

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~~ of Clinton
~~TOWN~~
~~VILLAGE~~

Local Law No. 3 of the year 2005

A local law "AMENDING CLINTON COUNTY SOLID WASTE AND RECYCLING LAW"
(Insert Title)

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

County
~~CITY~~ of Clinton as follows:
~~TOWN~~
~~VILLAGE~~

CLINTON COUNTY SOLID WASTE AND RECYCLING LAW

SECTION 1 GENERAL

A. Statement of Findings

The County Legislature of Clinton County finds that:

1. 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.

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

2. New York State Solid Waste Management Act of 1988 required all municipalities to adopt a local law or ordinance by September 1, 1992, requiring that 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.
3. Methods of Solid Waste Management emphasizing source reduction, recovery, conservation, and recycling of Solid Wastes are significant to: the preservation of the health, safety, and well being of the public; the economic productivity and environmental quality of Clinton County; and to the conservation of resources.

B. Declaration of Policy

The purpose 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 Federal and State Laws and Regulations.

It shall be the policy of the Clinton County Legislature:

1. 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.
2. 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.
3. 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.
4. To set forth a methodology for efficiently separating and collecting reusable and recyclable materials from the community's waste stream.
5. 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. Asbestos Waste-for the purpose of this Local Law is friable solid waste that contains friable asbestos. Non-friable asbestos waste is accepted for disposal at the Clinton County Landfill
2. Business- any individual, association, partnership, firm or corporation having an established business.
3. Business Hauler- any business that hauls its own solid waste or recyclables generated as part of its business activity.
4. Clinton County Landfill- sanitary landfill registered and entitled to operate by the New York State Department of Environmental Conservation and located on the Sand Road in the Town of Schuyler Falls.
5. 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.
6. 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.
7. Commingled- recyclable materials that have been separated from non-recyclable materials and placed in the same container.
8. 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.
9. County- shall mean Clinton County New York.
10. Governmental Hauler- any Federal, State, or Local Government, or Municipal Corporation, or Agency thereof, that hauls its own solid waste or recyclables, generated as a part of its governmental activity.
11. 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, gasoline, gasoline cans, pathological and potentially infectious wastes, radioactive materials, friable asbestos, 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 311) 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 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 are not exempted.

12. 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 the ECL, Article 33.
13. Infectious Waste- means and includes the following:
 - a. 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;
 - b. obstetrical waste, which consist of materials discarded from obstetrical procedures involving the treatment of a patient on isolation, other than patients on reverse protective isolation;
 - c. pathological waste, which consists of discarded human tissue and anatomical parts which are discarded from surgery, obstetrical procedures, autopsy and laboratory procedures;
 - d. biological waste, which consists of discarded excretions, exudates, secretions, suctioning, 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;
 - e. discarded materials soiled with blood emanating from the treatment of a patient on isolation, other than patients on reverse or protective isolation;
 - f. all waste being discarded from renal dialysis, including tubing and needles;
 - g. discarded serums and vaccines that have not been autoclaved or returned to the manufacturer or point of origin;
 - h. discarded laboratory waste which has come in contact with pathogenic organisms which has not been rendered non-infectious by autoclaving or sterilization techniques;
 - i. animal carcasses exposed to pathogens in research, their bedding, and other waste from such animals that is discarded, and;

- j. 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.
- 14. Litter- any solid 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.
- 15. Municipality- a city, town, village, or school district.
- 16. Materials Recovery Facility (MRF)- a facility registered by NYSDEC, where source separated recyclables are processed for market through use of manual labor and mechanized source separating processing equipment.
- 17. Non-Recyclable Materials- those materials not included as Recyclable Materials as set forth in the rules and regulations of the "Clinton County Solid Waste and Recycling Law."
- 18. Person(s)- an individual, trust, firm, joint stock company, corporation (including all classes of co-operations defined in General Construction Law-66), partnership, association, commission, municipality, business, state and agency, or department thereof, public authority, or any interstate body.
- 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, walks, 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. Residents- any individual person who is either a legal resident or temporary resident of the County.
- 22. Recyclable Materials (also referred to as "Recyclables")- those components of the solid waste stream designated by and set forth in the rules and regulations of the Clinton County Solid Waste and Recycling Law.

