

Local Law Book
1981

(3)

ON MOTION OF MR. THOMAS

RESOLUTION # 145

DIRECT PUBLIC HEARING
LOCAL LAW NO. # 3 FOR THE YEAR 1981

WHEREAS, Local Law Number 3 for the year 1981 providing for a permit system for the collection and disposal of solid waste and prohibiting, among other things, the disposal of solid waste originating from outside the County of Cortland, Now, THEREFORE BE IT

RESOLVED, that a Public Hearing upon said Local Law Number 3 for the year 1981 be held before this Legislature on June 10, 1981 at 10:00 A.M. in the Chamber of the County Legislature, Third Floor, County Office Building, Cortland, New York 13045, and be it further

RESOLVED, that the Clerk of this Legislature be and hereby is authorized and directed to publish notice of said meeting as required by the Municipal Home Rule Law.

STATE OF NEW YORK }
COUNTY OF CORTLAND } SS:

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature of the County of Cortland have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was passed by the Cortland County Legislature, of said county on the 27th day of May 1981 and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the CORTLAND COUNTY LEGISLATURE, this 27th day of May 1981

Richard P. Stevens
Clerk of the Cortland County Legislature

(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.....CORTLAND
Town
Village

Local Law No.3..... of the year 19 81.....

A local law NUMBER 3 OF THE COUNTY OF CORTLAND FOR THE YEAR 1981 TO PROVIDE AN ORDERLY PROGRAM FOR THE COLLECTION, (insert title) TRANSPORTATION, AND DISPOSAL OF SOLID WASTE IN ORDER TO PROMOTE THE SAFETY, HEALTH, WELFARE AND CONVENIENCE OF THE CITIZENS OF CORTLAND COUNTY, AND TO PROHIBIT RANDOM SOLID WASTE DISPOSAL AND LITTERING ALONG PUBLIC HIGHWAYS AND ROADS AND TO CONTROL SOLID WASTE DISPOSAL OPERATIONS.

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

County
~~City~~ of.....CORTLAND..... as follows:
~~Town~~
~~Village~~

SECTION I - LEGISLATIVE INTENT

A safe, sanitary, efficient, economic and environmentally sound manner of conducting solid waste management is declared to be of importance to the health, safety and welfare of the inhabitants of the County of Cortland with increasing federal, state and other environmental standards, and decreasing capacity within the County of Cortland to provide for proper solid waste disposal areas, control of the collection, transportation and disposal of solid waste in the county is essential also to the economy and general welfare of its citizens.

SECTION II - DEFINITIONS

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

SECTION III - ADMINISTRATION

- 1. Responsible Agency
Department of Highways
Division of Solid Waste Management

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

2. Functions and Powers

- a. To control all work contemplated for in this Local Law and in future rules and regulations.
- b. To administer the program of registering and licensing all collectors and other haulers of solid waste to any solid waste facility operated by the County. This includes issue, renewal and revocation of permits.
- c. To determine all rules and regulations in connection with the operation of any County solid waste facility.
- d. To issue warning notices and initiate necessary proceedings to prosecute violations of this ordinance.
- e. To encourage and conduct studies, investigations and research relating to various aspects of solid waste management.

SECTION IV - STANDARDS AND REGULATIONS

1. Collection and Transportation of Solid Waste.

- a. No individuals hauling their own solid waste nor any business, collector or contractor shall dispose of solid waste, at a County operated facility, without obtaining a permit issued by the County of Cortland.
- b. All applications for permits shall be in writing and shall contain such information as desired by the Division of Solid Waste Management and shall be verified by the applicant. The applicant, except applicants who are individuals hauling their own solid waste, shall file with his application a certificate or affidavit of insurance as hereinafter set forth and shall pay the required license fee. Applications shall also contain an affidavit signed and sworn to by the applicant indicating that the applicant shall not dispose of solid waste generated outside the County of Cortland at any County facility.
- c. Each applicant who is an individual hauling his own solid waste shall be required to pay a permit fee of \$2.00 and a further fee of \$2.00 for each additional truck or conveyance owned by the applicant and to be used in the collection, transportation or disposal of solid waste, all other applicants shall be required to pay a permit fee of \$5.00 and a further fee of \$3.00 for each additional truck, conveyance, or detachable solid waste container owned and to be used in the disposal of solid waste.

