

BOARD OF SUPERVISORS
WAYNE COUNTY

RESOLUTION NO. 500-91

ADOPTING LOCAL LAW
AMENDING LOCAL LAW NO. 7 OF THE YEAR 1989 ESTABLISHING
A PLAN FOR THE MANAGEMENT OF SOLID WASTE GENERATED OR
ORIGINATED IN THE COUNTY OF WAYNE

Mrs. Chittenden presented the following:

WHEREAS, a proposed local law amending Local Law No. 7 of the year 1989 establishing a plan for the management of solid waste generated or originated in the County of Wayne was presented to the Board of Supervisors on June 18, 1991; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on July 16, 1991, in accordance with the notice of hearing duly posted and published in the manner provided by law; and

WHEREAS, the proposed local law was amended after the public hearing; and

WHEREAS, because of such amendment, another public hearing was held on August 20, 1991, in accordance with the notice of hearing duly posted and published in the manner provided by law; now, therefore, be it

RESOLVED, that said Local Law is hereby adopted to read as follows:

Local Law No. 3

State of New York - County of Wayne

A local law amending Local Law No. 7 of the year 1989 establishing a plan for the management of solid waste generated or originated in the County of Wayne.

SECTION 1.

Section III of Local Law No. 7 of the year 1989 is hereby amended by adding the following:

Board of Supervisors means the Board of Supervisors of the County of Wayne.

SECTION 2.

The definition of "Designated Recyclable Materials" in Section III of such local law is hereby amended to read as follows:

Designated Recyclable Materials means recyclable materials designated for source separation by rules and regulations promulgated pursuant to Section IV(A)(2) of this law.

SECTION 3.

Subdivision A of Section IV of such local law is hereby amended to read as follows:

A. The Board of Supervisors is authorized and empowered to:

1. Promulgate and publish rules and regulations from time to time which:
 - a. aid in identifying and defining categories of solid waste, including acceptable solid waste, recyclable materials and

unprocessible solid waste;

- b. specify one or more facilities to which all acceptable solid waste generated or originated in the County shall be delivered;
- c. specify one or more facilities to which designated recyclable materials may be delivered, subject to such exceptions as the Board of Supervisors may determine to be in the public interest;
- d. direct that acceptable solid waste generated or originated within the County be delivered to or disposed of only at one or more specified facilities; and
- e. prohibit delivery to or disposal of a category of solid waste generated or originated within the County at one or more specified facilities.

In promulgating such rules and regulations, the Board of Supervisors or its designee shall consider the capacity, handling, disposal and marketing capabilities of available facilities, the geographical location of facilities, and such other factors as will enable the Board of Supervisors or its designee to determine that the public interest is served by the rule or regulation.

2. Promulgate and publish rules and regulations for a program to implement source separation of recyclable materials and encourage solid waste volume reduction and to maximize the opportunity for the reclamation and recovery of materials. These rules and regulations shall designate recyclable materials to be source separated and prescribe methods of source separation, and may reflect local differences in population density, accessibility and capacity of markets and facilities, collection practices, and waste composition. In promulgating such rules and regulations, the Board of Supervisors or its designee shall also consider other on-going, proposed, or reasonably anticipated future solid waste volume reduction programs and shall not interfere with them.
3. Approve or deny solid waste licenses.
4. Promulgate, revise, amend, and publish rules, regulations, and orders necessary to carry out the purposes of this law.

SECTION 4.

Section V of such local law is hereby amended to read as follows:

Section V. Waste Delivery and Disposal; Source Separation

- A. Subject to the promulgation of applicable rules and regulations pursuant to Section IV(A) of this local law, all acceptable solid waste generated or originated within the County shall be disposed of as follows:
 1. All acceptable solid waste generated or originated within the County must be delivered to a specified facility; and
 2. No facility shall receive acceptable solid waste generated or

- originated within the County except as permitted under this law.
- B. Disposal of solid waste which is barred from all specified facilities by rules, regulations or orders promulgated pursuant to Section IV of this law, shall not otherwise be regulated by this law.
 - C. No hazardous waste may be delivered to a specified facility.
 - D. Designated recyclable materials shall not be commingled with other solid waste, and shall be handled as follows:
 - 1. Prior to initial collection or transport, designated recyclable materials shall be separated, prepared, and set out for collection as provided in the rules and regulations promulgated pursuant to Section IV of this law.
 - 2. Designated recyclable materials shall not be commingled with other solid waste during collection, transportation, or storage following collection. The Board of Supervisors or its designee may order such exceptions as they may reasonably determine to be in the public interest.
 - E. Any recyclable materials generated or originated in the County may be delivered to a solid waste volume reduction program. All designated recyclable materials must be delivered to either a solid waste volume reduction program or a specified facility.

SECTION 5.

Section VI of such local law is hereby amended to read as follows:

Section VI. License Requirement

- A. Except as otherwise provided in this Section VI or in the rules and regulations promulgated pursuant to Section IV of this law, no person may engage in the business of collecting, transporting or handling solid waste generated or originated within the County without a solid waste license issued by the Board of Supervisors or its designee pursuant to this law, provided that only persons who collect, transport or handle solid waste for compensation shall be required to obtain a solid waste license.
- B. No person engaged solely in recycling or a solid waste volume reduction program shall be required to obtain a solid waste license.
- C. All applications for licenses or renewal of licenses shall be in writing and shall contain such information as required by the rules and regulations promulgated pursuant to this law and shall be verified by the applicant.
- D. Within ten days of receipt of the properly completed and signed application, the Board of Supervisors or its designee shall either issue a license or inform the applicant in writing that the license applied for has been denied with an explanation for the denial. The decision shall be sent to the applicant by certified mail.

