

(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. 1 of the year 1996

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

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

County

~~City~~ of Clinton as follows:

~~Town~~

~~Village~~

SECTION 1 GENERAL

A. 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.

B. Definitions

1. Solid Waste - all putrescible and nonputrescible materials or substances that are unable to flow, that are discarded or rejected, as being spent, useless, worthless or in excess to owner at the time of such generation, including, but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous

material, incinerator residue, construction and demolition debris, discarded automobiles and offal; but not including sewage, industrial waste water 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 radio active materials which are source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended waste prohibited by the Part 360 Operating Permit issued by the New York State Department of Environmental Conservation.

2. Business - any individual, association, partnership, firm or corporation having an established business.
3. Commercial Hauler - any individual, association, partnership, firm or corporation in the business of collecting and transporting solid waste, other than its own solid waste.
4. Business Hauler - any business that hauls its own solid waste, generated as part of its business activity.
5. Governmental Hauler - any Federal, State or Local Government, Municipal Corporation, or Agency thereof, that hauls its own solid waste, generated as part of its governmental activity.
6. Residential User - any natural person, who transports his or her own solid waste, generated as part of his or her personal or family activity and or for no compensation, transports solid waste of another resident.
7. Contractee - any natural person, corporation or government with whom COUNTY shall enter into a written contract for use of all or part of any Solid Waste Facility.
8. Sanitary Landfill - a facility which includes types of operations in which solid waste is deposited by plan on a specified portion of open land, is compacted by force applied by mechanical equipment, and then is covered by a layer of earth, all in accordance with or intended to be in accordance with Part 360 of the New York State Department of Environmental Conservation.
9. Convenience Station - a facility where solid waste or recyclables are transferred from a vehicle to a county-owned container for transport to a sanitary landfill or recycling facility, and is available for use only by residential users.

10. Solid Waste Facility - any Sanitary Landfill or Convenience Station or other facility owned and/or operated by COUNTY in execution of County's policy as set forth in Section I(A) hereof.
11. Recyclable Materials - those solid wastes specified in the "Clinton County Recycling Regulations."
12. Transfer Station - a facility where solid waste or recyclables are transferred from a vehicle to a county-owned container for transport to a sanitary landfill or recycling facility, and is available for use by haulers and residential users.
13. 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.
14. County - shall mean Clinton County New York.
15. 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.
16. Municipality - a city, town, village or school district.
17. Person - 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.
18. 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.
19. 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.

20. **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.
21. **Scavenging** - the removal of materials or wastes from any public or private property or container, recycling facility, or solid waste facility, without the approval of consent of the owner or operator thereof.
22. **Waste** - those materials and substances as defined in the Environmental Conservation Law: 27-0901 (ii), as amended, and or 6NYCRR Part 360, as amended.
23. **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 or industrial or their wastes.
24. **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.
25. **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.

26. **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.
27. **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.
28. **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 consists 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 II ADMINISTRATION

- A. The Clinton County Solid Waste Superintendent (SUPERINTENDENT, which titled, as 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 appropriate powers to perform these duties, including, without limitation the power:
 - 1. To establish and administer a program of permitting haulers and users of the Solid Waste Facilities. including the insurance, renewal and revocation of permits.
 - 2. To establish and amend regulations covering solid waste collection and hauling services and other solid waste related activities. Such regulations and amendments shall be effective upon filing with the Clerk of the Clinton County Legislature.
 - 3. To take appropriate action to enforce this law, and Federal and State Laws, and Regulations issued hereunder.
 - 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, and as requested by the Clinton County Legislature.
- B. SUPERINTENDENT shall meet with the Clinton County Legislature, and/or its designee, as appropriate and as requested, from time to time, to formulate and amend regulations established by him or her in furtherance of this law. All permitted Haulers shall be notified in writing of any amendments to the "Clinton County Solid Waste Law and Regulations." Copies of this Law, Regulations. Copies of this Law and Regulations and amendments will be on file at the County Schuyler Falls Landfill and County Legislative Office, and available upon request.

SECTION III REQUIREMENTS AND PERMITS

A. Requirements for Haulers (Business, Commercial, Governmental)

1. No Hauler shall collect, transfer or dispose of solid waste within Clinton County without possessing a current permit issued by SUPERINTENDENT.
2. An application for a permit shall be in writing and shall be in such form and shall contain such information as required by SUPERINTENDENT.
3. The application shall be accompanied by the following:
 - a. Evidence of insurance, conforming with COUNTY current "Clinton County Insurance Requirements."
 - b. Payment of fee pursuant to COUNTY'S current "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 other further information and/or documentation.
5. Permits shall expire annually on April 30th. They may be renewed pursuant to Regulations of SUPERINTENDENT.
6. Permits may be suspended or revoked by SUPERINTENDENT pursuant to these Regulations.

