

Local Law Filing

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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 Jefferson
Town
Village

Local Law No. 3 of the year 19 91
A local law Providing for Separation at the Source of Solid Waste Generation into Reusable, Recyclable and Waste Components, and to Provide Regulatory Authority to Assure that said Components are Handled, Transported and Disposed of Properly by Various Permitting and Enforcement Measures

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
City of Jefferson as follows:
Town
Village

ARTICLE 1. DECLARATION OF FINDINGS AND INTENT

It is hereby declared by the Jefferson County Board of Supervisors and the County of Jefferson that the following findings and statements of intent are to govern the applicability and interpretation of this local law.

A. FINDINGS

1. The New York State Solid Waste Management Act of 1988, and specifically General Municipal Law §120-aa requires that municipalities adopt a local law by September 1, 1992 for the separation of solid waste into recyclable, reusable, and other components for which economic markets or alternative uses exist.
2. The County of Jefferson has determined that control and proper management of the various forms of solid waste is of vital importance to the health, welfare and public safety of the citizens of Jefferson County.
3. Removal of certain materials from the solid waste stream which can be reused and/or recycled can effectively reduce the flow of solid waste to less desirable means of disposal thereby decreasing the impact and increasing the conservation of valuable resources.
4. Utilization of diverse methods of solid waste management emphasizing source reduction, reuse, and recycling of solid wastes are essential to the long range preservation of the health, safety and well-being of the public, to the economic productivity and environmental quality of Jefferson County, and to the conservation of natural resources.

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

containing hazardous liquids such as fluorescent light ballasts or transformers, carpeting, furniture, appliances, tires, drums and containers, and fuel tanks. Specifically excluded from the definition of construction and demolition debris is solid waste (including what otherwise would be construction and demolition debris) resulting from any processing technique, other than that employed at a construction and demolition processing facility, that renders individual waste components unrecognizable, such as pulverizing or shredding.

6. CONTRACTOR shall mean any individual, association, partnership, firm, corporation, not-for-profit organization, municipality, educational institution or other Person as defined by Regulation, engaged in the commercial collection, pick-up, transfer, removal and/or disposal of Commercial Waste, Construction and Demolition Debris and Industrial Waste excluding refuse.
7. COUNTY shall mean Jefferson County, New York, and its geographical subdivisions.
8. CURBSIDE COLLECTION shall mean the use of collection receptacles including, but not limited to, Recycling Containers of all kinds, for residential, commercial, industrial and other Waste Generators in the regular periodic transfer of the contents of such receptacles by a Waste Collector at or near the location of the Waste Generator.
9. DEPARTMENT shall mean the Jefferson County Department of Recycling and Waste Management.
10. DIRECTOR shall mean the Jefferson County Director of Recycling and Waste Management.
11. DROP-OFF or COLLECTION POINT shall mean any location provided for the convenience of Persons utilizing receptacles for the depositing of Recyclables or other Solid Waste by a Waste Generator itself or a Waste Collector after collection which may include, but is not limited to, facilities, recycling drop-offs, transfer stations, public assembly facilities, neighborhood recycling facilities, and the like.
12. FACILITY shall mean any permitted Solid Waste management Facility or facilities owned and/or operated, or caused to be operated by the County, a municipality, more than one municipality jointly, a public authority, or any other such Facility or facilities, whether located within or without the County, that accepts or disposes of Solid Waste and/or Recyclables, generated within, originated within, or brought into the County, including, but not limited to, landfills, transfer stations, materials recovery facilities, drop-off centers, and energy or resource recovery facilities.

