

Chapter 179: SOLID WASTE

[HISTORY: Adopted by the Broome County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Division of Solid Waste Management — See Charter Art. III and Administrative Code Art. III.
Department of Public Works — See Charter Art. IX and Administrative Code Art. IX.
Sanitary Code — See Ch. 168.

ARTICLE I Landfill [Adopted 9-10-1985 by L.L. No. 5-1985]

§ 179-1. Definitions. [Amended 5-20-1993 by L.L. No. 9-1993]

- A. As used in this chapter, the following terms shall have the meanings indicated: **[Amended 3-16-2000 by L.L. No. 6-2000]**

CHARGEABLE TONNAGE — All material transported over Broome County facility scales for which a payment is assessed by Broome County to the transporting user of the facility.

COMMERCIAL USER — One generating or transporting solid waste in the course of business, earning a livelihood or other regularly income-producing service or activity. This includes but is not limited to the following commercial waste haulers and processors, contractors, small businesses, corporations, and institutions.

DEPUTY COMMISSIONER — The Deputy Commissioner of Public Works for the Division of Solid Waste Management.

RESIDENTIAL USER — One generating waste in the course of daily living and improvement of their own residence. This specifically excludes those hauling commercial waste, or waste from commercial building and other contracting projects.

- B. Other terms as used or referred to in this article, unless a different meaning clearly appears from the context, are as defined Section 6, Part 360, of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended.

§ 179-2. Only Broome County waste to be accepted. [Added 5-20-1993 by L.L. No. 9-1993

Editor's Note: This local law also renumbered the remaining sections of this chapter.]

No solid waste generated or produced outside the County of Broome shall be accepted for disposal except upon the prior written approval of the County Executive. Waste accepted for disposal shall be the by-product of activity conducted within Broome County. Hauling by a Broome County permitted hauler for the purposes of disposal does not, in itself, constitute such an activity.

§ 179-3. Trespassing prohibited. [Added 5-20-1993 by L.L. No. 9-1993; amended 3-16-2000 by L.L. No. 6-2000]

No person shall be permitted to enter or remain within the confines of the landfill or other county-owned solid waste facility during operating hours without notifying the Division and receiving its acceptance, nor after closing hours and before opening hours, as set and established from time to time by the Deputy Commissioner.

§ 179-4. Disposal to be in compliance.

It shall be unlawful to dispose of any solid waste in a county-owned and/or -operated solid waste disposal facility in any manner other than as directed and prescribed by this article.

§ 179-5. Permit required for commercial users; application; fees; issuance; exception for residential users. [Amended 12-5-1989 by L.L. No. 15-1989; 12-28-1989 by L.L. No. 2-1990; 5-20-1993 by L.L. No. 9-1993; 3-19-1998 by L.L. No. 4-1998]

No person, firm or corporation, public or private, engaged in the transporting of solid waste shall be authorized to use any county-owned and/or -operated sanitary landfill site without first obtaining from the County of Broome a permit to use said site for the purpose of disposal of solid waste and paying a fee for such a permit as provided herein. An exception shall be made for residential users. Solid waste from residential users, such as municipal solid waste, construction and demolition debris, tires or oversized items shall be charged separately based on the tipping fees, with no permit required.

- A. Applications for permits shall be upon forms provided by the Division of Solid Waste Management. Each applicant shall state in such application his or her name, address, legal character (corporation, partnership or individual) and such other information as the Director of the Division of Solid Waste Management may require. No collections shall be made in areas outside the County of Broome except upon the prior written approval by the County Executive. **[Amended 9-30-1998 by L.L. No. 12-1998]**
- B. A permit shall not be issued unless the applicant agrees, in writing, to the following hold-harmless clause, which shall be included as a part of the application form: "The permittee shall indemnify and hold harmless Broome County and any of its officers, agents and employees from all claims, demands, causes of action and judgments arising out of injuries to persons and property of whatever kind or nature as a result of the fault or negligence of the permittee, its employees or agents in the permittee's use of a county-owned and/or -operated sanitary landfill."
- C. Permits issued pursuant to this article shall be for a period of one year or less, beginning July 1; subject, however, to the revocation or suspension thereof as provided herein.
- D. Fees for permits and permitted vehicles.
 - (1) An annual permitting fee of \$55 per commercial user plus \$22 per vehicle and \$5.50 per roll-off container or trailer up to 99 units used by the commercial user for the purposes of transporting solid waste to the landfill shall be charged for the permits at the time the application is processed, or it may be billed. **[Amended 9-30-1998 by L.L. No. 12-1998; 11-13-2006 by L.L. No. 7-2006** Editor's Note: This local law provided that it shall take effect 1-1-2007.]
 - (2) The initial vehicle fee for any vehicle shall be issued on a prorated basis for the permit year remaining.
 - (3) Lost vehicle weigh-out cards will be replaced at a charge of \$5 each. **[Amended 6-16-1995 by L.L. No. 7-1995]**
 - (4) For commercial hazardous waste facility users located in Broome County, an annual permitting fee of \$40 per commercial user shall be charged for the permits at the time the application is processed, or it may be billed. **[Added 11-21-1995 by L.L. No. 15-1995; amended 9-30-1998 by L.L. No. 12-1998** Editor's Note: This local law also repealed former Subsection D(4), regarding an additional fee for New York State Department of Environmental Conservation (NYSDEC) Part 364 waste transport permit holders, and provided for the renumbering of former Subsection D(5) as Subsection D(4). ; **2-17-2000 by L.L. No. 4-2000]**
 - (5) For commercial hazardous waste facility users located out-of-county, an annual permitting fee of \$80 shall be charged for permits at the time of application, as authorized by intermunicipal agreement. **[Added 2-17-2000 by L.L. No. 4-2000]**

