

Madison County Solid Waste and Sanitation

LOCAL LAW NO. 3 FOR THE YEAR 2004 COUNTY OF MADISON, NEW YORK

PROPOSED LOCAL LAW OF THE COUNTY OF MADISON 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 MADISON COUNTY, AND TO PROHIBIT RANDOM REFUSE DISPOSAL AND LITTERING ALONG PUBLIC HIGHWAYS AND ROADS, AND IN FURTHERANCE OF THE LEGISLATIVE FINDINGS SET FORTH BELOW, AND TO AMEND AND RESTATE LOCAL LAW #5 FOR THE YEAR 1991, LOCAL LAW #4 FOR THE YEAR 2001 AND ANY AMENDMENTS THERETO.

BE IT ENACTED, by the Board of Supervisors of the County of Madison, New York as follows:

LEGISLATIVE FINDINGS

The Board of Supervisors of the County of Madison, upon consideration and in support of the adoption of Local Law # 3 for the year 2004, hereby finds and declares:

1. The County restates and re-affirms below its Findings set out in local law #4 of 2001. However, it has determined that, in order to provide for the continued efficient and effective administration and enforcement of the County's integrated solid waste management system as established by local law #4 of 2001, it is appropriate to amend certain of the provisions of that local law.
2. The safe and proper disposal of the solid wastes generated by the people of the County of Madison has long been and remains a matter of serious public concern. In the 1960's, virtually every municipality in Madison County provided a dump for use by local residents and businesses, as a traditional local government service. In response to growing concerns and increased public awareness of adverse environmental impacts caused by the operation of unlined dumps -- such as drinking water contamination, disease carrying vectors, open burning, landfill gas migration, and the potential for other public health and environmental problems associated with historical waste disposal practices at unlined local dumps -- by 1974 all sixteen town, village and city dumps then operating in Madison County were phased out of service and replaced with a county owned and operated centralized sanitary landfill in the Town of Lincoln and three rural residential waste transfer stations located in the towns of Cazenovia, Hamilton and Sullivan. In the late 1980's Madison County re-examined its long-term solid waste management plan to decide on an economically viable and environmentally sound long-term management program. This resulted in the adoption of a plan to pursue a comprehensive countywide recycling program in 1989 and a Comprehensive Solid Waste Management Plan approved by the New York State Department of Environmental Conservation on March 15, 1993 that is periodically updated by the County. The County hereby reaffirms the objectives set forth in the plan, as amended, to reduce, reuse and recycle so much of the waste stream of Madison County as is feasible, and to landfill the remainder in an environmentally secure public landfill facility.
3. Since the adoption of the Plan, the County has implemented an integrated system of waste management to achieve the objectives set forth in the Plan. The actions taken to implement this system include the following:

- a) Madison County's integrated solid waste management system consists of one central sanitary landfill with a double composite liner system in the Town of Lincoln, four transfer stations (located in the Towns of Hamilton, Cazenovia, Sullivan, and Lincoln), a central materials recovery facility (MRF) located on County property adjacent to the landfill site, and four yard waste and recyclables drop-off locations (at the four transfer stations). In addition, at the transfer station in the Town of Lincoln the County recycles special wastes such as used oil, antifreeze, vehicle tires, vehicle batteries, dry cell batteries, white goods and other bulk metals.
 - b) All of these facilities are owned and operated by the County with the exception of the MRF, which is located on County property at the County's landfill site and is operated by the Madison-Cortland Chapter of NYSARC, Inc. (ARC) pursuant to a lease and operating contract with the County. The ARC is a not-for-profit association that assists persons with mental retardation or developmental disabilities. Ownership of the MRF will revert to the County if the ARC's operating contract with the County is terminated. The County markets recyclable materials that are processed at the MRF, and employs a recycling educator to inform and educate the public about recycling and waste reduction.
 - c) Since 1996, Madison County has provided County residents and conditionally exempt small quantity generators with free access to one or more household hazardous waste collection facilities located in nearby counties, to limit the disposal of such materials in the County landfill and to provide an environmentally sound means for the disposal of such materials. The County also provides a syringe disposal program in cooperation with local pharmacies.
 - d) The County's integrated solid waste management system is structured to be financially self-supporting, without the use of tax money to subsidize its waste management and recycling program costs. Revenues from tipping fees on non-recyclable wastes and from the sale of recyclable materials are used to pay for system operating and debt service costs, cost of future landfill development, and to fund a landfill closure/post-closure reserve account that will be used to pay for future landfill closure and post-closure costs. The annual cost of the County's integrated solid waste management system is typically in the range of approximately \$3.0 million, although this is subject to change each year depending on a variety of factors including the amount required each year for capital improvements and associated debt service payments, the amount and net costs of recycling, the amount of solid waste generated in the county, and changes in fuel costs and other costs of operating and maintaining the county's solid waste management facilities.
 - e) The County provides a strong economic incentive to maximize recycling and waste reduction, by only charging a fee on non-recyclable waste deliveries. The County does not charge for the use of its recycling programs and recycling services. Tipping fees on non-recyclable wastes are used to financially support the County's recycling programs and household hazardous waste collection services, which do not generate sufficient revenues to support themselves.
4. In order to provide for the safe and effective collection of solid waste and recyclables, the County has established a regulatory scheme for the granting of permits to collect and transport waste and recyclables within the County. The permits established by the County are described below.
- a) The County historically has had four permit categories:
 - i) The annual **Commercial Waste Permit** allows for disposal of co-mingled residential, commercial and institutional solid waste. Holders of Commercial Waste Permits handle approximately 85 per cent of the