13. HAZARDOUS WASTE shall mean those materials, substances or wastes, which appear on the list promulgated by the New York State Commissioner of the Department of Environmental Conservation, as are defined in 6 NYCRR Part 371, as amended, or which satisfy characteristics of Hazardous Waste, and any other material, determined now or in the future to be hazardous by state or federal rule, Regulation and/or statute.
14. INDUSTRIAL WASTE shall mean Solid Waste generated by manufacturing or industrial processes. Such waste may include, but is not limited to, the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include oil or gas drilling, production and treatment wastes (such as brines, oil and frac fluids); or overburden, spoil or tailings resulting from mining; or solution mining brine and insoluble component wastes.
15. INFECTIOUS WASTE means and includes the following:
- (i) surgical waste, which consists of materials discarded from surgical procedures involving the treatment of a patient on isolation, other than patients on reverse or protective isolation;
 - (ii) obstetrical waste, which consists of materials discarded from obstetrical procedures involving the treatment of a patient on isolation, other than patients on reverse or protective isolation;
 - (iii) pathological waste, which consists of discarded human tissues and anatomical parts which are discarded from surgery, obstetrical procedures, autopsy and laboratory procedures;
 - (iv) biological waste, which consists of discarded excretions, exudates, secretions, suctionings, and disposable medical supplies which have come in contact with these substances that cannot be legally discarded directly into a sewer and that emanate from the treatment of a patient on isolation, other than patients on reverse or protective isolation;
 - (v) discarded materials soiled with blood emanating from the treatment of a patient on isolation, other than patients on reverse or protective isolation;
 - (vi) all waste being discarded from renal dialysis, including tubing and needles;

(vii) discarded serums and vaccines that have not been autoclaved or returned to the manufacturer or point of origin;

(viii) discarded laboratory waste which has come in contact with pathogenic organisms and which has not been rendered noninfectious by autoclaving or other sterilization techniques;

(ix) animal carcasses exposed to pathogens in research, their bedding, and other waste from such animals that is discarded; and

(x) other articles that are being discarded that are potentially infectious and that might cause punctures or cuts, including hypodermic needles, intravenous needles and intravenous tubing with needles attached, that have not been autoclaved or subjected to a similar decontamination technique and rendered incapable of causing punctures or cuts.

16. PERSON or PERSONS shall mean any individual, public or private corporation, political subdivision, government agency, authority, department or bureau of the State, copartnership, association, firm, municipality, industry, trust, estate, or any other legal entity whatsoever.
17. PROCESSOR shall mean a primary user of Recyclables, including, but not limited to, glass factories, detinners, plastic recovery facilities, paper mills or a consolidator of the materials, excluding County.
18. PROHIBITED MATERIALS shall mean the following materials, as may be modified from time to time by Regulations promulgated hereunder, which materials shall not be accepted at any County Facility:
 - a. septic tank pumpings,
 - b. liquid wastes,
 - c. dead animals,
 - d. junked vehicles,
 - e. explosives,
 - f. hot ashes,
 - g. sealed containers,
 - h. hazardous wastes,
 - i. ferrous and non-ferrous scrap metal,
 - j. waste oils,
 - k. green waste (including leaves, grass, brush, garden and lawn cuttings, wood chips, tree limbs up to three inches wide),
 - l. vehicle tires,
 - m. infectious waste and regulated medical wastes, and
 - n. motor vehicle (lead-acid) batteries.

19. RECYCLABLES shall mean any material designated from time to time by Regulation pursuant to authority granted herein, for which economic markets exist for alternate uses and which can be reasonably separated from the Solid Waste stream and held for its material recycling or reuse value. The following list of materials, subject to modification by Regulation, shall be considered Recyclables:
- a. glass containers,
 - b. ferrous and nonferrous scrap metals,
 - c. newspapers,
 - d. corrugated cardboard,
 - e. metal containers,
 - f. plastic containers,
 - g. vehicle tires and batteries,
 - h. yard wastes,
 - i. waste oil,
 - j. high-grade office paper, and
 - k. magazines (including mixed paper).
20. RECYCLING CONTAINER shall mean a bin or other container supplied by the County, a municipality, or a Waste Collector in connection with Curbside Collection, a Drop-Off or other Collection Point, used exclusively for the collection, storage, or transportation of Recyclables in the County.
21. RECYCLING FACILITY shall mean the Jefferson County Recycling Facility located on New York State Route 12 in the Town of Pamela, New York.
22. REGULATIONS shall mean Regulations promulgated by the Director pursuant to the authority contained in this local law.
23. RESIDENT shall mean any individual who is a legal Resident of County or any individual who is a temporary Resident of County.
24. REUSE shall mean the separation from Solid Waste Materials of a material or materials and subsequent reuse thereof by the Waste Generator.
25. SOLID WASTE shall mean all putrescible and non-putrescible materials or substances, except as excluded hereinbelow, that are 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, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal. For the purposes of this local law, a material is discarded if it is abandoned by being (a) disposed of; (b) burned or incinerated, including being burned as a fuel for the purpose of recovering usable energy; or (c) accumulated,

