

(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~~
~~Village~~ of CLINTON

Local Law No. 2 of the year 19 77

A local law RELATING TO REGULATION OF THE COLLECTION AND DISPOSAL OF SOLID WASTE IN CLINTON COUNTY

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

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

SECTION I. General Statement

1. Declaration of Policy

The purpose of this local law is to institute an orderly program for the collection, transportation, treatment and disposal of solid waste in order to promote the welfare, convenience, health, and safety of the citizens of Clinton County and to prevent and prohibit the indiscriminate and uncontrolled use of property for dumping purposes; to prevent and prohibit open dumping and to require that collection, transportation, treatment and disposal of solid waste be authorized only as licensed and approved by the County of Clinton.

2. Definitions

- a. Solid Waste - all wastes unable to flow including, but not necessarily limited to garbage, rubbish, construction and demolition materials, and putrescibles.
- b. Business - any individual, association, partnership, firm or corporation having an established business within Clinton County.
- c. Collector - any individual, association, partnership, firm or corporation in the business of collecting solid waste, other than their own solid waste, within Clinton County.
- d. Contractor - any individual, association, partnership, firm or corporation in any business dealing with construction or collection of junk; and any individual, association, partnership, firm or corporation which owns a packer truck and is not a collector.

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

- e. Individual Hauler - any person that hauls, with a car, van or pickup truck, their own solid waste.
- f. 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 Environmental Conservation Law.
- g. Convenience Station - a facility where solid waste is transferred from the individual hauler's vehicle to another container for transport to a sanitary landfill or recycling facility.

SECTION II. Administration

1. Responsible Agency

Clinton County Board of Legislators and Clinton County Highway Department.

2. Functions and Powers

- a. To administer the program of registering and licensing all private collectors, haulers, and operators of sanitary landfills within the County. This includes issue, renewal and revocation of permits.
- b. To establish rules and regulations covering the operation and maintenance of disposal areas, solid waste collection and haul services and other solid waste related activities.
- c. To issue warning notices and initiate necessary proceedings to prosecute violations of this local law.

3. Empowerment of the Clinton County Highway Department

- a. The Highway Department is authorized herein to administer the County Solid Waste Program and is empowered to enforce the regulations set forth herein or hereafter.
- b. The Clinton County Highway Superintendent and Solid Waste System Supervisor shall meet with the Board of Legislators to formulate, adopt, promulgate, amend and repeal the rules and regulations in furtherance of this local law.

SECTION III. Scope of Legislation

1. Standards and Regulations

a. Collection and Transportation of Solid Waste

- (1) After the first of October, 1977, no business, collector, or contractor shall collect, transport or dispose of solid waste without first obtaining a permit issued by the County.

- (2) All applications for permits shall be in writing and shall contain such information as desired by the Highway Department and shall be verified by the applicant. The applicant shall file with his application a certificate or affidavit of insurance as hereinafter set forth and shall pay the required license fee.
- (3) The applicant shall furnish the Highway Department with an affidavit listing in detail the number of residences, commercial establishments or other generators of solid waste located in Clinton County and serviced by the applicant. This list shall be updated every six months by the applicant and submitted to the Highway Department. The Highway Department has the right to request more specific information if deemed necessary.
- (4) Upon receipt of the application and the proper certificates and affidavits of insurance the detailed list of customers served, and the payment of the permit fee, the Highway Department shall thereupon issue the applicant an identifying sticker or stickers, to be placed in conspicuous place in each and every vehicle.
- (5) Permits will expire annually on December 31. Renewal permits shall be issued in the same manner and subject to the same conditions as original permits, and also shall be subject to any additional requirements in effect at the time of the application for renewal.
- (6) Permits issued under the provisions of this local law shall not be transferrable.
- (7) All transportation of solid waste shall be in strict conformance with the rules and regulations as prescribed by the Highway Department. No solid waste generated outside of Clinton County, except waste which has been separated for the purpose of reuse or recycling, shall be transported on County highways, unless a permit has been issued for the same.
- (8) All vehicles used in the transportation of solid waste shall be so constructed as to prevent leakage in transit. The body of the truck shall be wholly enclosed or shall at all times be kept covered with an adequate cover. Operation of vehicles shall be such a manner as to prevent spilling or loss of contents.
- (9) Nothing in this law is deemed to supercede any local public health law or any state or federal law which may be applicable to the subject matter contained herein.