23. Residential User- any natural person, residing in the County, or temporarily residing at premise in the 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.
24. Scavenging- the removal of materials or wastes from any public or private property or container, recycling facility, or solid waste facility, without the approval or consent of the owner or operator thereof.
25. 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.
26. Sewage- water 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 of industrial or other wastes.
27. 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.
28. Solid Waste- all putrescible and non-putrescible materials or substances that are unable to flow, that are discarded or rejected 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.
29. Solid Waste/Recycling Facilities- a facility where Solid Waste or Recyclables are transferred from a vehicle to Clinton County-owned containers for transport to a sanitary landfill or Materials Recovery Facility (MRF). Shall include Convenience Stations and the Mooers Transfer Station.
30. Transfer Station- a facility where solid waste or recyclables are transferred from a vehicle to a Clinton County-owned container for transport to a sanitary landfill or Materials Recovery Facility (MRF), and is available for use by both permitted Haulers and Residential Users.

31. Waste- those materials and substances as defined in the Environmental Conservation Law: 27-0901 (ii), as amended, and or 6NYCRR Part 360, as amended.

SECTION III ADMINISTRATION

- A. The Landfill General Manager, (which title, 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. The General Manager 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 recommend amendment of regulations and laws covering recycling activities. Such amendments shall be effective upon approval by the Clinton County Legislature and upon filing with the Clinton County Clerk and Secretary of State.
 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 or she deems necessary or appropriate, or as requested by the Clinton County Legislature.
- B. The General Manager shall meet with the Clinton County Legislature, and/or its designee, as appropriate and as requested, from time to time, to discuss possible amendments to this law. All permitted Haulers shall be notified in writing of any amendments to the "Clinton County Solid Waste and Recycling Law." Copies of this Local Law, regulations, and amendments will be on file at the Clinton County Landfill and the County Legislative Office, and available upon request.

SECTION IV REGULATIONS AND PERMITS

- A. General
1. It shall be a violation of this Local Law for any person to deliver to a solid waste/recycling facility a container which contains recyclable materials mixed with other solid waste.
 2. All recyclable materials shall be separated from solid waste and prepared in accordance with the "Clinton County Solid Waste and Recycling Law."

3. 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 solid waste and recyclable materials in Clinton County without possessing a current permit issued by the General Manager.
 2. An application for a solid waste/recycling permit shall be in writing and shall contain such information as required by the General Manager.
 3. The application shall be accompanied by the following:
 - a. Evidence of insurance, conforming with current "Application for Permit for Clinton County Landfill."
 - b. Payment of fee pursuant to the County Landfill's current "Solid Waste and Recycling Fee Schedule."
 4. Within five (5) business days of receipt of application, the General Manager shall, in writing, grant or deny the application, or require other further information and/or documentation.
 5. Permits shall expire annually on April 30th. They may be renewed pursuant to the provisions of this law.
 6. Permits may be suspended or revoked by the General Manager pursuant to this local law.
 7. Registration stickers provided by the County Landfill for each permit issued shall be placed on the passenger and driver side door of the permitted vehicle in a location visible to the scale attendant. The sticker must be visible at all times.
 8. Permit fees and or changes in permit fees shall be reviewed and approved by the Clinton County Legislature.
 9. Termination of a permitted hauler's insurance automatically invalidates the hauling permit.
 10. Permits shall not be transferable to another vehicle without express written permission of the General Manager.
 11. Permits may be suspended by the General Manager for the following:

