4/28/93

Local Law Filing

NEW YORK STATE DEPARTMENT OF STA
162 WASHINGTON AVENUE, ALBANY, NY 122

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

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.

PASSED
5/12/93

County
~~City~~
~~Town~~
~~Village~~ of ORLEANS, NEW YORK

Local Law No. 2 of the year 19 93

A local law AMENDING LOCAL LAW NO. 3 OF 1991
(Insert Title)

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

County
~~City~~
~~Town~~
~~Village~~ of ORLEANS, NEW YORK as follows:

That Local Law No. 3 of 1991 of the County of Orleans be amended in its several parts, as follows:

SECTION 1. The last sentence of Section 1 of Local Law No. 3 of 1991 be amended so as to include "Chapter 485 of the New York Laws of the Regular Session, 1987". The last sentence shall read as follows:

This Local Law is enacted pursuant to the authority and direction of Section 120-aa of the New York General Municipal Law, Section 226-b of the New York County Law and Chapter 485 of the New York Laws of the Regular Session, 1987.

SECTION 2. Section 2.1 of Local Law No. 3 of 1991 is hereby amended to read as follows:

2.1 COUNTY RECYCLABLE MATERIALS: Shall mean and include any material designated from time to time, pursuant to Section 4.3 of this Law, 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.

SECTION 3. Sections 2.10, 2.11 and 2.12 of Local Law No. 3 of 1991 are hereby amended and Section 2.13 is added to read as follows:

2.10 SOURCE SEPARATION: The segregaton of disposable materials into RECYCLABLE MATERIALS and non-recyclable waste at the point of generation.

2.11 TRANSFER STATION: A solid waste management facility,

other than a DROP OFF CENTER, where SOLID WASTE is received for the purpose of subsequent transfer to another solid waste management facility for processing, treating, transfer or disposal.

2.12 WASTE GENERATOR: Any person or legal entity which produces waste requiring off-site disposal.

2.13 WASTE HAULER: Any person or business which is licensed by Orleans County for the purpose of collecting solid waste from WASTE GENERATORS for disposal at a permitted solid waste facility, or a municipal department or other governmental division responsible for collection or transfer of solid waste from some or all WASTE GENERATORS in the municipality for disposal at a permitted solid waste facility. A WASTE HAULER may also be a RECYCLABLES COLLECTOR.

SECTION 4. Local Law No. 3 of 1991 is hereby amended to add Section 3.1.2 to read as follows:

3.1.2 Each WASTE GENERATOR shall provide for the SOURCE SEPARATION of COUNTY RECYCLABLE MATERIALS as specified in any rule, regulation or order promulgated pursuant to Section 4.3.

SECTION 5. Section 5 of Local Law No. 3 of 1991 is hereby amended to read as follows:

SECTION 5. WASTE PERMITS.

5.1 No WASTE HAULER or RECYCLABLES COLLECTOR shall collect or transport SOLID WASTE and/or RECYCLABLES in Orleans County without obtaining a Waste Permit issued by the County, which permit shall authorize the holder to collect and transport SOLID WASTE or to collect and transport RECYCLABLES or to collect and transport both SOLID WASTE and RECYCLABLES as specified in the Waste Permit. A Waste Permit may limit the area of the County in which it shall be valid. An individual transporting solid waste and/or recyclables generated on premises occupied by such individual shall be exempt from this permit requirement.

5.2 Verified application for a Waste Permit or a renewal thereof shall be made to the County Director of Planning and Development on forms provided by the County, accompanied by a fee of One Hundred Dollars ($100.00), except that such fee shall be waived for a town or village operating as a WASTE HAULER or TRANSFER STATION, and a Certificate of Insurance showing coverage for the operations of the applicant of at least $500,000.00 per accident or occurrence. Such form shall contain or be accompanied by, at a minimum, the following information and items:

5.2.1 Name of applicant, street address, and mailing address of principal place of business. Explanation of ownership interest. Name and mailing addresses of managers and/or supervisors who will be in charge of operations within Orleans County.

