

## Local Law Enforcement Penalties

In 1990, the Oneida County Board of Legislators and the Herkimer County Legislature passed Local Law No. 1 which regulates the disposition of solid waste and recyclables in Oneida and Herkimer Counties. In accordance with the Law, persons are prohibited from burning solid waste.

Section 11 (a) (3) of Local Law No. 1 of 1990 states:

It shall be a violation of this law for any person to bury and/or burn solid waste and/or recyclables on public or private property.

Conviction of a first offense provided by this article shall be punishable by a fine of not less than One Hundred to Five Hundred Dollars (\$100.00 - \$500.00) and not more than Five Hundred Dollars (\$500.00). In addition, anyone convicted of a first offense thereunder shall be liable to pay a civil penalty of not less than One Hundred to Five Hundred (\$100.00 - \$500.00), and not more than Five Hundred Dollars (\$500).

## Burning Standing Structures (Fire Dept Training Only)

An existing standing structure may be burned as part of local Fire Department Training, provided the following conditions are met:

1. The training is done in accordance with all local government provisions and ordinances.
2. The training has approval of the local codes officer in the municipality in which the structure is being burned.
3. The landowner assumes all legal responsibilities while burning the structure.
4. The County Sheriff's Department has been notified of the date and time the structure will be burned.
5. The training has the approval of NYSDEC, if structure is located within NYSDEC listed Fire Towns (See Fire Towns).
6. Documentation or a letter from the Chief that the Fire Department will provide active training during the burning of the structure, and that the Fire Department will not merely be providing stand-by services.
7. Structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles, vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot, or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
8. After fire training is complete, any remaining construction and demolition debris from the structure shall be removed from the property and properly disposed of.

Open burning of household trash releases dangerous compounds including arsenic, carbon monoxide, benzene, styrene, lead, formaldehyde and other chemicals. Open burning is the single greatest cause of wild fires in NYS.

For more information on solid waste & recycling please visit [www.ohswa.org](http://www.ohswa.org) or call (315) 733-1224.

ONEIDA-HERKIMER SOLID WASTE AUTHORITY

# ILLEGAL DUMPING & BURNING ADVISORY

# Solid Waste Dumping

Under County law, it is illegal to dump household garbage, construction and demolition debris, tires, appliances, recyclables, or other solid waste on private or public property in any municipality in Oneida and Herkimer Counties.

# Solid Waste Burning

It is illegal to burn the following material in Oneida and Herkimer Counties:

- Household Garbage
- Recyclables
- Construction and Demolition Debris
- Trash (ie. sofa, furniture, mattresses, carpet)
- Commercial and Industrial Waste

Burn barrels and open burning of solid waste is **NOT** permitted in Oneida and Herkimer Counties.

To report illegal dumping or burning, please contact your local law enforcement or the NYS Department of Environmental Conservation (Region 6) at 1-800-TIPP-DEC.

# Green Waste Management

Green waste is defined as grass clippings, leaves, cuttings from shrubs, hedges, trees and garden debris.

The best management practice for this material is to use it onsite: leave grass clippings on the lawn, chip brush, and place brush into hedgerows, compost it on site, or deliver to the Oneida-Herkimer Green Waste Compost Facilities located in Utica and Rome.

Burning of green waste is prohibited in:

1. All incorporated Cities and Villages.
2. Towns with "No-Burning" Ordinances and the Town of New Hartford.

If there is no green waste collection service provided by the municipality, burning of green waste may be permitted. Before burning, please contact town officials. Also, NYSDEC approval must be obtained for the Fire Towns of Ohio, Russia, Salisbury, Webb, Forestport and Remsen.

The prohibition and limitation on burning green waste does not limit safely located, contained outdoor cooking or campfires.

## Material that is NOT Green Waste

Material that is not considered green waste and may be burned in accordance with local government provisions and ordinances include the following: land clearing debris, orchard and plantation maintenance material, provided the following conditions are met:

1. Approval of local municipality and fire department.
2. Approval of NYSDEC within NYSDEC Fire Towns.

## Fire Towns

In order to protect the northern forests and woodlands in Oneida and Herkimer Counties, the New York State Department of Environmental Conservation has designated a number of northern townships as DEC Fire Towns. Residents in DEC Fire Towns are required to obtain a permit from the NYSDEC for any open burning fires except cooking, warmth and camp fires.

Herkimer County Fire Towns: Ohio, Russia, Salisbury and Webb  
Oneida County Fire Towns: Forestport and Remsen

## New York State Open Burning Law

Burning trash or solid waste is prohibited in New York State in all cases. With this State Law, it is illegal to have an open fire for disposal of trash or burning solid waste in a barrel anywhere in New York State. Environmental Conservation Officers can write violation notices for illegal fires, backyard burning and open burning in barrels.

It is also illegal for farmers to open burn pesticide containers, fertilizer bags, plastic Ag storage bags, feed bags and other plastic or synthetic materials. Open fire means any outdoor fire or outdoor smoke producing process for which air contaminants are emitted directly into the outdoor atmosphere. Open fires include burning in barrels or modified barrels. Open fires do not include burning in outdoor furnaces or boilers that are used to heat buildings when the devices are actually used for such a purpose.