RESOLUTION NO. 200 LOCAL LAW INTRODUCTORY NUMBER FOUR OF THE YEAR 1992- ADOPTION OF

Legislator Rudolph offered the following resolution:

WHEREAS, The following Local Law was duly introduced to the Genesee County Legislature in accordance with the Law:

A LOCAL LAW REGARDING SOURCE SEPARATION AND RECYCLING IN GENESEE COUNTY.

BE IT ENACTED, By the County Legislature of the County of Genesee as follows:

SECTION 1. FINDINGS AND PURPOSE.

1.01 The County finds that the removal of certain materials from the Solid Waste stream will decrease the amount of Solid Waste disposed of in landfills and aid in the conservation of valuable resources.

1.02 The County finds that the New York Solid Waste Management Act of 1988 requires all municipalities to adopt a local law or ordinance by September 1, 1992 requiring separation of recyclable and reusable material from Solid Waste.

1.03 The County's intent is to implement an approach to developing solid waste projects which is consistent with the solid waste plan of the other municipalities within Genesee County. The County shall administer this Local Law as further described herein.

1.04 The County finds that in order to protect the health, safety, and welfare of the people of the County, it is necessary for the County to enact this Local Law in order to encourage and facilitate the maximum recycling practicable on the part of every household, business and institution within the County.

1.05 The County declares that the purpose of this Local Law is to establish, implement and enforce recycling related practices and procedures to be applicable to all Waste Generators within the County.

SECTION 2. DEFINITIONS.

As used in this Local Law, the following terms shall have the following meanings:

2.01 Authorized Facility shall mean a public or private facility or facilities where Recyclables may be delivered for disposal, including but not limited to, drop-off centers, transfer stations, materials recovery facilities, or other such public or private facilities designated by the County pursuant to the Recycling Rules and Regulations.

2.02 City shall mean City of Batavia, New York.

2.03 County shall mean Genesee County, New York.

2.04 Town shall mean any of the Towns within the County of Genesee.

2.05 Village shall mean any of the Villages within the County of Genesee.

2.06 Person shall include natural persons and all other legal entities, including corporations.

2.07 Recyclables shall mean any material so designated from time to time, by the City, Towns, Villages, County, New York State, Federal Government, or by the Committee pursuant to the Recycling Rules and Regulations, provided that such material is not hazardous and can be reasonably separated from the Solid Waste stream and held for material recycling or reuse value.

2.08 Recycling Rules and Regulations shall mean those rules and regulations promulgated pursuant to Section III of this Local Law.

2.09 Solid Waste shall mean all putrescible and nonputrescible 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 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 visible 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 the characteristics of hazardous waste promulgated by the Commissioner of the Department of Environmental Conservation.

2.10 Source Separation shall mean the segregation of recyclable material from the solid waste stream at the point of generation for separate collection, sale or other disposition.

2.11 Waste Generator shall mean any person, household, business, governmental agency or other legal entity which produces solid waste requiring off-site disposal.

2.12 Waste Hauler shall mean all persons engaged in the commercial collection, transportation and/or disposal of Solid

Waste and/or Recyclables generated, originated or brought within the County.

SECTION 3. ADMINISTRATION AND RULES AND REGULATIONS

3.01 The County Manager or his designee shall be primarily responsible for all ministerial and administrative duties described or reasonably required by the terms of this Local Law. The County Legislature among other things, is hereby authorized and directed to develop, promulgate, implement and modify Recycling Rules and Regulations governing the separation, collection, transportation and disposal of Recyclables.

3.02 The Recycling Rules and Regulations shall, among other things, (i) identify, define, expand and amend categories of Recyclables to be Source Separated and/or subject to special handling requirement; (ii) identify one or more Authorized Facilities to which Recyclables may be delivered, subject to such expectations as the County Legislature may determine to be in the public interest; (iii) establish a program to implement and enforce Source Separation which may reflect local differences in population density, accessibility and capacity of markets and facilities, collection practices and Solid Waste composition; and (iv) prescribe all other rules and regulations reasonably required by the terms of this Local Law.

