RESOLUTION NO. 83

Introduced by Slover.
Seconded by Hauryski.
Vote — Roll Call: Ayes 27 Noes 2 Abstained — Absent 5.
Noes — F. Clark, W. Tobin — 2.
Absent — Halm, McKinley, Stewart, Swackhamer, H. Young — 5.

FINAL ADOPTION OF COUNTY OF STEUBEN LOCAL LAW NO. THREE OF THE YEAR 1979 RELATING TO RULES AND REGULATIONS FOR THE OPERATION OF THE STEUBEN COUNTY SOLID WASTE DISPOSAL FACILITIES AND TRANSFER STATIONS.

Pursuant to Sections 215, 226-b and 266 of the County Law and Sections 10 and 20 of the General Municipal Law of the State of New York.

WHEREAS, there has been duly presented to the members of the Board of Supervisors of the County of Steuben on December 26, 1978 County of Steuben Local Law No. Three of the Year 1979 relating to rules and regulations for the operation of the Steuben County Solid Waste Disposal Facilities and Transfer Stations, and this Board of Supervisors by resolution preliminarily adopted said Local Law on December 28, 1978, making the final adoption of said Local Law subject to a Public Hearing to be held on January 15, 1979, and

WHEREAS, in accordance with said resolution and Notice of Public Hearing, this Board of Supervisors of the County of Steuben did conduct a Public Hearing on the 15th day of January, 1979 at 10:00 A.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Board having filed proof of the publication and posting of the Notice of Public Hearing.

NOW THEREFORE, BE IT

RESOLVED, that County of Steuben Local Law No. Three of the Year 1979, as hereinafter set forth be, and the same hereby is, finally adopted, to wit:-


County of STEUBEN

Local Law No. THREE of the year 1979

A local law relating to rules and regulations for the operation of Steuben County Solid Waste Disposal Facilities and Transfer Stations.

Be it enacted by the BOARD OF SUPERVISORS of the County of STEUBEN as follows:

ARTICLE I

Intent of Board of Supervisors

SECTION 1. Statement of legislative intent. It is the intent of these rules and regulations to institute an orderly program for the disposal of Solid Waste, in order to promote the welfare, convenience, health and safety of the citizens of Steuben County and to enhance the environment.

SECTION 2. Relationship to other programs. Nothing in this law shall be construed to supersede the minimum standards for Solid Waste Management set forth by the New York State Department of Environmental Conservation or the New York State Sanitary Code which minimum standards supersede any conflicting provision of this law to the extent that such state provisions require a standard more restrictive than that provided in this law.
ARTICLE II

Rules and Regulations

SECTION 1. Definitions.

a. Bulky Waste — Large items of refuse including but not limited to, furniture, auto parts, appliances such as washers, dryers, refrigerators, television sets and water heaters.

b. Commercial Hauler — A person, persons or business group hauling waste from more than one household, commercial establishment, store, hotel, motel or industrial facility.

c. Commercial Vehicle Registration — The act of registering a commercial vehicle with the Steuben County Highway Department.

d. Construction and Demolition Debris — Wastes resulting from constructions, remodeling, repair and demolition of structure. Such wastes include bricks, concrete and other masonry materials, soil, rock and lumber, but does not include asphalt roofing or siding materials, or metals (other than reinforcing in concrete).

e. County — County shall mean the County of Steuben.

f. Emblem — Vehicle identification tag issued to every registered commercial hauler.

g. Garbage — Putrescible solid waste including animal and vegetable waste resulting from the handling, safe, preparation, cooking or serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

h. Hazardous Waste — Any waste or combination of wastes which because of its quantity, concentration, or physical, chemical, or biological characteristics possess a substantial present or potential hazard to human or animal health, or to the environment as determined by the Department of Environmental Conservation. Such waste shall include but not be limited to wastes which are bioconcentrative, highly flammable, explosive, highly reactive, toxic or polycnous, irritating, sensitizing, corrosive, or infectious and shall include wastes that are solid, semisolid, liquid or contain gases. The final determination of whether or not a waste is hazardous or not shall be made by the Steuben County Highway Committee in accordance with the rules, regulations and guidelines as established by the Department of Environmental Conservation as well as any and all State and Federal laws, rules and regulations which establish criteria for such determinations.

