

ACT NO. 291 by MR. FITZPATRICK, MR. KENT, MR. McCREA,
MR. WALGUS, MR. ANDRE, MR. CALABRO,
MRS. KRAMER and MR. McCARTHY

LOCAL LAW NUMBER 1-1990
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Section 226-b of the County Law
and Section 10 of the Municipal Home Rule Law.

A LOCAL LAW REGARDING THE STORAGE,
COLLECTION, RECYCLING AND DISPOSAL OF
SOLID WASTE IN CATTARAUGUS COUNTY

BE IT ENACTED by the Legislature of the County of
Cattaraugus as follows:

SECTION 1. Legislative Intent. The intent of this Local Law is to protect and promote the health, safety and welfare of the people of Cattaraugus County by regulating the storage, collection, recycling and disposal of solid waste.

SECTION 2. Definitions. As used in this Local Law, the following terms shall have the following meanings:

A. Collector: Any person who picks up solid waste and transports that solid waste for hire to a solid waste disposal facility, recycling center, or transfer station for recycling or disposal; or any person who picks up recyclable material and transports that recyclable material, for hire to a Cattaraugus County transfer station for recycling.⁷

B. Commercial Waste: Solid waste generated by stores, offices, institutions, restaurants, warehouses, temporary residences and non-manufacturing activities at industrial facilities.

C. Construction and Demolition Debris: Uncontaminated waste resulting from construction, remodeling, repair and demolition of structures, road building, 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 brush stumps.

D. County: The County of Cattaraugus.

E. Disposal: The act of transferring possession of discarded materials for the ultimate purpose of recycling, land burial or extraction of energy through incineration.

F. Farm Hazardous Wastes: All containers containing pesticides and/or pesticide residue which can no longer be utilized for farm purposes.

- G. Hazardous or Toxic Waste: Waste defined in Article 27-0903 of the New York Environmental Conservation Law, as amended, and the regulations thereunder, and in Section 1004 of the Federal Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. § 6903, and the regulations thereunder.
- H. Household Hazardous Waste: Household waste which, but for its point of generation, would be a hazardous waste under 42 U.S.C. § 6903, or 6 NYCRR Part 371, including pesticides as defined in Article 33 of the Environmental Conservation Law.
- I. Household Waste: Solid waste discarded from single or multiple dwellings.
- J. Industrial Waste: Solid waste generated by manufacturing or industrial processes.
- K. Large Household Furnishings: All large or bulky articles, excluding major appliances, actually used in the home and which equip it for living, such as chairs, sofas, tables, beds, sinks, and bathtubs.
- L. Legislature: The Cattaraugus County Legislature.
- M. Major Appliances: Large and/or bulky household mechanisms such as refrigerators, washers, dryers, stoves, ordinarily operated by gas or electric current.
- N. Person: Any individual, institution, group of individuals, partnership, firm, corporation, association, state, county, city, town, village or improvement district.
- O. Recyclable Commercial and Industrial By-product: All material which is a by-product of production utilized in production or sale after resale by a commercial enterprise or production enterprise.
- P. Recyclable Material: Any material designated, from time to time, by the Commissioner of Public Works which is separated from the waste stream and held for its material recycling or reuse value.
- Q. Recyclers: Those who deal with recyclable material such as collectors, separators and marketers, including not-for-profit corporations and charitable corporations, which collect recyclables for fundraising purposes.
- R. Recycling Center: A facility where material, previously separated from the waste stream, is stored for its materials recycling or reuse value, or where such material is processed for reuse.
- S. Solid Waste: As defined in 6 NYCRR Part 360.

T. Solid Waste Disposal Facility: An area upon which solid waste is deposited for land burial, incineration or other means of disposal.⁶

U. Source Separation: The segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

V. Transfer Stations: Those facilities where persons and collectors, as defined herein, transfer possession of solid waste to the owner of the transfer stations for disposal or recycling.

