

(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~~ of STEUBEN
~~Town~~
~~Village~~
Local Law No. ONE of the year 19 89

A local law 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~~ of STEUBEN as follows:
~~Town~~
~~Village~~

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

SECTION 1. LEGISLATIVE INTENT. The County of Steuben is engaged in solid waste management and resource recovery as defined by Article 27 of the Environmental Conservation Law. It is the intent of this Local Law, to the extent authorized by Environmental Conservation Law Section 27-0711, to authorize and direct 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.

SECTION 2. DEFINITION.

- 2-1. "Department" is defined as the Steuben County Public Works Department.
- 2-2. "Commissioner" is defined as the Steuben County Public Works Commissioner.
- 2-3. "Committee" is defined as the Public Works Committee of the Steuben County Legislature.
- 2-4. "Solid Waste" is defined as follows: all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage and other highly deluted water carried materials or substances and those in gaseous form.
- 2-5. "Solid Waste Management Facility" means any facility employed by the County of Steuben beyond the initial solid waste collection process including, but not limited to, transfer stations, baling facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, plants and facilities for compacting, composting or pyrolyzation of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities.
- 2-6. "Solid Waste Management" means the purposeful and systematic transportation, storage, processing, recovery and disposal of solid waste.
- 2-7. "Resource Recovery" means the separation, extraction and recovery of useable materials, energy or heat from solid waste through source separation, recycling centers or other programs, projects or facilities.

2-8. "Hauler" is defined as one who engages or operates solid waste collection in the initial solid waste collection process for hire or compensation, or one who operates solid waste collection in the initial solid waste collection process for himself or others in excess of 110 cubic yards or 20 tons during any twelve month period. A person, corporate or individual, shall be presumed to be a hauler where more than 20 cubic yards or 6 tons are collected in the initial solid waste collection process during any one month period.

SECTION 3. GENERAL FUNCTIONS, POWERS AND DUTIES OF THE DEPARTMENT AND THE COMMISSIONER.

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:

- a. Coordinate and develop policies, planning and programs related to the solid waste management of the County of Steuben.
- b. Prescribe the practices and procedures for use of solid waste management facilities.
- c. Prescribe and recommend methods for the recovery, recycling and reuse of solid waste; or, where recycling and reuse are not possible, the disposal of solid wastes, including domestic and industrial refuse, junk cars, litter and debris consistent with sound health, scenic, environmental quality, and land use practices, for solid waste offered for disposal at the County's solid waste management facilities, including but not limited to the types of solid waste acceptable for disposal at said facilities, the limitation of disposal of such waste to solid waste generated solely within the County of Steuben, and fees to be charged for disposal of solid waste at solid waste management facilities within the budgetary constraints as adopted by the Steuben County Legislature.
- d. Encourage activities consistent with the purposes of this law by advising and assisting local governments, institutions, industries, and individuals.
- e. Undertake a public information and education program to inform and involve other public and private organizations and groups and the general public in the commitment to the principles and practices of Steuben County Solid Waste Management.
- f. Cooperate with the executive, legislative and planning authorities of the State of New York, neighboring counties and their municipalities in furtherance of the policy of this County.

g. Exercise and perform such other functions, powers and duties as shall have been or may be from time to time conveyed or imposed by law, including, but not limited to, all the functions, powers and duties assigned and transferred to the department by the Steuben County Legislature and the Committee.

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.

SECTION 4. PERMITTING OF HAULERS. All haulers, prior to use of Steuben County's Solid Waste Management Facility, shall obtain a permit for such use from the Department. Issuance of such permit shall be limited to haulers offering for disposal solid waste generated solely within the County of Steuben. No hauler shall offer solid waste for disposal inconsistent with the rules and regulations promulgated by the Commissioner or with this law or other local law or resolution or with the Environmental Conservation Law. Offering of such solid waste shall constitute a violation of this local law, except as to such solid waste as may be offered for disposal by a political subdivision of the State of New York; such solid waste may be authorized for disposal at a Solid Waste Management Facility by the Steuben County Legislature by resolution thereof. In the event of a violation, the permit issued by the Department to a hauler may result in a suspension or revocation of the permit, taking into consideration, among other circumstances, the amount of solid waste offered for disposal or disposed, the frequency of such violations and the type of waste disposed or offered for disposal. Prior to the suspension or revocation of said permit, the Commissioner shall conduct a hearing at which he or his designee shall preside; at said hearing the Department shall have the burden of proof by a fair preponderance of the evidence, the hauler shall be permitted to be represented by counsel and to introduce evidence on his own behalf. Adherence to the formal rules of evidence shall not be required.

SECTION 5. PROMULGATION OF RULES AND REGULATIONS. The Commissioner shall cause all proposed rules and regulations to be posted conspicuously in the Department in a place maintained for that purpose and at the County Courthouse in Bath, New York, where it is accessible to members

of the general public, and shall cause a copy of same to be provided to the members of the Committee at their mailboxes maintained at the County Office Building, Bath, New York, together with notice of the meeting of the Committee, at least thirty (30) days before offering same for adoption at a special or regular meeting of the Committee. Members of the general public requesting copies of said proposed rules and regulations shall be provided with copies. A copy of the proposed rule or regulation shall be filed with the Clerk of the Legislature who shall cause a copy to be published in the official newspapers at least ten (10) days prior to offering same for adoption by the Committee. Prior to adoption at the meeting of the Committee of said proposed rules and regulations, an opportunity to be heard shall be given to the public. Adoption of rules and regulations shall be upon a majority vote of the Committee. Upon adoption, a copy of the rule or regulation shall forthwith be transmitted to the Clerk of the Legislature and shall be binding as law ten (10) days thereafter.

SECTION 6. FEE SCHEDULE. The Rules and Regulations of the Commissioner shall include the fee schedule for usage of a Solid Waste Management Facility. Such fee schedule shall be subject to the advice and consent of the Committee. Furthermore, the fee schedule shall be consistent with the budget for each fiscal year adopted by the Steuben County Legislature or as amended by subsequent local law or resolution.

SECTION 7. EFFECTIVE DATE. This local law shall be effective upon final adoption.

(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. ONE of 19 89
County
of the ~~City~~ Steuben was duly passed by the Steuben County Legislature
~~Village~~ (Name of Legislative Body)
on January 23, 19 89 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
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved by the
not disapproved 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
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved by the
not disapproved 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 City of was duly passed by the on
Town (Name of Legislative Body)
Village
..... 19..... and was approved by the on
not disapproved 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 § 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.

Christina Kane

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

Date: January 23, 1989

(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 OFSTEUBEN.....

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.

[Handwritten Signature]

Signature

Steuben County Attorney

Title

Date: January 23, 1989

County
~~City~~ of Steuben
~~Town~~
~~Village~~