waste that is generated in the County. The longstanding practice of Waste Collectors in the County is to pass through landfill disposal costs to their customers.

- ii) The **Special Waste Permit**, or one-day permit, allows for disposal of co-mingled residential, commercial and institutional solid waste and is included in the 85 per cent figure listed above.
 - iii) The **Resident Waste Permit** allows individual residents to drop-off their own residential waste at any of the County's transfer stations, and represents approximately 14 per cent of all waste generated in the County.
 - iv) The **Roadside Clean Up Permit** is issued free of charge to municipalities and community organizations for litter clean up only. This permitted use represents less than one per cent of all waste generated in the County.
- b) Madison County's Solid Waste programs are supported by tipping fees on non-recyclable waste and through the sale of recyclable items collected at the ARC MRF and the County's transfer stations.
 - c) The County's integrated solid waste management system is financially supported by a user fee system that is more equitable than taxes. Revenues needed to pay for the County's solid waste system are from user fees that are based on the amount of non-recyclable waste delivered to the County's facilities, rather than from tax revenues that are based on the assessed value of properties in the County. The user fee system is a much more fair and fiscally responsible method to pay for the solid waste system than taxes, because waste generators pay based on the amount of waste they dispose of and the solid waste system is structured to be self-sustaining. Furthermore, with no fees charged for the delivery of recyclable materials to the County system, there is a financial incentive for waste generators and Commercial Waste Permit holders (e.g., Waste Collectors) to increase recycling to lower their disposal costs. This user fee system maximizes the opportunities for environmental benefits from increased recycling and waste reduction activities, and all classes of waste generators are equitably served when all classes deliver their wastes to the County's system. However, fiscal inequity results when some classes of generators or a significant number of waste generators or haulers do not participate in the system. In addition, waste reduction and recycling benefits are lost when recyclable materials are commingled with non-recyclable waste for disposal at out-of-system facilities.
5. The County finds that additional programs and improvements to the existing system of public facilities are currently required and will be required from time to time to implement the solid waste management program in the future. These include, but are not limited to, the programs and improvements listed below.
- a) The County plans to continue to provide a local, publicly owned landfill that will provide an environmentally sound disposal site to reliably meet the needs of future generations of residents and other local generators of solid waste. The double composite liner system at the County landfill will need to be extended periodically (e.g., approximately every 6 or 7 years), to continue to provide a local, long-term, publicly owned and environmentally secure disposal site for non-recyclable wastes generated by County residents, businesses and institutions. Each liner extension represents a significant capital investment of millions of dollars.

