

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~ of CHEMUNG

~~Town~~

~~Village~~

Local Law No. 4 of the year 19<sup>96</sup>

A local law Chemung County Solid Waste Management District Separation and Segregation of Recyclables or Reusable Material Law  
(Insert Title)

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

County

~~City~~ of CHEMUNG

as follows:

ARTICLE I

TITLE AND AUTHORITY

SECTION 1.1 - SHORT TITLE

This law shall be known as the "Chemung County Solid Waste Management District Separation and Segregation of Recyclables or Reusable Material Law".

SECTION 1.2 - EMPOWERING LEGISLATION

The Chemung County Solid Waste Management District Separation and Segregation of Recyclables or Reusable Material Law is enacted pursuant to Section 120aa of the General Municipal Law.

ARTICLE II

PURPOSE AND INTERPRETATION

SECTION 2.1 - DECLARATION OF POLICY

The purpose of this law is to empower the County of Chemung, through the Administrative Board of the Chemung County Solid Waste Management District (District) to require that solid waste which has been left for collection of which is delivered by the generator of such waste to a solid waste management facility, shall be separated into recyclable, reusable or other components for which an economic market for alternate uses exists and to regulate the disposal of solid waste generated in the County of Chemung by the establishment of certain standards, regulations, rules and procedures as set forth herein, for the protection of the public health, safety and welfare and for the enhancement of the environment.

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

## ARTICLE III

### ADMINISTRATION

#### SECTION 3.1 FUNCTION, POWERS AND ADMINISTRATIVE RESPONSIBILITIES

The duties and responsibilities of the District and its Administrative Board shall include but not be limited to the following:

1. To exercise all powers and duties as an Administrative Unit of County Government for solid waste management in Chemung County and to perform such other functions as the Chemung County Legislature will from time to time direct or delegate.
2. To carry out its duties in accordance with all applicable laws, rules and regulations pertaining to solid waste management.
3. To authorize the General Manager and/or his designee to investigate all violations and grievances reported hereunder.
4. To initiate any action against any person as provided herein.
5. To have notices and citations and violations issued under this local law and to direct its attorney to prosecute violations of this local law.

## ARTICLE IV

### RECYCLABLES

Section 4.1 Recyclables shall be deposited at solid waste management facilities owned or operated by the District. Such recyclables shall be prepared according to District specifications.

The following recyclables for which economic markets exist shall be source separated as follows: (i) corrugated cardboard, (ii) office paper, (iii) newspapers and magazines, (iv) junk mail, (v) glass, plastic, metal and aluminum containers, (vi) leaves and grass clippings.

Section 4.2 Prior to placement curbside for collection and removal, glass, plastic, metal and aluminum containers shall be clean, and all contents shall be removed therefrom, caps shall be removed from glass and plastic containers, paper labels shall be removed from metal containers, and metal lids shall be placed inside metal cans. Recyclables shall be placed loosely inside the recycling container (provided by District) with newspapers and magazines placed on top of the container.

Section 4.3 Recyclables shall not be placed in the same container as or otherwise mixed with other forms of solid waste. The District shall reject loads of solid waste commingled with recyclables or loads of recyclables commingled with solid waste.

Section 4.4 The dates for collection of recyclables shall be determined by the solid waste hauler.

Section 4.5 All persons who wish to drop-off recyclables at solid waste management facilities of the District shall separate the recyclables and dispose of them in separate containers that will be made available at such facilities. Once deposited in the containers provided at such facilities, all recyclables become the property of the District.

## ARTICLE V

### VARIANCES

Section 5.1 The General Manager of the District may, upon written request, grant a variance from a specific provision of this Local Law. Requests for variances shall be considered on a case by case basis.

Variances may be granted upon a demonstration by the person requesting the variance that (i) compliance with this Local Law or the regulations promulgated hereunder, in whole or in part, would, on the basis of conditions unique to the person's particular situation, impose an unreasonable economic, technological or safety burden on the person and (ii) that the requested variance is in harmony with the general objectives and purposes of this Local Law.