The above schedule of permit fees may be changed by Resolution of the Cortland County Legislature after a public hearing.

- d. The certificate or affidavit to be filed with the application shall be executed by the representatives of a duly qualified insurance company evidencing that said insurance company has issued liability and property damage insurance policies covering the following:

1. The disposal of such waste within the designated and approved facility.
2. Protecting the public and any person from injuries or damages sustained by reason of disposing of solid waste, within such facility.
3. The certificate or affidavit shall specifically evidence the following amounts of insurance coverage which shall remain in effect for the term of the license, and shall be given to the Division of Solid Waste Management thirty (30) days prior to any change in the conditions of the certificate or any expiration or cancellation thereof:

Public Liability Insurance	-	\$100,000.
Per Person		
Per Accident		\$300,000.
Property Damage		
Per Accident		\$ 50,000.

Each applicant who is otherwise required by law to have Worker's Compensation insurance shall also produce evidence of compliance with that law.

e. Upon receipt of the application and the proper certificate and affidavits of insurance and the payment of the permit fee, the Division of Solid Waste Management shall thereupon issue the applicant an identifying sticker or stickers. All permits shall expire on June 30, following the date of issue, except that all permits issued prior to June 30, 1981 shall expire on June 30, 1982. Upon issuance of the sticker the owner shall affix said sticker to the inside rear bottom corner of the driver's window in each and every vehicle on which shall be set forth clearly the official number of such permit and/or the license plate number of the vehicle to which the sticker is affixed on shall detachable solid waste containers the sticker shall be affixed to such container in a visible location.

f. 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 application for renewal.

g. Whenever proof by means of a sworn affidavit shall be submitted to the Division of Solid Waste Management that a permit issued for the purpose set forth in this Local Law has been lost or destroyed the Division of Solid Waste Management may, upon payment of an additional fee for the first vehicle registered by the applicant, issue a new permit in lieu of the one that has been lost or destroyed.

h. No permit issued under this law's provisions shall be transferrable.

i. The permit holder hereunder shall furnish the Division of Solid Waste Management with information indicating the number of industrial, the number of business and the number of residential customers located within the County of Cortland and serviced by the applicant. Said information shall be updated by applicant at the annual renewal of any and all permits and shall be further updated upon ten (10) business days notice from the Division of Solid Waste Management.

The Division of Solid Waste Management has the right to obtain more specific information if deemed necessary.

All applications for permits and permit holders shall agree as a condition of being issued a permit, to allow the Division of Solid Waste Management to inspect all books and records relating to their customers and the origin of the solid waste collected, hauled or disposed of by the applicant and permit holder. Said applicant and permit holder agrees to produce for inspection all such books and records at the request of the Division of Solid Waste Management.

The Division of Solid Waste Management, after a hearing, shall have the power to suspend or revoke a license granted or renewed pursuant to this Local Law for violation of any part of this Local Law or any applicable rule, regulations, codes or ordinances relating to the collection, handling, hauling or disposal of solid wastes.

j. All transportation of solid waste shall be in strict conformance with the rules and regulations as prescribed by the Division of Solid Waste Management.

k. All vehicles used in the transportation of solid waste shall be maintained in a sanitary condition and shall be so constructed as to prevent leakage in transit. The body of the truck or container shall be wholly enclosed or shall at all times be kept covered with an adequate cover. Operation of vehicles shall be done in such a manner as to prevent spilling or loss of contents.

2. Disposal of Solid Waste

a. No business, collector, contractor, individual or other person or entity shall dispose of solid waste at a facility operated by the Division of Solid Waste Management without a permit as provided herein. Notwithstanding the above, no truck, conveyance or detachable container owned and used for collection, transportation or disposal of solid waste by the State of New York or any municipal subdivision thereof shall be required to have a permit for any purpose intended by this law, except that all said municipalities shall comply with the insurance requirements of Section IV (d) above.

b. Solid waste generated outside the County will not be accepted at any disposal facility operated by the County, unless authorized by the Cortland County Legislature.