- b) In 1994 and 1995, the County conducted a food waste composting pilot project. The results of the pilot project indicated that the composting of food waste is a viable means to reduce the amount of waste requiring landfilling. However, a lack of funding prevented the County from implementing a long-term food waste composting program at that time.
 - c) In 1995 and 1996, the County evaluated the cost effectiveness of a recycling program for a portion of the construction and demolition debris waste stream. The results of that evaluation indicated that it would be more economical to landfill construction and demolition debris. If sufficient funds are available, the potential development of a construction and demolition debris recycling program may be re-evaluated in the future. The future development of a separate landfill solely for the disposal of construction and demolition debris was evaluated in 2001 and may also be pursued, to help extend the life of the County's double-lined landfill that is currently used for the disposal of mixed municipal solid wastes including construction and demolition debris.
 - d) The County has been pursuing the beneficial use of landfill gas, such as to generate electricity, since 1997, and a study is actively underway to examine the feasibility of a landfill gas to energy project. If a viable project can be established, the County intends to continue pursuing an environmentally beneficial and cost effective use for landfill gas.
 - e) The County will continue to evaluate the feasibility of recycling additional materials, as warranted by market and economic conditions, and to monitor, and, where appropriate, incorporate new and environmentally beneficial technologies into its waste system.
6. The County finds and declares that the integrated system developed pursuant to the Solid Waste Management Plan has been and continues to be intended to serve all of the waste generators in Madison County in an environmentally sound and reliable manner, for current and future generations. The system is most effective in achieving its goals, both in terms of system administration and equitable distribution of system costs, when all of the non-recyclable waste generated in Madison County is directed to the public facilities established for the system. As a result of recent judicial action in the federal courts, legal uncertainty with respect to the power of municipal governments to direct the flow of waste to public facilities has been resolved. The County of Madison remains authorized by Chapter 369 of the Laws of 1991 of the State of New York to direct the flow of waste generated in the County to facilities constructed for that purpose. The County hereby declares it in the public interest to adopt the updated annexed legislation which originally amended Local Law Number 5 of 1991 and which required the delivery of all Commercial Waste, Industrial Waste, Residential Waste and Construction and Demolition Debris generated within the County to the County Landfill for disposal, in order to include all such waste within the integrated system, for the long-term benefit of all participants of the system.

SECTION I. DEFINITIONS

- a. **Board of Hearing** shall mean the board described in Section IV of this local law.
- b. **Board of Supervisors** shall mean the duly elected County Board of Supervisors for Madison County, New York.
- c. **Commercial Waste** shall mean Solid Waste generated by stores, offices, institutions, restaurants, warehouses, non-manufacturing activities in industrial facilities and agricultural enterprises.

- d. **Commercial Waste Permit** shall mean the permit issued pursuant to Section III.1 of this local law.
- e. **Committee** shall mean the Madison County Solid Waste and Recycling Committee, as established by the Madison County Board of Supervisors.
- f. **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. **Container** shall mean a container provided, or marked for identification, by a Waste Collector for use in the collection of Solid Waste and/or Recyclables within the County. Containers with a capacity equal to or greater than ten cubic yards shall be identified, marked and otherwise maintained in compliance with Sections III.1.b., III.1.f., III.1.j., and III.1.m. below.
- h. **County** shall mean Madison County, New York, a municipal corporation of the State of New York, with offices at Wampsville, New York.
- i. **County Landfill** shall mean the Landfill owned and operated by the County and located at Buyea Road, Town of Lincoln, New York, or any other landfill owned and/or operated, or caused to be operated, by the County.
- j. **Department** shall mean the Madison County Department of Solid Waste and Sanitation, or its successor. The Director of the Madison County Department of Solid Waste and Sanitation, or his appointees, is authorized to act on behalf of the Department and the Committee.
- k. **Designated Recyclables** shall mean recyclable materials, as specifically designated by the Board of Supervisors by resolution and which shall be separated from the Solid Waste stream for collection and/or delivery to a materials recovery facility or other recycling facility, Transfer Station or Processor. The list of Designated Recyclables may be modified from time to time by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted, and that may be amended from time to time, by the Board of Supervisors. A current official list of Designated Recyclables shall be maintained by and be available from the Madison County Department of Solid Waste and Sanitation.
- l. **Facility** shall mean any Solid Waste management facility or facilities owned and/or operated, or caused to be operated by the County that accepts or disposes of Solid Waste and/or Recyclables, including but not limited to landfills, transfer stations, materials recovery facilities, drop off centers, and resource recovery facilities.
- m. **Farm** shall have the meaning specified in 6 NYCRR Part 360 - 1.2 as the same may be amended, suspended or replaced.
- n. **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.
- o. **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; plastic 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 trailing resulting from mining; or solution mining brine and insoluble component wastes.

