

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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~~

CLINTON

Local Law No. 2 of the year 1992

A local law "AMENDING SOLID WASTE LAW"
(Insert Title)

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

County

~~CITY~~

~~TOWN~~

~~VILLAGE~~

CLINTON

as follows:

SECTION 1. GENERAL:

A. Declaration of Policy

The policy of this local law is to provide for an orderly program for collection, transportation, treatment and disposal of solid waste in order to promote the welfare, convenience, health and safety of the citizens of Clinton County (COUNTY) and others. This law is in supplementation of, and not intended to derogate from, all applicable Federal and State Laws and Regulations.

B. Definitions

1. Solid Waste - all putrescible and nonputrescible materials or substances that are unable to flow, that are discarded or rejected within COUNTY as being spent, useless, worthless or in excess to the owner at the time of such generation, including, but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal; but not including sewage, industrial wastewater discharges, waste which appears on the list of hazardous waste promulgated by the Commissioner of the New York State Department of Environmental Conservation pursuant to Section 27-0903 of the ECL of the State of New York, and radioactive materials which are source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.
2. Business - any individual, association, partnership, firm or corporation having an established business within COUNTY.

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

3. Commercial Hauler - any individual, association, partnership, firm or corporation in the business of collecting and transporting solid waste, other than its own solid waste, within COUNTY.
4. Business Hauler - any business that hauls its own solid waste, generated as a part of its business activity.
5. Governmental Hauler - any Federal, State or Local Government, or Municipal Corporation, or Agency thereof, that hauls its own solid waste, generated as a part of its governmental activity.
6. Residential User - any natural person, residing in COUNTY, or temporarily residing at premises in COUNTY owned by or leased to him or her, who transports his or her own solid waste, generated as part of his or her personal or family activity.
7. Contractee - any natural person, corporation or government with whom COUNTY shall enter into a written contract for use of all or part of any Solid Waste Facility.
8. Sanitary Landfill - a facility which includes types of operations in which solid waste is deposited by plan on a specified portion of open land, is compacted by force applied by mechanical equipment, and then is covered by a layer of earth, all in accordance with or intended to be in accordance with Part 360 of the New York State Department of Environmental Conservation.
9. Convenience Station - a facility where solid waste or recyclables are transferred from a vehicle to a county-owned container for transport to a sanitary landfill or recycling facility, and is available for use only by residential users.
10. Solid Waste Facility - any Sanitary landfill or Convenience Station or other facility owned and/or operated by COUNTY in execution of County's policy as set forth in Section I(A) hereof.
11. Recyclable Materials - those solid wastes specified in the "Clinton County Recycling Regulations."
12. Transfer Station - a facility where solid waste or recyclables are transferred from a vehicle to a county-owned container for transport to a sanitary landfill or recycling facility, and is available for use by haulers and residential users.

SECTION II. ADMINISTRATION

- A. The Clinton County Solid Waste Superintendent (SUPERINTENDENT, which titled, as used herein, shall include his designee) shall be responsible for all ministerial and administrative duties described in or reasonable required by this law. SUPERINTENDENT shall have the appropriate powers to perform these duties, including, without limitation the power:
 1. To establish and administer a program of permitting haulers and users of the Solid Waste Facilities, including the issuance, renewal and revocation of permits.

2. To establish and amend regulations covering solid waste collection and hauling services and other solid waste related activities. Such regulations and amendments shall be effective upon filing with the Clerk of the Clinton County Legislature.
 3. To take appropriate action to enforce this law, and Federal and State Laws, and Regulations issued thereunder.
 4. To encourage and conduct studies, investigations, and research related to various aspects of solid waste management as he deems necessary or appropriate, and as requested by the Clinton County Legislature.
- B. SUPERINTENDENT shall meet with the Clinton County Legislature, and/or its designee, as appropriate and as requested, from time to time, to formulate and amend regulations established by him in furtherance of this law. All permitted Haulers shall be notified in writing of any amendments to the "Clinton County Solid Waste Law and Regulations." Copies of this Law, Regulations, and amendments will be on file at the County Schuyler Falls Landfill and County Legislative Office, and available upon request.