- E. Suspension or revocation. **[Amended 3-16-2000 by L.L. No. 6-2000]**
- (1) Every permit issued pursuant to this section shall be issued subject to compliance by the permittee with the operating regulations set forth in § 179-6 of this article or such additional regulations as may be added from time to time. Violation of said operating regulations or any other provisions of this article may be cause for revocation or suspension of the permit. One or more violations of the provisions of this article may, at the discretion of the Deputy Commissioner for the Division of Solid Waste Management, be cause for suspension of the permit for a period of up to four weeks. Such suspension shall take effect three days after receipt of written notice of such suspension by the permit holder. Three or more violations of any of the provisions of this article during any consecutive twelve-month period by the permittee or provision of false information in the permit application by the permittee may result in the revocation of the permit. Revocation of the permit shall be at the discretion of the Deputy Commissioner for the Division of Solid Waste Management. Such revocation shall become effective three days after receipt by the permit holder of such notice of revocation. Revocation may be for any period of up to and including one year from the date of revocation. At the end of the revocation period, the permittee must apply for a new permit.
 - (2) In the event that the permit holder fails to concur in the determination of the Deputy Commissioner for the Division of Solid Waste Management to suspend or revoke such permit, the permit holder shall have the right to request a hearing. Such hearing shall be held five days after receipt of such request. In the event of a determination by such designee adverse to the permit holder, the permit holder shall have the right to appeal such determination on written submission to the Broome County Executive, whose decision in such matters shall be final and binding. Revocation or suspension of a permit shall be in addition to any other fines, penalties or forfeitures applicable to a violation of this article or any other applicable law.
- F. Commencing January 1, 1991, no permit application shall be approved until the applicant files a plan in compliance with the provisions of Article IV of this chapter, pertaining to source separation (L.L. No. 12-1992), and the rules and regulations promulgated pursuant thereunto, which states the applicant's plan for eliminating banned materials from disposal at any solid waste management or resource recovery facility, and for reporting the tonnages diverted to other solid waste management facilities for the purpose of recycling, composting or alternative management.

§ 179-6. Operating regulations. [Amended 5-6-1986 by L.L. No. 2-1986; 12-18-1989 by L.L. No. 2-1990; 5-20-1993 by L.L. No. 9-1993]

- A. General. Any sanitary landfill site in the County of Broome, designated by the Broome County Legislature for that purpose, shall be operated in accordance with the following:
- (1) Any county-owned and/or -operated sanitary landfill shall be open at such hours established by the Deputy Commissioner for the Division of Solid Waste Management, except that they shall not be operated between 11:00 p.m. and 6:00 a.m. or on Sundays, except by executive order in the event of an emergency. Open hours shall be posted at the entrance to the facility site. **[Amended 3-16-2000 by L.L. No. 6-2000]**
 - (2) No dumping shall be permitted at any other time in order that the operator at the landfill site will have the time to properly compact and cover the solid waste with a minimum six-inch compacted layer of earth or other approved cover material at the close of each day's operation.
 - (3) The disposal of solid waste shall be planned as an engineering project. The general supervision shall be provided by the Broome County Division of Solid Waste Management.

- (4) The regulatory agency responsible for the compliance of the landfill with Section 6, Part 360, of the New York Codes, Rules and Regulations, Operating Permit, and this article shall be the Broome County Division of Solid Waste Management.
- B. Any county-owned and/or -operated landfill shall be operated in compliance with Section 6, Part 360, of the New York Codes, Rules and Regulations and the operating permit issued for that facility.
- C. The county-authorized operator of the landfill site shall be in full charge of all matters concerning dumping and placing of solid waste at the landfill. Failure to obey any direction of the landfill operator which is reasonable and consistent with the provisions of this article, Article IV, pertaining to source separation, or the rules and regulations promulgated pursuant to either article shall be deemed a violation.
- D. A maximum speed limit of 15 miles per hour shall be maintained on access roads within the landfill site. **[Amended 9-30-1998 by L.L. No. 12-1998]**
- E. All vehicles transporting solid waste to, entering and/or exiting the landfill site shall have loads appropriately covered or confined in the vehicle by use of tarpaulins, nets or other devices to prevent paper, litter and other substances from blowing out or falling from the vehicle. Vehicles traveling to and/or entering the landfill with loads not appropriately covered or confined shall be charged with a violation of this article. Vehicles exiting the landfill with loads not appropriately covered, such that paper, litter and/or other substances are blowing out or falling from the vehicle, shall be charged with a violation of this article. For permitted vehicles, three or more violations of this section during the term of the aforesaid permit shall result in revocation of the permit as provided under § 179-5. **[Amended 6-19-1997 by L.L. No. 6-1997]**
- F. All commercial users transporting solid waste to a county-owned and/or -operated sanitary landfill shall have the business name and phone number clearly displayed on the side of the vehicle with a minimum letter and number height of three inches.
- G. No material shall be burned at the sanitary landfill site, except as permitted by the New York State Department of Environmental Conservation. No person shall bring hot ashes or cause a fire to start at the landfill site.
- H. No person shall pick over, collect, rummage through or salvage material from solid waste at the landfill site unless authorized to do so by a contract approved by the Broome County Board of Acquisition and Contract.
- I. In order to be accepted for management at the landfill, any asbestos waste, leaf/yard waste, pallets, tires and white goods shall be properly segregated from any other solid wastes brought to the landfill. **[Amended 9-30-1998 by L.L. No. 12-1998; 12-19-2002 by L.L. No. 2-2003** Editor's Note: This local law provided an effective date of 1-1-2003.]
- J. The following wastes, in addition to those listed in Section 6, Part 360, of the New York Codes, Rules and Regulations, Operating Permit, shall not be accepted for disposal at Broome County owned and/or operated sanitary landfill(s): **[Amended 9-30-1998 by L.L. No. 12-1998]**
- (1) Large dead animals (e.g., horses and cows).
 - (2) Automobile or other vehicle bodies.
 - (3) Liquid wastes (containing less than 20% solids by weight), including septic tank pumpings.
 - (4) Potentially infectious biological and radioactive wastes.
 - (5) Any other waste deemed to be detrimental to the safe operation of the solid waste disposal facility as determined by the Broome County Division of Solid Waste Management.

§ 179-7. Responsibility for control and operation. [Amended 12-28-1989 by L.L. No. 2-1990; 3-16-2000 by L.L. No. 6-2000]

The Deputy Commissioner for the Division of Solid Waste Management will be responsible for the proper operation, control and maintenance of any landfill owned and/or operated by the County of Broome.

§ 179-8. Host community to receive remuneration. [Added 5-20-1993 by L.L. No. 9-1993; amended 9-30-1998 by L.L. No. 12-1998]

Host communities shall receive remuneration in accordance with the Host Community Agreement dated December 1996.