p. **Open Dump** shall mean a Solid Waste disposal area which is not authorized to be operated under applicable Federal and State laws and regulations.

q. **Municipality** shall mean the County, and any Town, City or Village within Madison County.

r. **Person** or **Persons** shall mean any individual, company, partnership, association, firm, corporation, municipality or any other entity.

s. **Processor** shall mean a primary user of the particular material such as Recyclables, including but not limited to glass factories, de-tinners, plastic recovery facilities, paper mills or consolidators of such materials.

t. **Prohibited Materials** shall mean materials which shall not be accepted at the County Landfill; provided, however, that the Board of Supervisors may accept certain Prohibited Materials or designated components thereof at a Facility in the County pursuant to rules and regulations (i) adopted by the Department and (ii) approved by resolution of the Board of Supervisors. The list of Prohibited Materials may be established and modified from time to time by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted, and that may be amended from time to time, by the Board of Supervisors. A current official list of Prohibited Materials shall be maintained by and be available from the Madison County Department of Solid Waste and Sanitation.

v. **Recyclables** shall mean such material from Commercial Waste, Industrial Waste and Residential Waste sources, including but not limited to Designated Recyclables, 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. If, as a result of a change in law or any interpretation thereof by a court or governmental body of competent jurisdiction, Recyclables are not considered a component of or generated from Solid Waste, Recyclables shall, for purposes of this local law, nevertheless have the meaning specified in this definition. Also see the definition of Designated Recyclables for reference to a list of materials that the County requires to be separated from the Solid Waste stream for collection and/or delivery to a materials recovery facility or other recycling facility, Transfer Station or Processor.

w. **Resident** shall mean any individual who is a legal resident of the County or any individual who is a temporary resident of the County.

x. **Residential Waste** 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.

y. **Resident Waste Permit** shall mean the permit issued pursuant to Section III.3. of this local law.

z. **Rules of Procedure** shall mean the rules used by the Hearing Board in enforcement hearings. Said rules shall be set by resolution of the Board of Supervisors and amended as necessary from time to time.

aa. **Solid Waste** shall have the meaning specified in 6 NYCRR Part 360-1.2 as the

same may be amended, superseded or replaced.

bb. **Special Waste Permit** shall mean the permit issued pursuant to Section III.2. of this local law.

cc. **State** shall mean the State of New York.

dd. **Transfer Station** shall mean a facility owned by the County for the consolidation of deliveries made by individual Residents of Solid Waste and/or Recyclables, including County yard waste composting facilities that may be co-located at such Transfer Stations. The County's four Transfer Stations are located in the Towns of Cazenovia, Hamilton, and Sullivan, and on the east side of Buyea Road in the Town of Lincoln.

ee. **Waste Collector** shall mean any individual, association, partnership, firm, corporation, not-for-profit organization, municipality, educational institution or any other Person deemed by the Department to be engaged in the collection, pickup, transfer, removal and/or disposal of Solid Waste and/or Recyclables.

SECTION II. ADMINISTRATION

1. 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.
2. The Department, or its successor, shall administer the program of registering and permitting all Waste Collectors and other Persons collecting, transporting or disposing of Solid Waste and/or Recyclables generated within the County. This includes the issuance, renewal, and revocation of all permits described in this local law.
3. The Department, or its successor, shall promulgate rules and regulations in connection with the operation of the County Landfill or any other Facility.
4. The Department, or its successors, shall issue warning notices and initiate proceedings pursuant to Section IV of this local law to prosecute violations of this local law.
5. 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 Board of Supervisors or Committee.

SECTION III - STANDARDS AND REGULATIONS

1. Commercial Waste Permit Requirements
 - a) No Waste Collector shall collect, transport or dispose of Solid Waste and/or Recyclables generated within the County without first obtaining a Commercial Waste Permit issued by the County. Each day during which a Waste Collector collects, transports or disposes of Solid Waste or Recyclables generated within the County without a Commercial Waste Permit shall be considered a separate violation of this Section.
 - 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. Other than individuals, all Persons applying for Commercial Waste Permits shall submit adequate proof of the legal status of the entity seeking the permit. Such applications shall include a list that identifies all vehicles, and all containers with a capacity equal to or greater than ten cubic yards, that the applicant intends to utilize for the collection of Solid Waste and/or Recyclables in the County, along with the cubic yard capacity for each vehicle or

container. The Department will assign an identification number for each vehicle and for each container with a capacity equal to or greater than ten cubic yards. 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.

