

LOCAL LAW NO. 5 FOR THE YEAR 1992
COUNTY OF CORTLAND, NEW YORK

PROPOSED LOCAL LAW OF THE COUNTY OF CORTLAND TO PROVIDE AN ORDERLY PROGRAM FOR THE COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE AND RECYCLABLES IN ORDER TO PROMOTE THE SAFETY, HEALTH, WELFARE AND CONVENIENCE OF THE CITIZENS OF CORTLAND COUNTY, AND TO PROHIBIT RANDOM REFUSE DISPOSAL AND LITTERING ALONG PUBLIC HIGHWAYS AND ROADS, AND TO ESTABLISH COUNTY REFUSE TRANSFER AND DISPOSAL SITES, AND TO CONTROL REFUSE DISPOSAL OPERATIONS AND TO PROVIDE FOR RECYCLABLE MANAGEMENT, AND TO AMEND AND RESTATE LOCAL LAW NUMBER 3 FOR THE YEAR 1981 AND ANY AMENDMENTS THERETO.

BE IT ENACTED, by the Legislature of the County of Cortland, New York as follows:

SECTION I - DEFINITIONS

1. This Section shall amend and supersede Section II "Definitions" of the Local Law #3 for the year 1981.

2. a. The M.R.F. Recycling Facility shall mean the materials recovery facility located on 137 South Pendleton Street, Cortland, New York.

b. The term Board of Hearing shall mean the board described in Section IV of this local law.

c. The term Cortland County Legislature shall mean the duly elected County Legislature for Cortland County, New York.

d. The term Commercial Waste shall mean Solid Waste generated by stores, offices, institutions, restaurants, warehouses, non-manufacturing activities in industrial facilities and agricultural enterprises.

e. The term Commercial Waste Permit shall mean the permit issued pursuant to Section III.1 of this local law.

f. The term construction and Demolition Debris shall mean Solid Waste resulting from construction, remodeling, repair and demolition of structures, roads, buildings, and land clearing. Such wastes include, but are not limited to, bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree and bush stumps.

g. The term Contractor shall mean any individual, association,

partnership, firm, corporation, not-for-profit organization, municipality, educational institution or any other Person so deemed by the Department, engaged in the commercial collection, pickup, transfer, removal and/or disposal of Commercial Waste, Construction and Demolition Debris and Industrial Waste excluding Refuse.

h. The term County shall mean Cortland County, New York, a municipal corporation of the State of New York, with offices at Cortland, New York.

i. The term County Landfill shall mean the Landfill owned and operated by the County and located at Townline Road, Town of Cortlandville/Solon, New York, or any other landfill owned and/or operated, or caused to be operated by the County.

j. The term Department shall mean the Cortland County Department of Solid Waste Management, or its successor.

k. The term Facility shall mean any Solid Waste management facility or facilities owned and/or operated, or caused to be operated by the County or any such other facility or facilities in or out of County that accepts or disposes of Solid Waste and/or Recyclables generated, originated or brought into the County, including but not limited to, landfills, transfer stations, materials recovery facilities, drop off centers, and resource recovery facilities.

l. The term Hazardous Waste shall mean those materials, substances, or wastes including, but not limited to, pesticides and containers used for pesticides, other waste which appears on the list or satisfies characteristics of hazardous waste promulgated by the New York State commissioner of the Department of Environmental Conservation, and any other material, determined now or in the future, to be hazardous by State or federal rule, regulation and/or statute.

1. 1. The term Farm shall have the meaning specified in 6 NYCRR 360-1.2 as the same may be amended, suspended or replaced.

m. The term 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 fluids); or overburden, spoil, or tailings resulting from mining; or solution mining brine and insoluble component wastes.

m. 1. The term Infectious Waste shall have the meaning specified in 6 NYCRR Part 360-1.2 as the same may be amended, superseded or replaced.

n. The term Open Dump shall mean a Solid Waste disposal

area which does not comply with the required public health and environmental control practices.

o. The term Person or Persons shall mean any individuals, company, partnership, association, firm corporation, municipality or any other entity.

p. The term Processor shall mean a primary user of the particular material such as Recyclables, including but not limited to, glass factories, detinner, plastic recovery facility, paper mill or a consolidator of the material such as Empire Returns in Onondaga County.