stored, or physically, chemically or biologically treated (other than burned or incinerated) instead of or before being disposed of. A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water; or when a material is left for curbside pickup or deposited at a designated Collection Point, Drop-Off or other Facility. Solid Waste shall not include those materials excluded therefrom at 6 NYCRR Part 360-1.2(a)(4).

26. SOURCE SEPARATION shall mean the division and segregation of Solid Waste into some or all of its component parts, as described and designated from time to time by Regulation, at the point of generation.
27. SPECIAL WASTE shall mean any form of waste which may or may not be included in one or more of the definitions of Solid Waste, Hazardous Waste, Infectious Waste, Construction and Demolition Debris, Industrial Waste, Commercial Waste, and may include recyclables which have been contaminated in some way so as to render them unable to be processed for recycling or reuse, as identified and specified by Regulation as a waste for the purpose of proper control over the handling, storage and disposal.
28. WASTE COLLECTOR shall mean any Person engaged in the commercial collection, pick-up, transfer, removal and/or disposal of Solid Waste and/or Recyclables generated, originated or brought within the boundaries of county.
29. WASTE GENERATOR shall mean any Person or legal entity which produces Solid Waste requiring off-site disposal.
30. WASTE MATERIALS shall mean that portion of Solid Waste remaining after all Recyclables and reusable materials have been separated.

ARTICLE 3: ESTABLISHMENT OF DEPARTMENT OF RECYCLING AND WASTE MANAGEMENT

- A. There is hereby established the Jefferson County Department of Recycling and Waste Management which shall operate as the department in County government responsible for oversight, coordination, operation and regulation of all recycling and waste management matters, and such other matters as the Board may direct.
- B. The Director shall be appointed by the Board, and shall serve at the pleasure of the Board. The Director shall be the administrative head of the Department and shall be responsible for supervision of the Department's budget, personnel and mission. The Director may appoint such staff as may be authorized by the Board and subject to appropriations being made therefor.

- C. The Department may encourage and conduct studies, investigations and research, develop and implement educational programs, and assist municipalities in the studying, implementation and planning of their various actions in effecting Solid Waste management in the County within the confines of appropriations provided therefore by the Board.

ARTICLE 4: RECOVERY AND WASTE CONTROL PROGRAM

- A. There is hereby established in the County a program for the separation, preparation for collection, and controlled collection and disposal of Waste Materials.
- B. This program shall be administered by the Department.
- C. All Solid Waste generated in Jefferson County shall be separated, prepared for collection, collected, transported, and disposed of in accordance with the provisions of this local law, Regulations promulgated hereunder, and other applicable laws of the County and State of New York.