- c) Each applicant other than a Municipality shall be required to pay a Commercial Waste Permit fee. A current official list of Department fees shall be maintained by and be available from the Madison County Department of Solid Waste and Sanitation.
- d) Municipalities shall not be required to pay the permit application fee identified in this Section III.1.c., but shall be required to comply with all other requirements, including other fee requirements, of this local law.
- e) The Certificate of Insurance to be filed with the application shall be executed by a duly authorized and qualified representative of an insurance company, subject to verification and approval by the Department, evidencing that said insurance company has issued liability and property damage insurance policies covering, at a minimum, the following:
 - i) All operations of the applicant or any other person, firm or corporation employed by him in collecting and/or 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 collecting and/or transporting Solid Waste and/or Recyclables.
 - iv) The certificate shall specifically evidence the following minimum amounts of insurance coverage based upon the number of vehicles permitted for hauling waste in Madison County which shall remain in effect for the term of the permit, and shall provide that written notice shall be given to the Department thirty (30) days prior to any change in the conditions of the certificate or any expiration or cancellation thereof:

Commercial Haulers with one, two or three permitted trucks

Public Liability Insurance –
 Per Person.....100,000
 Per Accident.....300,000

Property Damage –
 Per Accident..... 50,000

Commercial Haulers with four or more permitted trucks

Public Liability Insurance –
 Per Person.....250,000
 Per Accident.....500,000

Property Damage –

Per Accident..... 50,000

- f) 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 so long as the applicant is otherwise deemed by the Department to be in compliance with this local law and related requirements of the Department. A Commercial Waste Permit shall expire on the next June 30 following the date of issue. Upon issuance of the Commercial Waste Permit the permit holder shall affix the Commercial Waste Permit to the inside rear bottom corner of the driver's window in each and every vehicle, on which shall be set forth clearly the official number of such Commercial Waste Permit and/or the license plate number of the vehicle to which the Commercial Waste Permit is affixed, and for every container with a capacity equal to or greater than ten cubic yards the permit holder shall affix its name along with the identification number assigned by the County for each such container in permanent lettering that is readily visible and a minimum of four inches in height, in a location or locations specified by the Department.
- g) 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, the Committee or the Board of Supervisors.
- h) Whenever satisfactory proof, such as 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 by the applicant of the appropriate fee, issue a new Commercial Waste Permit in lieu of the one that has been lost or destroyed.
- i) No Commercial Waste Permit issued pursuant to the provisions of this local law shall be transferable.
- j) The Commercial Waste Permit holder hereunder shall furnish the Department with a list identifying the municipalities within which collection services are provided and detailing the number of residences, commercial establishments or other generators of Solid Waste and/or Recyclables located in the County and serviced by the applicant. The identification numbers and cubic yard capacities of the vehicles, and of the containers that have a capacity equal to or greater than ten cubic yards, utilized in each collection area by the Commercial Waste Permit holder shall be included on aforesaid list. This list shall be prepared at a level of detail satisfactory to the Department and shall be updated by the Commercial Waste Permit holder at the request of the Department, but not more often than every three months.
- k) 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 provision 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.
- l) 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.
- m) 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. The name of the Commercial Waste Permit holder shall be readily visible on all vehicles, and on all Containers, along with permanent and unique identification numbers assigned by the Department for each vehicle and for each Container with a capacity equal to or greater than ten cubic yards. Operation of vehicles shall be done in such a manner as to prevent spilling or loss of contents.

