

(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.

County
~~City~~ of Lewis
~~Town~~
~~Village~~

Local Law No. 5 of the year 19 92

A local law BEING THE SOLID WASTE MANAGEMENT AND RECYCLING LAW
(Insert Title)
OF THE COUNTY OF LEWIS.

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

County
~~City~~ of Lewis as follows:
~~Town~~
~~Village~~

(See Attached Sheets)

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

LOCAL LAW NO. 5 - 1992
COUNTY OF LEWIS

A Local Law being the Solid Waste Management and Recycling Law of the County of Lewis.

Introduced by Legislator L. Kelley Dickinson, Chairman of the Solid Waste Committee.

BE IT ENACTED BY THE BOARD OF LEGISLATORS OF THE COUNTY OF LEWIS AS FOLLOWS:

ARTICLE I. INTRODUCTORY PROVISIONS

Section 110 Title

This local law shall be known as the Solid Waste Management and Recycling Law of the County of Lewis.

Section 120 Authority

This local law, the subject of which is mandated by Section 120-aa of the General Municipal Law, supplements Local Law No. 2 of 1986, which requires that, commencing with the opening of the Development Authority of The North Country Solid Waste Management Facility, all solid waste generated or originated within the County of Lewis, or such part or parts thereof, as may be designated by resolution of the Lewis County Board of Legislators, shall be delivered to said facility, on such terms and conditions and subject to such regulations as said authority may prescribe.

Section 130 Purpose

It is the purpose of this local law to comply with New York State mandates established by Section 120-aa of the General Municipal Law, and to provide for the public health, safety, economic and general welfare of residents of Lewis County by encouraging and facilitating the maximum recycling practicable on the part of every household, business and institution within the County by more fully regulating the designation, segregation and management of solid waste and requiring that generators of solid waste source separate this waste and cause the same to be delivered in accordance with this law.

ARTICLE II. DEFINITIONS

The following words and phrases shall have the described meaning:

Board: Shall mean the Lewis County Board of Legislators.

Commercial Waste Hauler: Shall mean any individual, association, partnership, firm, corporation, not-for-profit organization, municipality, educational institution or any other person as defined by regulation engaged in the commercial collection, pick-up, transfer, removal and/or disposal of solid waste, construction and demolition debris, and/or recyclables generated, originated or brought from within the boundaries of the county.

Commercial Waste Hauler Permit: Shall mean the permit issued pursuant to Article VI, of this local law.

Committee: Shall mean the Solid Waste Committee of the Lewis County Board of Legislators.

Construction and Demolition Debris: Shall mean uncontaminated waste resulting from construction, remodeling, repair and demolition of structures and roads, land clearing, and seasonal and storm related clean-up. Such waste includes but is not limited to, bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, and plumbing fixtures; incidental metals, plastics, and glass, road spoils, paving materials, roofing materials, and tree or brush stumps.

Coordinator: Shall mean the Lewis County Solid Waste Management and Recycling Coordinator.

County: Shall mean Lewis County, New York, and its political subdivisions.

Curbside Collection: Shall mean the use of collection receptacles including, but not limited to, recycling containers, of all kinds, for residential, commercial, industrial and other waste generators in the regular periodic transfer of the contents of such receptacles by a commercial waste hauler at or near the location of the waste generator.

Department: Shall mean the Lewis County Solid Waste Management and Recycling Department.

Drop-off or Collection Point: Shall mean any location provided for the convenience of persons for the depositing of recyclables or other solid waste by a waste generator itself or commercial waste hauler after collection which may include, but is not limited to 6NYCRR Part 360 permitted or exempt facilities, recycling drop-off facilities, transfer stations, recycling stations, public assembly facilities, or neighborhood recycling facilities.

Facility: Shall mean any 6NYCRR Part 360 permitted or exempt solid waste management/recycling facility or facilities owned and/or operated, or caused to be operated by the County, a municipality, or more than one municipality jointly, or public authority, or any other such facility or facilities in or out of the county that accepts or disposes of solid waste and/or recyclables, generated, originated, or brought into the county, including, but not limited to, landfills, transfer stations, materials recovery facilities, drop-off centers, and resource recovery facilities.

Hazardous Waste: Shall mean a hazardous waste as defined in 6NYCRR Part 371, of the State of New York, and any other material, determined to be hazardous by State or Federal rule, regulation or statute.

Household Hazardous Waste: Shall mean household hazardous waste as defined in 6NYCRR Part 360, of the State of New York, and as amended.