W. Unsatisfactory Solid Waste Disposal Facility: A solid waste disposal facility which does not conform with the rules and regulations set forth in 6 NYCRR Part 360 or the applicable provisions of this Local Law.

X. Vehicle Tires: Tires from cars, trucks, and other vehicles.

Y. Yard Waste: Grass clippings, leaves, and cutting from shrubs, hedges and trees, but excluding tree and brush stumps; yard waste does not include household waste or recyclable material, as defined herein.

SECTION 3. Source Separation Implementation.

3.1 Each collector shall submit a plan for approval to the County not more than thirty (30) days after the adoption of this Local Law to provide for collection of solid waste and recyclable materials. Such plan shall include, but not be limited to, the description of the type of waste, frequency of collection, and provision for collecting and marketing recyclable material. Such a plan shall also propose a schedule of implementation, which implementation shall take effect no later than *January 1, 1991*².

3.2 The Commissioner of Public Works shall approve the schedule of implementation for collection of recyclable material throughout the County.

3.3 Effective *December 1, 1990*², persons, other than collectors, who dispose of solid waste at all transfer stations shall separate such solid waste in accordance with such rules and regulations as are promulgated by the Commissioner of Public Works.

SECTION 4. Source Separation.

4.1 Persons shall dispose of household waste, commercial waste, large household furnishings, major appliances, or recyclable material in Cattaraugus County as follows:

- a. The transfer stations presently owned by the County, together with such other solid waste disposal facilities and recycling centers as may either prior to, or subsequent to, the enactment of this Local Law, be established, licensed, or contracted with, by the Legislature, are hereby designated as the solid waste disposal facilities and recycling centers to be used by all persons within the County. Disposal at these County-owned sites shall be regulated by rules promulgated by the Commissioner of Public Works, the permits issued by NYSDEC, and other applicable regulations.
- b. The transfer stations established, licensed, or contracted with, by the County shall be for the exclusive use of residents of the County, with the exception of the Village of Gowanda, which shall pay a fee for solid waste generated in the Erie County portion of the Village which is disposed of by Cattaraugus County; however, the County reserves the right to contract with other municipalities for the use of such sites by persons within those municipalities.
- c. Except as provided for in Section 4.1 (b), supra, any person who shall transport solid waste from outside the County, and dump or discharge the same upon any of the aforementioned sites presently owned by Cattaraugus County, or illegally dump or discharge the same within Cattaraugus County as defined in Section 6.1 of this Law,⁶ shall be subject to the penalties imposed for the violation of this Local Law.
- d. In order to facilitate the conservation of vital natural resources through recycling, those persons who dispose of such solid waste as is authorized herein, at the transfer stations, shall separate the recyclables into such containers as are authorized by the Commissioner of Public Works, or as provided by Cattaraugus County, public authority, or person contracting with the County.
- e. Recyclable materials, including but not limited to, discarded newspapers, glass, metals, and batteries shall be separated from non-recyclable material as designated by the Commissioner of Public Works, and placed in such containers as are designated by the Commissioner of Public Works.
- f. The recyclable materials referred to in Section 4.1 (e), supra, shall be prepared by persons in accordance with such rules and regulations as are promulgated by the Commissioner of Public Works.
- g. Solid waste shall be delivered to the appropriate

facility designated by the Commissioner of Public Works, unless the person disposes of such solid waste outside Cattaraugus County.

h. Persons may dispose of the waste referred to in Sections 2 B; C; F; G; H; I; J; K; M; S; X and Y, supra, plus recyclables as defined in Sections 2 O and P, supra, outside Cattaraugus County without approval of the Commissioner of Public Works.

i. Except as provided in Sections 4.1 (d), (e) and (f), supra, persons may dispose of their recyclable materials by selling or donating the materials to recyclers.

4.2 It shall be a violation of this Local Law for any person for hire¹, without authority from the Cattaraugus County Legislature, to collect, pick-up, remove or cause to be collected, picked-up, or removed, any solid waste and recyclable material and each such collection, picking-up or removal from one or more premises shall constitute a separate and distinct offense in violation of this Local Law.