- a. If upon inspection, the hauler's vehicle is in such a condition as to allow leakage while in transit, or
 - b. If the body of the truck is not wholly enclosed and or the contents (load) are not secured with a cover or tarping mechanism or other appropriate load securing device or
 - c. If the operation or unloading of vehicles is not conducted in a manner so as to prevent the premature spillage or loss of contents, or
 - d. The hauler fails to pay invoices for solid waste fees according to the payment requirements outlined below in Section VIII, PAYMENT OF LANDFILL USER FEES BY HAULER; or
 - e. If the hauler has failed to remedy the conditions leading to a suspension of a permit within the time specified in such order of suspension, or
 - f. Any other violation of law of these regulations.
12. Suspension or revocation of a permit will be followed by a written notice of such violation, addressed to the permittee. The permittee may, within five (5) days of the receipt of said written notice of suspension or revocation, notify, in writing, the General Manager of an appeal to the Finance Committee of the Clinton County Legislature, and shall file therewith a petition stating the reasons and basis for said appeal.
 13. Within ten (10) days of an appeal, the Finance Committee shall conduct a hearing, upon notice to the permittee to review the action of the General Manager with respect to suspension or revocation of a permit. The permittee shall present all witnesses and documents, and shall be entitled to be represented by counsel at any stage of the proceedings. Said proceedings may be adjourned only once by right of the permittee; and all other adjournments shall be determined by the members of the Committee. Within ten (10) days of said hearing, said appeals committee shall by written decision, affirm the actions of the General Manager, reinstate such permit, and/or take any other appropriate action. Permittee may continue to conduct hauling operations during the appeal period.

C. Requirements for Residential Users

1. Residential Users collecting, transporting or disposing of their own solid waste and recyclables will be required to conform to the following requirements:

- a. all solid waste delivered to convenience stations must be placed in bags of not more than 50 gallon capacity, tightly bound so that solid waste cannot accidentally fall or otherwise escape from the bag.
 - b. only bagged wastes of a quantity less than a level pickup truck load may be delivered to convenience stations; any loads in excess of a level pickup box full must be delivered to the Clinton County Landfill or transfer station for disposal, or hauled by a Commercial, Governmental or Business Hauler.
 - c. all bagged waste to be disposed at convenience station, prior to disposal, must contain the appropriate quantity of County-issued "solid waste stickers," with the appropriate number determined to be: one sticker for each bag of less than 17 gallon capacity, two stickers for each bag with a capacity in excess of 17 gallons and not exceeding 33 gallons, and three stickers for each bag with a capacity in excess of 33 gallons and not exceeding 50 gallons. (Cost of stickers shall be established in the CLINTON COUNTY FEE SCHEDULE.
 - d. stickers may be purchased at each County Solid Waste/Recycling Facility.
2. Residential users may be required to provide acceptable proof of residency or ownership of property within Clinton County at the time of disposing of waste at a County convenience station.

D. Requirements for Contractees

1. Contractees shall comply with their contracts, this local law to the extent applicable, and any further requirements of the General Manager.

SECTION V DISPOSAL OF SOLID WASTE

- A. Only Residential Users (County residents) may use convenience stations.
- B. Access to Solid Waste/Recycling Facilities is limited to hours of operation only, as such shall be determined from time to time by the General Manager and appropriately noticed and posted.