§ 179-9. Fees and charges. [Amended 11-14-1986 by L.L. No. 10-1986; 3-22-1988 by L.L. No. 2-1988; 12-5-1989 by L.L. No. 15-1989; 11-13-1989 by L.L. No. 16-1989; 11-8-1990 by L.L. No. 14-1990; 4-4-1991 by L.L. No. 8-1991; 1-21-1992 by L.L. No. 1-1992; 5-21-1992 by L.L. No. 7-1992; 3-25-1993 by L.L. No. 8-1993; 5-20-1993 by L.L. No. 9-1993]

A. Landfill charges. [Amended 11-12-1993 by L.L. No. 13-1993]

- (1) (Reserved) Editor's Note: Former Subsection A(1), regarding charges for residential household waste bags, was repealed 3-19-1998 by L.L. No. 4-1998.
- (2) Commencing January 1, 2003, the following charges will apply at the County Landfill. **[Last amended 11-21-2002 by L.L. No. 1-2003]**
 - (a) Vehicle weight and vehicle load billed at \$40 per ton for the first 20,000 tons deposited annually at the County Landfill; \$37 per ton for waste between 20,001 and 40,000 tons deposited annually at the County Landfill; \$36 per ton for waste exceeding 40,000 tons deposited annually at the County Landfill; a portion of said fee shall be dedicated to a fund payable to the host communities of the landfill to be divided among the host communities as set forth in the Host Community Benefit Agreement dated December 1996.
- (3) Commencing January 1, 1994, the following separate charges will apply at the Broome County Landfill: **[Last amended 1-22-2004 by L.L. No. 2-2004]**
 - (a) Nonfriable asbestos, bulk metals and pallets: \$45 per ton.
 - [1] Friable asbestos and other similar particulate material: \$100 per ton.
 - (b) Tires: **[Amended 2-17-2005 by L.L. No. 3-2005; 11-13-2006 by L.L. No. 7-2006]**
Editor's Note: This local law provided that it shall take effect 1-1-2007.]
 - [1] With rim size up to and including 20 inches: \$1.75 per tire; bulk loads: \$125 per ton. Rims need not be removed.
 - [2] Larger sizes up to and including 42 inches in outside diameter: \$7 per tire; bulk loads: \$125 per ton. Rims need not be removed.
 - [3] All equipment tires and tires greater than 42 inches in outside tire diameter are not acceptable.
 - (c) Commencing April 1, 1998, the following separate charges shall apply at the Nanticoke Landfill:
 - [1] The minimum charge per weighed commercial vehicle shall be \$4, regardless of vehicle weight.
 - [2] The minimum charge per weighed residential vehicle shall be \$2, regardless of vehicle weight.

- (d) Leaf/yard waste at \$20 per ton.
 - (e) Glass aggregate. The following charges will apply to glass aggregate collected at the County Landfill from:
 - [1] In-County sources may be accepted free of charge for use in various applications as a substitute for traditional aggregates.
 - [2] Out-of-County sources that are cleaned and screened to 3/8 inch or minus may be accepted at \$2 per ton; all other out-of-County glass may be accepted at \$4 per ton for use in various applications as a substitute for traditional aggregates.
 - (f) Tire shreds/chips. Tire shreds/chips collected at the County Landfill from in-County and out-of-County sources shall be accepted free of charge for use in various applications as a substitute for traditional aggregates.
 - (g) Auto shredder fluff: \$23.50 per ton. To be accepted from in-County and out-of-County processors on an as-needed basis and used as an alternative daily cover material subject to rules and regulations as may be promulgated by the Division of Solid Waste from time to time and provided the processor(s) furnish(es) documentation showing the fluff to have been tested and to be in compliance with applicable Department of Environmental Conservation requirements and/or the Environmental Conservation Law. **[Amended 12-15-2005 by L.L. No. 8-2005]**
- (4) Commencing August 1, 2003, the following separate charge shall apply at the Broome County Landfill: **[Added 4-21-1994 by L.L. No. 8-1994; amended 7-20-1995 by L.L. No. 8-1995; 7-17-2003 by L.L. No. 5-2003]**
- (a) Contaminated soils which can be accepted for disposal at the Broome County Landfill: \$27 per ton. Such soils shall be either buried or used as an alternative daily cover, as appropriate, to ensure environmental health and safety.
- (5) Commencing April 1, 2000, the following charges shall apply at the hazardous waste facility located at the Nanticoke Landfill: Editor's Note: Former Subsection A(5), regarding the charge for conditionally exempt small-quantity generators of hazardous waste, was repealed 9-30-1998 by L.L. No. 12-1998. This local law also provided for the renumbering of former Subsection A(6) as Subsection A(5). **[Added 11-21-1995 by L.L. No. 15-1995; amended 1-22-1998 by L.L. No. 2-1998; 3-18-1999 by L.L. No. 6-1999; 12-16-1999 by L.L. No. 1-2000; 2-17-2000 by L.L. No. 4-2000]**
- (a) Residential waste from Broome County residents: no charge. **[Amended 3-20-2003 by L.L. No. 3-2003]** Editor's Note: This local law provided an effective date of March 1, 2003.]
 - (b) Commercial waste: \$0.75 per pound; \$3 per pound for wastes containing PCB's.
 - (c) Out-of-County residential waste: \$0.75 per pound, as authorized by intermunicipal agreement.
- (6) Commencing October 1, 2005, the following separate charge shall apply at the Broome County Landfill: Editor's Note: Former Subsection A(6), regarding charges applied at the Nanticoke Landfill, was renumbered as Subsection A(5) 9-30-1998 by L.L. No. 12-1998. **[Added 8-17-2005 by L.L. No. 5-2005]**
- (a) Stabilized sludge from municipal wastewater treatment facilities located in Broome County: \$37.50 per ton.

