

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of CAMDEN

Local Law No. 3 of the year 2023

A local law entitled "Amendment of Chapter 167: Solid Waste of the Town of Camden Municipal
(Insert Title)
Code".

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of CAMDEN as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**TOWN OF CAMDEN LOCAL LAW NO. 3 OF 2023
TITLED “AMDENDMENT OF CHAPTER 167 ENTITLED
‘SOLID WASTE’ OF THE TOWN OF CAMDEN MUNICIPAL CODE”**

Section 1. Title.

This local law shall be entitled “Amendment of Chapter 167 entitled ‘Solid Waste’ of the Town of Camden Municipal Code”. It is adopted pursuant of the authority of Town Law Articles 4 and 16 and the Municipal Home Rule Law §§ 10 and 20 of the State of New York.

Section 2. Purpose.

The purpose of this local law is to amend the Solid Waste Law of the Town of Camden, which law was adopted as Chapter 167 of the Town of Camden Municipal Code by retitling the Chapter to Property Maintenance and Solid Waste and redefining articles §167-1 through §167-12.

Section 3. Amendment.

Chapter 167 of the Town of Camden Municipal Code as adopted by the Town Board of the Town of Camden 6-15-1977 as Ch. 72 of the 1977 Code and as subsequently amended, is hereby deleted and replaced in its entirety with text attached hereto as “Schedule A”.

Section 4. Repealer.

This Local Law shall supersede all prior local laws, ordinances, rules and regulations pertaining to Chapter 167 of the Town of Camden Municipal Code.

Section 5. Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstances be adjudged invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.


Section 6. Effective Date:

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law of the State of New York.

Dated: November 13, 2023

Motion carried as follows:

Daniel Christmas	Aye
Corey Mutch	Aye
James Johnson	Aye
John Gerber	Aye
Charles Keil	Aye



Allyson Snow, Town Clerk, Town of Camden, NY

(SEAL)

Schedule A
Town of Camden
Local Law No. 3 of 2023

Be enacted by the Town Board of the Town of Camden as follows:

§167-1. Title

This article shall be entitled "Prohibition of Clutter, Litter and Debris in the Town of Camden, New York."

§167-2. Purpose

By adoption of this chapter, the Town Board of the Town of Camden, for the purpose of promoting the health, safety and general welfare of the Town of Camden and of its inhabitants, declares its intent to regulate the collection and disposal of clutter, litter and debris, junk appliance, junk recreational vehicle and junk vehicles.

§167-3. Definitions

The words used in this Chapter shall be defined as follows:

CLUTTER, LITTER AND DEBRIS – Ordinary household or store trash such as paper, barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, tires, lumber, brick, stone and other building materials no longer intended or in condition for ordinary and customary use, including junk vehicles; junk appliances and junk recreational vehicles.

JUNK APPLIANCE – Any stove, washing machine, dryer, freezer, refrigerator or other household device or equipment abandoned, junked, discarded, or wholly or partially dismantled.

JUNK RECREATIONAL VEHICLE – A boat of any kind or any enclosed dwelling built upon a chassis, motor vehicle or trailer used or designed to be used for either permanent or temporary living and/or sleeping purposes, including motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers and overnight trailers, which is no longer suitable for human habitation.

JUNK VEHICLES:

- A. Any motor vehicle, whether automobile, bus, trailer, truck, tractor, motor home, motorcycle, mini-bicycle or snowmobile, or any other device originally intended for travel on the public highways, which meets all of the following conditions:
 1. It is unregistered and/or uninspected.
 2. It is either abandoned, wrecked, stored, discarded, dismantled or partly dismantled;
 3. It is not in any condition for legal use upon the public highway.

- B. With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such vehicle has remained unused for more than six months and is not in condition to be removed under its own power shall be presumptive evidence that such vehicle is a junk vehicle unless refuted by a verifiable and credible proof.

SOLID WASTE – Any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, resulting from industrial, commercial, mining, and agricultural operations, and from community activities.

§167-4. Clutter, litter and debris prohibited

In order to preserve and promote reasonable quality of environment and aesthetics and to prohibit actions or conduct which reflects offends a person of ordinary and reasonable sensibilities and tends to debase the community and reduce real estate values, the deposit, accumulation or maintenance of clutter, litter or debris, regardless of quantity, is hereby prohibited anywhere within sight of persons lawfully traveling the public highways or within sight of neighboring property. The provisions of this section shall be applicable to existing conditions. The existence of one junk vehicle, without evidence of any other clutter, litter and debris as defined herein. Said presumption shall be deemed rebutted in the event that the violator presents verifiable and credible evidence that he/she is actively taking significant steps which would prevent the vehicle from being defined as a junk vehicle.

§167-5. Deposit on public or private property prohibited

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 highway, street or place, or on any property not owned or occupied by him within the Town of Camden or upon any other portion of a public highway except placement for pickup by a licensed refuse collector.

§167-6. Complaints

Whenever a violation of this article occurs, any person may file a complaint with the Enforcement Officer. All complaints shall be in writing. The enforcement officer shall properly record and immediately investigate any such complaint.