Industrial Waste: Shall mean an industrial waste as defined in 6NYCRR Part 360, of the State of New York, and as amended.

Person or Persons: Shall mean any individual, company, partnership, association, firm, corporation, municipality, or any other entity.

Processor: Shall mean a primary user of the particular material such as recyclables, including, but not limited to, glass factories, detinner, plastic recovery facility, paper mill or a consolidator of the materials, excluding the County.

Prohibited Materials: Shall mean the following materials, as may be modified from time to time by regulations promulgated by the Coordinator, which materials shall not be accepted at any county facility:

- a. septic tank pumpings,
- b. liquid wastes,
- c. large dead animals,
- d. junked vehicles,
- e. explosives,
- f. hot ashes,
- g. sealed containers,
- h. hazardous wastes,
- i. liquid paint and paint thinners,
- j. waste oils,
- k. green waste; and
- l. vehicle tires comingled with other waste.

Recyclables: Shall mean any material designated from time to time by regulation promulgated by the Coordinator, which under any applicable law, or State or Federal regulation, is not hazardous

waste, and which can be reasonably separated from the solid waste stream and held for its material recycling or reuse value, and/or meets the economic markets test described in General Municipal Law 120-aa. The following list of materials as further defined in the Lewis County Comprehensive Recycling Plan, October 1988, as amended, and subject to modification by regulation promulgated by the Coordinator shall be considered recyclables when uncontaminated:

- a. glass containers,
- b. ferrous and nonferrous scrap metals,
- c. newspapers,
- d. corrugated cardboard,
- e. metal containers,
- f. plastic containers,
- g. vehicle batteries,
- h. yard wastes,
- i. waste oil.

Recycling Container: Shall mean a bin or other container supplied by the County, a municipality, or commercial waste hauler for curbside collection or a drop-off or collection point for the use of persons exclusively for the collection, storage, or transportation of recyclables in the county.

Recycling and Transfer Facility: Shall mean the Lewis County recycling and transfer facilities.

Regulations: Shall mean rules and regulations promulgated by the Coordinator pursuant to the authority contained in this local law.

Resident: Shall mean any individual who is a legal resident of the county or any individual who is a temporary resident of the county.

Reuse: Shall mean the separation from solid waste materials of a material or materials and subsequent reuse thereof by the waste generator.

Solid Waste: Shall mean solid waste as defined in 6NYCRR Part 360, of the State of New York, and as amended.

Source Separation: Shall mean the segregation of recyclable materials from other solid waste at the point of generation for separate collection, sale, disposal, or other disposition.

Waste Generator: Shall mean any person or legal entity which produces solid waste requiring off-site disposal.

Waste Materials: Shall mean that portion of solid waste remaining after recyclables and reusable materials have been separated.

ARTICLE III. SOURCE SEPARATION

Section 310 General

Every waste generator in Lewis County shall at a minimum source separate all designated recyclable materials from other solid waste.

Section 320 Preparation of Solid Waste

No person shall dispose of solid waste except as follows:

1. All waste generators shall source separate solid waste prior to placing the materials for curbside collection, commercial waste hauler pick-up, or before delivering such materials to any drop-off or collection point within the county. Recyclables shall be separated by categories in accordance with regulations prepared by the Coordinator.
2. Each person shall use county recycling containers or other suitable containers in accordance with county regulations for the containment of recyclables when such materials are left for curbside collection or commercial waste hauler pick-up.
3. Waste generators and/or commercial waste haulers shall be responsible for providing that recyclables and other materials required to be separated from the solid waste stream, which are not acceptable at the Lewis County recycling and transfer facilities are nevertheless delivered to a proper disposal or collection point, processor, or facility permitted to handle such material.
4. No person shall recombine or cause to be recombined any recyclables with any other classification of recyclables or waste material, or otherwise reintroduce or cause to be reintroduced into the solid waste stream any material which has been separated from the solid waste stream in accordance with this local law and/or regulations promulgated by the Coordinator, unless authorized by the Coordinator. Every such act of recombining, or reintroducing into the solid waste stream without authorization shall constitute a separate violation of this law.

Section 330 Collection

Each commercial waste hauler providing curbside collection or contract services shall provide or make provisions for collection of it's customers waste materials and recyclables at the source of generation. This section applies to those waste materials and recyclables, which are accepted at the Lewis County solid waste management facilities. Service must occur regularly and not less than bi-weekly unless otherwise authorized by the Coordinator where unique circumstances exist.