- (b) "Stabilized sludge" means sludge that has been digested or otherwise treated to reduce putrescibility and odor, reduce pathogenic organisms and, except for lime stabilization, reduces the volatile solids content and must be dewatered to at least twenty-percent solids.
- (7) Commencing May 1, 2002, the charges set forth in § 179-9 shall be waived for a one-day period per annum, per municipality within the County of Broome, to allow for municipal cleanup days. **[Added 5-15-1997 by L.L. No. 2-1997; amended 9-30-1998 by L.L. No. 12-1998** Editor's Note: This local law also repealed former Subsection A(7), regarding the waiving of charges for disposal of debris related to flood damage occurring during January of 1996, and provided for the renumbering of former Subsection A(8) as Subsection A(7). ; **4-20-2000 by L.L. No. 8-2000; 2-21-2002 by L.L. No. 4-2002]**
- (a) Eligibility for this program shall be limited to Broome County municipalities.
- (b) The applicable date for this one-day waiver shall be established by each individual municipality, by application, annually.
- (c) Wastes eligible for this waiver shall include bulk items, white goods, scrap metals, tires, wastes from illegal dump site cleanups and other wastes as may be generated by special, municipalwide cleanup efforts. Wastes not eligible for this waiver include general municipal solid wastes, leaves and yard wastes and construction and demolition debris that are collected through the course of regular solid waste collection services.
- (d) The amount of fee waiver for any applicant shall be limited to the tipping fee for disposal of eligible wastes resulting from the designated cleanup day. Specifically, excluded from this waiver is reimbursement for costs associated with collection or transportation of the wastes, which shall be solely the responsibility of the municipality.
- (e) The total cost of this fee waiver program shall not exceed \$30,000 per year. **[Amended 4-21-2005 by L.L. No. 4-2005]**
- (f) The Division of Solid Waste Management shall prepare appropriate regulations to implement the intent of this subsection, which regulations shall be filed with the Clerk of the Legislature.
- (8) (Reserved) Editor's Note: Former Subsection A(8), regarding the waiving of charges to allow for cleanup days, was renumbered as Subsection A(7) 9-30-1998 by L.L. No. 12-1998.
- (9) The charges set forth in § 179-9 shall be waived for disposal of debris related to damage occurring during a natural or man-made disaster resulting in a declaration of a state of emergency by the County Executive. **[Added 6-8-1998 by L.L. No. 7-1998]**
- (a) Eligibility for this program shall be limited to the property owners suffering damage due to such man-made or natural disaster.
- (b) The person requesting a fee waiver shall file an application with the Division of Solid Waste Management, on forms provided by the Division.
- (c) The application for a waiver shall contain a certification from an appropriate code enforcement or emergency services official that the applicant qualifies for the fee waiver based on records of damage due to such natural or man-made disaster.
- (d) The amount of the fee waived for any applicant shall be limited to the tipping fee for disposal of debris which is not covered by any insurance or local, state or federal emergency assistance.

- (e) The Division of Solid Waste Management shall prepare appropriate regulations to implement the intent of this subsection, which regulations shall be filed with the Clerk of the Legislature.
- B. Finance charges and collection costs.
- (1) For amounts invoiced hereinabove and which remain unpaid for a period of more than 30 days, an additional penalty of one 1%^{1/2}% on the unpaid balance for each month or any fraction thereof that such amount remains unpaid. Accounts 60 days past due are subject to suspension. Accounts 90 days past due are subject to revocation.
 - (2) Any collection made by Broome County Security on returned checks or partial payments for past-due balances on permit user accounts or tipping fees shall incur a finance charge of \$20 in addition to the outstanding balance.
 - (3) Failure to pay any tipping fee is a violation of this article.
 - (4) Except as otherwise provided herein or by resolution duly adopted by the Broome County Legislature, there shall be no other County fee or charge for use of landfill sites operated in and for the County of Broome.

§ 179-10. Penalties for offenses. [Amended 12-28-1989 by L.L. No. 2-1990; 5-30-1990 by L.L. No. 6-1990; 5-20-1993 by L.L. No. 9-1993]

- A. A violation of any section of this article shall constitute a violation punishable by a fine not in excess of \$1,000 or imprisonment for a term not to exceed 15 days, or both.
- B. Each such violation shall constitute a new violation.
- C. In addition to the above, the violation of any section of this article shall be subject to a civil penalty imposed by the County of Broome in an amount not in excess of \$1,000 for each offense.
- D. In addition to the above-provided sections and penalties, Broome County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.
- E. In addition to or in lieu of the above, permit holders may be subject to suspension or revocation of their permit, pursuant to the provisions of § 179-5E of this article.

ARTICLE II Solid Waste Management [Adopted 10-15-1986 as L.L. No. 8-

1986 Editor's Note: Section 9 of this local law, as amended 5-24-1988 by L.L. No. 5-1988, read as follows: "This local law shall take effect following a public hearing before and approval by the County Executive in the manner provided by law. "Section 4(B) of this local law shall be effective throughout the county no later than December 1990 and following a public hearing before and approval by the County Executive in the manner provided by law. The County Executive or his designee shall, within 90 days of the signing of this local law, file with the Clerk of the Broome County Legislature and of each municipality within the county a schedule for implementation of this local law, giving the date that this law will be effective in each town, city and village within the county. "An adjustment and education period of 12 months from the effective date of this local law is hereby established. During such adjustment and education period, any violation of this local law shall not be subject to ordinary enforcement and penalties, but shall instead be handled as follows: i) Verbal warning or instruction to the person in violation; ii) Written warning or instruction to the person in violation; or iii) Meeting with person in violation to determine the reasons for such violation and to educate or assist such person to achieve compliance."]

§ 179-11. Title.

This article shall be known and may be cited as the "Solid Waste Management Law."

§ 179-12. Purposes.

This article is adopted pursuant to Chapter 930 of the Laws of 1983 of the State of New York for the purpose of effectuating the management on a county-wide basis of all solid waste generated within or coming into from outside of the County of Broome in order to protect the public health and safety and to improve the environment by control of air, water and land pollution and carrying out the expressed solid waste disposal policy of the state to displace competition with regulation or monopoly public service.

§ 179-13. Definitions. [Amended 5-24-1988 by L.L. No. 5-1988]

As used or referred to in this article, unless the context otherwise requires, the following terms shall have the meanings indicated:

COMMERCIAL USER — One generating or transporting recyclable waste in the course of business, earning a livelihood or other regularly income-producing service or activity. This includes but is not limited to the following: commercial waste haulers and processors, contractors, small businesses, corporations and institutions. **[Added 5-20-1993 by L.L. No. 9-1993]**

COUNTY OF BROOME — The entire County of Broome as constituted and existing under the laws of the State of New York.