ARTICLE 5: PREPARATION AND HANDLING OF THE WASTE STREAM

No Person in Jefferson County shall dispose of Solid Waste except as follows:

- A. All Solid Waste materials shall be prepared for collection and transportation in accordance with sub-paragraphs 1 through 4 of this section.
1. All Waste Generators in the County of Jefferson shall engage in Source Separation prior to placing any Solid Waste for Curbside Collection, Waste Collector or Contractor pickup, or before delivering such materials to any Drop-Off or Collection Point within the County. All Recyclables shall be further separated by categories into separate containers by the Waste Generator or Waste Collector or Contractor as the case may be in accordance with this local law and Regulations promulgated and made public by the Director, prior to acceptance at any Facility.
 2. Each Person shall provide suitable containers as prescribed by his or her Waste Collector or Contractor in accordance with this law and Regulations, for the containment of Recyclables and/or Waste Material, when such materials are left for Curbside Collection or pickup by Waste Collector or Contractor.
 3. Waste Generators shall be responsible for providing that Recyclables required to be separated from the Solid Waste stream, which are not acceptable at the Recycling Facility, are nevertheless delivered to a proper disposal or Collection Point, Processor, or Facility permitted to handle such material.

4. No Person shall remingle or recombine or cause to be remingled or recombined any Recyclables with any other classification of Recyclables or Waste Material, or otherwise reintroduce or cause to be reintroduced into the Solid Waste stream any material which has been separated from the Solid Waste stream in accordance with this local law and/or Regulations promulgated hereunder. Every such act of remingling, recombining, or reintroducing into the Solid Waste stream shall constitute a separate violation of this Article.

ARTICLE 6: TRANSFER OF TITLE OF RECYCLABLES

- A. From the time any Person places any Recyclables at or near any curb, sidewalk, street or yard for purposes of Curbside Pickup, or upon acceptance for deposit by the representative of the municipality or Contractor operating a Drop-Off or Collection Point, those Recyclables shall cease to be the property of the Waste Generator or other Person depositing or delivering such materials. Thereupon, title passes to the Person collecting or accepting such Recyclables until such time as said Recyclables are delivered to and accepted by the County at its Recycling Facility, a Processor at its processing Facility, or the owner or operator of an appropriate Facility for the collection or storage of Recyclables.
- B. Except for authorized agents or employees of the County, a Waste Collector, Contractor, or other municipality which collects or accepts Recyclables as the case may be, no Person shall collect, pick up, remove or cause to be collected, picked up or removed, any Recyclables so placed or accepted for collection in accordance with Article 5, Section A. Any such unauthorized collection, pick up, or removal shall constitute a separate violation of this article at each location.
- C. Notwithstanding the provisions of this Article, where the Person or entity responsible for collection or acceptance of such Solid Waste has refused to collect or accept such materials because they have not been placed, prepared, or handled in accordance with the provisions of this Article or the Regulations promulgated pursuant to this local law, the Person responsible for initially placing materials for collection or offering those materials for acceptance may and shall remove those materials from any curb, sidewalk, street side, or Drop-Off or Collection Point, and shall retain title to said materials until properly prepared, placed for collection, and or accepted by a Waste Collector, Contractor or Drop-Off or Collection Point operator.
- D. Any Person who shall dispose of Solid Waste in Jefferson County in any manner inconsistent with this Local Law, the Regulations promulgated hereunder, or the laws of the State of New York, including, but not limited to, discarding, abandoning, burying, discharging into the atmosphere, dumping, burning, and littering, shall nevertheless retain title to such Solid Waste, and shall be fully responsible for all reasonable costs incurred by the County, its agent or any

Facility operator in the proper collection, processing, remediation, containment, disposal, and other actions required for the proper disposal of such Solid Waste.

