refuse, rubbish and trash shall be placed and kept in a tidy and clean manner at a place located at the rear of a dwelling, house or other main building unless a special place has been constructed to store said material. The containers are to be stored in such a fashion as to be screened from public view.

§ 48-5. Times for placement and collection of containers.

- A. The Village Board of the Village of Champlain shall designate the times for the removal of refuse from the streets of the village.
- B. All refuse to be collected, except that in portable transfer containers, shall be placed at the curb, but in no event shall refuse for collection be placed at the curb before 6:00 p.m. of the day preceding the scheduled collection.
- C. All containers shall be removed from the curbing or other places of collection by the owner or occupant of premises before 11:00 p.m. in the evening of the day on which collection is made from the premises.

§ 48-6. Accumulation; responsibility of owner.

- A. No person shall accumulate or permit the accumulation of refuse on any premises owned by him or her within the Village of Champlain, except for the purpose of collection by the refuse collector.
- B. The owner, lessee or occupant of every building within the Village of Champlain shall keep the same free, clear and clean of all refuse, maintain sidewalks and yard areas free and clear of all refuse and, upon notice, shall within five days cause to be removed any unsanitary or unsafe condition on or about the premises owned, used or occupied by said person within the Village of Champlain.
- C. Compost or mulch piles within the limits of the Village of Champlain shall be maintained in such fashion so as not to attract rodents or cause the development of obnoxious odors or other hazards to the health of the occupants of neighboring properties.

- D. Toxic, flammable or hazardous waste, the disposal of which is routinely regulated by public authority, shall be disposed of in a manner which is determined by said authority and/or by law.

§ 48-7. Enforcement; penalties for offenses.

- A. The Code Enforcement Officer or such other person as may be designated by the Village Board shall be authorized and directed to enforce this Article.
- B. Every violation by any person of any provision of this Article shall be deemed to be an offense against this Article, and upon conviction therefor, such person shall be subject to a fine of not more than:
- (1) Twenty-five dollars for the first offense.
 - (2) Fifty dollars for the second offense.
 - (3) One hundred dollars for the third offense.
 - (4) Two hundred dollars for every offense thereafter.

§ 48-8. Applicability.

This Article shall apply only to the residents of the Village of Champlain.

Chapter 55

ENVIRONMENTAL QUALITY REVIEW

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| § 55-2. Compliance required. | § 55-8. Notice to applicant; draft environmental impact statement. |
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| § 55-6. Fees. | § 55-12. Construal of provisions. |

[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 7-25-1977 as L.L. No. 3-1977. Sections 55-1B and 55-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 65.

Zoning — See Ch. 119.

§ 55-1. Definitions.

- A. Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this chapter shall have the same meanings as those defined in § 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations.
- B. As used in this chapter, the following terms shall have the meanings indicated:
- VILLAGE — The Village of Champlain.¹

§ 55-2. Compliance required.

No decision to carry out or approve an action other than an action listed in § 55-3B hereof or in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as a Type II action shall be made by the village or by any department, board, commission, officer or employee of the village until there has been full compliance with all requirements of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that nothing herein shall be construed as prohibiting:

- A. The conducting of contemporaneous environmental engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the

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

formulation of a proposal for action which do not commit the village to approve, commence or engage in such action; or

- B. The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations have been fulfilled.

§ 55-3. Enumeration of Type I and Type II actions.²

- A. Consistent with Part 617 of Title 6 of the New York Codes, Rules and Regulations and the criteria therein, the following actions, in addition to those listed in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as Type I actions, are likely to have a significant effect on the environment: none.
- B. Consistent with Part 617 of Title 6 of the New York Codes, Rules and Regulations and the criteria therein, the following actions, in addition to those listed in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as Type II actions, are deemed not to have a significant effect on the environment: none.

§ 55-4. Statement submitted by applicant.

For the purposes of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the village setting forth the name of the applicant, the location of the real property affected, if any, a description of the nature of the proposed action and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed by the village and shall contain such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material required by the village.

§ 55-5. Time limit for determination by village.

- A. The village shall render a written determination on such application within 15 days following receipt of a complete application and statement; provided, however, that such period may be extended by mutual agreement of the applicant and the village. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The village may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination on the application.

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

- B. The time limitations provided in this chapter shall be coordinated, to the extent practicable, with other time limitations provided by statute or local law, ordinance or regulation of the village.

§ 55-6. Fees.

Every application for determination under this chapter shall be accompanied by a reasonable fee as set forth in this section to defray the expenses incurred in rendering such determination. Such fees shall not exceed the actual cost to the village, as is set forth in Article 8 of the Environment Conservation Law.

§ 55-7. Effect of determination by village.

If the village determines that the proposed action is not an exempt action, not an action listed in § 55-3B hereof or in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as a Type II action and that it will not have a significant effect on the environment, the village shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 of the New York Codes, Rules and Regulations, and thereafter the proposed action may be processed without further regard to this chapter. If the village determines that the proposed action may have a significant effect on the environment, the village shall prepare, file and circulate such determination as provided in Section 617.(b) of Title 6 of the New York Codes, Rules and Regulations, and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

§ 55-8. Notice to applicant; draft environmental impact statement.

Following a determination that a proposed action may have a significant effect on the environment, the village shall, in accordance with the provisions of Part 617 of Title 6 of the New York Codes, Rules and Regulations:

- A. In the case of an action involving an applicant, immediately notify the applicant of the determination and shall request the applicant to prepare an environmental impact report in the form of a draft environmental impact statement; or
- B. In the case of an action not involving an applicant, shall prepare a draft environmental impact statement. If the applicant decides not to submit an environmental impact report, the village shall prepare or cause to be prepared the draft environmental impact statement or, in its discretion, notify the applicant that the processing of the application will cease and that no approval will be issued. The village may require an applicant to submit a fee to defray the expense to it of preparing a draft environment impact statement or reviewing the same if it is prepared by the applicant. Such fees shall be those actually incurred or reasonably incurred by the village.

§ 55-9. Multiple agencies.

Where more than one agency is involved in an action, the procedures of Section 617.4 and 617.8 of Part 617 of Title 6 of the New York Codes, Rules and Regulations shall be followed.

§ 55-10. Effect on prior actions.

Actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies shall be exempt from this chapter and the provisions of Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that if, after such dates, the village modifies an action undertaken or approved prior to that date and the village determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

§ 55-11. Designation of agency.

The Board of Trustees is assigned as the official village agency hereunder.

§ 55-12. Construal of provisions.

It is the intent and purpose of the Board of Trustees in the passage of this chapter to comply with the purposes of Article 8 of the Environmental Conservation Law; it is not the intent of the Board to enact any rules or regulations which might be construed as zoning.³

3. Editor's Note: For the village's Zoning Regulations, see Ch. 119, Zoning.