DEPUTY COMMISSIONER — The Deputy Commissioner of Public Works for the Division of Solid Waste Management. **[Added 3-16-2000 by L.L. No. 6-2000]**

DISPOSAL OF SOLID WASTE — The transporting or delivery of solid waste to a solid waste management - resource recovery facility.

DROPOFF AREA — Any area designated from time to time by the County Executive or his designee (as hereinafter provided) where persons can bring recyclables for aggregation and further transport to a materials recovery facility.

MATERIALS RECOVERY FACILITY — A type of solid waste management - resource recovery facility, duly designated pursuant to this article, at which recyclables are aggregated and processed for eventual transportation to markets, where said materials can be beneficially reused or distributed for beneficial reuse.

MUNICIPALITY — Any county, city, town, village, improvement district (or a county, city, town or village acting on behalf of an improvement district), public corporation, municipal corporation, political subdivision, government agency or department or bureau of the state or federal government.

PERSON — Any natural person, individual, partnership, copartnership, association, joint venture, corporation, trust, estate or any other legal entity, inclusive of a municipality.

RECYCLABLES — That component of solid waste which may be reclaimed for further use, specifically those materials designated as recyclable in Article IV of this chapter.

RESIDENTIAL USER — One generating recyclable waste in the course of daily living and improvement of their own residence. This specifically excludes those hauling commercial recyclable waste. **[Added 5-20-1993 by L.L. No. 9-1993]**

SOLID WASTE — All solid materials or substances which are useless, unused, unwanted or discarded and which have no market or other value at their place of location, including garbage, refuse and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, but not including solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents,

dissolved materials in irrigation return flows or other common water pollutants or special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, and waste which appears on the list of hazardous waste promulgated by the Commissioner of Environmental Conservation pursuant to § 27-0903 of the Environmental Conservation Law of the State of New York.

SOLID WASTE MANAGEMENT - RESOURCE RECOVERY FACILITY or FACILITY — Any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed for the collecting, receiving, transporting, storing, processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including but not limited to recycling centers, transfer stations, baling facilities, rail haul or maritime facilities, collection vehicles, processing systems, resource recovery facilities, steam and electric generating and transmission facilities, including auxiliary facilities to supplement or temporarily replace such generating facilities, steam distribution facilities, sanitary landfills, plants and facilities for compacting, composting or pyrolyzation of solid waste, incinerators and other solid waste disposal, reduction or conversion facilities and resource recovery equipment and disposal equipment as defined in Subdivisions 4 and 5 of § 51-0903 of the Environmental Conservation Law of the State of New York.

§ 179-14. Disposal of solid waste; recycling. [Amended 5-24-1988 by L.L. No. 5-1988]

- A. Only Broome County recyclables to be accepted. No recyclables generated or produced outside of Broome County accepted from outside the County of Broome shall be accepted at county-owned or -operated facilities, except upon the prior written approval of the County Executive. **[Added 5-20-1993 by L.L. No. 9-1993]**
- B. Designation of facilities.
 - (1) The County Executive (Executive) or his designee, which designee must be an officer or agent of the county, is hereby authorized and directed to designate, by written statement, from time to time, one or more solid waste management - resource recovery facilities to be used for the disposal of solid waste generated, originated or brought within the County of Broome, which designation may include a determination that a particular solid waste management - resource recovery facility shall be the only facility used for the disposal of solid waste generated, originated or brought within all of, or a described area within, the County of Broome or by a particular person or persons. Such written designation of a facility shall be filed with the Clerk of the Broome County Legislature and shall become effective within 60 days of filing, unless rescinded or modified by appropriate resolution of the Broome County Legislature.
 - (2) In making such designation, the Executive or his designee shall give due consideration to the capacity of any facility so designated, the size and population of the area or person or persons to be served and such other factors as shall enable the Executive or his designee to determine that the public interest is served by such designation. No person shall dispose of solid waste generated within or coming into from outside the County of Broome except at a solid waste management - resource recovery facility designated by the Executive or his designee in accordance with this section. The Executive or his designee is hereby authorized and directed to promulgate, in writing, such rules and regulations as he shall determine to be necessary to effectuate the purposes of this article, including the requirement that all private haulers of solid waste be licensed by the Executive or his designee. All acts and proceedings taken by the Executive or his designee pursuant to this article shall in all respects be consistent with the Environmental Conservation Law and other applicable laws and rules and regulations promulgated pursuant thereto. Rules and regulations promulgated pursuant to this section shall be in writing and filed with the Clerk of the Broome County

Legislature, and they shall take effect within 60 days after filing, unless rescinded or modified by appropriate resolution of the Broome County Legislature.

C. Handling of recyclables.

(1) General provisions.

- (a) Recyclables generated or brought within the county shall not be accepted for disposition or handling at any solid waste management - resource recovery facility except at a materials recovery facility duly designated pursuant to this article.
- (b) From the time that solid waste, including recyclables, is placed for collection at a roadside, dropoff area or other proper collection area, such solid waste, including recyclables, shall become the property of the county or its authorized agent. It shall be a violation of this article for any person without authority of the county to collect, pick up, remove or cause to be collected, picked up or removed any solid waste, including recyclables, placed for collection at a roadside, dropoff area or other proper collection area. Each such collection, picking up or removal from a particular residence, business, dropoff area or other collection area shall constitute a separate and distinct offense in violation of this article.
- (c) Broome County dropoff areas or stations shall be for the sole use of residential users. Commercial generators shall not make use of these facilities except at the Broome County Materials Recovery Facility when directed by the operators of that facility. Unauthorized commercial use of dropoff areas or stations shall be considered a violation of Article III of this chapter pertaining to dumping.
- (d) All vehicles transporting recyclables to and/or entering a material recovery facility site shall have the recyclables appropriately covered or confined in the vehicle by the use of tarpaulins, nets or other devices to prevent papers, litter and other substances from blowing out or falling from the vehicle. Vehicles traveling to and/or entering such a facility with loads not appropriately covered or confined shall be permitted to unload the recyclable material at the facility and shall be charged with a violation of this article.

§ 179-15. Permit required: application; issuance; fees and charges. [Added 5-20-1993 by L.L. No. 9-1993]

No person, firm or corporation, public or private, engaged in the transporting of recyclables shall be authorized to use any county-owned and/or -operated material recovery facility without first obtaining from the County of Broome a permit to use said facility for the purpose of solid waste management.

