

(Please Use this Form for Filing your 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~~ of Yates
~~Village~~

Local Law No. 2 of the year 19 .. 90

A local law for the Solid Waste Management Local Law
(Insert title)

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

County
~~City~~
~~Town~~ of Yates as follows:
~~Village~~

(If additional space is needed, please attach sheets of the same size as this and number each)

SOLID WASTE MANAGEMENT LOCAL LAW

Be it enacted by the Legislature of Yates County as follows:

Section I. Short Title.

This law shall be known as the Solid Waste Management Law.

Section II Purposes.

This law is adopted pursuant to Chapter 627 of the Laws of 1986 of the State of New York to:

A. Institute a plan for the management of solid waste generated or originated in the County of Yates, in cooperation with the Counties of Seneca and Wayne, to promote the safety, health and well-being of persons and property located therein; and to

B. Implement the express policy of the State of New York authorizing the County of Yates to impose appropriate and reasonable limitations on competition to require that all solid waste generated or originated within the County's boundaries, subject to such exceptions as may be determined to be in the public interest, shall be delivered to a specified facility or facilities.

C. Implement the express policy of the State of New York encouraging solid waste volume reduction through recycling.

Section III. Definitions.

Acceptable Solid Waste means all solid waste which is not hazardous waste, designated recyclable material or unprocessable waste.

County means the County of Yates.

Designated Recyclable Materials means recyclable materials designated for source separation by rules and regulations promulgated under Section IV(B).

Facility means any solid waste management-resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage, processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or land-spreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators, and other solid waste disposal, reduction or conversion facilities.

Hazardous Waste means:

1. Waste which appears on the list of hazardous waste promulgated by the Commissioner of the Department of Environmental Conservation pursuant to Section 27-0903 of the Environmental Conservation Law and the regulations thereunder or waste which exhibits any of the characteristics of hazardous waste identified in 6 N.Y.C.R.R. 371.3.

2. Special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended.

Person means any natural person, partnership, association, joint venture, corporation, estate, trust, association, county, city, town, village, improvement district, governmental entity or other legal entity.

Recyclable Material means any solid waste which can be recycled.

Recycled or Recycling means any method, technique or process utilized to separate, process, modify, convert, treat or otherwise prepare solid waste so that its component materials or substances may be beneficially used or reused as raw materials.

Solid Waste means all putrescible and non-putrescible solid wastes generated or originated within the County, including, but not limited to, materials, or substances discarded or rejected, whether as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection or for any other reason, or are being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded, have served their intended use, or are a manufacturing by-product, including, but not limited to, garbage, refuse, and other discarded solid materials, including solid waste materials, resulting from industrial, commercial and agricultural operations and from community activities, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water carried materials or substances and those in gaseous form, or hazardous waste as defined in this law.

Solid Waste Volume Reduction Program includes source separation, recycling programs, changes to the packaging portion of the waste stream to reduce solid waste generated, the activities and enterprises of scrap dealers, processors and consumers and other programs designed to reduce the volume of solid waste or enhance reclamation and recovery of materials. For purposes of this paragraph, such volume reduction programs shall not include the processing of waste for incineration, landfilling or disposal by other means.

Source Separation means the segregation of recyclable materials from solid waste at the point of generation for separate collection, sale or other disposition.

Specified Facility or Facilities means a facility or facilities for certain solid waste specified in the rules and regulations promulgated pursuant to Section IV(A) of this law.

regulations for a County-wide program to implement source separation of recyclable materials and encourage solid waste volume reduction and to maximize the opportunity for the reclamation and recovery of materials. These rules and regulations shall designate recyclable materials to be source separated and prescribe methods of source separation, and may reflect local differences in population density, accessibility and capacity of markets and facilities, collection practices and waste composition. In promulgating such rules and regulations, the Legislature shall consider other ongoing, proposed or reasonably anticipated future solid waste volume reduction programs and shall not interfere with them.

B. Following a public hearing, promulgate and publish rules and regulations for a County-wide program to implement source separation of recyclable materials and encourage solid waste volume reduction and to maximize the opportunity for the reclamation and recovery of materials. These rules and regulations shall designate recyclable materials to be source separated and prescribe methods of source separation, and may reflect local differences in population density, accessibility and capacity of markets and facilities, collection practices and waste composition. In promulgating such rules and regulations, the Legislature shall consider the capacity, handling, disposal and marketing capabilities of available facilities, the geographical location of facilities and such other factors enabling the Legislature to determine that the public interest is served by the rule or regulation.

