

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

~~CTY~~

~~TWN~~

~~VLLGE~~

Clinton

Local Law No. 4 of the year 19⁹⁴

A local law "Amending Clinton County Recycling Law"
(Insert Title)

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

County

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~~VLLGE~~

Clinton

as follows:

SECTION 1 GENERAL

A. Statement of Findings

The County Legislature of Clinton County finds that:

- a. Removal of certain materials from the solid waste stream will decrease the flow of solid waste to County landfills, aid in the conservation of valuable resources, and reduce the required capacity of existing and proposed Solid Waste disposal facilities.
- b. The New York State Solid Waste Management Act of 1988 requires all municipalities to adopt a local law or ordinance by September 1, 1992, requiring the Solid Waste which has been left for collection or which is delivered by the generator of such waste to a Solid Waste Management Facility, shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist.

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

- c. Methods of Solid Waste management emphasizing source reduction, recovery, conservation, and recycling of Solid Wastes are significant to the long-range preservation of the health, safety, and well-being of the public, to the economic productivity and environmental quality of Clinton County, and to the conservation of resources.

B. Declaration of Policy

In enacting this law, it is the policy of the Clinton County Legislature:

- a. To increase the life expectancy of existing and potential landfill areas, and decrease the need for alternative refuse disposal facilities through a comprehensive program of waste stream reduction, reuse and recycling.
- b. To minimize the threat to human health and safety posed by the effects of landfill disposal on groundwater quality; and to insure the long-range preservation of the health, safety, and well-being of the public, and the economic productivity and environmental quality of Clinton County by conserving resources and reducing the potential for pollution of the environment.
- c. To identify methods of collection, reduction, and separation which will encourage the more efficient utilization of Solid Waste disposal facilities and contribute to more effective programs for the reuse of Solid Wastes.
- d. To set forth a methodology for efficiently separating and collecting reusable and Recyclable Materials from the community's waste stream.
- e. To implement and comply with the applicable provisions of the New York State Solid Waste Management Act of 1988 and Section 120-aa of the General Municipal Law of New York State.

SECTION II DEFINITIONS

- 1. Business - any individual, association, partnership, firm or corporation having an established business within County.
- 2. Business Hauler - any business that hauls its own Solid Waste or Recyclables, generated as part of its business activity.

3. Commercial Hauler - any individual, association, partnership, firm or corporation in the business of collecting and transporting Solid Waste or Recyclables, other than its own solid waste or Recyclables within County.
4. Commingled - Recyclable Materials that have been separated from Nonrecyclable Materials and placed in the same container.
5. 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 Materials Recovery Facility, and is available for use only by Residential Users.
6. County - shall mean Clinton County New York.
7. 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.
8. Materials Recovery Facility (MRF) - a facility registered by NYSDEC, where source separated Recyclables are processed for market through use of manual labor and low technology equipment.
9. Nonrecyclable Materials - those materials not included as Recyclable Materials as set forth in the rules and regulations of the "Clinton County Recycling Law."
10. Person(s) - an individual, trust, firm, joint stock company, corporation (including all classes of cooperations defined in General Construction Law - 66), partnership, association, commission, municipality, business, state and agency or department thereof, public authority or any interstate body.
11. Recyclable Materials - those components of the Solid Waste stream designated by and set forth in the rules and regulations of the "Clinton County Recycling Law."
12. Residential User - any natural person, residing in County, or temporarily residing at premise in County owned or leased to him or her, who transports his or her own Solid Waste or Recyclable Materials, generated as part of his or her personal or family activity, and for no compensation, transports solid waste or Recyclables of other residents.