5.2.1 Description of all collection vehicles and equipment to be used in the collection, transportation and/or disposal of SOLID WASTE and/or RECYCLABLES generated or brought within the County of Orleans.

5.2.3 Description of the proposed operation and service area within Orleans County for which a permit is sought.

5.2.4 Listing of any previous or existing enforcement actions brought by any environmental regulatory agency for violations of rules relating to solid waste and/or recyclable handling, transport or disposal.

5.2.5 A signed letter of certification of ultimate disposal sites for RECYCLABLES and/or SOLID WASTE.

5.2.6 A signed letter of certification, stating that the applicant has read and is familiar with the terms and conditions of the permit and this Local Law, that the applicant agrees to operate in accordance with such terms and conditions in the event a permit is issued, and that all information provided by the applicant is complete and factual.

5.2.7 Other information as deemed necessary by the County to make a determination of permit approval.

5.3 Upon receipt of a Waste Permit application Orleans County shall review the application for completeness and accuracy. If a permit application is incomplete or inaccurate the County shall notify the applicant forthwith. A complete application shall then be submitted by the County Director of Planning and Development to the County Legislature. Within forty-five (45) days of receipt of a complete application the County Legislature shall take action to approve, approve with conditions, or disapprove the permit application. If no action is taken within such forty-five (45) day period, the application will be deemed approved.

5.4 Waste Permits shall expire on the next June 30 following the date of issue and shall not be transferrable. Any Waste Permit may be revoked or suspended for a violation of any provision of this Local Law or any applicable law, rule, regulation or code applicable to Solid Waste or recyclable collection, transportation of disposal by the holder thereof.

5.5 Any 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 shall not be deemed to create a property interest with respect to the Waste Permit in the holder.

5.6 All WASTE HAULERS doing business in the County of Orleans shall offer or cause to be offered to their customers, collection, transportation and disposal services for COUNTY RECYCLABLE MATERIALS to the same extent as any WASTE HAULER offers collection,

transportation and disposal services for SOLID WASTE.

5.7 All WASTE HAULERS, DROP OFF CENTERS and TRANSFER STATIONS shall maintain monthly records on the quantity in tons, of SOLID WASTE and types of RECYCLABLES collected and the authorized facility to which they were transported, and the number of households and businesses in which they were generated, and report such information monthly to the County Director of Planning and Development on forms to be provided by the County.

5.8 Any significant, material change in collection, transport, transfer or disposal services or operations shall be considered a variance to the permit and shall require reapplication.

5.9 The County reserves the right to attach specific conditions to the Waste Permit.

SECTION 6. Section 6.2 of Local Law No. 3 of 1991 is hereby amended to read as follows:

6.2 During any twelve (12) consecutive months, the failure of a RECYCLABLES COLLECTOR or WASTE HAULER to comply with Section 3.3 hereof shall carry a fine of Two Hundred Fifty Dollars ($250.00) for the first violation; Five Hundred Dollars ($500.00) for the second violation and One Thousand Dollars ($1,000.00) for each subsequent violation.

SECTION 7. This Local Law shall become effective immediately upon filing with the Secretary of State.

(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. 2 of 19 9. of the (County)(~~City~~)(~~Town~~)(~~Village~~) of ORLEANS, NEW YORK was duly passed by the Legislature on 19 93 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
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 19___
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

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
(Name of Legislative Body)
disapproval) by the _____ on _____ 19___. Such local law was
(Elective Chief Executive Officer*)
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.

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

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
(Name of Legislative Body)
disapproval) by the _____ on _____ 19___. Such local law was subject t
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 19___. in accordance with the applicable provisions of law.

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*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 the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vo of a majority of the qualified electors of such city voting thereon at the (special)(general) election held _____ 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 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 appropritate certificati

I further certify that I have compared the preceding local law with the original on file in this office and tha the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopte in the manner indicated in paragraph 1, above.

_____
Clerk of the County legislative body~~, City, Town or Village Clerk or officer designated by local legislative body~~

(Seal)

Date: _____

(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 ORLEANS

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~~
~~Town~~
~~Village~~ of Orleans, New York

Date: _____