- n) 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, and shall not be deemed to create a property interest with respect to the Commercial Waste Permit in the holder.
 - o) All such Commercial Waste Permit requirements specified herein, including, but not limited to, Commercial Waste Permit fees and minimum insurance coverage amounts, may be amended or adjusted from time to time by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted, and that may be amended from time to time, by the Board of Supervisors.
2. Special Waste Permit Requirements
- a) Persons and Waste Collectors not holding Commercial or Residential Waste Permits may obtain a Special Waste Permit for the collection, transportation and/or disposal of Solid Waste generated within the County at the County Landfill. A Special Waste Permit must be obtained from the Department for a daily fee.
 - b) The Department may, at its sole discretion, require certain Special Waste Permit holders to provide proof of insurance in a form and amount satisfactory to the Department before such Special Waste Permit holder may dispose of Solid Waste and/or Recyclables at the County Landfill or any other Facility.
 - c) Special Waste Permit holders shall strictly comply with all rules and regulations prescribed by the Department.
 - d) All Special Waste Permit requirements specified herein, including, but not limited to, Special Waste Permit fees, may be amended or adjusted from time to time by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted, and that may be amended from time to time, by the Board of Supervisors.
3. Resident Waste Permit Requirements
- a) Resident individuals collecting, transporting or disposing of their own Solid Waste and/or Recyclables at a Transfer Station will be required to obtain a Resident Waste Permit from the Department's office or at a Transfer Station. Such permit shall be displayed on the rear window of the delivery vehicle and shall be valid for the duration of the residence of such individual, or ownership of such vehicle by such individual, whichever is shorter.
 - 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 Special Waste Permit. The Department, at its sole discretion, may require any vehicle, regardless of type or size, collecting and/or transporting Solid Waste and/or Recyclables generated within the County for compensation

paid to the owner or operator, to comply with the provisions applicable to a Commercial Waste Permit or Special Waste Permit.

- c) Resident Waste Permit holders shall strictly comply with all rules and regulations prescribed by the Department.
- d) All Resident Waste Permit requirements specified herein, including, but not limited to, Resident Waste Permit fees, may be amended or adjusted from time to time by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted, and that may be amended from time to time, by the Board of Supervisors.

4. Disposal of Solid Waste

- a) All Waste Collectors and other Persons shall deliver all Commercial Waste, Industrial Waste, Residential Waste and Construction and Demolition Debris generated within the County, other than Prohibited Materials, Designated Recyclables or Recyclables separated at the point of generation for separate collection, to the County Landfill for disposal or, if permitted to do so in accordance with this local law and applicable Department rules and regulations, to one of the County Transfer Stations. No Waste Collector 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 Special Waste Permit.
- b) No Waste Collector 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 applicable tipping fee. Disposal of refrigeration units shall be only at Facilities designated by the County, and the fee for such disposal shall be as designated by the County Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted, and amended as necessary from time to time, by the Board of Supervisors.
- c) Solid Waste generated outside the County will not be accepted at the County Landfill or at any other Facility located in the County, except pursuant to approval by the Board of Supervisors.
- d) 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.
- 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) All disposal requirements specified herein may be amended or adjusted from time to time by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted, and that may be amended from time to time, by the Board of Supervisors.

5. Fees for Disposal of Solid Waste by Commercial Waste Permit Holders

- a) Except as may otherwise be set forth in a disposal contract with the County,

tipping fees for Commercial Waste Permit holders shall be set by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted and amended as necessary from time to time by the Board of Supervisors. In the event that weighing scales at the County Landfill are for any reason not operable, a rate shall be set by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted and amended as necessary from time to time by the Board of Supervisors and shall be based upon the cubic yard capacity of the delivery vehicle, except that a delivery of less than half the load capacity will pay half the fee computed on total capacity. The County's attendant shall be the sole judge of whether the load is less than half the vehicle's capacity. A current official list of Department fees shall be maintained by and be available from the Madison County Department of Solid Waste and Sanitation.

- b) Upon issuance of initial permit or permit renewal, all Commercial Waste Permit holders must elect to pay tip fees by one of the following methods:
 - i) at the time of delivery of waste to the landfill. Payment at the time of disposal shall be by cash or valid check, or
 - ii) by monthly billing from the County. Monthly bills must be paid as determined by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted and that may be amended from time to time by the Board of Supervisors. The minimum tipping fee charge for either payment method will be \$5.00. Once the permit holder has chosen to pay either at the time of delivery or to be billed monthly, the manner of payment may only be changed at the time of renewal of said permit unless the permit holder is directed otherwise by the Department.
- c) Failure to make payments when due may result in one or more of the following sanctions:
 - i) Suspension or revocation of the Commercial Waste Permit or Special Waste Permit as authorized by Section IV of this local law
 - ii) Payment of a surcharge as authorized by Section IV of this local law
 - iii) Requirement to pay Cash on Delivery, pursuant to a resolution adopted by the Board of Supervisors
- d) In all cases, failure to make payments when due shall result in the imposition and collection of a late penalty. Said penalty amount shall be as designated by resolution of the County Board of Supervisors and amended as necessary from time to time.
- e) Submittal to the County of checks by a Person in amount for which there are insufficient funds available shall be subject to a bounced check fee in an amount as determined by the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted and amended as necessary from time to time by the Board of Supervisors, in addition to other remedies available by law.
- f) All Solid Waste disposal requirements specified in this subsection, including, but not limited to, tipping fees and late penalties may be amended or adjusted from time to time by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the

Committee that have been adopted, and that may be amended from time to time, by the Board of Supervisors.