SECTION 5. Solid Waste Collection.

5.1 Effective January 1, 1991², any collector who collects solid waste in the County must possess a valid permit issued by the County.

5.2 Any collector who wishes to collect solid waste must make application to the Commissioner of Public Works for a permit and application forms to be provided by the Department of Public Works. An annual fee of \$100.00 plus \$25.00 per vehicle to be used in transporting the solid waste or recyclable materials to a solid waste disposal facility, recycling center or transfer station shall accompany the application for a permit to collect solid waste.

5.3 Collectors shall annually submit an updated plan, as described in Section 3.1, supra, with the permit application form referred to in Section 5.2, supra.

5.4 If, after a hearing, the County deems that the collector operates in a manner not in compliance with the provisions hereof, or in a manner such as to cause a nuisance or hazard to the public, the County may suspend or revoke the collector's permit. Nonpayment of user fees incurred by the collector for use of County facilities shall also serve as grounds for the County to suspend or revoke the collector's permit.⁶

5.5 The collector must operate in compliance with the following requirements:

a. The owners and operators of all vehicles used for the collection of solid waste shall:

- (1) insure that there is no liquid spillage from the vehicle;
- (2) insure that there is no spillage or blowing of solids from the vehicle;
- (3) maintain the vehicle and keep it clean;
- (4) affix the collector's permit vehicle identification number on both sides of the vehicle in letters not less than 3" high, and of a color contrasting with the background;⁶
- (5) insure that the vehicle is capable of discharging contents from a stationary position;
- (6) guarantee that the vehicle is licensed and insured in accordance with all applicable federal, state and local laws, rules and regulations, and is properly permitted by the Cattaraugus County Department of Public Works.⁷
- (7) insure that regular, reliable collection of solid waste and recyclable materials is provided to each customer.⁴

b. All vehicles used for the collection of solid waste shall be stored in a manner as not to create a nuisance.

c. Collectors shall handle solid waste containers in a manner so that no solid waste is spilled during the transfer from the container to the collection vehicle, and so that the container is not damaged during such handling or as a result of such handling. Damage to containers not meeting the specifications set forth herein shall not be covered by this section.

d. The collectors shall dispose of the solid waste:

- (1) outside of Cattaraugus County at a state approved facility, whether or not outside of New York State⁶; or
- (2) at a solid waste disposal facility established, licensed, or contracted with by the Legislature; and
- (3) in accordance with such terms and conditions as are established by the Commissioner of Public Works.

- e. Collectors disposing of solid waste or recyclables outside of Cattaraugus County shall report types and quantities of such materials as directed by the Commissioner of Public Works.⁶

5.6 Storage of all solid waste by collectors shall be in containers which completely confine the material.

5.7 The structure of the containers to confine the aforementioned solid waste shall be such that they:

- a. prevent the exit and entrance of insects, rodents or other animals;
- b. can be easily cleaned;
- c. will not crack when subject to cold temperatures;
- d. will not break or burst when lifted;
- e. are easily unloaded;
- f. shall be of sufficient integrity to confine such waste for a time determined by the Commissioner of Public Works.

5.8 All containers shall be kept in a clean and sanitary condition.

SECTION 6. Solid Waste Dumping.

6.1 It shall be unlawful for any person to dump, throw, deposit, place or cause to be dumped, thrown, deposited or placed or allow to be thrown, dumped, deposited or placed in any location within Cattaraugus County any solid waste or any noxious material, except upon those solid waste disposal facilities, transfer stations, or recycling centers established, licensed, or contracted with, by the County Legislature.

6.2 It shall be unlawful for any person to intentionally dump, throw, deposit or place any solid waste upon any County-owned solid waste disposal facility or transfer station without paying a user fee as established by Section 2 of Local Law Number 18-1991 (Intro Number 24-1991) as amended by Local Law Number 1-1993 (Intro Number 1-1993), unless prior arrangements are made with the Commissioner of Public Works or his designee.⁶

SECTION 7. Solid Waste Disposal Facility.