i. Industrial Waste — Liquid, semiliquid, semisolid or wastes that result from industrial or commercial processes including but not limited to factories, processing plants, and repair and cleaning establishments, which wastes include, but are not limited to, sludges, oils, solvents, spent chemicals and acids.

j. Permits — Holder of a resident permit sticker.

k. Salvage area — A controlled area at a Solid Waste Management facility where recyclable material is stored pending removal from facility.

l. Salvaging — The controlled removal of waste materials for reuse.

m. Sanitary Landfill — A land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards, by spreading solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material at the end of each operating day.

o. Sluge — The accumulated semiliquid suspension of settled solids deposited from waste waters or other fluid.

p. Small Animals — Dogs, cats, rabbits, squirrels, rats and similar size animals that die naturally, from disease or are accidentally killed. It shall not include horses, cows, goats, sheep, hogs and similar size animals or any animals that are condemned, or from slaughterhouses, rendering plants, veterinarians, or other like establishments.

q. Solid Waste Facilities — Any facility employed beyond the initial Solid Waste collection process including, but not limited to transfer stations and sanitary landfills.

r. Transfer Station — A combination of structures, machinery or devices at a place or facility where solid waste is taken from collection vehicles and placed in large transport units for movement to another solid waste management facility.

SECTION 2. Rules and Regulations. The following rules and regulations shall apply to any person, persons, business group or political subdivision using Solid Waste Facilities operated by Steuben County.

a. Only solid wastes collected within Steuben County and which are not prohibited elsewhere in these rules and regulations shall be accepted.

b. All vehicles used to transport solid waste shall have and be equipped with a means of covering the waste and/or of keeping such waste securely within the hauling body so as to comply at all times with the pertinent provisions of the New York State Vehicle and Traffic Law relating to littering and/or throwing refuse on highways as set forth in Sections 1219 and 1220 thereof and the provisions amendatory thereto.

c. Anyone entering a solid waste facility operated by Steuben County must adhere to the rules and regulations as posted and must follow the instructions of the attendant on duty.

d. Access to all Steuben County Solid Waste Facilities shall be limited to those times as posted and when authorized personnel are on duty.

e. All vehicles using Steuben County Solid Waste Facilities shall display either a resident permit sticker and/or commercial vehicle registration.


a. Toxic or hazardous wastes such as oils, solvents, pesticides, acids, caustics, pathological wastes, radioactive wastes, flammable or explosive materials and wastes which the Steuben County Highway Superintendent finds may require special handling and disposal to protect and conserve the environment, employees or equipment.

b. Large dead animals and carcasses, including rendering products, hides, flushing and residues from meat processing facilities.

c. Tree stumps, logs in excess of sixteen (16) inches in diameter shall be cut to lengths less than four (4) feet. Logs and branches less than sixteen (16) inches in diameter shall not exceed eight (8) feet in length.

d. Junk car bodies.

e. Refillable propane or butane bottles and cylinders.

f. Construction and demolition wastes such as waste building materials and rubble resulting from major construction, remodeling, repair of houses, commercial building, pavement or other structures.
g. Tires in large quantities (over 10) unless quartered.

ARTICLE III
ADMINISTRATION

SECTION 1. Responsible Agency.
   a. Steuben County Highway Committee.

SECTION 2. Functions and powers.
   a. To administer the program of Solid Waste Disposal in Steuben County.
   b. To administer the program of issuing resident permits and/or registering collectors and haulers for the use of any Solid Waste Disposal facilities operated by Steuben County.
   c. To establish the hours of operation of all facilities.
   d. To establish rules and regulations covering the operation and maintenance of all Steuben County Solid Waste facilities.

SECTION 3. Empowerment of the Highway Committee.
   a. The Highway Committee is authorized herein to represent the County Solid Waste Program within the Board of Supervisors.
   b. The Highway Committee shall meet with the Highway Superintendent or designated person to make policy decisions and recommendations to the Board of Supervisors.

ARTICLE IV
ENFORCEMENT

SECTION 1. Requirements for a Resident Permit Sticker.
   a. This system is designed to serve the individual Steuben County resident or small businessman who transports their own waste in their own vehicle to a county disposal facility.
   b. Resident permit stickers may be obtained by presenting proof of County residence at the Steuben County Highway Department Office, or other designated places.