6. Fees for Disposal of Solid Waste by Special Waste Permit Holders

- a) Tipping fees for Special Waste Permit holders shall be set by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted and amended as necessary from time to time by the Board of Supervisors. In the event that weighing scales at the County Landfill are for any reason not operable, a rate shall be set by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted and amended as necessary from time to time by the Board of Supervisors based upon the cubic yard capacity of the delivery vehicle, except that a delivery of less than half the load capacity will pay half the fee computed on total capacity. The County's attendant shall be the sole judge of whether the load is less than half the vehicle's capacity. A current official list of Department fees shall be maintained by and be available from the Madison County Department of Solid Waste and Sanitation.
- b) Submittal to the County of checks for tip fees in amount for which there are insufficient funds available shall be subject to a bounced check fee in an amount as determined by the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted and amended as necessary from time to time by the Board of Supervisors, as well as remedies available to the County for failure to make payments by Commercial Waste Permit holders as provided in Section III.5.d. above and as otherwise provided by law.
- c) A current official list of Department fees shall be maintained by and be available from the Madison County Department of Solid Waste and Sanitation.
- d) All Solid Waste disposal requirements specified in this subsection, including, but not limited to, tipping fees, may be amended or adjusted from time to time by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted, and that may be amended from time to time, by the Board of Supervisors.

7. Fees for Disposal of Solid Waste by Resident Waste Permit Holders

- a) Tipping fees for Resident Waste Permit holders shall be imposed by requiring such Resident Waste Permit holder to present disposal punch cards for use as payment.
- b) The number of punches required for disposal of various materials shall be set by resolution of the Board of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted and amended as necessary from time to time by the Board of Supervisors. A current official list of Department fees for particular items shall be maintained by and be available from the Madison County Department of Solid Waste and Sanitation. Items not specifically listed by the Board of Supervisors shall require disposal punches as determined in the discretion of the attendant on duty with reference to the estimated volume of the bulk item.
- c) Resident Waste Permit holders may purchase disposal punch cards from the Department, authorized County agents and clerks of the town, city or village in which such Resident resides. In the absence of a specific expiration date on the punch card, punch cards issued after January 1 of each calendar year shall be

valid until and shall expire on a date as determined by resolution of the Board of Supervisors.

8. Disposal of Recyclables

- a) No Waste Collector or other Person shall dispose of Recyclables at a Facility in the County without a Commercial Waste Permit, Resident Waste Permit or Special Waste Permit.
- b) All Persons generating Solid Waste, and/or Waste Collectors collecting Solid Waste and/or Recyclables generated within the County, must separate Designated Recyclables from the Solid Waste stream into such categories and/or into such packages or containers as specified in this local law or as designated and prescribed by the Department, and all Waste Collectors and Resident Waste Permit holders must ensure that any such Designated Recyclables be delivered to a materials recovery facility or other recycling facility, a Transfer Station or a Processor. No Person shall commingle separated Designated Recyclables and Solid Waste at or subsequent to the time said materials are set out for collection.
- c) Solid Waste and Recyclables generated within the County that are not included in the current official list of Designated Recyclables 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 must be clear plastic to facilitate viewing of their contents.
- d) All Waste Collectors operating in the County must provide collection services for both Solid Waste and Recyclables. Collection of Recyclables may be performed on a less frequent basis than Solid Waste collection, but in no case less frequent than twice a month.
- e) Customers of Waste Collectors must be provided the option of hiring full collection services for both Recyclables and Solid Waste, or for hiring collection of Solid Waste only, and opting to deliver their own Recyclables to a Transfer Station or recycling facility.
- f) All Waste Collectors and Persons other than individual Residents, shall periodically, but no less frequently than annually, submit a report to the Department indicating the types and quantities of Recyclables delivered to a recycling facility or Processor other than Madison County for inclusion in data required by the New York State Department of Environmental Conservation, in accordance with reporting requirements established by the Department that it may modify from time to time.
- g) The Department will maintain the Transfer Stations as Recyclable drop off stations for use by Resident Waste Permit holders only. The Department reserves the right to increase or decrease the number or relocate such Recyclable drop off stations.
- h) No tipping fee or disposal charges will be imposed at any Facility located in the County for the disposal of Designated Recyclables, except as determined necessary by the Board of Supervisors, and as provided in Paragraph III.8.i below.
- i) All Recyclable disposal requirements specified in this subsection, 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 of Supervisors or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted and that may be amended from time to time by the Board of Supervisors.