7.1 No person shall operate a solid waste disposal facility, except in accordance with this Local Law.⁶

7.2 The provisions of this Section are in addition to any rules and regulations required for such facilities by federal and state regulations, including, but not limited to, 6 NYCRR Part 360.

7.3 Industrial hazardous waste facilities, as defined and regulated in 6 NYCRR Part 361, are prohibited in the County.

7.4 Hazardous waste management facilities, as defined and regulated in 6 NYCRR Part 373, are prohibited in the County.

7.5 Low-level radioactive waste disposal facilities, as defined and regulated in 6 NYCRR Part 382, are prohibited in the County.

7.6 Any person desirous of operating a solid waste disposal facility or recycling center⁶ in Cattaraugus County, shall discuss with, and make provision for assistance to, the County, and any city, town, village, or district in the County to offset potential negative impacts of the solid waste disposal facility or recycling center⁶, with such assistance to include, but not limited to, citizen participation, public service payments, monetary payments pegged to facility use, insurance pools and trust funds, special services and grants, property value guarantees, and local hiring and purchasing preferences.³

7.7 No person, other than a county, city, town, village, or public authority, shall construct, own, or operate a solid waste disposal facility without the approval of a majority of the County Legislature and a majority of the governing body of the jurisdiction in which the proposed facility is to be located.⁵

SECTION 8. Closure of Unsatisfactory Solid Waste Disposal Facility.

8.1 If any person operates or maintains a solid waste disposal facility, or allows the operation or maintenance of a solid waste disposal facility on the person's property which, after a hearing, is deemed unsatisfactory by the Legislature, the Legislature may direct that such solid waste disposal facility cease operations and be closed.

8.2 The Legislature reserves the right to order the owner or operator of the solid waste disposal facility, to bear the cost of such closure, post-closure and monitoring or the upgrading of the solid waste disposal facility.

8.3 The closure of all unsatisfactory solid waste disposal facilities shall be done in accordance with a plan for such closure approved by the New York State Department of Environmental Conservation, and the Commissioner of Public Works.

SECTION 9. Open Burning.

9.1 It shall be unlawful for any person to burn in an open fire, or cause the burning in an open fire, or allow the burning in an open fire, any solid waste, noxious materials, or yard wastes in any incorporated city or village within Cattaraugus County, except as permitted by 6 NYCRR Part 215.⁷

SECTION 10. Residential, Commercial and Industrial Construction and Demolition Debris Disposal.

10.1 Residential, commercial and industrial construction and demolition debris may be disposed of at the transfer stations in quantity and quality upon such terms and conditions as are established by the Commissioner of Public Works.

10.2 Such debris shall be disposed of at such sites as are approved by the New York State Department of Environmental Conservation.

SECTION 11. Residential Yard Waste Disposal.

11.1 Residential yard waste, not otherwise disposed of at the site of origination, shall be disposed of at the compost site located at the closed⁴ Five Points Landfill in the Town of Mansfield, the closed Farwell Landfill in the Town of Ischua,⁴ or at other sites as allowed by 6 NYCRR Part 360. Such yard waste shall be disposed of upon such terms and conditions as are established by the Commissioner of Public Works.

11.2 Where allowed by law or regulation, this Section shall not prohibit private or municipal composting of yard waste.

SECTION 12. Commercial and Industrial Waste and Commercial and Industrial Recyclable Material.

12.1 All commercial and industrial recyclable materials destined for disposal at a County facility shall be packaged and collected in a manner approved by the Commissioner of Public Works, and delivered to a facility designated by the Commissioner.

12.2 Recyclers shall be prohibited from disposing, or causing to be disposed, at County facilities, recyclables which they collect, or cause to be collected, except as authorized by the Commissioner of Public Works.

12.3 Recyclable industrial and commercial by-products may be sold or donated by an industrial or commercial enterprise to any scrap metal enterprise or recycler.

SECTION 13. Large Household Furnishings and Major Appliances Disposal.