- C. The disposal at the Clinton County Landfill and Solid Waste/Recycling Facilities of liquid wastes, hazardous wastes, radioactive materials, pesticides and chemicals, infectious wastes, large dead animals, explosives, manure, raw or treated sewage sludge, sealed containers, septic tank pumpings, tree stumps, junked vehicles, waste oils, tree limbs larger than 3 inches in diameter, hot ashes, friable asbestos and other waste materials prohibited by the New York State Department of Environmental Conservation is prohibited.
- D. Except for the solid wastes listed below as exceptions, it shall be unlawful for any person to dispose, throw, dump, or cause to be thrown, dumped, or disposed in Clinton County except at a Solid Waste Management Facility entitled to operate by permit issued by the New York State Department of Environmental Conservation.
- Exceptions:
- a. brush, leaves, grass clippings, and other vegetative matter, and uncontaminated concrete, brick, stone or soil that is to be disposed on property upon which it was generated.
 - b. common farm wastes including: crop residuals, animal manure, and animal carcasses and parts that are to be disposed on the farm property upon which it was generated.
 - c. waste pesticides that are to be disposed on the farm property upon which such pesticides are utilized, providing the farmer/owner complies with New York State Environmental Conservation Law.
- E. It shall be unlawful to place, deposit, dispose or discard or cause to be placed, deposited, disposed, or discarded, any solid waste or secondary materials in other than the designated locations provided at the Clinton County Landfill or County Solid Waste/Recycling Facilities.
- a. Each designated location shall be properly posted by the COUNTY indicating the designated material for such disposal.
- F. It shall be unlawful to operate on any public highway any vehicle carrying solid waste or recyclables unless said vehicle has a cover, tarpaulin or other device which completely encloses the solid waste including bagged refuse or recyclables, so as to prevent the discharge of solid waste or recyclables from the vehicle.
- G. Beginning September 1, 1992, disposal of recyclables shall be prohibited in the landfill, and shall instead be disposed at the Materials Recovery Facility at the Clinton County Landfill, or other designated facilities such as convenience stations or the Mooers Transfer Station.

- H. Any hauler or residential user shall not have any more than 20% (by volume) recyclables contained within a solid waste load. If a solid waste load is composed of more than 20% recyclables, as judged by the General Manager or solid waste enforcement officer, hauler of said load shall be subject to a revocation of their Solid Waste/Recyclables permit upon a third (3rd) violation within one (1) calendar year.

**SECTION VI DISPOSAL OF RECYCLABLES & DESIGNATED
RECYCLABLE MATERIALS**

- A. The term RECYCLABLE MATERIALS (also referred to as Recyclables) shall mean such materials designated by the "Clinton County Solid Waste and Recycling Law" which under any applicable law or regulation is not Hazardous Waste, and which can be reasonably separated from the solid waste stream and held for its material recycling and reuse value. Effective July 1, 2005, the following materials, as may be modified from time to time, shall be considered recyclables:

1. Mixed glass bottles and jars, clear, green & brown (may be commingled)
2. Metal cans- (steel and aluminum food and beverage containers)
3. Plastic Bottles- HDPE #2 opaque and colored; PET #1 clear
4. Corrugated cardboard
5. Newspapers and newsprint
6. Tires (must be off rims)
7. Ferrous and Non-Ferrous Scrap Metals
8. Office paper
9. Junk mail
10. Used clothing (clean & dry)
11. Magazines & glossy print stock
12. Yard waste (grass clippings & garden vegetative matter)
13. Brush (less than three inches in diameter)

- B. Prior to delivery to the Clinton County Landfill or drop-off facilities, recyclables shall be prepared as follows:
1. Glass bottles and jars (clear, green & brown mixed) shall be separated from non-recyclables and other recyclables. Glass bottles so separated shall be clean of contents, with lids and caps removed. No other glass, other than food or beverage bottles or jars are acceptable.
 2. Metal cans must be separated from non-recyclables and other recyclables except from plastic bottles. Metal cans so separated shall be clean of contents with labels removed. No other containers other than metal food or beverage cans are acceptable.
 3. Plastic bottles must be separated from non-recyclables and other recyclables except from metal cans. HDPE #2 opaque and colored and PET #1 clear are the only plastic bottles acceptable. All bottles must be clean; dry; drained and free of contents; with caps and lids removed. Items such as margarine, yogurt, cottage cheese, diaper wipes, pesticide containers, six pack holders and rings, medicine bottles, plastic tableware, plastic toys, and plastic bags are not acceptable. In addition, motor oil containers are prohibited.
 4. Corrugated cardboard shall be separated from non-recyclables and other recyclables. Corrugated cardboard must be clean, dry and free of contamination. Wax coated cardboard, cereal boxes, food boxes and plastic-laminated boxes are not recyclable cardboard items.
 5. Newspaper shall be separated from non-recyclables and other recyclables. Glossy inserts must be removed. Newspapers must be clean, dry, and free from all bags and string, and unsoiled by paint, grease, or other contamination.
 6. Tires shall be separated from non-recyclables and other recyclables. Tires must be clean, free of dirt; and removed from the rims. Tires must be separated by size prior to disposal at the Clinton County Landfill.
 7. Ferrous and non-ferrous scrap metals shall be separated from recyclables and non-recyclables, and disposed of in the designated scrap metal location at the County Solid Waste/Recycling Facilities. All refrigerators, air conditioners, dehumidifiers, or any other appliance containing refrigerant, must be accompanied by documentation specifying that refrigerant has been removed prior to disposal at a County Solid Waste/Recycling Facility.