- A. Applications for permits shall be upon forms provided by the Deputy Commissioner for the Division of Solid Waste Management. Each applicant shall state in such application his or her name, address, legal character (corporation, partnership or individual), including the area or areas of operation, and such other information as the Deputy Commissioner for the Division of Solid Waste Management may require. Areas of operation listed on the application shall not be varied, increased, decreased or in any other way altered during the period covered by the permit without the prior written consent of the Deputy Commissioner for the Division of Solid Waste Management. No collections shall be made in areas outside the County of Broome except upon the prior written approval of the County Executive. **[Amended 3-16-2000 by L.L. No. 6-2000]**
- B. A permit shall not be issued unless the applicant agrees, in writing, to the following hold-harmless clause, which shall be included as a part of the application form: "The permittee shall indemnify and hold harmless Broome County and any of its officers, agents and

employees from all claims, demands, causes of action and judgments arising out of injuries to persons and property of whatever kind or nature as a result of the fault or negligence of the permittee, its employees or agents in the permittee's use of a county-owned and/or -operated MRF."

- C. Permits issued pursuant to this article shall be for a period of one year or less, beginning July 1; subject, however, to the revocation or suspension thereof as provided herein.

§ 179-16. Enforcement.

It shall be the responsibility of the Executive or his designee, in consultation with the County Attorney, to enforce the provisions of this article and all rules, regulations and designations made pursuant thereto. Such enforcement shall be by such legal or equitable proceedings, including, without limitation, a proceeding for specific performance brought in the name of the County of Broome as may be provided or authorized by law.

§ 179-17. Penalties for offenses.

Any person who violates this article shall be guilty of an offense and subject to a fine of not more than \$500 and/or imprisonment for not more than 15 days and/or suspension or revocation of collecting, receiving, transporting and/or disposing privileges in conjunction with solid waste within the County of Broome. Each and every act of disposal committed which is prohibited by § 179-14 hereof shall constitute a separate violation of this article.

§ 179-18. Precedence over other legislation.

Pursuant to § 2047-t of Chapter 930 of the Laws of 1983 of the State of New York, this article takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the County of Broome.

ARTICLE III Dumps and Dumping [Adopted 7-25-1991 as L.L. No. 11-1991]

§ 179-19. Purpose.

- A. The purpose of this Article is to prohibit the disposal of solid waste at any location other than facilities or sites authorized by the State of New York, County of Broome, City of Binghamton, or any town or village situated in the County of Broome.
- B. The Broome County Legislature acknowledges the growing costs associated with the disposal of solid waste and the resulting inclination of those who may seek to avoid such costs by depositing such material along highways, on vacant lots, on business sites, in private dumpsters and other places. Such activities are hereby deemed to pose an imminent hazard to the public health, safety and welfare of the residents of the county.
- C. The adoption and vigorous enforcement of this Article is intended to be an effective deterrent to indiscriminate dumping of solid waste.

§ 179-20. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

DISPOSE — To discharge, deposit, inject, dump, spill, leak or place into or on any land or

water or onto or in any receptacle or dumpster such solid waste or any constituent thereof.

OPEN DUMP — A solid waste disposal area which does not comply with required public health and environmentally controlled practices.

PERSON — Any individual, firm, public or private corporation, political subdivision, government agency, trust, estate or any other legal entity whatsoever.

SOLID WASTE — All putrescible and nonputrescible materials or substances that are discarded or rejected as being spent, worthless, useless 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, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

§ 179-21. Disposal of solid waste restricted; open dumps prohibited.

- A. No person shall dispose or attempt to dispose of solid waste in the County of Broome except at:
 - (1) A disposal facility exempt from the requirements of 6 NYCRR 360 if its exempt status is unaffected by such disposal; or
 - (2) A disposal facility authorized to accept such waste for disposal pursuant to said Part 360 or to an order issued by the New York State Department of Environmental Conservation or a court having jurisdiction.
- B. There shall be no open dumps in Broome County. This shall not be construed as to prohibit disposal areas located in the property areas of a farm as otherwise permitted by law, except in cases creating a public health nuisance as defined in the Broome County Sanitary Code and such other state and local laws as may apply.

§ 179-22. Penalties for offenses; enforcement; disposition of fines.

- A. All provisions of this Article are enforceable by the Broome County Security Department and/or the Broome County Sheriff's Department or their designee(s).
- B. Failure to comply with this Article by any person or tenant in case where a lease agreement gives specific responsibility for solid waste disposal to said tenant shall be an offense punishable as provided.
- C. Any person who commits a violation of § 179-21A and/or B and/or § 179-15A is subject to arrest and punishment, upon conviction, as hereinafter provided:
 - (1) First offense. Conviction of a first offense as provided by this Article shall be punishable by a fine of not less than \$50 nor more than \$1,500, and/or a term of imprisonment not to exceed 15 days, together with restitution based on avoided disposal fees and cost of collection and hauling and/or community service. Violation of this provision shall be a violation as defined by Subdivision 3 of § 55.10 of the Penal Law of the State of New York.
 - (2) Second or subsequent offense. Conviction of a second or subsequent offense within five years shall be punishable by a fine of not less than \$500 nor more than \$2,500 and/or a term of imprisonment not to exceed six months, together with restitution based on avoided disposal fees and cost of collection and hauling, and/or community service. Violation of this provision shall be a misdemeanor as defined by Subdivision 2 of § 55.10 of the Penal Law of the State of New York.
 - (3) Conviction of any company, partnership, municipality or any entity other than an

individual person shall be punishable by a fine of not less than \$500 nor more than \$2,500, and/or community service.

- D. Each day during which a violation continues may be deemed to be a separate violation.
- E. Enforcement shall be effected as follows: by a peace officer or police officer as provided by the Criminal Procedure Law of the State of New York.
- F. Civil enforcement. Notwithstanding the penalties set forth above, the Broome County attorney may institute a civil action to obtain restitution to the County of Broome from such offender for the actual costs incurred in rectifying the program created by the aforesaid violation or improper disposal of solid waste or to abate, enjoin or otherwise compel cessation of the violation of any provision of this article, including but not limited to reasonable attorney's fees and environmental testing.
- G. Disposition of fines. Any fines collected shall be split 5 0/50 with the municipality in which the violation occurred and with Broome County. The portion of fine made payable to the County of Broome shall be transmitted to the Broome County Commissioner of Finance, to be placed in a dedicated fund for the express purpose of providing financial assistance in the cleanup of illegally disposed waste, in the event that a violator cannot be identified. Applications for the use of these funds shall be directed to the Environment Committee of the Broome County Legislature, which will have responsibility for allocation and administration of these funds.
- H. Area of enforcement. This article shall be enforced in all municipalities within Broome County, including municipalities that have enacted ordinances regulating the disposal of solid waste.