ARTICLE 7. REGULATIONS

- A. The Director is hereby authorized and directed to adopt and promulgate, amend and repeal such rules and Regulations as in his discretion are necessary or desirable to carry out, interpret and enforce the intent and purposes of this local law. Notwithstanding this power, any failure to adopt and promulgate such rules and Regulations shall not impair the enforceability of this local law in a court of competent jurisdiction.
- B. Any proposed rules and Regulations, or amendments or revisions thereto, prior to becoming effective, shall be made available to the public for comment thereon. Except as otherwise provided for in this article, such rules and Regulations or amendments or revisions thereto shall not become effective until at least thirty (30) days has passed since same were first made available for public comment.
- C. In the event of exigent circumstances due to immediate needs of operation of facilities, changes in markets, or otherwise urgent conditions, the Director may promulgate Regulations on a conditional basis and place same into effect prior to receipt of public comment. Such conditional Regulations shall be published in the official newspaper of general circulation, and distributed in as expeditious manner as is practical and economically feasible within the limits of appropriations therefor, generally to Persons affected thereby. Immediately following the date such conditional rules, Regulations, amendments, or revisions, become effective on an urgent basis, the Director shall receive public comment for a period of thirty (30) days. Subsequent to the receipt of public comment, the Director may further amend or revise said contingent Regulations or rules. Forty-five days from the date made effective as contingent Regulations, such Regulations with final amendments and revisions made after the period of public comment shall become and have the same effect as permanent Regulations.

ARTICLE 8. PERMITTING

A. COMMERCIAL WASTE PERMIT REQUIREMENTS

1. No Waste Collector or Contractor shall collect, transport or dispose of any Solid Waste and/or Recyclables at a County owned or operated Facility or the Recycling Facility without first obtaining a Commercial Waste Permit issued by the Director.
2. All applications for Commercial Waste Permits shall be in writing and shall contain such information as requested on the application form prescribed by Regulation. The applicant shall file with any application a certificate of insurance and shall pay the required permit fee concurrent with the submission of his or her application.
3. Each applicant shall be required to pay an annual Commercial Waste Permit fee of TWENTY-FIVE (\$25.00) DOLLARS, to defray administrative costs.
4. The certificate of insurance to be filed with the application shall be executed by the representatives of an insurance company duly authorized and qualified to do business in the State of New York, evidencing that said insurance company has issued liability and property damage insurance policies covering the following: (a) all motor vehicles owned or operated by the applicant or any other Person, firm or corporation employed by the applicant and (b) general liability protection covering applicant's business operations and premises protecting the public and any Person from personal injuries or property damages sustained by actions or omissions of the applicant, his or her agent and employees. The certificate shall specifically evidence the following amounts of insurance coverage which shall remain in effect for the term of the permit and shall provide that written notice shall be given to the Director at least thirty (30) days prior to any change in the conditions of the certificate or any expiration or cancellation thereof: automobile liability insurance - per Person \$100,000; per accident \$300,000, and property damage per accident \$50,000; general liability insurance - \$500,000.
5. Upon receipt of a properly completed application, the proper certificate(s) of insurance and the payment of the Commercial Waste Permit fee, the Director shall thereupon issue the applicant a Commercial Waste Permit. A Commercial Waste Permit shall expire one (1) year from its date of issue. Upon issuance of a Commercial Waste Permit the applicant shall

affix a vehicle identification decal issued with the permit to the inside rear bottom corner of the driver's side window in each vehicle owned or operated by the permit holder.

6. Renewal of Commercial Waste Permits shall be subject to the same conditions as original Commercial Waste Permits and also shall be subject to any additional requirements in effect at the time of application for renewal.
7. Whenever proof, by means of an affidavit, is submitted to the Director that a Commercial Waste Permit issued for the purpose set forth in this local law has been lost or destroyed, the Department shall, upon payment of FIVE (\$5.00) DOLLARS by the applicant, issue a new Commercial Waste Permit in lieu of the one that has been lost or destroyed. No Commercial Waste Permit shall be transferable.
8. A Commercial Waste Permit may contain such special conditions as the Director deems reasonable and appropriate to the effect the provisions of this local law while addressing the special needs or considerations of the applicant arising from location of its clientele, nature of the materials collected, or other extraordinary circumstances.
9. At the time of application or renewal, the applicant shall furnish the Director with a list detailing the route number of residences, commercial establishments, or other disposers of Solid Waste and/or Recyclables located in the County serviced by the applicant. This list shall be updated by the Commercial Waste Permit holder at the request of the Department but not more often than every three (3) months during the life of the Commercial Waste Permit.
10. The Director, pursuant to Article 12 of this local law shall have the power to suspend or revoke a Commercial Waste Permit granted or renewed pursuant to this local law for any violation of any provision of this local law or any applicable rule, Regulation, code or ordinance relating to the collection, handling, hauling or disposal of Solid Waste including, but not limited to, those promulgated by the Director. All collection, transportation and disposal of Solid Waste by a Commercial Waste Permit holder shall be in strict conformance with any and all permit conditions, this local law and any rules and Regulations as may be hereafter promulgated, amended or supplemented by the Director.