13.1 Large household furnishings and major appliances may be brought to a transfer station by any person for disposal or recycling by the County, upon such terms and conditions as are established by the Commissioner of Public Works.

SECTION 14. Tire Disposal.

14.1 Vehicle tires may be disposed of at a transfer station by any person, upon such terms and conditions as are established by the Commissioner of Public Works.

SECTION 15. Household Hazardous Waste and Farm Hazardous Waste Collection and Disposal.

15.1 All household hazardous waste and farm hazardous waste shall be placed in a container determined by the Commissioner of Public Works.

15.2 Household hazardous waste and farm hazardous waste shall be delivered to such facility as the Commissioner of Public Works shall designate, upon such terms and conditions as are established by the Commissioner of Public Works.

SECTION 16. Scavenging.

16.1 Uncontrolled⁴ scavenging is hereby prohibited.

SECTION 17. Tipping Fees.

17.1 Tipping fees for the handling and disposal of solid waste shall be established by the County Legislature, either upon its own initiative, or upon recommendation of the Commissioner of Public Works.

SECTION 18. Legislative Authority. The Legislature has the power to:

A. Formulate, adopt, promulgate, amend and repeal rules and regulations in furtherance of this Local Law for controlling the storage, collection, recycling and disposal of solid waste in Cattaraugus County.

B. Control the storage, collection, recycling and disposal of solid waste in accordance with the provisions of this Local Law, and of the rules and regulations promulgated pursuant hereto.

C. Hold hearings, subpoena and compel the attendance of witness and the production for examination of any book, paper or item relating to the matter under investigation; for this purpose, the County Legislature, upon recommendation of the Chairman of the Legislature, shall designate three (3) of its members as the Waste Management Review Board to hold hearings and issue subpoenas.

D. Make findings of fact and determinations.

E. Make, modify or cancel orders affecting the control of the storage, collection, recycling or disposal of solid waste.

F. Request the County to institute civil actions, proceedings or hearings to compel compliance with the orders of the Legislature, and with the provisions of this Local Law and the rules and regulations promulgated pursuant hereto.

G. Prepare and issue criminal informations or otherwise institute criminal proceedings against persons found to be in violation of this Local Law.

H. Fix fees for permits and renewals thereof.

I. Delegate the issuance of permits and renewals thereof to the Commissioner of Public Works.

J. Cancel, suspend or revoke permits after a hearing.

K. Take such other action as it may deem necessary, proper or desirable to enforce the provisions of this Local Law, or any of the rules and regulations promulgated pursuant hereto.

SECTION 19. Hearings.

19.1 All hearings held pursuant hereto shall be upon not less than ten (10) days notice to the person involved, and shall be held at a time and location specified by the County Legislature, or the Waste Management Review Board.

SECTION 20. Suspension or Revocation of Permit.

20.1 The Waste Management Review Board may suspend or revoke a permit for violation of the provisions of this Local Law, or of the rules and regulations promulgated hereunder.

20.2 Suspension or revocation of a permit shall become final five (5) days after service of a notice thereof upon the holder of a permit.

20.3 The holder of the permit or other aggrieved party affected by such suspension or revocation may request a hearing

by the County Legislature to consider the action of the Waste Management Review Board by serving upon the Clerk of the Legislature, a request for consideration within five (5) days following the service of the notice of suspension or revocation, which shall set forth the reasons for such request.

20.4 Such suspension or revocation shall not be stayed during the pendency of the consideration.

20.5 The Commissioner of Public Works, or the Commissioner's designee, may deny access to the transfer stations or solid waste disposal facilities for just cause.

20.6 Appeal of this denial may be made to the Waste Management Review Board.

20.7 The appeal from the Commissioner's decision does not stay the denial of access pending determination by the Waste Management Review Board.

SECTION 21. Surrender of Permit.

21.1 A permit which has been revoked or suspended shall be surrendered forthwith to the Commissioner of Public Works.

SECTION 22. Service of Notice, Order or Decision.