q. The term Prohibited Materials shall mean the following materials, as may be modified from time to time by the Department, and these materials shall not be accepted at the County Landfill or any other Facility in the County:

- i) Septic tank pumpings;
- ii) Liquid wastes;
- iii) Pesticides and chemicals;
- iv) Junked vehicles;
- v) Explosives;
- vi) Hot ashes;
- vii) Sealed containers;
- viii) Hazardous waste;
- ix) Large dead animals.

r. The term Recyclables shall mean such material designated from time to time by the Department which under any applicable law or regulation, is not Hazardous Waste and which can be reasonably separated from the Solid Waste stream and held for its material recycling or reuse value. The following materials, as may be modified from time to time by the Department, shall be considered Recyclables:

- i) Glass containers (Flint);
- ii) Newspapers;
- iii) Corrugated cardboard;
- iv) Bi metal containers;
- v) Plastic containers (HDPE & PETE);
- vi) Vehicle tires and batteries; and

vii) Yard waste.

s. The term Refuse shall mean putrescible and incidental non-putrescible Solid Waste including, but not limited to, animal, vegetable and paper waste. Refuse originates primarily in homes, businesses and restaurants, and has characteristics similar to that Solid Waste collected and disposed of as part of normal residential and commercial collections in the County.

t. The term Resident shall mean any individual who is a legal resident of the County or any individual who is a temporary resident of the County.

u. The term Resident Waste Permit shall mean Solid Waste generated from all houses, apartments and other residential dwellings, including, but not limited to, all single family dwellings and multifamily dwellings in the County.

v. The term Solid Waste shall mean all putrescible and non-putrescible solid waste, including, but not limited to, materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as a manufacturing by-product, including, but not limited to garbage, refuse, industrial, commercial and agricultural waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy act of 1954, as amended, or waste which appears on the list or satisfies characteristics of hazardous waste promulgated by the New York State Commissioner of the Department of Environmental Conservation.

w. The term Private Business/Farm Permit shall mean the permit issued pursuant to Section III.2 of this local law.

x. The term Waste Collector shall mean any individual, association, partnership, firm, corporation, not-for-profit organization, municipality, educational institution or any other Person so deemed by the Department, engaged in the commercial collection, pickup, transfer, removal and/or disposal of Solid Waste and/or Recyclables generated, originated or brought within the boundaries of the County.

SECTION II - ADMINISTRATION

1. This Section shall amend Section III of Local No. 3 for the year 1981.

2. The Department, or its successor, shall be primarily responsible for all ministerial and administrative duties described or reasonably required by the terms of this local law.

3. The Department, or its successor, shall administer the program of registering and permitting all Waste collectors, Contractors and other Persons collecting, transporting or disposing of Solid Waste and Recyclables in the County. This includes the issuance, renewal, and revocation of all permits described in this local law.

4. The Department, or its successor, shall promulgate rules and regulations in connection with the operation of the county Landfill or any other Facility.

5. The Department, or its successor, shall issue warning notices and initiate proceedings pursuant to Section IV of this local law to prosecute violations of this local law.

6. The Department, or its successor, may encourage and conduct studies, investigations and research relating to various aspects of Solid Waste management as it deems necessary or as requested by the Cortland County Legislature.

SECTION III - STANDARDS AND REGULATIONS

1. This Section shall amend Section IV of the Local Law No. 3 for the year 1981.

2. Commercial Waste Permit Requirements

a. No Waste collector or Contractor shall collect, transport or dispose of Solid Waste and/or Recyclables without obtaining a Commercial Waste Permit issued by the County.

b. All applications for Commercial Waste Permits shall be in writing and shall contain such information as requested by the Department, but at a minimum, as set forth in this local law. All Commercial Waste Permit information shall be verified by the applicant as required by this local law and the Department. The applicant shall file with any application a certificate of insurance and shall pay the required permit fee as set forth in this local law.

b. 1. All Commercial Waste Permit holders must provide curbside recycling pickup to their residential and commercial customers, either directly or by subcontracting a duly licensed contractor to provide this service to their commercial and residential customers.

c. Each applicant shall be required to pay a Commercial Waste Permit fee of \$20.00 per vehicle and a further fee of \$10.00 for each detachable container used by the applicant.