b. Disposal of Solid Waste

- (1) No collector or contractor shall dispose of solid waste at a facility operated by the County of Clinton without a permit after October 1, 1977.
- (2) All County owned and operated solid waste facilities will be open to any and all residents of the County, and to such other persons or areas as shall be permitted under contract by the County of Clinton.
- (3) Individual haulers will not be required to obtain a permit but will be required to provide acceptable proof of residence in Clinton County at the solid waste facility.
- (4) Solid waste generated outside the County will not be accepted at any disposal, transfer or recycling facility operated by the County unless permitted under contract with the County of Clinton.
- (5) Anyone entering a County operated solid waste facility must adhere to the rules and regulations as posted and must follow the instructions of the attendant on duty.
- (6) No private sanitary landfill shall be operated in the County without securing a permit as set forth hereinafter.
- (7) All applications for permits to operate a private sanitary landfill shall be in writing and shall contain all information requested by the Highway Department. Upon filing the application, along with a performance bond issued by a surety company and the annual fee, a permit may be issued to operate a sanitary landfill on the specified parcel of land in accordance with the New York State Environmental Conservation Law. The annual fee will be refunded to the applicant if the application is denied. Permits will expire annually on December 31.
- (8) No sanitary landfill shall be operated or maintained in such a manner as to be non-conforming with Part 360 of the New York State Environmental Conservation Law.

2. Prohibited Activities

- a. It shall be unlawful to litter, with solid waste, any public or private land.
- b. It shall be unlawful to abandon non-functioning motor vehicles, appliances, machinery, equipment or parts thereof upon any public or private land, except at areas specifically designated by the County.
- c. The disposal of liquid wastes, hazardous wastes, radioactive materials, pesticides and chemicals, large dead animals, explosives, manure, raw sludge, sealed containers, septic tank pumpings, tree stumps, junked cars, and other waste materials prohibited by the New York State Department of Environmental Conservation in County owned and operated sanitary Landfills is prohibited.

3. Establishment of User Fees

- a. The Board of Legislators is authorized herein, to regulate fees for the use of all County solid waste facilities.
- b. The County Highway Superintendent is empowered herein to, levy and collect such fees for the use of the County Solid waste facilities.
- c. All businesses, collectors, contractors, and individuals will be subject to the fees as adopted and revised.

SECTION IV. Enforcement

1. Requirements for Permits

- a. Permit fee for operating a private sanitary landfill is \$100 per year.
- b. A performance bond issued by a surety company in the amount of \$25,000 shall be presented along with the disposal application.
- c. Permit fee for the collection and/or transportation of solid waste is \$10.00 per vehicle.
- d. A certificate or affidavit of insurance shall specifically evidence the following amounts of insurance coverage which shall remain in effect during the term of the collection permit, and shall be submitted with the application for a collection permit:

Public Liability Insurance --

per person \$100,000

per accident 300,000

Property Damage --

per accident \$100,000

2. Inspection Procedure

- a. All vehicles used to collect, haul or transport solid waste shall be subject to inspection by the Highway Superintendent or the Solid Waste Supervisor.
- b. The Clinton County Highway Superintendent or the Solid Waste Supervisor is authorized to determine satisfactory compliance with this Local Law. It is the duty of the operator of a private sanitary landfill to give the Supervisor or Agent free access to the property for the purpose of making inspection.

3. Liability of Violators

- a. The Highway Department maintains the right to fine and/or suspend or revoke the permit of any permit holder who violates any of the provisions stated herein. Such revocation may only follow a written notice of violation and a hearing.
- b. In the case of violations by other than permit holders a written notice of violation will be issued and repeated offenses shall be subject to penalties listed herein.

- c. Each day during which a violation continues following issuance of a written notice shall be deemed to be a separate violation.

4. Administrative Proceedings

- a. The Highway Department Superintendent, the Solid Waste System Supervisor and three members of the Board of Legislators shall hold a joint hearing for the purpose of reviewing or hearing any objection to any person or business whose permit is to be suspended once they have filed a written petition of appeal, which said petition shall be given to the County of Clinton within ten (10) days after a notice is given by the County to the person or business of the County's intent to suspend. After such hearing, the said board may revoke, suspend, or re-instate such permit; and further, any person or business whose application for permit is denied may request a hearing in like manner after notice of denial.

(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..77.
County
City
of the ~~Town~~ of.....Clinton..... was duly passed by theCounty Legislature.....
~~Town~~ ~~Village~~ (Name of Legislative Body)
on.....September 14.....19.77. in accordance with the applicable provisions of law.

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~~ of..... was duly passed by the
~~Town~~ ~~Village~~ (Name of Legislative Body)
on.....19..... not disapproved and was approved by the
repassed after disapproval 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~~ of..... was duly passed by the
~~Town~~ ~~Village~~ (Name of Legislative Body)
on.....19..... not disapproved and was approved by the
repassed after disapproval 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
permissive general
thereon at the special election held on.....19....., in accordance with the appli-
annual
cable 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
of the ~~Town~~ ~~Village~~ of..... was duly passed by the on
~~Town~~ ~~Village~~ (Name of Legislative Body)
.....19..... not disapproved and was approved by the on
repassed after disapproval Elective Chief Executive Officer *
.....19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
.....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.

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 § 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 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 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.)

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.

Thomas E. Broderick
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: September 15, 1977

(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 OFCLINTON.....

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]
Signature
.....
COUNTY ATTORNEY
Title
County
~~City~~ of CLINTON
~~Town~~
~~Village~~

Date: Sept. 16, 1977