5. Prohibit delivery to or disposal of a category of solid waste generated or originated within the County at one or more specified facilities.

4. Direct that acceptable solid waste generated or originated within the County be delivered to or disposed of only at one or more specified facilities, and

3. Specify one or more facilities to which designated recyclable materials may be delivered subject to such exceptions as the Legislature or its designee may determine to be in the public interest;

2. Specify one or more facilities to which all acceptable solid waste generated or originated in the County shall be delivered;

1. Aid in identifying and defining categories of solid waste, including acceptable solid waste, recyclable materials and unprocessable solid waste;

A. Following a public hearing, promulgate and publish rules and regulations from time to time which:

The Legislature shall exercise the following powers, and, except for promulgating and publishing rules and regulations may by appropriate resolution and action delegate to an employee or officer of the County such authority and powers subject always to the supervision of the Legislature, to:

Section IV. Powers of the Legislature/Delegation of Powers.

Unprocessable waste means (a) dirt, concrete and other non-burnable construction material and demolition debris; (b) refrigerators, washing machines and similar "white goods"; (c) large items of machinery and equipment, such as motor vehicles and major components thereof (e.g., transmissions, rear ends, springs and fenders), agricultural equipment, trailers and marine vessels, or any other item of waste exceeding six feet in any one of its dimensions; and (d) liquid waste, large concentrations of plastics other than PET and HDPE containers, explosives, oil, sludges, highly inflammable substances, tires, ashes, contained gaseous materials, incinerator residue, and other.

- C. Approve, deny, suspend or revoke Solid Waste licenses or subject a license holder to reprimand, as provided in Section VIII.
 - D. Following a public hearing, revise, amend, promulgate and publish rules, regulations and orders necessary to carry out the purposes of this law.
 - E. In the event the Legislature delegates any of these powers to another, then that designee shall perform such delegated administrative functions, powers and duties under the supervision of the Legislature and on its behalf. Such designee shall report periodically to the Legislature. Nothing in this local law divests the Legislature of such functions, powers and duties.
 - F. Whenever a public hearing is required pursuant to this Section IV, the Legislature shall fix by resolution the time and place of such public hearing and cause a notice thereof to be published at least once in the official newspaper or newspapers of the County, and in such other newspapers as the Legislature may direct. The first publication shall not be less than ten days nor more than twenty days before the day designated therein for the hearing. Such notice shall specify the time, place and purpose of the hearing and that copies of the proposed, revised or amended rules, regulations or orders are available for review.
- Section V. Waste Delivery and Disposal; Source Separation.
- A. Acceptable solid waste generated or originated within the County shall be disposed of as follows:
 - 1. All acceptable solid waste generated or originated within the County must be delivered to a specified facility; and
 - 2. No facility shall receive acceptable solid waste generated or originated within the County except as permitted under this law.
 - B. Disposal of solid waste which is barred from all specified facilities by rules, regulations or orders promulgated pursuant to Section IV of this law, shall not otherwise be regulated by this law.
 - C. No hazardous waste may be delivered to a specified facility.
 - D. Designated recyclable materials shall not be commingled with other solid waste, and shall be handled as follows:
 - 1. Prior to initial collection or transport, designated recyclable materials shall be separated and banded as provided in the rules and regulations promulgated pursuant to Section IV of this law.
 - 2. Designated recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection. The Legislature may order such exceptions as it determines are in the public interest.

2. All licensees may be required to maintain records of acceptable solid waste collected, transported or disposed of by the licensee in accordance with the rules and regulations which may include the following information:

- a. the geographical source of the solid waste;
- b. the quantity, by ton, of the solid waste;
- c. the date of collection;
- d. the date of delivery to a facility; and
- e. the facility which received the solid waste.

1. All licensees must comply with this law and the rules, regulations and orders promulgated pursuant to this law.

Solid waste licenses and renewals may be subject to the following conditions as required by the regulations:

B. Conditions of Solid Waste License.

4. Solid waste license applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this law during the preceding calendar year.