8. Yard waste shall consist of leaves, grass clippings, garden vegetative matter, and brush less than three (3") inches in diameter. Brush must be separated from leaves and grass. Yard waste shall not include plastic or any other type of garbage. Any bags must be removed before disposal of yard waste occurs. Yard waste shall be accepted for disposal at the Clinton County Landfill and the Mooers Transfer Station only.

C. Disposal of Recyclables

1. It shall be unlawful for any person to throw, dump, deposit or place, or cause to be thrown, dumped, deposited or placed any designated recyclable material in any place in Clinton County except at a Materials Recovery Facility or a drop-off convenience station, registered and entitled to operate by the New York State Department of Environmental Conservation.
2. Recyclables shall be separated from solid waste and further separated into the following categories at the point intended for collection:
 - a. Glass bottles and jars-clear, green and brown glass bottles and jars are acceptable, and may be placed in the designated container co-mingled (all three colors together).
 - b. Corrugated cardboard
 - c. Newspapers
 - d. Plastic bottles (#2 HDPE and #1 PET) and Metal cans.
3. All recyclables except for rubber tires, appliances containing CFC freon, and brush are accepted at no charge at any County Solid Waste/Recycling Facility.
4. Disposal of tires shall conform to the following:
 - a. In order to be accepted, tires must be off the rim. Charges for tires are listed in the "Clinton County Solid Waste Fee Schedule."
 - b. Tires shall not be accepted for disposal from any Hauler or Residential User in the amounts in excess of 500 tires over a one-month period.
 - c. Tires shall be accepted for disposal at the Clinton County Landfill, and Mooers Transfer Station only.

5. Only residential users (County residents) may use Convenience Stations.
6. Commercial, Business and Governmental Haulers shall only dispose of recyclables at the County Materials Recovery Facility or Mooers Transfer Station.
7. Access to Solid Waste/Recycling Facilities is limited to hours of operation only, as such shall be determined from time to time by the General Manager and appropriate notice posted.
8. Any Hauler or Residential User shall not have any more than 20% (by volume) recyclables contained within a solid waste load. If a solid waste load is composed of more than 20% recyclables, as judged by the General Manager or Solid Waste Enforcement Officer, Hauler of said load shall be subject to a revocation of Solid Waste/ Recyclables permit upon the third (3rd) violation within one (1) calendar year.
9. Hauler permits may be revoked by the General Manager, if:
 - a. upon the third (3rd) offense in a one (1) calendar year period, Hauler delivers recyclables to a County Solid Waste Facility that are not prepared and separated in accordance to this law or regulations.
 - b. upon the third (3rd) offense in a one (1) calendar year for non-compliance of operational procedures at either the Clinton County Landfill or Mooers Transfer Station.
10. Residential users collecting, transporting, or disposing of their own recyclables shall be required to conform to the following requirements:
 - a. all recyclables shall be placed in the proper recycling containers or designated areas provided at Solid Waste/Recycling Facilities; and
 - b. Recyclables must be prepared in accordance with this Law.

SECTION VII PROHIBITED ACTIVITIES

1. No person(s) placing litter in any container shall do so in such manner as to cause or permit litter from being carried or deposited by the elements upon any public or private property.
2. No person(s) shall upset or tamper with any container designed or used for the deposit of litter, solid waste, recyclables, or other wastes so as to cause or permit its contents to be deposited or strewn in or upon any public or private property.