d. The certificate of insurance to be filed with the application shall be executed by the representatives of an insurance

company, duly authorized and qualified by the Department, evidencing that said insurance company has issued vehicle insurance (only) liability and property damage insurance policies covering the following:

i. All operations of the applicant or any other person, firm or corporation employed by him in transporting Solid Waste and/or Recyclables.

ii. The disposal of such Solid Waste and/or Recyclables to and within the designated and approved County Landfill and/or Facility.

iii. Protecting the public and any person from injuries or damages sustained by reason of transporting Solid Waste and/or Recyclables.

iv. The certificate or affidavit to be filed with the application shall be executed by the representatives of a duly qualified insurance company evidencing that said insurance company shall provide to the County of Cortland at least 30 days notice of any cancellation or reduction of coverage, and further evidencing that said insurance company has issued commercial vehicle insurance policies.

e. Upon receipt of the application and the proper certificate (s) of insurance and the payment of the Commercial Waste Permit fee, the Department shall thereupon issue the applicant a Commercial Waste Permit. A Commercial Waste Permit shall expire on the next December 31 following the date of issue. Upon issuance of the Commercial Waste Permit the Department shall affix the Commercial Waste Permit to each and every vehicle, on which shall be set forth clearly the official number of such Commercial Waste Permit and/or the license plate number of the vehicle to which the Commercial Waste Permit is affixed.

f. Renewal of Commercial Waste Permits shall be in the same manner and 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 as specified by the Department or the Cortland County Legislature.

g. Whenever proof, by means of an affidavit, is submitted

to the Department 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 dollars (\$5.00) by the applicant, issue a new Commercial Waste Permit in lieu of the one that has been lost or destroyed.

h. No Commercial Waste Permit issued pursuant to the provisions of this local law shall be transferrable.

i. The Commercial Waste Permit holder hereunder shall furnish the Department with a listing detailing the number of residences, commercial establishments or other disposers of Solid Waste and/or Recyclables located in the County and 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 months.

j. The Department, pursuant to Section IV 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 provisions of this local law or any applicable rule, regulation, code or ordinance relating to the collection, handling, hauling or disposal of Solid Waste and/or Recyclables including, but not limited to, those promulgated by the Department.

k. All collection, transportation and/or disposal of Solid Waste and/or Recyclables shall be in strict conformance with the rules and regulations prescribed in this local law and as such rules and regulations may hereafter be amended or supplemented by the Department.

l. All vehicles used in the collection, transportation and/or disposal of Solid Waste and/or Recyclables shall be maintained in a sanitary condition and shall be constructed as 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 done in such a manner as to prevent spilling or loss of contents.

m. 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 Department, shall not be deemed to create a property interest with respect to the commercial Waste Permit in the holder.

n. All such Commercial Waste Permit requirements specified herein, including, but not limited to, Commercial Waste Permit fees and insurance coverage amounts, may be amended or adjusted from time to time by resolution of the Legislature of Cortland County.

3. Resident Waste Permit and Private Business/Farm Permit Requirements

a. Resident individuals collecting, transporting or disposing of their own Solid Waste and/or Recyclables will be required to obtain a Resident Waste Permit at a cost of \$5.00 from the Department of Solid Waste. Such permit shall be displayed on the front bumper of the delivery vehicle and shall be valid until the next December 31 following issuance.

b. Resident Waste Permits shall be available and are required for passenger cars, vans, station wagons and pickup trucks (up to 1-ton capacity). All other vehicles must be registered under the provisions applicable to a Commercial Waste Permit or Private Business/Farm Permit. The Department, in its sole discretion, may require any vehicle, regardless of type or size, transporting Solid Waste and/or Recyclables for compensation paid to the owner or operator, to comply with the provisions applicable to a Commercial Waste Permit or Private Business/Farm Permit.

c. Persons and Contractors not holding Commercial Waste Permits may obtain a Private Business/Farm Permit for the collection, transportation and/or disposal of Solid Waste other than Refuse at the County Landfill. A Private Business/Farm Permit must be obtained from the Department for a fee of \$20.00 per vehicle and such Persons or entity shall pay pursuant to the tipping fee schedule set forth in this local law. Holders of a Private Business/Farm permit shall be required to make immediate cash payment of the required fee for the first ninety days, and once a month thereafter.

