

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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~~
~~Town~~ of STEUBEN
~~Village~~

Local Law No. THREE of the year 1990....

A local law amending Local Law No. One for the Year 1989, authorizing and directing the Commissioner of Public Works to promulgate rules and regulations for the maintenance and operation of the Steuben County's Solid Waste Management.

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

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the within statute to amend Local Law No. One for the Year 1989 of the County of Steuben, authorizing and directing the Commissioner of Public Works to promulgate rules and regulations consistent with Environmental Conservation Law Section 27-0711, this local law and such other local laws and resolutions as may hereinafter be enacted for the County's solid waste management and resource recovery. The Commissioner, with the advice and consent of the Committee shall have the authority and power to impose a surcharge to an individual or hauler for the failure, refusal or inability to comply with the rules and regulations of the Commissioner of Public Works for the maintenance and operation of Steuben County's solid waste management.

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

SECTION 2. DEFINITION. SECTION 2. of Local Law No. One for the Year 1989 is amended to read as follows:

2-9. "Surcharge" is defined as an additional fee to be imposed by the Commissioner of Public Works to an individual or hauler for their failure, refusal or inability to comply with the rules and regulations for the maintenance and operation of the Steuben County's solid waste management. Said surcharge shall not exceed 10% of the fee charged for disposal of solid waste at the solid waste management facilities during the month of the failure, refusal or inability, to be rounded up to the nearest \$1.00 (One Dollar) valuation. For each month of said failure, refusal or inability the Commissioner may impose an additional 10% surcharge until such time as the individual or hauler is compliant with the rules and regulations of the County's solid waste management. Review of said surcharge imposed by the Commissioner may be had by filing written appeal to the Committee within thirty (30) days of the imposition of said surcharge.

SECTION 3. GENERAL FUNCTIONS, POWERS AND DUTIES OF THE DEPARTMENT AND THE COMMISSIONER. SECTION 3. of Local Law No. One for the Year 1989 is amended to read as follows:

It shall be the responsibility of the department, in accordance with such existing provisions and limitations as may be by the law and elsewhere set forth in law, by and through the commissioner to carry out the solid waste management and resource recovery policy of the County of Steuben. In so doing, the commissioner, with the advice and consent of the Committee, shall have power to:

h. To promulgate such rules and regulations to implement this law, or other laws or resolutions of the Steuben County Legislature and the Committee, as well as assure compliance with the Environmental Conservation Law, the Rules and Regulations of the N.Y.S. Commissioner of Environmental Conservation and the United States Environmental Protection Agency. In promulgating such rules and regulations, the department shall give due regard to the economic and technological feasibility of

compliance therewith.

i. Impose surcharges for an individual or hauler's failure, refusal or inability to comply with the rules and regulations for the maintenance and operation of the Steuben County's solid waste management. Review of said surcharge may be had by appealing to the Committee by written notice of appeal filed within thirty (30) days of the imposition of the surcharge. The imposition of said surcharge shall be consistent with the definition of "Surcharge" contained in SECTION 2-9.

j. Grant Variances. (1) Unless otherwise precluded by law, the Commissioner may, upon written application from any person who is subject to these rules and regulations, grant a variance from one or more specific provisions of these rules and regulations under the conditions set forth in this subdivision.

(2) Every application for a variance must:

(i) identify the specific provisions of these rules and regulations from which a variance is sought;

(ii) demonstrate that compliance with the identified provisions would, on the basis of conditions unique to the person's particular situation, and to impose an unreasonable economic, technological, or safety burden on the person or the public; and

(iii) demonstrate that the proposed activity will have no significant adverse impact on the public health, safety, or welfare, the environment or natural resources and will be consistent with the provisions of the Environmental Conservation Law; Local Law No. One of the County of Steuben for the Year 1989, as amended; and the performance expected from application of these rules and regulations.

(3) In granting any variance under this subdivision, the Commissioner will impose specific conditions necessary to assure that the subject activity will have no significant adverse impact on the public health, safety, or welfare, the environment, or natural resources.

(4) The Commissioner may further condition the grant of said variance upon the imposition of a surcharge.

SECTION 4. SEVERABILITY: Local Law No. One for the Year 1989 is

amended to provide as follows: SECTION 8. SEVERABILITY:

In the event any part of Local Law No. One for the Year 1989, as amended, shall be declared unconstitutional or otherwise invalid, the remainder shall not be deemed effected thereby.

SECTION 5. EFFECTIVE DATE. This Local Law shall be effective upon final adoption.

(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. THREE of 1990 of the (County)(City)(Town)(Village) of Steuben was duly passed by the Steuben County Legislature on July 23 1990, 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 disapproved)(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 disapproved)(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 disapproved)(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 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 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 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 1, above.



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

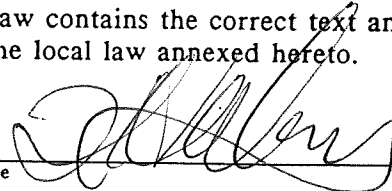
(Seal)

Date: September 27, 1990

(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 STEUBEN

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

STEUBEN COUNTY ATTORNEY

Title

County

~~City~~
~~Town~~
~~Village~~

of STEUBEN

Date: September 27, 1990