22.1 Service of any notice, order or decision shall be made as follows:

- a. by mailing a copy of such notice, order or decision by certified mail, return receipt requested and in a postpaid envelope directed to the person affected thereby at the person's residence or business address, or
- b. by leaving a copy of such notice, order or decision with the person, or the person's agent.

22.2 Service of any notice shall be made upon the County Legislature or Commissioner of Public Works by mailing the notice in a postpaid envelope directed to the Clerk of the Legislature and the Commissioner of Public Works.

SECTION 23. Enforcement: Penalties.

23.1 Failure to comply with Sections 3, 4, 6.2 and 9 of this Local Law by any person shall be punishable as provided herein:

- a. Conviction of a first offense as provided by this Section shall be punishable by a fine of up to \$150.00,

and in addition, anyone convicted of a first offense hereunder shall be liable to pay a mandatory⁷ civil penalty of \$100.00.

- b. Conviction of any additional offenses shall be punishable by a fine of up to \$300.00, and in addition, anyone convicted of an offense hereunder shall be liable to pay a mandatory civil penalty of \$150.00.

23.2 Failure to comply with Sections 5 and 6.1 of this Local Law, shall be an offense punishable as provided herein:

- a. Conviction of a first offense as provided by this Section shall be punishable by a fine of up to \$300.00, and in addition, anyone convicted of a first offense hereunder shall be liable to pay a mandatory⁷ civil penalty of \$150.00.
- b. Conviction of any additional offenses shall be punishable by a fine of up to \$500.00, or imprisonment of not more than 15 days, or both, and in addition, anyone convicted of an offense hereunder shall be liable to pay a mandatory civil penalty of \$200.00.

23.3 Failure to comply with Sections 7.1, 7.6 and 7.7 of this Local Law, shall be an offense punishable as provided herein:

- a. Conviction of a first offense as provided by this Section shall be punishable by a fine of up to \$500.00, and in addition, anyone convicted of a first offense hereunder shall be liable to pay a mandatory⁷ civil penalty of \$200.00.
- b. Conviction of any additional offenses shall be punishable by a fine of up to \$1,000.00, or imprisonment of not more than 30 days, or both, and in addition, anyone convicted of an offense hereunder shall be liable to pay a mandatory civil penalty of \$300.00.⁶

23.4 Violation of Sections 7.3, 7.4 and 7.5 hereof shall be an offense punishable by a fine of up to \$10,000, or imprisonment of not more than 30 days, or both. Each day of violation shall constitute a separate offense.

23.5 Effective January 1, 1991², a collector who delivers household or commercial waste to a County solid waste disposal facility or transfer station which is not in substantial compliance with Section 4.1, supra, shall be barred from tipping at any County solid waste disposal facility or transfer station for a 90-day period.

23.6 Violation of Section 22.5, supra, three times within an

18-month period may result in permanently barring the collector from tipping at any County solid waste disposal facility or transfer station at the discretion of the Commissioner of Public Works.

23.7 The penalties imposed by Sections 22.5 and 22.6 are in addition to any fines or penalties which may be imposed by Sections 22.1, 22.2 and 22.3, supra.

23.8 Any person who violates this Local Law, or any other federal, state or local law, rule or regulation, shall also be responsible for any direct, or indirect, costs associated with correcting the violation.

SECTION 24. Severability.

24.1 If any provision of this Local Law, or the application thereof to any person or circumstance, shall be held invalid, the remainder of such Local Law, or the application of such provision to any other person or circumstance, shall not be affected thereby.

SECTION 25. Repeal of Local Law 4-1973, as amended. Local Law 4-1973, as amended, is hereby repealed, effective January 1, 1991.²

SECTION 26. Effective Date. This Local Law shall take effect immediately.

¹On June 13, 1990, MR. WINSHIP moved, seconded by Mr. Martin, to amend Act No. 291 as follows: In paragraph 4.2, after the word "person", add: "for hire". Carried.