3. No person(s) shall throw, dump, deposit, place, or cause to be thrown, dumped, deposited, or placed upon any highway, roadside, street, or within the limits of the right of way of such highway, roadside, street, or upon public or private lands adjacent thereto, any refuse, trash, garbage, rubbish, litter, recyclables, or any nauseous or offensive matter.
 - a. Nothing herein contained shall be construed as prohibiting the use, in a reasonable manner, of ashes, sand, salt or other material for the purpose of reducing the hazard of or providing traction on snow, ice, or sleet.
 - b. Nothing herein contained shall be construed as prohibiting the use of any highway, roadway, street, or private lands adjacent thereto for the transit of agricultural trucks, machines, or implements or dairy or domestic animals or agricultural stock with any accompanying reasonable or unavoidable deposit of nauseous or offensive matter.
4. No person(s) shall burn any solid waste, plastics, tin cans, aluminum foil, disposable diapers, tires, or any other noxious substances in or on private or public property in the COUNTY, except as authorized by the town, village or municipality having jurisdiction pursuant to Title NYCRR Part 215 of the New York State Department of Environmental Conservation Law.
5. No person(s) shall engage in any scavenging of materials or wastes from any public or private property or containers or from the Clinton County Landfill or County Solid Waste/Recycling Facilities.
6. No person(s) shall deposit solid waste at any County Solid Waste Facility without paying the solid waste disposal fees established therefor.
7. No person(s) shall avoid payment, attempt to avoid payment by himself or another person for a prospective or already rendered service the charge or compensation for which is measured by a meter or other mechanical device, be tampered with such device, or in any manner attempt to prevent the meter or device from performing its measuring function, without the consent of the supplier of services.
8. No person(s) shall permit, deposit, dispose, discard, dump, or cause to be deposited, disposed, discarded, or dumped upon, any highway, roadway, street, or within such limits of the right a way of such highway, roadway, street, or upon private or public lands adjacent thereto, sewage.

9. No person(s) shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quality, characteristic or duration which are injurious to human, plant, or animal life, or which unreasonably interferes with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to any particulate, fuel, gas, mist, odor, smoke, vapor, pollen, toxic, or deleterious emission, either alone or in combination with others.
10. It shall be unlawful to place, deposit, leave, dump, or accumulate large quantities of refuse, recyclables, or building demolition & construction debris or other materials except as otherwise noted in Section V, 4, a-c, on either public or private property within Clinton County so as to either a.) create an unsanitary health nuisance/hazard or b.) a visual degradation to the property and or adjacent properties

**SECTION VII PAYMENT OF LANDFILL USER FEES BY
HAULERS**

1. The amount of fees to be charged for disposal of waste at the Clinton County Landfill or County Solid Waste/Recycling Facilities is specified in the CLINTON COUNTY FEE SCHEDULE.
2. Landfill billings will be prepared and mailed on a weekly basis. Payment, in full, is due no later than thirty (30) days from the date of the invoice. Partial payments or overpayments will not be accepted.
3. In the event that a bill is not paid within the 30 day time period permitted, the Hauler will be notified of their past due account.
4. A fee of \$15.00 shall be charged for the return of all checks due to insufficient funds.
5. A permit to use the facility may be revoked if the account is not paid by the tenth of the month following the previous statement.
6. Re-issuance of a permit revoked, for any reason, shall require payment of a renewal fee as follows:

First Offense-\$200.00
 Second Offense-\$300.00
 Third Offense-\$400.00

*Offenses will be based on occurrences within a one (1) year period

7. In no case will partial payment be considered sufficient to meet the above requirements

SECTION IX PAYMENT OF LANDFILL USER FEES BY THIRD PARTIES

1. The term third party shall mean any person or company who contracts with a permitted hauler to dispose of Solid Waste to any County facility and is billed directly by the County or its designated operator for disposal fees.
2. No third party shall be allowed to dispose of solid waste at any County facility without having first established an approved account with the Clinton County Landfill or having made a cash advance of sufficient amount to cover disposal fees.
3. Third parties located within Clinton County will be required to apply for and establish an approved open account. At the discretion of the General Manager, the use of the cash advance system may be approved in lieu of a charge account.
4. Third parties located outside of Clinton County shall be required to utilize the cash advance payment system for the disposal of those solid wastes delivered to the Clinton County Landfill.
5. Under the cash advance system, third parties may utilize solid waste facilities until disposal fees equal the amount of the cash advance. Once the cash advance is expended, the third party shall deposit a new cash advance prior to further disposing of solid wastes at any facility. In no case shall a third party be allowed to utilize any County solid waste facility if a cash advance amount is NOT sufficient to cover disposal fees.

SECTION X ENFORCEMENT

1. Inspection Procedure
 - a. All vehicles used to collect, haul, or transport solid waste, recyclables, and the loads therein, shall be subject to periodic inspection by the General Manager, or his designee.

2. Liability of Violators

- a. The General Manager shall have the power to suspend or revoke any permit issued hereunder for a violation of the Law or any regulation issued by the General Manager pursuant thereto. The procedure for such suspension or revocation shall be set forth in the Regulations issued by the General Manager.
- b. In the case of violations by other than permit holders, the General Manager is authorized to issue written warnings to violators, and is authorized to file complaints with appropriate law enforcement officers.

3. Joint Liability

- a. For the purpose of this Local Law, when a hauler is utilized to transport solid waste or recyclables to the landfill or transfer station, both the waste generator and the hauler will share responsibility for the solid waste and/or recyclables, until the solid waste and/or recyclables are properly deposited at an approved landfill facility.

4. Unauthorized Collection of Recyclables

- a. 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 a Solid Waste/Recycling Facility shall constitute a separate and distinct violation of this Local Law.

5. Residential

- a. All residential users shall be subject to periodic inspections at the County Solid Waste/Recycling Facilities by the General Manager, or designee.
- b. Periodic inspections at the curb may be performed by the Enforcement Officer for proper preparation of recyclables.

6. Haulers- (Commercial, Business, Institutional, Governmental)
 - a. All haulers shall be subject to periodic inspections at the County Solid Waste/Recycling Facilities by either the General Manager, solid waste/recycling personnel or the County Solid Waste Enforcement Officer.
 - b. The landfill will bill haulers at the current tipping fee for loads of recyclables that are rejected at the County's Materials Recovery Facility or Transfer Station because of violations to the County Solid Waste and Recycling Law.
 - c. Haulers shall be allowed to notify the County Solid Waste Enforcement Officer of non-complying customers only after three (3) documented attempts have been made by the Hauler to correct the problem.
 1. Receipts from certified registered letter(s) sent to violators by the Hauler must be presented to the County Solid Waste Enforcement Officer as well as a description of the complaint.

SECTION XI FINES AND FEES

- A. Any person who commits a violation of this local law is subject to arrest. Except as otherwise set forth in this Section XI, punishment upon conviction shall be as follows:
 1. For any violation of this law, except those provisions regarding hazardous waste:
 - a. First Offense: Conviction of a first offense under this local law shall be punishable by a fine of not less than \$50.00 nor more than \$500.00, and/or a term of imprisonment not to exceed fifteen (15) days, together with restitution based on avoided disposal fees and cost of collection and hauling and/or community service. Violation of this provision shall be a violation as defined by Section 55.10(3) of the Penal Law of the State of New York.
 - b. Second Offense: Conviction of a second or subsequent offense within a year of the first shall be punishable by a fine of not less than \$100.00 nor more than \$1,000.00 and/or a term of imprisonment not to exceed six months, together with restitution based on avoided disposal fees and cost of collection and hauling and/or community service. Violation of this provision shall be a

misdemeanor as defined by Section 55.10(2) of the Penal Law of the State of New York.