SECTION III. REQUIREMENTS AND PERMITS

- A. Only "Haulers," "Users," or "Contractees," as defined herein, shall collect, transfer or dispose of solid waste within COUNTY.
- B. Requirements for Haulers (Business, Commercial, Governmental) -
1. No Hauler shall collect, transfer or dispose of solid waste in Clinton County without possessing a current permit issued by SUPERINTENDENT.
 2. An application for a permit shall be in writing and shall be in such form and shall contain such information as required by SUPERINTENDENT.
 3. The application shall be accompanied by the following:
 - a. Evidence of insurance, conforming with COUNTY'S current "Clinton County Insurance Requirements."
 - b. Payment of fee pursuant to COUNTY'S current "Solid Waste Fee Schedule."
 4. Within five business days of receipt of application, SUPERINTENDENT shall, in writing, grant or deny the application, or require other or further information and/or documentation.
 5. Permits shall expire annually on April 30th. They may be renewed pursuant to Regulations of SUPERINTENDENT.
 6. Permits may be suspended or revoked by SUPERINTENDENT pursuant to these Regulations.

- C. Requirements for Users (Residential)
 - 1. Residential Users shall not be required to obtain a permit.
 - 2. Residential Users collecting, transporting or disposing of their own solid waste will be required to conform to the requirements to be set by Regulations established by SUPERINTENDENT and to pay the fees set forth in COUNTY'S "Solid Waste Fee Schedule."
- D. Requirements for Contractees - contractees shall conform to requirements set forth in their respective contracts and in SUPERINTENDENT'S regulations.
- E. Joint Liability
 - 1. For the purpose of this Local Law, when a hauler is utilized to transport solid waste to the landfill, both the waste generator and the hauler will share responsibility for the solid waste until the solid waste is properly deposited at an approved landfill facility.

SECTION IV. ENFORCEMENT

- A. Inspection Procedure
 - 1. All vehicles used to collect, haul or transport solid waste, and the loads therein, shall be subject to inspection by SUPERINTENDENT.
- B. Liability of Violators
 - 1. SUPERINTENDENT shall have the power to suspend or revoke any permit issued hereunder for a violation of the Law or any regulations issued by SUPERINTENDENT pursuant thereto. The procedure for such suspension or revocation shall be set forth in Regulations issued by SUPERINTENDENT.
 - 2. In the case of violations by other than permit holders, SUPERINTENDENT is authorized to issue written warnings to violators, and is authorized to file complaints with appropriate law enforcement officers.
 - 3. Any violation of this Local Law, or of any Regulations established by SUPERINTENDENT pursuant thereto, shall be a violation, punishable by a fine not to exceed \$100 for a 1st offense, nor \$250 for a 2nd offense, nor \$500 for a 3rd and subsequent offenses. Offenses will be based on occurrences within a one-year period.
 - a. The money collected from fines will become the property of Clinton County.

Section 2. Local Law No. 3 of the year 1986 and Local Law No. 1 of the year 1992 of Clinton County are hereby repealed.

Section 3. This Local Law shall become effective on filing of same with the Secretary of State.

(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. _____²_____ of 19⁹²____ of the (County)(City)(Town)(Village) of _____^{Clinton}_____ was duly passed by the _____^{Clinton County Legislature} on July 8, 1992, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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 19____ 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 _____ 19____, 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 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 _____, above.

William J. Biegel
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: July 8, 1992

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF CLINTON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto

Louis E. Wolfe
Signature Louis E. Wolfe

County Attorney
Title

County
~~CITY~~ of Clinton
~~TOWN~~
~~VILLAGE~~

Date: July 8, 1992