ARTICLE IV Source Separation [Adopted 8-20-1992 as L.L. No. 10-1992; amended in its entirety 5-20-1993 by L.L. No. 9-1993]

§ 179-23. **Title.** Editor's Note: Local Law No. 9-1993 contained no text for this section.

This article shall be known as the "Mandatory Source-Separation Law."

§ 179-24. **Purpose.**

- A. The purpose of this article is to encourage, facilitate and mandate the source separation of recyclable materials on the part of each and every household, business and institution within Broome County.
- B. The Broome County Legislature acknowledges that recycling will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources and reduce the required capacity or extend the useful life of existing and proposed solid waste management facilities.
- C. It further acknowledges that methods of solid waste management emphasizing source reduction, recycling, recovery and conversion 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 Broome County and to the conservation of resources.

§ 179-25. **Definitions.**

- A. Terms as used or referred to in this article, unless a different meaning clearly appears from the context, are as defined in Section 6, Part 360, of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended.
- B. As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED AGENT OF THE COUNTY — Refers to waste haulers permitted by Broome County.

PARTICIPATING HAULER — An authorized agent of the County that utilizes the Nanticoke Landfill exclusively for the disposal solid waste it collects. **[Added 9-20-2001 by L.L. No. 5-2001]**

PUBLIC FACILITY — Any facility allowing public access, including but not limited to parks, recreational facilities, shopping centers, shopping malls, office buildings, restaurants, hospitals, schools and churches.

SOURCE SEPARATION — That recyclables shall be maintained and placed for collection separately from refuse intended for disposal.

§ 179-26. Source separation required.

- A. Source separation shall be required of each and every generator within Broome County producing solid waste destined for a disposal facility within Broome County, and by any generator outside of Broome County where such waste will be processed or disposed in a Broome County solid waste management facility.
- B. Materials that must be source-separated include paper, glass, metals, plastics, leaves, yard wastes, tires, batteries (wet and dry cell) and household hazardous waste. **[Amended 12-19-2002 by L.L. No. 2-2003** Editor's Note: This local law provided an effective date of 1-1-2003.]
- C. For the purpose of this article, the term "recyclable material" shall mean those materials that must be source-separated, as defined in § 179-26B, with the exception of household hazardous waste.
- D. Each and every waste hauler, public and private, providing waste collection services in the County of Broome shall be required to provide curbside or dropoff collection of source-separated recyclables for all units serviced by the hauler.

§ 179-27. Preparation of recyclables and other source-separated materials for curbside collection.

- A. Nothing in this article is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables; provided, however, that records shall be kept of all such collection of recyclables.
- B. From the time any person places any recyclable materials at or near any curb, sidewalk or street for purposes of collection by a permitted hauler, those recyclable materials shall be considered the property of the county or its authorized agent. No person who is not acting under authority of the county or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this article.
- C. In the event that a hauler has refused to collect certain recyclable materials because they have not been placed or treated in accordance with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street in accord with the provisions of this article.
- D. Placement.
 - (1) Recyclable materials shall be placed separately from any nonrecyclable solid waste placed for collection. Recyclable materials should be prepared in conformance with county practices and standards established pursuant to this section.

- (2) No person shall place any recyclable materials at or near any curb, sidewalk or street for purposes of collection unless the materials are prepared in conformance with county practices and standards established pursuant to this section.
- (3) The Deputy Commissioner for Solid Waste Management is hereby authorized and directed to designate, by written statement, from time to time, the practices and standards for preparation of recyclables for collection. Such written designation shall be filed with the Clerk of the County Legislature and shall become effective within 90 days of filing unless rescinded or modified by appropriate resolution of the County Legislature. **[Amended 3-16-2000 by L.L. No. 6-2000]**
- (4) The Deputy Commissioner shall solicit information from solid waste collectors, solid waste management facility operators and other concerned parties prior to designating revised rules for preparation of materials. **[Amended 3-16-2000 by L.L. No. 6-2000]**
- E. Waste haulers shall not be responsible for collection of waste materials which have not been placed or prepared in accord with this Article. In the event of noncollection of waste or recyclable materials, the hauler shall provide written notification of reason for noncollection.
- F. The responsible generator shall immediately remove and properly prepare and dispose of all materials refused for collection, taking all measures necessary to properly and legally restore all disturbed land and surface to the condition existing prior to deposition or reimburse the county or other municipal entity for the same.

§ 179-28. Multifamily buildings and complexes.

- A. Apartment complexes, condominium complexes, cooperative apartments, hotels, motels and bungalow or resort colonies shall be required to establish a private dropoff program for the source separation of recyclable materials for collection and transportation to a recycling facility, where curbside collection is not practiced or desired.
- B. The owner and/or manager of every multifamily apartment building or condominium within the county shall provide and maintain, in a neat and sanitary condition, recycling dropoffs to receive all recyclable materials generated by residents of the building or complex. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling dropoff(s). It shall be the tenant's responsibility to separate designated recyclable materials from the solid waste and deposit the recyclables in the dropoff(s), in the manner prescribed by facility management.
- C. The owner or manager of every multifamily building or complex shall arrange for the collection and/or transportation of all recyclable materials to a material recovery facility or secondary materials market.

§ 179-29. Commercial (institutional) and industrial waste and recyclables.

- A. All commercial/industrial/institutional solid waste collected by either municipal or private haulers shall be source-separated and delivered to an appropriate facility for disposition, as may be designated by the county.
- B. All recyclable commercial/industrial/institutional by-products shall be source-separated and delivered to an appropriate facility for the expressed purpose of processing for sale to a secondary materials market. Nothing in this section shall prevent generators from marketing these materials directly to an end-use market, secondary materials market or secondary materials broker.