3. A solid waste license sticker shall be prominently displayed on each vehicle operated by or on behalf of the licensee as provided by the rules and regulations.

2. The solid waste license fee for each vehicle used to collect or transport solid waste by or on behalf of the licensee shall be established by resolution of the Legislature.

1. Solid waste licenses must be obtained and renewed annually from the County.

A. Solid Waste License Issuance.

Section VII. Issuance and Conditions of Solid Waste License.

C. No person engaged solely in recycling or a solid waste volume reduction program shall be required to obtain a solid waste license.

B. No persons may engage in the business of collecting, transporting or handling solid waste generated or originated within the County without a solid waste license issued by the County pursuant to Section VII of this law, provided that only persons who collect, transport or handle solid waste for compensation shall be required to obtain a solid waste license.

A. Failure to pay fees and charges as established from time to time shall constitute a violation of this law.

Section VI. Payment of Fees and License Requirement.

E. Any recyclable materials generated or originated in the County may be delivered to a solid waste volume reduction program. All designated recyclable materials must be delivered to either a solid waste volume reduction program or a specified facility.

and issue an order carrying out his decision; and
solid waste license shall be suspended, revoked, or its holder subjected to a
whether the solid waste license application shall be denied, or an existing
b. If it is determined that such a failure has occurred, decide

waste license condition has occurred; and
a. determine whether the alleged failure to comply with a solid
its designee shall:
3. Within 20 days after the close of the hearing, the Legislature or

2. The applicant or licensee may be represented by counsel at the
hearing, and may offer evidence and cross-examine witnesses.
1. Hearings shall be held before the Legislature or its designee
within a reasonable period, which shall be at least 10 days after the service
of the notice.

C. Hearings.

The notice shall be personally served or sent by registered mail to
the applicant or licensee's last known address, at least 10 days before the
hearing date.

1. a statement of time, place, and nature of the hearing;
2. a statement of the solid waste license condition allegedly
violated, referring to the pertinent law, rule or regulation; and
3. a short and plain statement of the alleged misconduct.
B. The County shall notify the affected solid waste license applicant or
licensee of the alleged failure in writing. The notice shall include:

A. When the County determines that a failure to comply with a solid waste
license condition in Section VII(B) of this law may have occurred it shall
recommend to the Legislature or its designee that the solid waste license
application be denied, or the existing solid waste license be suspended,
revoked or its holder subjected to a reprimand. Notice and an opportunity to
be heard shall be provided prior to the denial of a solid waste license
application, the suspension or revocation of a solid waste license, or the
issuance of a reprimand.

Section VIII. Approval, Denial, Suspension or Revocation of Solid Waste License.

6. Licensees shall not accept for collection solid waste which has not
been source separated in conformity with the regulations promulgated under
Section IV(B).
5. Licensees shall offer collection services for designated recyclable
materials in conformity with the regulations promulgated under Section IV(B).

4. All licensees shall indemnify and hold harmless the Counties of
Seneca, Wayne and Yates for any pending, threatened or actual claims, liability
or expenses arising from waste disposal by the licensee in violation of this
law.
3. Reports containing the information required in Section VII.B.2 of
this section shall be compiled quarterly and delivered to the Legislature or
its designee by the 20th day following the end of the quarter.

The County may commence a civil action to enjoin or otherwise remedy any failure to comply with this law or with the rules, regulations and orders promulgated pursuant to this law.

1. Civil Sanctions.

C. Penalties.

2. Police officers, peace officers and/or other public servants designated by the Legislature are hereby authorized and directed to issue appearance tickets for violations of rules and regulations promulgated pursuant to Section IV, or with the provisions of Sections V(A), V(C), V(D), V(E), VI, or X of this law.

1. All portions of vehicles and containers used to haul, transport or dispose of any category of solid waste, recyclable materials or hazardous waste, including such containers placed outside of residences, shall be subject to inspection to ascertain compliance with this law and the rules, regulations or orders promulgated pursuant to this law, by any police officer, peace officer and/or other public servants designated by the Legislature.

B. Inspections and Appearance Tickets.

A. Since public awareness of the need for, and benefits of, source separation and recycling will grow with time and experience and since voluntary compliance with the requirements of this local law and any rules and regulations will most likely ensure the ultimate success of any recycling program, the Legislature or its designee is authorized to encourage such voluntary compliance by the use of informal enforcement or educational activities including, but not limited to, the providing of educational or instructional materials and similar notices to advise and inform members of the public of their responsibilities and of any apparent violation of this law or of the rules and regulations.