²On June 27, 1990, MR. FITZPATRICK moved, seconded by Mr. Kent, to amend Act No. 291 as follows: In Section 3 - 3.1, delete: "October 1, 1990", and replace with: "January 1, 1991"; in Section 3 - 3.3, delete: "September 1, 1990", and replace with: "December 1, 1990"; in Section 5 - 5.1, delete: "October 1, 1990", and replace with: "January 1, 1991"; in Section 22 - 22.3, delete: "October 1, 1990", and replace with: "January 1, 1991"; and in Section 24, delete: "October 1, 1990", and replace with: "January 1, 1991". Carried.

On June 27, 1990, MR. FITZPATRICK requested a Roll Call on Act 291, as amended, which disclosed as follows:

Ayes: Andre, Bernstein, Calabro, Costello, Eade, Felton, Fitzpatrick, Gowan, Kent, Kittleson, Kramer, Martin, McClune, McCrea, Moody, Snyder, Turek, Walgus, Winship, Zimbardi, Zollinger - 21.

Nays: Augostini, McCarthy - 2.

Act No. 291, as amended, having received the majority vote of the Legislature, was declared Adopted.

³On November 28, 1990, per Act No. 487, Local Law Number 4-1990, MR. FITZPATRICK and MR. MCCREA sponsored to amend as follows: In Section 7, add the following subsection: "7.6 Any person desirous of operating a solid waste disposal facility in Cattaraugus County, shall discuss with, and make provision for assistance to, the County, and any city, town, village, or district in the County to offset potential negative impacts of the solid waste disposal facility, with such assistance to include, but not limited to, citizen participation, public service payments, monetary payments pegged to facility use, insurance pools and trust funds, special services and grants, property value guarantees, and local hiring and purchasing preferences.". Carried.

⁴On December 12, 1990, per Act No. 564, Local Law Number 8-1990, MR. FITZPATRICK sponsored to amend as follows: In Section 5.5 a., add the following subsection: "(7) insure that regular, reliable collection of solid waste and recyclable materials is provided to each customer."; in Section 10, before the phrase "Five Points Landfill", insert: "closed", and after the phrase "Town of Mansfield", insert: ", the closed Farwell Landfill in the Town of Ischua,"; in Section 15.1, before the word "scavenging", insert: "uncontrolled". Carried.

⁵On July 24, 1991, per Act No. 327-1991, Local Law Number 7-1991, MR FITZPATRICK sponsored to amend as follows: In Section 7, add the following subsection: "7.7 No person, other than a county, city, town, village, or public authority, shall construct, own, or operate a solid waste disposal facility without the approval of a majority of the County Legislature and a majority of the governing body of the jurisdiction in which the proposed facility is to be located.". Carried.

⁶On March 25, 1992, per Act 130-1992, Local Law Number 3-1992, MR. CALABRO, MS. BERNSTEIN, MR. FITZPATRICK and MR. KITTLESON sponsored to amend as follows:

In Section 2. Definitions under T. after the words "land burial", delete: "or incineration." and replace with: ", incineration or other means of disposal.";

In Section 4.1 c., after the words "Cattaraugus County,", insert: "or illegally dumps or discharges the same within Cattaraugus County as defined in Section 6.1 of this Law,";

In Section 5.4, at the end of the section, add the following: "Nonpayment of user fees incurred by the collector for use of County facilities shall also serve as grounds for the County to suspend or revoke the collector's permit.";

In Section 5.5 a.(4), delete: "affix the name of the owner or business on both sides of the vehicle in letters not less than 4" high, and of a color contrasting with the background;" and replace with: "affix the collector's permit vehicle identification number on both sides of the vehicle in letters not less than 3" high, and of a color contrasting with the background;";

In Section 5.5 d.(1), after the words "Cattaraugus County", insert: "at a state approved facility, whether or not outside of New York State";

In Section 5, add the following subsection: "5.5 e. Collectors disposing of solid waste or recyclables outside of Cattaraugus County shall report types and quantities of such materials as directed by the Commissioner of Public Works.";