B. Requirements for Users (Residential)

1. Residential Users shall not be required to obtain a permit.
2. Residential Users collecting, transporting or disposing of their own solid waste will be required to conform to the requirements to be set by Regulations established by SUPERINTENDENT and to pay the fees set forth in the COUNTY'S "Solid Waste Fee Schedule."

C. Requirements for Contractees - contractees shall conform to the requirements set for in their respective contracts and in SUPERINTENDENT'S regulations.

D. Joint Liability

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

SECTION IV ENFORCEMENT

A. Inspection Procedure

1. All vehicles used to collect, haul or transport solid waste, and the loads therein, shall be subject to periodic inspection by SUPERINTENDENT.

B. Liability of Violators

1. SUPERINTENDENT shall have the power to suspend or revoke any permit issued hereunder for a violation of the Law or any regulations issued by SUPERINTENDENT pursuant thereto. The procedure for such suspension or revocation shall be set for in the Regulations issued by SUPERINTENDENT.
2. In the case of violations by other than permit holders, SUPERINTENDENT is authorized to issue written warnings to violators, and is authorized to file complaints with appropriate law enforcement officers.
3. Any violation of this local law or any regulation established by the 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 money collected from these fines will become the property of Clinton County.

C. General Civil Penalty

1. 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.

D. Additional Expenses Recoverable

1. In the event of a judgement in favor of the COUNTY in 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 service in the event that any of the above to wit attorneys, expert and people performing special services are employed by the County.
 - a. The money collected from these fines will become the property of Clinton County.

SECTION V EFFECTIVE DATE

1. Local Law No. 3 of the year 1994 of Clinton County is hereby repealed.
2. This Local Law shall become effective on filing of 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. 1 of 1996 of the (County)(City)(Town)(Village) of Clinton was duly passed by the County Legislature on March 27 1996, 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 superintendent 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. Bingel
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

William J. Bingel, Clerk, County Legislature

Date: 7/10/96

(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.

Dennis D. Curtin, Esq.
Signature _____
County Attorney

Title _____

County _____
~~XXX~~ of Clinton
~~XXX~~
~~XXXX~~

Date: 7/10/96

STATE OF NEW YORK)
) ss.:
COUNTY OF CLINTON)

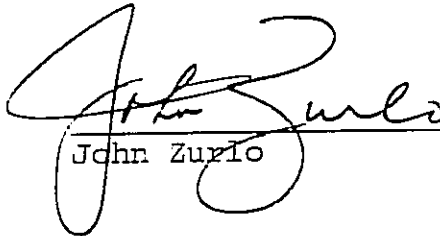
JOHN ZURLO, being duly sworn, deposes and says:

1. I am the duly designated County Clerk for the County of Clinton.

2. I make this affidavit to certify there was a clerical error in Local Law #1 of 1996 submitted for filing with the New York State Department of State by which a paragraph contained in Section 1, GENERAL under "Definitions" which states "Resident - any individual....of COUNTY" was not properly deleted.

3. This error has been corrected and I hereby certify that the foregoing is a true copy of Local Law #1 of 1996 as adopted on March 27, 1996.

DATED: July 15, 1996.



John Zurlo

Sworn to before me this
15 day of July 1996.



Notary Public

THRESSA BATES
NOTARY PUBLIC, STATE OF NY
QUALIFIED IN CLINTON COUNTY
MY COMM. EXPIRES JUNE 30, 97

STATE OF NEW YORK)

) ss. :

COUNTY OF CLINTON)

DENNIS D. CURTIN, being duly sworn, deposes and says:

1. I am the duly designated County Attorney for the County of Clinton; a partner in the law firm of Stafford, Trombley, Purcell, Lahtinen, Owens & Curtin, P.C. and am duly admitted to practice law in the State of New York.

2. I make this affidavit to certify there was a clerical error in Local Law #1 of 1996 submitted for filing with the New York State Department of State by which a paragraph contained in Section 1, GENERAL under "Definitions" which states "Resident - any individual....of COUNTY" was not properly deleted.

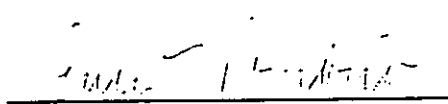
3. This error has been corrected and I hereby certify that the foregoing is a true copy of Local Law #1 of 1996 as adopted on March 27, 1996.

DATED: July 10, 1996.



Dennis D. Curtin, Esq.

Sworn to before me this
10 day of July 1996.



Notary Public

EMY L. POMBRIO
Notary Public, State of New York
No. 02P05041549
Qualified in Clinton County
Commission Expires April 3, 1997