Section IX. Enforcement.

E. The Legislature or its designee shall promptly notify the applicant or licensee in writing of its final determination, decision or order. Such determination, decision or order shall become effective 15 days after the date of service or mailing.

2. A final determination, decision or order adverse to a party shall be in writing and shall include a statement of facts and reasons supporting the determination, decision or order.

1. Disposition may be made by stipulation, agreed settlement, consent order, default or other informal method.

D. Determination, Decisions and Orders.

C. If it is determined that such a failure has not occurred, the Legislature or its designee shall approve the issuance of a solid waste license.

The provisions of this law shall be effective 30 days after the Legislature adopts and files with the Clerk of the Legislature a resolution stating that a facility or a solid waste volume reduction program is ready to operate on a regular basis. The Clerk of the Legislature shall give notice of the effective date of this local law by publishing notice thereof at least once in the official newspaper of the County, not less than 10 days prior to said effective date.

Section XIII. Effective Date.

If any clause, sentence, paragraph, section, or part of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect 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 judgement shall have been rendered.

Section XII. Severability.

The County will not act in a manner, nor enter into any contract, that would interfere or have the effect of interfering with the implementation of on-going or proposed or reasonably anticipated future solid waste volume reduction programs, including but not limited to source separation, recycling programs, changes to the packaging portion of the waste-stream to reduce solid waste generation, and the activities and enterprises of scrap dealers, processors and consumers, and shall also provide for the maximum opportunity for reclamation and recovery of materials. For purposes of this paragraph, such volume reduction programs shall not include the processing of waste for incineration, landfilling or disposal by any other means.

Section XI. Non-interference with Solid Waste Volume Reduction.

No acceptable solid waste which is generated or originated outside of the Counties of Seneca, Wayne or Yates may be deposited at a County facility or a facility of the Western Finger Lakes Solid Waste Management Authority in the County. The Legislature may order such exceptions as it determines are in the public interest.

Section X. Solid Waste Generated or Originated Outside of the Counties of Seneca, Wayne and Yates.

3. Any penalties or damages recovered or imposed under this law are in addition to any other remedies available at law or equity.

2. Criminal Penalties.

In addition to the civil sanctions provided under Section IX(C)(1) of this law, failure to comply with rules and regulations promulgated pursuant to Section IV, or with the provisions of Sections V(A) or (C), V(D), V(E), VI or X of this law shall be a violation as defined in Section 55.10 of the Penal Law. Any person convicted of a violation shall be liable for:
a. A fine of up to \$250 for the first violation during a single calendar year, and a fine of up to \$500 per violation for the second and any succeeding violations occurring during the same calendar year; or
b. Imprisonment for a term of up to 15 days per violation; or
c. Both a fine and imprisonment.

Attached is the latest version of the Solid Waste Management Local Law. This version reserves to the Legislature responsibility for promulgating and publishing regulations, specifies that certain acts of the Legislature require public hearings and gives the Legislature the authority to delegate other administrative responsibilities to an individual. There are also a few editorial changes.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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 19 90
County
City
of the
Town
Village
of Yates, was duly passed by the Yates County Legislature
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the
Town
Village
of the
Town
Village
not disapproved
and was approved
by the Elective Chief Executive Officer*
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the
Town
Village
of the
Town
Village
not disapproved
and was approved
by the Elective Chief Executive Officer*
on 19..... Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the special election held on 19....., in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the
Town
Village
of the
Town
Village
was duly passed by the
(Name of Legislative Body)
not disapproved
and was approved
by the Elective Chief Executive Officer*
on 19..... repassed after disapproval
Such local law was subject to a permissive referendum and
no valid petition requesting such referendum was filed as of 19.....
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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with power to approve or veto local laws or ordinances.

Date: March 30, 1990

County of Yates

Title
County Attorney

Signature

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.

STATE OF NEW YORK
COUNTY OF Yates

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

(Seal)

Date: March 30, 1990

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

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 thereof and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

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 of 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.)

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

..... 19..... became operative.

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 §36 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 election held on

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