In Section 6, add the following subsection: "6.2 It shall be unlawful for any person to intentionally dump, throw, deposit or place any solid waste upon any County-owned solid waste disposal facility or transfer station without paying a user fee as established by

Section 2 of Local Law No. 3-1990 (Intro Number 2-1990), unless prior arrangements are made with the Commissioner of Public Works or his designee.";

In Section 7.1, after the words "except in accordance with", delete: "the Cattaraugus County Solid Waste Management Plan." and replace with: "this Local Law.";

In Section 7.6, after the words "solid waste disposal facility", insert: "or recycling center";

In Section 22, delete: Section 22.1 and replace with: "Failure to comply with Sections 3, 4 and 6.2 of this Local Law by any person shall be punishable as provided herein:

a. Conviction of a first offense as provided by this Section shall be punishable by a fine up to \$150.00, and in addition, anyone convicted of a first offense hereunder shall be liable to pay a civil penalty of \$100.00.

b. Conviction of any additional offenses shall be punishable by a fine of up to \$300.00, and in addition, anyone convicted of an offense hereunder shall be liable to pay a mandatory civil penalty of \$150.00.";

In Section 22, insert the following new Section 22.2: "Failure to comply with Sections 5 and 6.1 of this Local Law, shall be an offense punishable as provided herein:

a. Conviction of a first offense as provided by this Section shall be punishable by a fine of up to \$300.00, and in addition, anyone convicted of a first offense hereunder shall be liable to pay a civil penalty of \$150.00.

b. Conviction of any additional offenses shall be punishable by a fine of up to \$500.00, or imprisonment or not more than 15 days, or both, and in addition, anyone convicted of an offense hereunder shall be liable to pay a mandatory civil penalty of \$200.00.";

In Section 22, insert the following new Section 22.3: "Failure to comply with Sections 7.1, 7.6 and 7.7 of this Local Law, shall be an offense punishable as provided herein:

a. Conviction of a first offense as provided by this Section shall be punishable by a fine of up to \$500.00, and in addition, anyone convicted of a first offense hereunder shall be liable to pay a civil penalty of \$200.00.

b. Conviction of any additional offenses shall be punishable by a fine of up to \$1,000.00, or imprisonment of not more than 30 days, or both,

and in addition, anyone convicted of an offense hereunder shall be liable to pay a mandatory civil penalty of \$300.00.";

In Section 22, renumber old Sections 22.2 through 22.6. Carried.

⁷On April 14, 1992, per Act 172-1993, Local Law Number 3-1993, MS. BERNSTEIN, MR. CALABRO, MRS. MCLAUGHLIN, MR. FITZPATRICK, MR. KITTLESON and MR. MARTIN sponsored to amend as follows:

In Section 2.A., add the following to the end of definition, "; or any person who picks up recyclable material and transports that recyclable material for hire to a Cattaraugus County transfer station for recycling."

In Section 5.5a.(6), add the following to the end of the subsection, ", and is properly permitted by the Cattaraugus County Department of Public Works."

In Section 6.2, delete: "Local Law Number 3-1990 (Intro Number 2-1990)", and replace with: "Local Law Number 18-1991 (Intro Number 24-1991) as amended by Local Law Number 1-1993 (Intro Number 1-1993)".

Sections 9-25 renumber as Sections 10-26.

Insert new Section 9 as follows: "SECTION 9. Open Burning. 9.1 It shall be unlawful for any person to burn in an open fire, or cause the burning in an open fire, or allow the burning in an open fire, any solid waste, noxious materials, or yard wastes in any incorporated city or village within Cattaraugus County, except as permitted by 6 NYCRR Part 215."

In Section 23.1, delete text and replace with: "Failure to comply with Sections 3, 4, 6.2 and 9 of this Local Law by any person shall be punishable as provided herein:".

In Section 23.1 a., add "mandatory" before the word civil.

In Section 23.2 a., add "mandatory" before the word civil.

In Section 23.3 a., add "mandatory" before the word civil.