11. All vehicles used in the collection, transportation, and/or disposal of Solid Waste in the County shall be maintained in a sanitary condition and shall be constructed to prevent leakage in transit. The body of the vehicle shall be wholly enclosed or shall at all times be kept covered with an adequate cover. Operation of vehicles shall be in a manner designed to prevent spilling or loss of contents. All vehicles shall be properly licensed, registered and operated as required by the laws of the State of New York.

12. Any Commercial Waste Permit issued pursuant to this local law shall be in the nature of a privilege subject to the terms and conditions set forth in this local law and as amended or supplemented by the rules and Regulations promulgated by the Director, and shall not be deemed to create a property interest with respect to the Commercial Waste Permit in the holder thereof.

13. All Commercial Waste Permit requirements, including, but not limited to, Commercial Waste Permit fees and insurance coverage amounts, may be amended or revised from time to time by resolution of the Board.

ARTICLE 9. DISPOSAL OF SOLID WASTE

A. No Waste Collector, Contractor or other Person shall dispose of Solid Waste generated in the County at any Facility, Recycling Facility, or Processing Facility owned or operated by the County, without a Commercial Waste Permit.

B. No Solid Waste generated outside the geographical boundaries of the County will be accepted at any Facility owned or operated by the County. Combined loads containing Solid Waste from within and outside the County will not be accepted for disposal at any Facility owned or operated by the County. Notwithstanding the provisions of this paragraph, Solid Waste generated outside the County but within adjacent contiguous towns of the counties adjoining Jefferson County, may be accepted at a Facility located in the County upon such terms and restrictions as may be imposed by the Director.

C. Any Waste Collector, Contractor, or other Person entering the Recycling Facility or any other Facility in the County to dispose of Solid Waste must adhere to all Rules and Regulations governing said Facility and must follow the instructions of the attendant on duty at all times. All Commercial Waste Permit holders may deliver Recyclables to the County Recycling Facility.

- D. All materials intended for Reuse by a Waste Generator shall not be left for curbside or Contractor pick-up nor transported to any Facility except that a Waste Generator may transport such materials intended for Reuse to a processing plant which it owns, operates or with which it contracts to prepare such materials for Reuse.
- E. Nothing within this local law or any rules or Regulations promulgated or amended hereunder shall be construed at any time to restrict the ability of the County to refuse to accept Hazardous Wastes or other Prohibited Materials or other materials deemed unacceptable³ at the County Recycling Facility or any other Facility, Drop-Off, or Collection Point which receives materials for delivery to a County Facility.
- F. Tipping fees for the receipt of Solid Waste at any County owned or operated Facility or the Recycling Facility shall be established and may be revised from time to time by adoption of a resolution by the Board.

