

(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 Clinton
~~Village~~

Local Law No. 3 of the year 19 86.

A local law "AMENDING LOCAL LAW #1 OF THE YEAR 1978 RELATING TO REGULATION OF THE COLLECTION AND DISPOSAL OF SOLID WASTE IN CLINTON COUNTY"
(Insert title)

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

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

Section I. General Statement:

1. Declaration of Policy

The policy of this local law is to institute 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 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, mandated and approved by the New York State Department of Environmental Conservation and other applicable State and Federal laws.

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. Commercial Hauler - any individual, association, partnership, firm or corporation in the business of collecting and transporting solid waste, other than their own solid waste, within Clinton County.

d. Institutional Hauler - any public or quasi-public institution or political subdivision

g. Convenience Station - a facility where solid waste is transferred from the private hauler's vehicle to another container for transport to a sanitary landfill or recycling facility.

SECTION II. Administration

1. Responsible Agency Clinton County Highway Department

2. Functions and Powers

a. To administer the program of registering and licensing refuse haulers and users of the County Solid Waste Facilities. This includes issuing, renewal and revocation of permits.

b. To establish rules and regulations covering 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.

d. To establish user fees.

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 of 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 Commercial Hauler or Institutional Hauler shall collect, transfer or

2. Private Haulers as defined herein shall not be required to obtain a permit provided said hauler is a resident of the County of Clinton and can establish to the satisfaction of the Clinton County Highway Department proof of said residency.

3. All application 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 of Affidavit of Insurance as hereinafter set forth and shall pay the required license fee.

4. 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.

5. Upon receipt of the application and the proper certificates and affidavits of insurance and detailed list of customers served, and the payment of the permit fee, the Highway Department shall thereupon issue the applicant an identifying permit to be placed in a conspicuous place in each and every vehicle.

6. Permits will expire annually on April 30th. 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.

7. Permits issued under the provisions of this local law shall not be transferrable to another vehicle without express written permission by the Highway Department.

8. 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.

9. 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 and loading of vehicles shall be in such a manner as to prevent spilling or loss of contents.

10. 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 commercial hauler or institutional hauler 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. Private haulers may be required to provide acceptable proof of residency or ownership of property in Clinton County at the solid waste facility.

4. Solid waste generated outside the County will not be accepted at any disposal, transfer for recycling faci-

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 sanitary landfill, private, commercial or institutional shall be operated in the County without a permit issued by the Department of Environmental Conservation.

7. Use of Convenience Stations is limited to private haulers. The maximum load accepted at Convenience Stations shall be a level pickup box full or equivalent of six (6) - 55 gallon drums.

8. Access to County Solid Waste Facilities is limited to hours of operation only. Occupation of County Solid Waste property during other than operating hours shall be trespassing.

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 Clinton County Board of Legislators hereby

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, commercial haulers, institutional haulers and private haulers will be subject to the fees as adopted and revised.

SECTION IV. Enforcement

1. Requirements for Permits

a. Permits fees for the collection and/or transportation of solid waste will be established by the Board of Legislature.

b. 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 hauling permit, and shall be submitted with the application for a hauling permit.

Public Liability Insurance --	
per person	\$100,000
per accident	300,000
Property Damage --	
per accident	\$ 50,000

c. Termination of insurance automatically invalidates the hauling permit.

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

3. Liability of Violators.

a. The Clinton County Highway Department shall have the right to fine and/or suspend or revoke any permit issued hereunder from any permit holder who violates any of the provisions herein. Such suspension or revocation or fine must be followed by written notice of such violation, addressed to the permittee's address as stated on the permit. The permittee may, within five (5) days of the receipt of said written notice of suspension, revocation or fine notify in writing the Clinton County Highway Department Superintendent for a request to appeal said determination to the transportation of the Clinton County Legislature and shall file therewith a petition stating the reasons and basis for said appeal.

b. In the case of violations by other than permit holders the Clinton County Highway Department is authorized to issue written warnings to violators and are authorized to file complaint with the New York State Police and/or the appropriate judicial officials stating the violation and requesting a warrant for arrest.

d. Upon conviction the following penalty may be imposed:

- | | |
|-----------------|----------------------|
| 1. Penalty Fine | 1st Offense \$ 10.00 |
| | 2nd Offense \$ 25.00 |
| | 3rd Offense \$100.00 |

4. Appeals

a. Transportation of Committee of the Clinton County Legislature is hereby authorized to conduct appeals pursuant to this section. In addition to the members of the Transportation Committee the Clinton County Highway Department Superintendent and the Solid Waste Systems Supervisor shall also be members. Within thirty (30) days of a request for a

notice to the permittee, to review the action of the Clinton County Highway Department with respect to suspension, revocation or fining of a permittee. The permittee shall present all witnesses, documents and shall be entitled to be represented by counsel in any stage of the proceedings and said proceedings may be adjourned only once by right by the permittee all other adjournments shall be determined by the members of the appeals committee. Within thirty (30) days of said hearing said appeals committee may upon written decision affirm the actions of the Clinton County Highway Department, reinstate such permit, modify or suspend any fines.

SECTION V. Payment of Landfill User Fees

Landfill billings will be prepared and mailed on or about the 17th day of each month. Payment is due no later than 30 days afterward.

Upon posting the second delinquent invoice the user will be given notification by registered mail that the bill must be paid in full within seven (7) calendar days from the date of the notice. (Paid in full defined as all overdue as well as current charges.)

If payment in full is not received within the time specified in the notice, landfill privileges will be withdrawn and the landfill permit revoked.

Reissuance of a permit revoked for non-payment of fees will require payment of a penalty as follows:

1st Offense	-	\$ 25.00
2nd Offense	-	50.00
3rd Offense	-	100.00

Offenses will be based on occurrence within a three-year period.

In no case will partial payment be considered suf-

(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. _____ of 19_____
County
City
of the Town of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19_____ 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 (Name of Legislative Body)
Village
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 (Name of Legislative Body)
Village
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. 3 of 1986.
County
~~City~~
of the ~~Town~~ of Clinton was duly passed by the Clinton County Legislature on
~~Village~~ (Name of Legislative Body)
~~_____~~
May 28, 1986 ~~not disapproved~~
and was approved by the Chairman on _____
Elective Chief Executive Officer *

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 / § 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 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 FOUR..... 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 OF THE LEGISLATUR

Date: July 14, 1986

(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.