3.03 In promulgating and enforcing such Recycling Rules and Regulations, the County Legislature shall use such discretion as necessary to carry out the provisions of this Local Law. When exercising such discretion, the County Legislature shall consider, among other things, (i) existing Source Separation, recycling and other resource recovery facilities and practices in the County; (ii) expense incurred or to be incurred by Waste Generators and Waste Haulers to comply with such Recycling Rules and Regulations; (iii) the capacity, handling, disposal and marketing capabilities of available facilities; and (iv) other factors effecting the public interest.

SECTION 4. PREPARATION OF RECYCLABLES FOR COLLECTION.

4.01 Each Waste Generator in the County shall Source Separate Recyclables from Solid Waste as provided in the Recycling Rules and Regulations and comply with all applicable rules and regulations for such Source Separation as specified therein.

4.02 Each Waste Generator in the County shall provide for the removal of Recyclables from the property on which they are generated either through a service provided by a municipality, or a private hauler, or by direct haul by the individual Waste Generator to an Authorized Facility specified by the County Legislature pursuant to the Recycling Rules and Regulations.

4.03 Nothing in this Local Law is intended to prevent any Waste Generator from making arrangements for the reuse, private collection, sale or donation of Recyclables.

SECTION 5. WASTE HAULERS.

5.01 All Waste Haulers in the County shall offer or cause to be offered to their customers collection, transportation and disposal services for Recyclables to the same extent any such Waste Hauler offers collection, transportation and disposal services for Solid Waste. Such services shall be provided on the same day(s) as Solid Waste pickup services are provided unless otherwise authorized by the Recycling Rules and Regulations.

5.02 No Waste Hauler shall be required to accept for collection Solid Waste which has not been Source Separated or hazardous waste.

5.03 All Waste Haulers must maintain all records and supply all reports required by the Recycling Rules and Regulations.

5.04 All Waste Haulers are obligated to notify the County when they are aware of a Waste Generator who is not recycling.

5.05 All Waste Haulers must register with the County. Failure to register within ten (10) days of notification of noncompliance with this section shall result in a fine of Five Hundred Dollars ($500.00) to the Waste Hauler.

SECTION 6. ENFORCEMENT.

6.01 The County may inspect all portions of vehicles and/or containers used in the collection, transportation and/or disposal of Solid Waste and/or Recyclables, including, but not limited to, containers placed at the curbside of residences, to ascertain compliance with the terms and conditions specified in this Local Law.

6.02 Failure of a Waste Generator to comply with the provisions of this Local Law shall result in a fine for each violation as follows: Fifty Dollars ($50.00) for the first violation; (up to) Five Hundred Dollars ($500.00) for the second; (up to) Seven Hundred Fifty Dollars ($750.00) for the third and One Thousand Dollars ($1,000.00) for each subsequent violation.

6.03 Failure of a Waste Hauler to comply with the provisions of this Local Law shall result in a fine for each violation as follows: One Thousand Dollars ($1,000.00) for the first violation; Two Thousand Dollars ($2,000.00) for the second; Three Thousand Dollars ($3,000.00) for the third, and Four Thousand Dollars ($4,000.00) for each subsequent violation.

6.04 The County shall be primarily responsible for the enforcement of this Local Law and collection of all fines and penalties provided herein.

SECTION 7. SEVERABILITY.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Local Law is for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Local Law.

SECTION 8. EFFECTIVE DATE.

This Local Law shall become effective on September 1, 1992. and,

WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of the public hearing on said proposed Local Law on the bulletin boards in the Courthouse and County Building in the County of Genesee, and

WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the Batavia Daily News and the Le Roy Gazette, the official newspapers of the County of Genesee, the notice of the Public Hearing on Local Law Introductory Number Four, Year 1992, and

WHEREAS, A public hearing was held at 8:00 p.m. on August 12, 1992 at the Genesee County Courthouse, at which time all persons who wished to speak were heard. Now, therefore, Be it

RESOLVED, That "A LOCAL LAW REGARDING SOURCE SEPARATION AND RECYCLING IN GENESEE COUNTY" to be known as Local Law Number Four, Year 1992, for the County of Genesee be and hereby is adopted.

Legislator Ryan seconded the resolution which was adopted by 198 votes.

State of New York)
County of Genesee) ss.

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Genesee County Legislature on the 12th day of August 1992

Dated, Batavia, N.Y.

August 28th 1992

Carolyn P. Pratt

Clerk of the Genesee County Legislature

Highway Planning Clerk