13. Solid Waste - all putrescible and non-putrescible 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 Recyclable Materials, 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..
14. Solid Waste/Recycling Facilities - a facility where Solid Waste or Recyclables are transferred from a vehicle to County-owned containers for transport to a sanitary landfill or Materials Recover Facility. Shall include Convenience Stations and the Mooers Transfer Station.
15. 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 Materials Recovery Facility, and is available for use by both Haulers and Residential Users.
16. Commercial Waste - any solid waste or a combination of solid wastes which are generated in or upon property used for wholesale or retail commercial purposes.
17. Litter - any solid waste, waste or combination of wastes, including secondary materials, which, if thrown, placed, disposed of or deposited as herein prohibited upon any street, road, highway, private or public property, tends to create a public nuisance or danger to public health, safety and welfare.
18. Municipality - a city, town, village or school district.
19. Private property - all real property and improvements thereon, other than that owned by a municipality, the State of New York or the Federal Government, including, but not limited to vacant land or any land, building, structure or other improvement designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence and other structures or improvements appurtenant thereto.

20. Public Property - all real property and improvements owned by a municipality, the State of New York or Federal Government, as well as any and all streets, roads, highways, sidewalks, alleys, grounds, parks, buildings and any other public ways, lakes, rivers, streams, or water courses.
21. Secondary Materials - materials as defined in Environmental Conservation Law: 27-0401, as amended, and shall include but not limited to plastic, metal and glass containers, corrugated cardboard, newspaper, and other such materials as designated by the County of Clinton.
22. Scavenging - the removal of materials or wastes from any public or private property or container, recycling facility, or solid waste facility, with out the approval of consent of the owner or operator thereof.
23. Resident - any individual person who is either a legal resident or temporary resident of COUNTY.
24. Waste - those materials and substances as defined in the Environmental Conservation Law: 27-0901 (ii), as amended, and or 6NYCRR Part 360, as amended.
25. Sewage - waster carried human wastes and liquid or wastes carried from waste water closets, lavatories, sinks, bathtubs, laundry tubs, or devices, floor drains or other sanitary fixtures with the admixture or industrial or their wastes.
26. Sludge - means any solid, semi-solid or liquid waste generated from a wastewater treatment plant, water supply treatment plant or air pollution control facility, but does not include the treated effluent from a wastewater treatment plant.
27. Hazardous Waste- includes those wastes which may cause serious injury or disease during their normal storage, collection and disposal cycle, and pose a substantial present or potential hazard to human health or the environment, including but not limited to flammable or explosive materials, including gasoline and paint cans, propane and butane bottles and cylinders, pathological and potentially infectious wastes, radioactive materials, poisons, acids and dangerous chemicals or combination of chemicals. Those items listed as hazardous wastes under rules and regulations of the New York State Department of Environmental Conservation (6 NYCRR Part 31!) and identified and listed by the United States Environmental Protection Agency; in the Resource Conservation and Recovery Act (40 C.F.R., Section 261) as said regulations now exist or are hereinafter each of which are incorporated herein by

reference. Any exemptions granted to any of the hazardous wastes above indicated by either the New York State Environmental Conservation Laws Rules and Regulations and policy of the Federal Resources Conservation and Recovery Act shall still be deemed a hazardous waste under this section and not exempted.

28. Asbestos Waste - for the purpose of this Local Law is friable solid waste that contains more than one percent asbestos by weight and can be crumbled, pulverized, or reduced to powder when dry, and by hand pressure. Asbestos waste also includes any asbestos-containing solid waste that is collected in a pollution controlled device designed to remove asbestos. Such waste is a hazardous waste.
29. Household Hazardous Waste - means household wastes which but for their point of generation, would be hazardous under Part 371 of this title, including pesticides as defined in ECL Article 33.
30. Infectious Waste- means and includes the following:
 - i. surgical waste, which consists of materials discarded from surgical procedures involving the treatment of a patient on isolation, other than patients on reverse or protective isolation;
 - ii. obstetrical waste which consist of materials discarded obstetrical procedures involving the treatment of a patient on isolation, other than patients on reverse protective isolation;
 - iii. pathological waste, which consists of discarded human tissue and anatomical parts which are discarded from surgery, obstetrical procedures, autopsy and laboratory procedures;
 - iv. biological waste, which consists of discarded excretions, exudates, secretions, suctionings, and disposable medical supplies which have come in contact with these substances that cannot be legally discarded directly into a sewer and that emanate from the treatment of a patient on isolation, other than patients on reverse or protective isolation;
 - v. discarded materials soiled with blood emanating from the treatment of a patient on isolation, other than patients on reverse or protective isolation;
 - vi. all waste being discarded from renal dialysis, including tubing and needles;