ARTICLE 10. DISPOSAL OF RECYCLABLES

- A. No Waste Collector or Contractor shall dispose of Recyclables at a Facility owned or operated by the County without a Commercial Waste Permit.
- B. Each and every Waste Collector and Contractor operating in the County must provide its customers with collection services for Waste Materials and Recyclables. Waste Collectors and Contractors may, but it is not the intention of this law to require that they, provide collection services for Hazardous Waste, Prohibited Materials, or Recyclables which are not accepted at the Recycling Facility. Recyclables collection services may be performed at different times and/or on a less frequent basis than collection services for Waste Materials. Waste Collectors and Contractors must provide each customer with the option of receiving either (1) full collection services for both Waste Materials and Recyclables, or (2) Waste Materials collection services only, in which case the customer, as Waste Generator, shall retain responsibility for proper disposal of its Recyclables in accordance with this law and Regulations promulgated hereunder. This option must remain available to customers at all times service is provided and may be exercised upon reasonable notice to the Waste Collector or Contractor.
- C. Persons generating Recyclables may elect to contract with a Processor of recyclable material and have such material delivered directly to the Processor from the place of generation or the place of business.
- D. County may, pursuant to provisions contained in a contract, provide Recycling Containers for use by municipalities for the collection of Recyclables at a Drop-Off or Collection Point. Such contract shall

contain such terms and conditions as deemed appropriate by the Director and shall be executed by the Director on behalf of the County and an authorized official of the municipality utilizing such containers.

- E. All Recyclables disposal requirements specified in this Article, including, but not limited to, the imposition of tipping fees or disposal charges, may be adjusted from time to time by resolution of the Board.

ARTICLE 11. EXISTING RECYCLING OPERATIONS AND CONTRACTS

- A. Nothing in this local law shall be construed to adversely affect existing recycling operations in the County. Any such operations currently underway are encouraged to continue. Owners and operators of such existing recycling operations shall take appropriate reasonable steps to fully comply with the provisions of this local law no later than January 1, 1992.
- B. Nothing in this local law shall be construed to adversely affect or interfere with the terms of contracts existing as of the date of enactment of this local law. However, in order to assure that implementation of this local law and the programs and Regulations promulgated hereunder will not be hindered, any contract entered into, renewed or amended after the date of enactment hereof shall be consistent with the provisions of this local law and all Regulations promulgated hereunder and in effect at the time of such contract or its renewal or amendment.
- C. Nothing in this local law shall be construed to prohibit or require the permitting of recycling operations undertaken for the exclusive purposes of fund raising for non-profit organizations including, but not limited to, paper drives and beverage can collections to recover deposits, for such operations as the Boy Scouts of America, churches, schools, civic groups, and the like.
- D. Nothing in this local law shall be construed so as to prohibit or require the permitting of a bottle or can redemption center operated for the collection of bottles and cans for which a deposit is required at the time of purchase.

ARTICLE 12. ENFORCEMENT

A. Civil Sanctions

- 1. The Director shall have the right to impose a surcharge and/or suspend or revoke any Commercial Waste Permit if the holder of such permit violates any of the provisions of this local law or Regulations or rules promulgated hereunder. Final revocation or surcharge may only follow a written notice of violation and, if demanded, a hearing as provided for in this local law. Any permit may be suspended

immediately in the sole discretion of the Director, pending issuance of a final decision on the alleged violation in order to protect the public health, safety, welfare, or the environment.

2. Upon any violation of the provisions of this local law, the Department may serve notice in Person or by ordinary mail sent to the holder of any permit issued pursuant to this local law, at the address set forth in the permit application on file with the Director. Such notice shall state the Director's intent to revoke, suspend, and/or impose a surcharge upon the permit holder, and the effective date of a suspension, if any.
3. Any holder of a Commercial Waste Permit may demand a hearing as allowed in this article, by serving upon the Department a written request for a hearing, which request must be received by the Director within seven (7) days of the date of service of the Director's notice. Upon receipt of such demand, a hearing shall be scheduled and held at the offices of the Department during regular business hours.
4. Upon the expiration of the seven (7) day notice period provided in this Article, or the majority determination of the hearing board, the revocation, suspension and/or surcharge provided for in the notice or as modified by the hearing board, shall become effective.
5. The hearing board shall consist of the following Persons: (a) the County Administrator or his designee, (b) the Planning Director or his designee, and (c) the Chairperson of the Jefferson County Solid Waste Committee or another member of said Committee as appointed by said Chairperson.
6. Any Person who violates any of the provisions of this local law or Regulations promulgated hereunder may be required to pay a surcharge not to exceed FIVE HUNDRED (\$500) DOLLARS for each violation. Such surcharge must be paid in full before any permit issued pursuant to this local law can be reinstated.
7. Each day during which a violation continues shall be deemed to be a separate violation.
8. County may, in addition to other remedies provided herein, institute a suit in equity for an injunction to restrain a violation of this local law or a regulation promulgated hereunder.