d. The Department may, at its sole discretion, require certain Private Business/Farm Permit holders to provide proof of insurance in a form and amount satisfactory to the Department before such Private Business Farm/Permit holder may dispose of Solid Waste and/or Recyclables at the County Landfill or any other Facility.

e. Resident Waste Permit holders and Private Business/Farm Permit holders shall strictly comply with all rules and regulations prescribed by the Department.

f. All Resident Waste Permit and Private Business/Farm Permit requirements specified herein, including, but not limited to, Resident Waste Permit fees and Private Business/Farm Permit fees, may be amended or adjusted from time to time by resolution of the Cortland County Legislature.

4. Disposal of Solid Waste

a. No Waste Collector, Contractor, or other Person shall dispose of Solid Waste at the County Landfill or any Facility for the disposal of Solid Waste, without a Commercial Waste Permit, Resident Waste Permit or Private Business/Farm Permit.

b. Solid Waste generated outside the County will not be accepted at the County Landfill or at any other Facility located in the County. Combined loads containing Solid Waste from within the County as well as from outside the County will not be accepted for disposal at the County Landfill or at any other Facility located in the County.

c. Anyone entering the County Landfill or any other Facility to dispose of Solid Waste must adhere to the rules and regulations as posted and must follow the instructions of the attendant on duty.

d. All Commercial Waste Permit holders and Private Business/Farm Permit holders may dispose of Solid Waste at the County Landfill. Commercial Waste Permit holders and Private Business/Farm Permit holders shall not dispose of any such Solid Waste at any other Facility located in the County unless designated by the Department.

e. Nothing within this local law shall be construed at any time to restrict the ability of the Department to refuse to accept Hazardous Waste or other Prohibited Materials at the County landfill or any other Facility.

f. The Department may, from time to time, provide alternative disposal means at the County Landfill or other Facilities for selected Prohibited Materials.

g. No Waste Collector, Contractor, or other Person shall dispose of Solid Waste at the county landfill or at any other Facility unless such Person or entity shall pay the tipping fee.

h. Tipping fees for Commercial Waste Permit holders and Private Business/Farm Permit holders shall be computed at the rate of \$75.00 per ton. A minimum fee will be charged at \$3.00 per transaction.

i. Commercial Waste Permit holders and Private Business/Farm Permit holders will be billed monthly by the County. Such bills must be paid within thirty days of the mailing of the fee statement. Such bills unpaid within thirty days of mailing will be charged an additional 2% per month "finance charge". The minimum monthly tipping fee charge will be \$5.00. Pursuant to Section IV of this Local Law, failure to make payments when due shall result in suspension or revocation of the Commercial Waste Permit or Private Business/Farm Permit.

j. All Solid Waste disposal requirements specified in this subsection, including, but not limited to, tipping fees, permit

costs, may be amended or adjusted from time to time by resolution of the Cortland County Legislature.

5. Disposal of Recyclables

a. All Persons generating Solid Waste, and/or Waste Collectors and Contractors operating in the County, must separate from the Solid Waste stream those Recyclables designated by the Department. The Solid Waste stream, as may be further modified from time to time by the Department, must be separated into five categories: (i) newspaper, (ii) corrugated cardboard; (iii) plastic; (iv) glass and (v) aluminum and metal.

b. Recyclables and Solid Waste must be separately packaged or contained in proper containers as specified in this local law or as designated by the Department. If plastic bags are utilized for this purpose, the bags shall be transparent to facilitate viewing of their contents.

c. Unless disposed of pursuant to Section III 4. d. of this local law, all Recyclables collected in the County by Waste Collectors and Contractors must be delivered to the MRF Recycling Facility or such other Facility as designated by the Department.

d. Commercial Waste generators 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 place of business. All Recyclables sold in this manner must be reported to the Department for inclusion in data required by the New York State Department of Environmental Conservation.

e. The Department may maintain Recyclable drop off stations under agreement with various municipalities for use by Existing Recyclable drop off station located in the Towns. The Department reserves the right to increase or decrease or eliminate the number or relocate such Recyclable drop off stations.

f. Tipping fees or disposal charge may be imposed by Resolution of the Cortland County Legislature at any Facility located in the County for the disposal of Recyclables.

g. All Recyclable disposal requirements specified in this subsection may be adjusted from time to time by resolution of the Cortland County Legislature.