§ 179-30. Penalties: waste generators.

- A. Failure to comply with this article by any person shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.
- C. The waste hauler shall maintain the right to refuse collection of solid waste and/or recyclables due to a lack of source separation or proper preparation on the part of the waste generator. In such a case, the hauler shall affix a notice to the waste material which clearly states the reason for noncollection.
- D. Individuals convicted of a first offense under this article shall be subject to a fine of not less than \$25 and not more than \$50. Conviction of a second offense within one year of the first offense shall be punishable by a fine of not less than \$50 nor more than \$100. Conviction of subsequent offense(s) within one year of the first offense shall be punishable by a fine of at least \$100 and not more than \$200. In addition to the penalties listed above, anyone convicted of an offense under the provisions of this article shall be subject to a civil penalty to recover cost of enforcement and prosecution, including but not limited to attorney's fees, court costs and site cleanup cost, if applicable.
- E. Any company, partnership, corporation, municipality or entity other than an individual person convicted of a first offense as provided for by this article shall be subject to a fine of not less than \$200 and not more than \$1,000 and/or revocation of solid waste collection and disposal permits. Conviction of subsequent offenses shall be punishable by a fine of not less than \$1,000 and not more than \$2,000. Any such entity convicted of an offense under the provisions of this article shall also be subject to a civil penalty to recover the cost of enforcement and prosecution, including but not limited to attorney's fees, court costs and site cleanup costs, if applicable. In addition, the County Attorney may also maintain an action or proceeding in the name of Broome County, in a court of competent jurisdiction, to complete compliance with or to restrain by injunction, such violation.

§ 179-31. Penalties: waste haulers.

- A. Failure of any hauler to comply with this article shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.
- C. Violation of any section of this article shall be punishable by a fine not in excess of \$1,000 and/or revocation of the hauler's landfill user's permit, or any combination thereof. In addition, the violation of any section of this article shall be subject to a civil penalty imposed by the county to recover cost associated with enforcement and prosecution, including but not limited to reasonable attorney's fees, court costs and site cleanup costs, if applicable. And, in addition, Broome County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.

§ 179-32. Solid waste disposal on public property.

- A. All public facilities within the County of Broome shall provide public refuse receptacles for solid waste disposal by facility users and employees.
- B. There shall be provided separate public receptacles for recyclables. Such containers shall be clearly marked "RECYCLE," and a list of recyclable items shall accompany said public refuse receptacle. There shall be an adequate number of clearly marked and accessible public receptacles for recyclable materials in order to facilitate recycling.
- C. All recyclable materials shall be placed in separate public recycling receptacles. The responsibility to separate recyclables from nonrecyclables shall be placed on the facility user.
 - (1) Parks may, in lieu of providing separate public receptacles for recyclables, require that park patrons take their recyclable materials with them upon leaving the park. The

municipalities shall post signs at all park entrances advising the public of the rule. Park patrons shall be responsible for removing recyclables from the park and disposing of them in accordance with § 179-21 of this article.

(2) Notwithstanding the provisions of the paragraph, concession stands within the park providing food or other items packaged in recyclable containers shall provide both refuse and recyclable containers to conform to this section.

- D. It shall be a violation of this article for any person to place or to cause to be placed any material other than a recyclable in or near a public receptacle designated for recyclable materials.
- E. It shall also be a violation of this article for any person to place or to cause to be placed any recyclable material in or near a public refuse receptacle designated for nonrecyclable materials.
- F. Any person, including employees of public facilities, convicted of a violation of this section shall be subject to a fine of up to \$50, or community service.
- G. The proprietor of any public facility, convicted of a violation of this section, shall be subject to a fine of up to \$200, or community service. Each day of violation shall constitute a separate offense.

§ 179-33. Enforcement.

All provisions of this article shall be enforced by the Broome County Security Division or may be enforced by a Municipal Code Enforcement Official or other appropriate enforcement agencies.

§ 179-34. Reporting to the Deputy Commissioner. [Amended 3-16-2000 by L.L. No. 6-2000]

- A. All waste haulers, and any other person or entity that collects, transports and/or markets recyclables, must maintain monthly records of all recyclable material not delivered to the county recycling facility or county landfill. These records must include the following:
 - (1) The total tonnage, by material, of recyclable material collected.
 - (a) The total tonnage, by material, of recyclable material delivered to each and every materials recovery facility, secondary materials market, secondary materials broker or end-use market.
 - (b) Weight slips from the broker or end market will fulfill this requirement.
- B. Reports containing the information required in this section shall be compiled and delivered to the Deputy Commissioner for the Division of Solid Waste Management on an annual basis. Reports shall be filed with the Deputy Commissioner no later than January 31 of the subsequent year of filing.
- C. A collection vehicle permit must be obtained by each waste hauler annually for each and every collection vehicle operating in Broome County. To obtain a collection vehicle permit, a hauler must certify that it will not deliver any solid waste that is generated outside of Broome County or any household hazardous waste, liquid waste, sewage or sludge or any other unacceptable material banned by state regulations or county law to a county solid waste management facility not designated to accept it.
- D. Waste haulers shall display a permit sticker on each and every collection vehicle and any other identification as may be required by the Deputy Commissioner.
- E. Each waste hauler shall retain for no less than five years the records and documents required pursuant to this article and shall make such documents available upon the request of the

Deputy Commissioner or law enforcement officers.

**§ 179-35. Acceptance of source-separated materials by county facilities; tipping fee.
[Amended 9-20-2001 by L.L. No. 5-2001]**

Upon payment of any tipping fee imposed by the County, the County shall accept any materials source-separated pursuant to this article at a designated solid waste management facility or through special collections, including but not limited to household hazardous wastes. The tipping fee imposed shall be \$38.80 per ton, adjusted annually based on the Consumer Price Index for the Northeast; provided, however, that the tipping fee shall be waived for participating haulers.

§ 179-36. Severability.

If any section, subsection, phrase, sentence or portion of this article is for any reason held invalid or unconstitutional or found to be illegal by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such hold shall not affect the validity of the remaining portion hereof.

§ 179-37. Priority.

Pursuant to Section 1 of Chapter 675 of the Laws of 1982 of the state, this article takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the county.

§ 179-38. Effective date.

This article shall take effect upon filing with the Secretary of State.