- vii. discarded serums and vaccines that have not been autoclaved or returned to the manufacturer or point of origin;
- viii. discarded laboratory waste which has come in contact with pathogenic organisms which has not been rendered non-infectious by autoclaving or sterilization techniques;
- ix. animal carcasses exposed to pathogens in research, their bedding, and other waste from such animals that is discarded, and;
- x. other articles that are being discarded that are potentially infectious and that might cause punctures or cuts, including intravenous tubing with needles attached, that have not been autoclaved or subjected to similar sterilization techniques rendered incapable of causing punctures or cuts.

SECTION III ADMINISTRATION

- A. The Clinton County Solid Waste Superintendent (SUPERINTENDENT, which titled, as used herein, shall include his or her designee) shall be responsible for all ministerial and administrative duties described in or reasonable required by this law. SUPERINTENDENT shall have the 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/Recycling Facilities, including the issuance, renewal and revocation of permits.
 - 2. To establish and amend regulations covering recycling activities. Such regulations and amendments shall be effective upon filing with the Clerk of the County Legislature.
 - 3. To take appropriate action to enforce this law, and Federal and State Laws, and Regulations issued thereunder.

- 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 Recycling Law and Regulations." Copies of this Law, Regulations, and amendments will be on file at the County Schuyler Falls Solid Waste/Recycling Facility and County Legislative Office, and available upon request.

SECTION IV REGULATIONS AND PERMITS

A. General

1. Only Recyclable Materials that are generated within the County shall be accepted at the County Solid Waste/Recycling Facilities.
2. It shall be a violation of this Local Law for any person to deliver to a Solid Waste/Recycling Facility a container which contains Recyclables mixed with other Solid Waste.
3. All Recyclable Materials shall be separated from Solid Waste and prepared in accordance with the "Clinton County Recycling Regulations."
4. Clinton County shall have no obligation to pick up and remove any Solid Waste or Recyclable Materials from any persons within the County.

B. Permit Procedures for Haulers (Commercial, Business, Governmental)

1. No Hauler shall collect, transfer or dispose of Recyclable Materials in Clinton County without possessing a current permit for recycling issued by the SUPERINTENDENT.
2. An application for a recycling permit shall be in writing and shall contain such information as required by the 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 "Clinton County Solid Waste Fee Schedule."

4. Within five (5) business days of receipt of application, SUPERINTENDENT shall, in writing, grant or deny the application, or require 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 the "Clinton County Recycling Regulations."

C. Disposal Procedures for Commercial Haulers and Industrial, Institutional Sectors

1. The County will only accept Recyclable Materials from Haulers at the Schuyler Falls MRF and Mooers Transfer Station. Recyclable Materials delivered to these Solid Waste/Recycling Facilities must be prepared in accordance with the "Clinton County Recycling Regulations."

2. Commercial Haulers need not deliver collected Recyclables from residential, commercial, industrial or institutional sectors to the County MRF in the following circumstances:

a. They have access to markets for Recyclables and actually deliver or cause to be delivered Recyclables to such markets on a regular basis; and

b. Yearly tonnage reports must be filed with the Recycling Department for all Recyclables which are not delivered to the COUNTY.

3. It shall be a violation of this Local Law for any Commercial Hauler to collect, handle or dispose of Recyclable Materials otherwise than as provided by this subsection.