- E. If a license application or renewal application is denied, the applicant may, within fifteen (15) days of the date of denial, file a written petition with the Clerk of the Board of Supervisors to request that a hearing be held. Such petition may be accompanied by a request for issuance of a temporary license to the applicant. The Clerk of the Board of Supervisors shall mail the applicant a notice which shall state the date, place and time of the hearing, which shall be not more than twenty (20) days after the receipt of the petition by the Clerk of the Board of Supervisors. The Board of Supervisors or its designee may also issue a temporary license for a period of time not to exceed thirty (30) days from the date the temporary license is issued. The hearing shall be held by the Board of Supervisors. The applicant may be represented by an attorney at the hearing. The Board of Supervisors shall issue a decision in writing within ten (10) days of the hearing and the decision shall be final. One copy of the decision shall be filed with the Clerk of the Board of Supervisors, and one copy shall be served on the applicant by certified mail.
- F. Renewal licenses shall be applied for and issued in the same manner and subject to the same requirements as original licenses, and also shall be subject to any additional requirements in effect at the time of application for renewal. A complete and timely submitted application for renewal shall result in the applicant's existing license remaining in effect until the renewal application is acted upon by the Board of Supervisors or its designee.

SECTION 6.

Paragraph 5 of Subdivision B of Section VII of such local law is hereby repealed, and a new paragraph 5 is added to read as follows:

5. The license shall not be transferred or assigned by the licensee to any other person.

SECTION 7.

Paragraph 7 of Subdivision B of Section VII of such local law is hereby repealed.

SECTION 8.

Section VIII of such local law is hereby amended to read as follows:

Section VIII. Enforcement

Police officers and such persons as may be designated by the Board of Supervisors pursuant to the provisions of Section 10(4) of the Municipal Home Rule Law are hereby authorized to issue and serve appearance tickets for violations of this law.

SECTION 9.

Section IX of such local law is hereby amended to read as follows:

Section IX. Civil Remedies; Criminal Penalties

A. Civil Remedies

The County may commence a civil action to enjoin or otherwise remedy any failure to comply with this law or the rules, regulations and orders promulgated pursuant to this law.

B. Criminal Penalties

1. Failure to comply with the rules and regulations promulgated pursuant to Section IV(A)(2) of this law or with the provisions of Section V(D)(1) of this law shall be a violation as defined in Section 55 of the Penal Law. Any person convicted of such a violation shall be liable for:
 - a. A fine of \$25.00 for the first conviction;
 - b. A fine of \$50.00 for the second conviction;
 - c. A fine of \$100.00 for the third conviction;
 - d. A fine of \$250.00 for the fourth conviction and each succeeding conviction; or
 - e. Imprisonment for a term not to exceed fifteen days; or
 - f. Both a fine and imprisonment.

Each day such violation occurs or continues shall constitute a separate offense.

2. Failure to comply with Sections V(A), V(C), V(D)(2), V(E), VI(A), or Section X of this law shall be a violation as defined in Section 55 of the Penal Law. Any person convicted of such a violation shall be liable for:
 - a. A fine of \$250.00 for the first conviction;
 - b. A fine of \$500.00 for the second conviction and each succeeding conviction; or
 - c. Imprisonment for a term not to exceed fifteen days; or
 - d. Both a fine and imprisonment.

Each day such violation occurs or continues shall constitute a separate offense.

C. Any penalties or damages recovered or imposed under this law are in addition to any other remedies available at law or equity.

SECTION 10.

Section X of such local law is hereby amended to read as follows:

Section X. Solid Waste Generated or Originated Outside of the Counties of Seneca, Wayne, and Yates.

No acceptable solid waste which is generated or originated outside the Counties of Seneca, Wayne and Yates may be deposited at an Authority or County facility in the County. The Board of Supervisors or its designee may order such exceptions as they may reasonably determine to be in the public interest.

SECTION 11.

Section XII of such local law is hereby amended to read as follows:

Section XII. Severability.

If any clause, sentence, paragraph, section, or part of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof involved in the controversy in which such judgment shall have been rendered.

SECTION 12.

Section XIII of such local law is hereby amended to read as follows:

Section XIII. Effective Date.

The provisions of this law shall be effective thirty days after the Board of Supervisors adopts a resolution stating that an Authority facility or solid waste volume reduction program is ready to operate on a regular basis. The Clerk of the Board of Supervisors shall give notice of the effective date of this local law by publishing notice thereof at least once in the official newspapers of the County, not less than ten days prior to said effective date.

SECTION 13.

This local law shall take effect on the effective date of Local Law 7 of the year 1989.

and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to number the local law in conformance with the filing requirements of the Secretary of State and to file the local law with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

Mr. Thorne moved the adoption of the resolution. Seconded by Mr. Healy. Upon roll call, all Supervisors voted Aye except Supervisors Spickerman, Prober, Fabino and Guelli who voted Nay. The Chairman declared the resolution adopted.

Office Clerk of Board of Supervisors,
County of Wayne

I, hereby certify that I have compared the foregoing copy of a resolution with the original duly adopted by the above mentioned Board at a session held on the 20th day of August 1991 and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the said Board, this 21st day of August 1991.

Kay S. Groover, Deputy Clerk