SECTION 2. Commercial Vehicle Registration.
   a. Any person, group of persons, business group or political subdivision hauling waste from more than one household, commercial establishment, store, hotel, motel or industrial facility within Steuben County shall obtain a commercial vehicle registration.
   b. Commercial vehicles may be registered at the Steuben County Highway Department Office or other designated places by presenting proof of ownership.

SECTION 3. Inspection Procedure.
   a. All vehicles used to collect, haul or transport Solid Waste to a Steuben County disposal facility shall be subject to load inspection by the Highway Committee, Highway Superintendent, their agents or employees.
   b. The Highway Committee or its agent is authorized to determine satisfactory compliance with this local law.

SECTION 4. Notice of Violation and Administrative Procedure.
a. A resident or commercial hauler who has violated any provision of this Local Law shall be given a written notice of said violation either by registered or certified mail, return receipt requested, setting forth the nature of the violation, the location and date of same and the nature of the penalty to be imposed.

b. The Chairman of the Highway Committee will hold a hearing when a fine is to be imposed or a permit or commercial registration is to be revoked, if a written petition of appeal is filed within ten (10) days after the above notice is served. After such a hearing the Chairman of the Highway Committee may affirm said proposed fine, revocation or suspension or he may dismiss said charge of violation.

c. Any person whose application for a resident permit or commercial registration is denied may request a hearing in writing within ten (10) days after notification of the denial of such permit.

SECTION 5. Liability of violators.

a. The Chairman of the Highway Committee shall have the right to fine a resident permit holder or commercial hauler or revoke or suspend the permit if he finds a violation of any of the provisions of this Local Law. Such fine, revocation or suspension may only follow a written notice of the Chairman’s decision.

b. The violator shall not be fined more than $25.00 for a first offense, $50.00 for a second offense, $100.00 for a third offense and $100.00 for each and every offense thereafter.

c. Suspension of the resident permit or the permit of a commercial hauler shall be for a period not to exceed sixty (60) days.

d. Revocation of a resident permit or a commercial hauler permit shall be for a period of six (6) months.

e. Each day during which a violation continues shall constitute a separate violation for which any of the foregoing penalties or fines may be imposed.

ARTICLE V

SEPARABILITY

a. If any article, section, sub-section, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

ARTICLE VI

EFFECTIVE DATE

a. This Local Law shall take effect immediately.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1979 of the County of Steuben was duly passed by the Board of Supervisors on February 20, 1979 in accordance with the applicable provisions of law.

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.

RUSSELL N. KEMPLE
Clerk of the County
Legislative Body
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.

Date: February 20, 1979

JOHN R. KUHL, JR.
County Attorney
County of Steuben

BE IT FURTHER RESOLVED, that within five (5) days after the final adoption by this Board of Supervisors of said County of Steuben Local Law No. Three of the Year 1979, the Clerk of this Board shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, one certified copy in the office of the New York State Comptroller and four certified copies in the office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by him for such records, and be it further

RESOLVED, that the Clerk of this Board, in accordance with Section 214, shall cause a true copy of said Local Law to be published in the two county official newspapers at least once a week for two successive weeks, the first publication of which shall be had within ten days after such Local Law has become effective, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Steuben County Landfill Supervisor and the Chairman of the Steuben County Highway Committee.

In answer to questions, Mr. Myron Crouch, Landfill Supervisor, stated that hazardous waste will be handled by the State D.E.C. and turned over to them immediately. He also stated landfill use permits are presently available from the County Highway office; arrangements are being made to possibly have towns and villages help issue the permits.

Mr. W. Tobin questioned what a property owner was to do with waste such as plaster and lath torn out of a house during remodeling; could it be taken to a county landfill.

It was stated there was no intent in the Local Law to limit small quantities of plaster and lath from repairs or remodeling of a residence. Each case will have to be handled on an individual basis.

Mr. W. Tobin questioned whether the responsibility of being judge and jury should be put on the shoulders of the Chairman of the County Highway Committee, and suggested it be looked into to have the justices decide violation cases.

Mr. W. Tobin moved to have the county attorney re-write that section of the proposed law. Seconded by Mr. Gehl.

Mr. Stover, Highway Committee Chairman, stated on any problems, the Committee does not use its own judgement because of lack of expertise, but looks to D.E.C. and takes its recommendations.