9. Littering

- a) It shall be unlawful for any person, 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 car, truck, automobile, boat, bicycle or any other vehicle, in or on any public highway, street, alley, sidewalk, park, public building, dumpster or other container owned, leased or otherwise controlled by another person and for which public use is not authorized, or in any running water, body of water, 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. Presumptions

The following shall be rebuttable presumptions in the enforcement of the administrative and criminal provisions of this local law:

- a) The placement or presence of any Container which is marked or identified with the name of any Waste Collector, at any location within the County, shall be presumptive evidence that said Waste Collector is providing solid waste collection services at said location within the County as of the date of said placement or presence.
- b) Evidence of Solid Waste in a Container located as described in Section IV.1.a. above, and subsequent observation of the same Container empty, shall be presumptive evidence that Solid Waste was collected from the Container by the Waste Collector whose name is marked on the Container.
- c) The failure to deliver any Solid Waste to a County Facility within three days of the collection of Solid Waste from any location within the County shall be presumptive evidence that the Solid Waste was disposed of at a location other than a County Facility.
- d) Service upon any Person in a manner consistent with the requirements of Section IV.2.b. of this local law shall be presumptive evidence that such notice was received by that Person.

2. Administrative Sanctions

- a) The Department shall have the right to impose a surcharge and/or suspend or revoke any Commercial Waste Permit, Resident Waste Permit, or Special Waste

Permit if the holder of such permit violates any of the provisions of this local law or any rules, regulations or requirements of the Department that may be adopted and modified from time to time in accordance with 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 or any applicable rules, regulations or requirements of the Department, 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 Special Waste 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. Said hearing will be conducted in accordance with Rules of Procedure. A copy of said Rules shall be provided, upon request made to the Department, to any Person who requests a hearing.
- 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 upon notice to the violator, shall be effective upon service of said notice.
- e) The Board of Hearing shall consist of three persons, as follows:
 - i) The Committee Chairperson
 - ii) Two (2) members of the Committee as appointed by the Committee Chairperson.
 - iii) Each member of the Board of Hearing may designate an individual from the Board of Supervisors who currently or in the past has served on the Madison County Solid Waste & Recycling Committee to serve in his or her place and stead for such period as shall be reasonably necessary. The Committee Chairperson may designate a third member of the Committee to serve in the Chairperson's place and stead, and upon such designation the Board of Hearing may waive the Committee Chairperson's attendance and participation.
- f) Any Person who is found, after hearing, to have violated any of the provisions of this local law or any applicable rules, regulations or requirements of the Department may be required to pay a surcharge not to exceed \$2000 for each violation. Such surcharge must be paid in full before any permit issued pursuant to this local law can be reinstated.

3. Criminal Sanctions

- a) The County Sheriff's Department, New York State Police, New York State Department of Environmental Conservation Officers 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 or any applicable rules, regulations or requirements of the Department shall be guilty of a violation, which shall be punishable upon conviction by a fine of up to \$2000. Each day during which a violation continues shall be deemed to be a separate violation.
- 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 Madison and shall be transmitted to the County Treasurer.
- d) Failure to pay any fine may result in imprisonment as prescribed in Section 420.10(3) of the Criminal Procedure Law.

4. Enforcement Guidelines

The Department or Committee may establish and modify from time to time enforcement guidelines that have been adopted and that may be amended from time to time by resolution of the Board of Supervisors with regard to any provision of this local law.

SECTION V - EFFECTIVE DATE

This law shall take effect immediately upon its adoption by the Board of Supervisors.

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 circumstance 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.

END