D. Disposal Procedures for Residential Users

1. Residential Users shall not be required to obtain a permit.
2. The County will only accept Recyclable Materials from Residential Users at the County Convenience Stations and Transfer Station. Recyclable Materials delivered to these Solid Waste/Recycling Facilities must be separated from Solid Waste and prepared in accordance to the "Clinton County Recycling Regulations."

E. Unauthorized Collection of Recyclables

1. It shall be a violation of this Local Law for any person without authority of the County to collect, pick-up, remove or cause to be collected, picked up or removed, any Recyclables delivered to a Solid Waste/Recycling Facility. Each such unauthorized collection, pick-up or removal from Solid Waste/Recycling Facility shall constitute a separate and distinct violation of this Local Law.

SECTION V SEPARATION AND PREPARATION OF RECYCLABLE MATERIALS -

1. Recyclable Materials arriving at the Clinton County Solid Waste/Recycling Facilities shall conform to the following:
 - a. Recyclable Materials shall be separated as provided in the rules and regulations of the "Clinton County Recycling Law."
 - b. All Recyclable Material must be prepared as outlined in the "Clinton County Recycling Regulations."

SECTION VI ENFORCEMENT

A. Inspection Procedure:

1. All vehicles used to collect, haul or transport Recyclable Materials shall be subject to periodic inspection at the County operated Solid Waste/Recycling Facilities by SUPERINTENDENT.

B. Liability of Violators:

1. SUPERINTENDENT shall have the power to suspend or revoke any permit issued hereunder for a violation of this Law or any regulations issued by SUPERINTENDENT pursuant thereto. The procedure for such suspension or revocation shall be set forth in the "Clinton County Recycling Regulations."
2. In the case of violations by other than permit holders, SUPERINTENDENT is authorized to issue written warnings to violators, and to file complaints with appropriate law enforcement officers.
3. Any violation of this Local Law, or Regulations established by SUPERINTENDENT pursuant thereto, shall be classified as a violation and punishable as follows: when a person is convicted or is found guilty by the court, the sentence of the court must be: (1) a fine of not less than \$200.00 nor more than \$10,000.00; or (2) a term of imprisonment of not more than thirty (30) days; or (3) both such fine and imprisonment. In addition, up to forty (40) hours of community service may be imposed. In any event upon a person found guilty may require the proper disposal of such waste.
 - a. Each day during which such violation(s) shall continue shall be deemed to be a separate violation.
 - b. The moneys collected from these fines will become the property of Clinton County.
4. General Civil Penalty
 - a. Except as otherwise specifically provided elsewhere in this Law, a person who violates any provision of this Law, or any rule or regulation pursuant thereto, or the terms or conditions of any permit holder, shall be liable for a civil penalty of not more than \$10,000.00 for each day during which each such violation continues. Any civil penalty provided for by this Local Law may be assessed following a hearing or opportunity to be heard.

5. Additional Expenses Recoverable

- a. In the event of a judgement in favor of the COUNTY any criminal, civil administrative action or proceeding, the County may recover its own expenses including reasonable counsel fees, and expert and special services and witness fees incurred in connection with the proof of such violation or the reasonable value of such services in the event that any of the above to wit attorneys, expert and people performing special services are employed by the County.
- b. The moneys collected from these fines will become the property of Clinton County.

SECTION VII SEVERABILITY

1. If any clause, sentence, paragraph, section or part of this title shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof involved in the controversy in which such judgment shall have been rendered.

SECTION VIII EFFECTIVE DATE

1. Local Law #3 of the year 1992 of Clinton County is hereby repealed.
2. This Local Law shall become effective upon filing the 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. _____ 4 _____ of 19⁹⁴ of the (County)(~~City~~)(~~Town~~)(~~Village~~) of _____ Clinton _____ was duly passed by the Legislature on Dec. 14, 19⁹⁴, 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: December 15, 1994

(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: 12/14/94