- c. Conviction of any company, partnership, municipality, or any entity other than an individual person shall be subject to a fine of not less than \$500.00 nor more than \$2,500.00 and/or community service and/or restitution.
2. Any person who illegally disposes of hazardous waste at any solid waste facility owned, operated, or leased by the County of Clinton upon conviction, shall be punishable by a fine of not less than \$500.00 nor more than \$5,000.00 for a first offense; and for a second or any subsequent offense(s), upon conviction thereof shall be punishable for a fine of not less than \$3,000.00 nor more than \$20,000.00 or a term of imprisonment of not more than six months or both.
 3. Any person who commits a violation of this local law shall, in addition to any other fines and penalties provided for by this local law, be liable to pay restitution to the County or any other person that incurs costs in collecting, hauling, or properly disposing of waste or hazardous waste, incurred as a result of the offense.
- B. Each day during which an offense continues shall be deemed a separate offense.
- C. Enforcement of subsections A and B shall be effected as follows:
1. By a peace officer or police officer as provided by the criminal procedure law of the State of New York, or
 2. By the Clinton County Landfill General Manager and/or Public Health Director or their designees by issuance of an appearance ticket pursuant to Article 150 of the Criminal Procedure Law of the State of New York.
- D. Civil Enforcement: Notwithstanding the penalties set forth above, the Clinton County Attorney may institute a Civil Action to obtain restitution to the County of Clinton from such offender for the actual costs incurred in rectifying the problem created by the aforesaid violations or improper disposal of solid waste or recyclables, or to abate, enjoin, or otherwise compel cessation of the violation of any provision of this law.
- E. Enforcement: This local law is enforceable throughout the County. It does not supercede ordinances enacted by municipalities within Clinton County that regulate the disposal of solid waste if such ordinances are not inconsistent with this local law.

- F. The monies collected from these funds will become the property of Clinton County.
- G. Additionally, a Court surcharge fee of \$35.00 shall be assessed to any person, company, partnership, or municipality found guilty or in violation of any of the heretofore local laws and regulations.

SECTION XII 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 XIII EFFECTIVE DATE

- 1. Local Law #1 of the year 1996 of Clinton County is hereby repealed.
- 2. Resolution #165 (2/28/96) Amendment to Local Law #1 of the year 1996 of Clinton County is hereby repealed.
- 3. Local Law #4 (Resolution #994, 12/14/94 Amending Clinton County Recycling Laws) of 1994 of Clinton County is hereby repealed.
- 4. Resolution #995 (12/14/94) Amendment to Local Law #4 of 1994, Amending Recycling Regulations of Clinton County is hereby repealed.
- 5. This Local Law shall become effective upon filing the same with the Secretary of State of the State of New York.

(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 the (County) ~~(City)~~ ~~(Town)~~ ~~(Village)~~ of Clinton was duly passed by the County Legislature on Dec. 14, 2005 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 _____, and was (approved) (not approved) (repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ (Elective Chief Executive Officer) 20__ 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 20__ of the (County) ~~(City)~~ (Town) (Village) of _____ was duly passed by the _____ on _____ 20__ and was (approved) (not approved) (repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 20__. Such local (Elective Chief Executive Officer) 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 (Name of Legislative Body) disapproval) by the _____ on _____ 20__. Such local (Elective Chief Executive Officer) law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 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.)

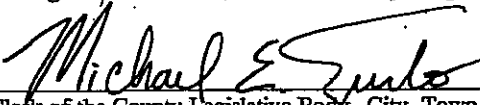
I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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


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

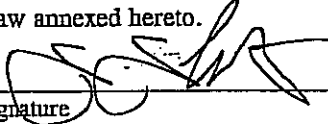
(Seal)

Date: December 14, 2005

(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.


Signature

County Attorney
Title

County
~~City~~ of Clinton
~~Town~~
~~Village~~

Date: December 14, 2005