

## **Appendix J**

### **Copies of Local Solid Waste and Recycling Laws**

(Use this form to file a local law with the Secretary of State.)

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

County, ~~City~~ of Ontario  
~~Town~~  
~~Village~~

Local Law No. SIX (6) of the year 19<sup>92</sup>

A local law Solid Waste Management and Recycling Local Law  
(Insert Title)

Be it enacted by the Board of Supervisors of the  
(Name of Legislative Body)

County of Ontario as follows  
~~City~~  
~~Town~~  
~~Village~~

SECTION I. FINDINGS AND PURPOSE

- 1.01 The County finds that to protect the health, safety and welfare of the people of the County, it is necessary to ensure and facilitate the maximum material recovery practicable from the solid waste stream of the county.
- 1.02 The purpose of this Local Law is to:
  - a. Establish and implement solid waste management practices and procedures to be applicable to all persons within the County;
  - b. Define materials to be banned from deposition in the Ontario County Sanitary Landfill.

SECTION II. DEFINITIONS

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

- 2.01 Director - shall mean the Director of the Ontario County Department of Solid Waste Management.
- 2.02 Economic Markets - refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said material

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

less the amount received from the sale of said material.

- 2.03 Hazardous Waste - shall mean any "hazardous waste" as defined under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., or "hazardous substance" as defined under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., or "hazardous waste" as defined under New York Environmental Conservation Law Section 27-0901 et seq., as each such law may be amended from time to time, and the regulations promulgated thereunder, and any analogous or succeeding federal, State or local law, rule or regulation and any regulations promulgated thereunder, and other material which any governmental agency or unit having appropriate jurisdiction shall determine from time to time cannot be processed at a Recycling Facility because it is harmful, toxic or dangerous.
- 2.04 Person - shall mean any human being, and those entities defined in General Construction Law §37.
- 2.05 Recyclable, reusable or other components - shall mean paper, glass, metals, plastics, garden and yard waste, and such other elements of solid waste as may be designated by the Ontario County Director of the Department of Solid Waste Management at least 30 days prior to the effective date of said designation, and published once in the official newspapers of the county, and further 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.
- 2.06 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 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 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 as defined herein.

- 2.07 Solid Waste Management Facility - shall mean any and all permitted or specifically exempt facility or facilities for the processing, reprocessing and/or recycling of Recyclable Materials, or the disposal of Solid Waste. This term shall exclude incineration facilities and waste-to-energy facilities.
- 2.08 Third Party Solid Waste - shall mean solid waste that is collected at a point where waste containers have been placed for use by the general public.
- 2.09 Waste Hauler - shall refer generically to both Commercial Waste Haulers and Municipal Waste Haulers.
- 2.10 Yard Waste - shall mean grass clippings, leaves, twigs, branches up to 4" in diameter, lawn and garden wastes, weeds, brush, and shrubbery clippings.

### SECTION III. MANDATORY SOURCE SEPARATION OF RECYCLABLES

- 3.01 Solid waste which has been left by the generator of such waste for collection by a waste hauler, or 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 economic markets for alternate uses exist.
- 3.02 No person shall commingle solid waste with recyclable, reusable or other components after said materials have been separated pursuant to 3.01.
- 3.03 No recyclable, reusable or other components shall be commingled with any hazardous waste.

### SECTION IV. REPORTING

All waste haulers doing business in Ontario County, and municipalities and other persons transporting their own solid waste to state permitted facilities, shall report quarterly quantities of waste and recyclable, reusable and other components handled, and such other information as may be reasonably required, to the Director in such form as he may reasonably determine. The sole purpose of this section is the collection of data required by the State of New York.

SECTION V. CONTAINERS

Blue boxes will be provided to all County residences until December 31, 1992. The County will provide these boxes to the Waste Haulers, who shall distribute them to their residential customers. Replacement boxes shall be the responsibility of the resident, or the Waste Hauler.

SECTION VI. THIRD PARTY SOLID WASTE

Any person responsible for the collection and removal of the solid waste and recyclables of another person or household or any person who places waste containers in an area for use by the general public shall:

- a. provide separate containers for solid waste, labeled clearly as such
- b. provide separate containers for collection of recyclables, as required in the Recycling Rules and Regulations, and clearly labeling containers as such
- c. provide written recycling rules and regulations
- d. provide for the collection and removal of solid waste and recyclables
- e. comply with any other rules and regulations promulgated by the Ontario County Board of Supervisors for persons responsible for third party solid waste removal.

SECTION VII. ONTARIO COUNTY SOLID WASTE FACILITY OPERATIONS

7.01 Designated recyclables, reusables and other components shall not be disposed of in the Ontario County Sanitary Landfill, except that the Director, may, by rule, designate acceptable contamination levels, consistent with state and federal regulations. Said rules shall be approved by the Board of Supervisors.

7.02 All solid waste delivered to and accepted by the County of Ontario at its solid waste management facilities shall be the property of the county, and shall be subject to disposition thereby.

SECTION VIII. ILLEGAL USE OF DUMPSTERS

No person shall deposit solid waste or any other substance in collection containers belonging to, or under the control of, any other person without the consent of said person.

SECTION IX. ADMINISTRATION

- 9.01 The Director may make and enforce such rules and regulations as may be necessary to implement the provisions of this local law.
  
- 9.02 No person shall deposit solid waste or recyclables with the solid waste facilities of Ontario County, nor shall any person engage in the commercial or municipal collection and transportation of solid waste or recyclables within Ontario County without a permit issued by the Director, who is hereby authorized to develop and implement a permit system, which shall be approved by the Board of Supervisors. The Director shall require, as a condition of the issuance and continued possession of such a permit, that the permittee is in compliance with this local law, including the reporting requirements of Section IV. Permits may be revoked by the Director upon reasonable grounds, including but not limited to violations of this local law.

SECTION X. SEVERABILITY

If any section, part of a section, paragraph, sentence, clause, phrase or work 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 XI. EFFECTIVE DATE

The Local Law shall become effective on September 1, 1992.

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(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. Six (6) of 19   of the (County)(City)(Town)(Village) of Ontario was duly passed by the Board of Supervisors on June 11 1992, 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.                      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                      and was deemed duly adopted on                      19  , 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 towns 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 1, above.

*Lorraine M. Brooke*

Clerk of the County legislative body, ~~Clerk of the County legislative body~~  
~~or other designated authorized officer~~

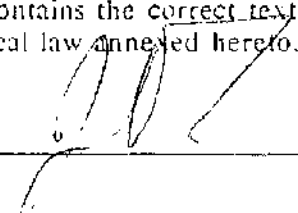
(Seal)

Date: June 12, 1992

(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 ONTARIO

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

County Attorney  
\_\_\_\_\_  
Title

County \_\_\_\_\_  
~~City~~ of ONTARIO  
~~Town~~  
~~Village~~

Date: June 12, 1992