6. Littering

a. It shall be unlawful for any persons, whether acting as owner, lessee, agent, tenant or otherwise, to throw, cast, deposit or place, or to cause, permit to run, drop, remain or to be thrown, cast or deposited, scattered or spilled by the wind, any Solid Waste, including as a passenger in, owner of, or driver of any cart, truck, automobile, boat, bicycle or any other vehicle, in or on any public highway, street, alley, sidewalk, park or public building or in any running water, body of waster, land adjoining any highway or street, or in or on any other land, public or private in the County except at such places designated or

lawfully established by the New York State Department of Environmental Conservation, the County Department of Health or the Department; provided, however, that Solid Waste may be temporarily kept in reasonable quantities in suitable cans, bags, vessels, tanks, dumpsters, and/or containers which are watertight with tightly fitting covers, but only in such manner as to prevent same from being scattered, dropped or spilled by the wind. Nothing in this subsection shall be construed as to prohibit the depositing of animal manure or fertilizers upon any property for the purpose of cultivation or improvement.

b. There shall be no Open Dumps in the County. This shall not be construed as to prohibit disposal areas located within the property boundaries of a farm for Solid Waste generated from that farm as otherwise permitted by law except in cases creating a public health nuisance.

SECTION IV - ENFORCEMENT

1. This Section shall amend Section IV of the Local Law No. 3 for the year 1981, as Amended by Local Law No. 2 for the year 1983.

2. Civil Sanctions (except for non-payment of tipping fees, covered in Section 4i)

a. The Department shall have the right to impose a surcharge and/or suspend or revoke any Commercial Waste Permit, Resident Waste Permit, or Private Business Farm Permit if the holder of such permit violates any of the provisions of this local law. Revocation, suspension or surcharge may only follow a written notice of violation and, if demanded, a hearing as provided for in this local law.

b. 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 Department. Such notice shall state the Department's intent to revoke or suspend, and/or impose a surcharge upon the permit holder.

c. Any holder of a Commercial Waste Permit, Resident Waste Permit, or Private Business/Farm Permit may demand a hearing as allowed by Section IV. 2. a of this local law, by serving upon the Department a written request for a hearing, such request must be received by the Department within ten days of the date of service of notice. Upon receipt of such demand, a hearing shall be scheduled and held at the offices of the Department during regular business hours.

d. Upon the expiration of such ten day notice period provided

for in Section IV . 2. c of this local law, or the majority determination of the Board of Hearing, the revocation, suspension and/or surcharge provided for in the notice or as modified by the Board of Hearing, shall be effective.

e. The Board of Hearing shall consist of the following persons:

i) The Director of Solid Waste Management or his designee.

ii) The County Recycling Coordinator or his designee.

iii) One (1) member of the County Solid Waste Committee as appointed by its chairperson.

f. Any Person who violates any of the provisions of this local law may be required to pay a surcharge not to exceed \$500 for each violation. Such surcharge must be paid in full before any permit issued pursuant to this local law can be reinstated.

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

3. Criminal Sanctions

a. The County Sheriff's Department, New York State Police, New York State Department of Environmental Conservation Officer's and all local law enforcement agencies 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.

b. Any Person violating the provisions of this local law shall be guilty of a violation, which shall be punishable upon conviction by a fine of up to \$500.00.

c. The Court may also order a cleanup of the affected area and/or community service in lieu of, or in addition to a fine. Any fines shall be directed to be payable to the County of Cortland and shall be transmitted to the County Treasurer.

d. Failure to pay any fine may result in imprisonment as prescribed in Section 420.00 of the Criminal Procedure Law.

SECTION V - EFFECTIVE DATE

This law shall take effect on the first day of September in the year 1992.

SECTION VI - SEVERABILITY

If any part of this local law, as originally enacted or as amended from time to time, is found to be illegal, or its application to any Person or circumstances is held invalid, the remainder 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.

SECTION VII - AMENDMENT AND RESTATEMENT OF LOCAL LAW NO. 3 FOR THE YEAR 1981

It is the intention of this Local Law and the Cortland County Legislature to re-state and amend the Local Law No. 3 for the year 1981, as amended by Local Law No. 2 for the year 1983.