## ARTICLE VI

### ENFORCEMENT AND PENALTIES

Section 6.1 All provisions of this Local Law are enforceable by the General manager of the District and other appropriate representatives of the County of Chemung or their designees.

Section 6.2 Whenever the General Manager of the District or his designee determines that there has been a violation of this Local Law, he shall give notice of such violation to the alleged violator(s) by personal service or by certified mail, return receipt requested. The Notice shall be in writing and shall include a statement of the violation and a time frame within which the violation shall be corrected. The notice shall also state that, if the violator has been issued a registration hereunder, unless the violation is corrected within the allotted time, suspension and revocation of registration may result, along with the imposition of penalties.

The notice may also set forth an outline of remedial action which, if undertaken, will effectuate compliance.

Section 6.3 Any person who commits a violation of any provision of this Local Law, or any regulation promulgated hereunder, or whose actions result in a violation of the terms of any consent order, shall be subject to arrest and punishment, if convicted, as hereinafter provided:

1. First offense: conviction of a first offense shall be punishable by a fine of not less than \$100.00 nor more than \$500.00, and/or a term of imprisonment not to exceed fifteen days, together with restitution based on avoided disposal fees and cost of collection and hauling and/or community service.

2. Second or subsequent offense: conviction of a second or subsequent offense within a year of the first offense shall be punishable by a fine of not less than \$500.00 nor more than \$1,000.00, and/or a term of imprisonment not to exceed six months, together with restitution based on avoided disposal fees and costs of collection and hauling, and/or community service.

3. Conviction of any company, partnership, municipality or any entity other than an individual person shall be subject to a fine not less than \$500.00 nor more than \$2,500.00 and/or community services.

4. Violation of this Local Law or a regulation promulgated hereunder shall be a misdemeanor as defined in Section 55.10(2) of the Penal Law of the State of New York.

Section 6.4 Each day during which a violation of this Local Law continues shall be deemed to be a separate violation.

Section 6.5 Enforcement shall be effected as follows:

1. by a peace officer or police officer as provided by the Criminal Procedure Law of the State of New York;

2. by the General Manager of the District or his designee by issuance of an appearance ticket pursuant to Article 150 of the Criminal Procedure Law of the State of New York.

Section 6.6 Civil Enforcement:

Notwithstanding the penalties set forth above, the attorney for the District or any other attorney designated by the Administrative Board upon the request of the General Manager, may institute a civil action to obtain restitution to the County of Chemung from such offender for the actual costs incurred in removing or arranging for the removal of solid waste or providing remedial action relating to solid waste, or to abate, enjoin or otherwise compel cessation of the violation of any provision of this Local Law.

Section 6.7 Disposition of Fines:

Any fines collected hereunder shall be payable to the District.


ARTICLE VII

This Local Law shall take effect January 1, 1997.

BY ORDER OF THE CHEMUNG COUNTY  
LEGISLATURE, COUNTY OF CHEMUNG,  
STATE OF NEW YORK

APPROVED BY:

DATED: December 19, 1996

  
\_\_\_\_\_  
G. Thomas Tranter, Jr.  
Chemung County Executive  
County of Chemung  
State of New York

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 1996 of the (County)(City)(Town)(Village) of Chemung was duly passed by the County Legislature on December 9 1996, and was (approved)(~~not disapproved~~)(repassed after disapproval) by the County Executive and was deemed duly adopted on December 19 1996 in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_ in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

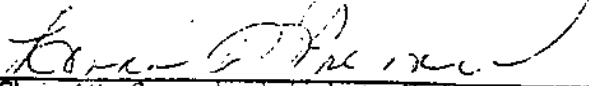
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the town of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

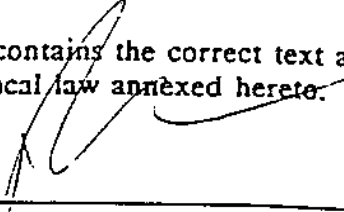
(Seal)

Date: December 19, 1996

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Chemung

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature Ransom Reynolds, Jr.  
County Attorney  
Title

County  
City  
Town of Chemung  
Village

Date: December 19, 1996