9. The penalties and remedies prescribed by this local law shall be deemed concurrent.

B. Criminal Sanction

1. The Jefferson County Sheriff's Department, New York State Police, New York State Department of Environmental Conservation officers, and all local law enforcement agencies within the County of Jefferson shall be empowered to initiate proceedings against violators hereof in the name of the County, in addition to any other remedies available under state or local law.
2. Any Person who, having any of the culpable mental states defined in Section 15.05 of the Penal Law of New York, is found guilty of violating the provisions of this local law or the Regulations promulgated hereunder shall be guilty of a violation. Such violation shall be punishable upon conviction by a fine of up to \$500. Such fine shall be directed to be payable to the County and shall be transmitted to the Jefferson County Treasurer.
3. Upon conviction, the court may also order clean up of the affected area and/or community service in lieu of or in addition to a fine.
4. Failure to pay any fine may result in imprisonment as prescribed in Section 420.00 of the Criminal Procedure Law.

ARTICLE 13. SEVERABILITY

In the event that any article, section, paragraph, subparagraph, or any part of this local law, as originally enacted or as amended, is found to be illegal, or its application to any person or circumstances is held invalid, the remainder of the local law and the application of its provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall remain in full force and effect.

ARTICLE 14. INCONSISTENT PRIOR LAW

All other local laws and/or parts of local laws inconsistent with the provisions of this local law are hereby deemed repealed to the extent of that inconsistency.

ARTICLE 15. EFFECTIVE DATES

The provisions of this Local Law shall become effective according to the following schedule:

A. EFFECTIVE IMMEDIATELY UPON ENACTMENT AND FILING WITH THE DEPARTMENT OF STATE;

- Article 1 - Declaration of Findings and Intent
- Article 2 - Definitions
- Article 3 - Establishment of Department of Recycling and Waste Management
- Article 4 - Recovery and Waste Control Program
- Article 6 - Transfer of Title of Recyclables
- Article 7 - Regulations
- Article 11 - Existing Recycling Operations and Contracts
- Article 13 - Severability
- Article 14 - Inconsistent Prior Law

B. EFFECTIVE ON NOVEMBER 1, 1991:

- Article 8 - Permitting
- Article 12 - Enforcement

C. EFFECTIVE ON JANUARY 1, 1992:

- Article 5 - Preparation and Handling of the Waste Stream
- Article 9 - Disposal of Solid Waste
- Article 10 - Disposal of Recyclables

(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. 3 of 19 91 of the (County)(City)(Town)(Village) of Jefferson was duly passed by the Board of Supervisors on June 4 1991, 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 (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ 19____. (Elective Chief Executive Officer*) 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 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was (Elective Chief Executive Officer*) 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.

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 (Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was subject to (Elective Chief Executive Officer*) permissive referendum and no valid petition requesting such referendum was filed as of _____ 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 the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

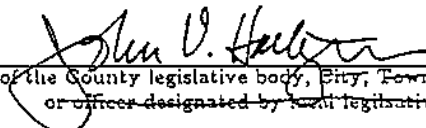
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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

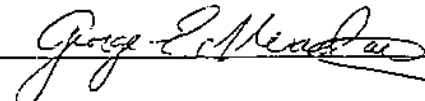
Date: JUNE 11, 1991

(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 JEFFERSON

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.



Jefferson County Attorney
Title

County _____
~~City~~ of Jefferson
~~Town~~
~~Village~~

Date: June 11, 1991