§167-7. Enforcement procedure

- A. The Enforcement Officer shall inspect the property and file a written report of violations with the Town Clerk.
- B. The Enforcement Officer shall prepare a written notice and shall serve such notice upon the owner or occupant personally or by certified mail. The notice shall contain the following:
 1. The name of the owner or occupant to whom the notice shall be addressed.
 2. The location of the premises involved in the violation.
 3. A statement of the facts which it is alleged violate this article.
 4. A demand that the clutter, litter and debris be removed or placed so as to be in compliance with this article within ten days of the service or mailing of the notice, in the case of a first offence within a two-year time period. In the event of a second offense within a two-year time period, the time provided shall be three days. In the event of a third or subsequent offense within a two-year time period, enforcement may dispense with notice and proceed immediately with action pursuant to §167-9. The Code Enforcement Officer may provide for additional time at his/her discretion in extraordinary circumstances.
 5. A statement that a failure to comply with the demand may result in prosecution.
 6. A copy of this article.

§167-8. Extension of time limit for compliance

Upon application of the owner or occupant showing reasonable cause, the Town Board may grant an extension of up to 30 days for the owner or occupant to comply with the demands.

§167-9. Enforcement

If, after the expiration of 10 days from the date of mailing the notice provided in §167-7 above, or after the completion of any extension period allowed in §167-8 above, the owner or occupant shall fail to comply with the requirements of this article, the Enforcement Officer or Town Board may institute enforcement procedures as follows:

- A. Pursuant to Criminal Procedure Law §150.20, Subdivision (3), the Enforcement Officer is hereby authorized to issue an appearance ticket to any persons causing a violation of this article and shall cause such person to appear before the Town Justice.

- B. The Town Board is hereby authorized to remove such clutter, litter and debris from its location and dispose of same, and the expense thereof shall be charged to the property so affected by including such expense in the next annual tax levy against the property. Such removal may be done only following public notice and a public hearing at which time all parties may be heard. Public notice of the hearing shall be made in a newspaper in general circulation in the Town at least five days prior to the hearing. In the event that the Town is required to take legal action to enforce this article, the violator will be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

§167-10. Penalties for offenses

A violation of this chapter shall constitute an offense punishable by a fine for a minimum of \$100.00 and a maximum of \$500.00. The Town Board will consider increasing the monetary penalties for a second conviction a minimum of \$250.00 and a maximum of \$1000.00. The Town Board will consider different, additional or lesser dollar amounts.

§167-11. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstances be adjudged invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

§167-12. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law of the State of New York.

RESOLUTION APPROVING THE ENACTMENT OF LOCAL LAW NO. 3 OF 2023 AMENDMENT OF CHAPTER 167: SOLID WASTE, TOWN OF CAMDEN.

WHEREAS, a public hearing was held the 13 day of November, 2023 by the Town Board of the Town of Camden, notice of which was given as required by the Municipal Home Rule Law, the Open Meeting Law and the Town Law of the State of New York;

WHEREAS, at said public hearing the Town Board considered the enactment of proposed Local Law No. 3 – 2023, entitled AMENDMENT OF CHAPTER 167: SOLID WASTE, TOWN OF CAMDEN, TO BE DESIGNATED “PROPERTY MAINTENANCE AND SOLID WASTE” AND REDEFINE ARTICLES §167-1 THROUGH §167-12; and

WHEREAS, all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Camden, County of Oneida, State of New York hereby adopts and enacts Local Law No. 3 of 2023, Amendment of Chapter 167: Solid Waste, Town of Camden and is hereby adopted and enacted to wit:

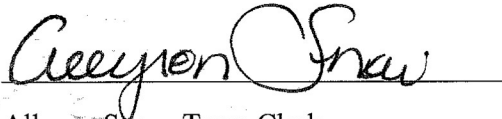
Dated: November 13, 2023

Motion carried as follows:

Daniel Christmas	<u>Aye</u>
James Johnson	<u>Aye</u>
John Gerber	<u>Aye</u>
Corey Mutch	<u>Aye</u>
Charles Keil	<u>Aye</u>

I, Allyson Snow, Town Clerk of the Town of Camden, Oneida County, DO HEREBY CERTIFY that I have compared the Foregoing with the original resolution adopted by the Town Board of the Town of Camden at a meeting of said Board held on the 13th day of November 2023, and that the foregoing is a true and correct transcript of said resolution and of the whole thereof, and that said original resolution is on file in my office.

I do further certify that each of the members of said Town Board had due notice of said meeting and that Supervisor Daniel Christmas, Councilmembers; John Gerber, James Johnson, Corey Mutch and Charles Keil were present at such meeting and IN WITNESS THEREOF, I HAVE HERUNTO SET MY HAND AND THE SEAL OF THE TOWN OF CAMDEN THIS 14TH DAY OF NOVEMBER 2023.



Allyson Snow, Town Clerk

(SEAL)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2023 of the ~~(County)(City)(Town)(Village)~~ of CAMDEN was duly passed by the TOWN BOARD on November 13 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. ~~(Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 ____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.

Aileen O'Srow

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11-14-23

(Seal)