Combined loads containing solid waste from within the County as well as from outside the County will not be accepted unless authorized by the Cortland County Legislature. Any individuals hauling their own solid waste and any business, collector, contractor, and any other person or entity who shall transport solid waste originating from outside the County of Cortland and who shall dump, discharge or dispose of the same upon any County operated sanitary landfill or solid waste facility site shall be subject to the penalties imposed for the violation of this Local Law.

c. No waste which is liquid, burning, or hazardous, or industrial hazardous waste (as those terms are defined in the Environmental Conservation Law of New York) will be accepted at any disposal facility operated by the County. Any individuals hauling their own waste and any business, collector, contractor, and any other person or entity who shall dump, discharge or dispose of liquid, burning or hazardous or industrial hazardous waste upon any County operated sanitary landfill or solid waste facility site shall be subject to the penalties imposed for the violation of this Local Law. Notwithstanding the prohibition contained in this paragraph 2 (c), liquid sludge resulting from treated waste will be accepted if the same has the approval of the New York State Department of Environmental Conservation, the Cortland County Health Department and the Cortland County Legislature for disposal at a County solid waste disposal facility.

d. Anyone entering the solid waste facility must adhere to the rules and regulations as posted and must follow the instructions of the attendant on duty.

e. No person shall enter any County solid waste disposal facility or site except during such hours as are posted.

f. The County authorized operator of any solid waste disposal facility or site shall be in full charge of all matters concerning dumping and placing of solid waste at such site, and failure to obey the directions of the operator shall be deemed a violation of this Local Law. All persons using a County operated solid waste disposal facility or site shall obey the orders of the operator as to when and where to discharge their solid waste. All materials cleaned from cans, trucks or other vehicles shall be disposed of on the site by the carrier and not left on the road or other place not indicated by the operator.

g. It shall be unlawful for any person to pick over, collect or rummage through the solid waste deposited at any solid waste disposal facility site.

3. Littering

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.

SECTION V - ENFORCEMENT

1. The Division of Solid Waste Management maintains the right to fine and/or suspend or revoke the license of any license holder who violates any of the provisions stated herein. Such revocation may only follow a written notice of violation and a hearing.

2. The Sheriff's Department shall also be empowered to initiate legal proceedings against violators in the name of Cortland County in addition to any other remedies available under State or Local Law.

3. The Division of Solid Waste Management must hold a hearing when a person whose permit is to be suspended, filed a written petition of appeal within ten (10) days after notice of intent of suspension is served. After such hearing the Division of Solid Waste Management may either revoke, suspend or reinstate such permit. Further, any person whose application for a permit is denied may request a hearing.

4. The penalties listed herein shall also apply to violations by other than permit holders.

5. Any person who violates any regulation is guilty of violation and punishable upon conviction by a fine not to exceed \$500.00 or imprisonment not to exceed 15 days for each separate violation.

6. Each day during which a violation continues shall be deemed to be a separate violation.

SECTION VI - SAVINGS CLAUSE

If any violation, sentence, clause, section or part of this Local Law or the application thereof to any person or circumstance shall for any reason be adjudged by any Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law or the application thereof to other persons or circumstances, but shall be confined in its operation to the provision, sentence, clause, section, paragraph or other part of this Local Law and the persons and circumstances directly involved in the controversy in which said judgment was rendered.

SECTION VII

This Local Law shall take effect in accordance with the Municipal Home Rule Law.

(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. 3 of 1981
County
City of Cortland was duly passed by the Cortland County Legislature
Town
Village (Name of Legislative Body)
on August 12 1981 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 was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved ~~not disapproved~~ 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 was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved ~~not disapproved~~ 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 ~~annual~~ special election held on 19....., in accordance with the appli-
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
City of was duly passed by the on
Town (Name of Legislative Body)
Village
..... 19..... and was approved ~~not disapproved~~ 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 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 paragraph1..... above.

Richard F. Stevens
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9/25/81

(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 CORTLAND

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.

Edward R. Quiser
Signature
COUNTY ATTORNEY
Title

Date:

County
City of CORTLAND
Town
Village

(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.)

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City
of the Town of Cortland was duly passed by the Cortland County Legislature
Town
Village
(Name of Legislative Body)
on August 12 19 81 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.)

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County
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Town
Village
(Name of Legislative Body)
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and was deemed duly adopted on 19....., in accordance with the applicable provisions of law~~

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permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.~~

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Richard J. Stevens
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9/25/81

(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 CORTLAND

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.

Edward R. Quiser
Signature
COUNTY ATTORNEY/
Title

Date:

County
City of CORTLAND
Town
Village