Section 340 Delivery of Recyclables to County Recycling Facilities

Any industry, commercial business, or other entity not delivering or causing to be delivered, recyclables to the Lewis County recycling facilities, shall report to the Coordinator the amount of recyclables delivered elsewhere on forms provided by the Coordinator in accordance with County regulations.

ARTICLE IV. OWNERSHIP OF RECYCLABLES PLACED FOR COLLECTION

Section 410 Authorized Ownership

A. From the time any person properly places any recyclables at or near any curb, sidewalk, street or yard for purposes of curbside pick-up, or upon acceptance for deposit by the representative of a municipality or contractor operating a drop-off or collection point, those recyclables shall cease to be the property of the waste generator or other person depositing or delivering such materials. Thereupon, title passes to the person collecting or accepting such recyclables until such time as said recyclables are delivered to and accepted by the County at its recycling facility, a processor at its processing facility, or the owner or operator of an appropriate facility for the collection or storage of recyclables.

Section 420 Unauthorized Ownership

No person who is not acting under the authorization of the County, a commercial waste hauler, other municipality, or its authorized agent shall collect, pick-up, remove or cause to be collected, pick-up or remove, any recyclable materials so placed for collection; each such unauthorized collection, pick-up, or removal, shall constitute a separate violation of this article.

Section 430 Unacceptable Materials Ownership

When a person or entity responsible for collection or acceptance of such solid waste has refused to collect or accept such materials, because they have not been placed, prepared, or handled in accordance with this law or County regulations, the person responsible for initially placing those materials for collection or offering those materials for acceptance shall remove those materials from any curb, sidewalk, streetside, drop-off, or collection point, and shall retain ownership to said material until properly prepared and placed for collection or acceptance.

ARTICLE V. RULES AND REGULATIONS

A. The Lewis County Solid Waste Management and Recycling Coord-

inator is hereby authorized and directed to prepare, adopt, and promulgate, amend, and repeal such rules and regulations, with the consent of the Lewis County Board of Legislators or the Solid Waste Committee of the Lewis County Board of Legislators, that the Coordinator believes are necessary or desirable to carry out, interpret and enforce the intent and proposes of this local law. Failure to adopt and promulgate such rules and regulations shall not limit the ability to enforce this local law in a court of competent jurisdiction.

ARTICLE VI. PERMITS

Section 610 Commercial Waste Hauler Permits

1. Within 90 days of the adoption of Commercial Waste Hauler Permit Rules and Regulations, all commercial waste haulers shall be required to obtain a Commercial Waste Haulers Permit in order to continue collecting, transporting, or disposal of any solid waste and/or recyclables at a County-owned or operated solid waste transfer or recycling facility, or other County authorized disposal facility.
2. All applications for Commercial Waste Hauler Permits shall be in writing, on forms provided by the County, and shall contain such information as required by regulation.
3. Commercial Waste Hauler Permits shall not be transferrable.

ARTICLE VII. DISPOSAL OF SOLID WASTE

Section 710 Unauthorized Disposal

- A. Any person who shall dispose of solid waste in any manner inconsistent with this local law, Local Law No. 2 of 1986, or the regulations promulgated hereunder, shall be in violation of this law, shall retain title to such solid waste, and shall be fully responsible for all costs incurred in the proper disposal of such solid waste.
- B. No solid waste generated outside the County will be accepted at any facility owned or operated by the County. Combined loads containing solid waste from within the county as well as from outside the county will not be accepted for disposal at any facility owned or operated by the County.
- C. Nothing within this local law or any rules or regulations promulgated or amended hereunder shall be construed at any time to restrict the ability of the County to refuse to accept hazardous wastes or other prohibited materials or other materials deemed unacceptable at the County recycling and

transfer facilities or any other facility, drop-off, or collection point which receives materials for delivery to a County facility.

Section 720 Tip Fees

The Board is hereby authorized to establish tipping fees for the receipt of solid waste and recyclables at any County owned or operated facility, and for any waste generated in Lewis County that is hauled directly to the Development Authority of The North Country Regional Landfill. Tipping fees may be set and revised from time to time by resolution of the Board.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

Section 810 Acceptance of Waste

The County of Lewis shall not be required to accept solid waste material which has not been source separated and secured pursuant to the provisions of this law or the applicable regulations of the Coordinator.

Section 820 Violations

A violation of this law, shall constitute an offense punishable upon conviction thereof, by a fine not exceeding fifty dollars (\$50.00) for the first offense and five hundred dollars (\$500.00) for each offense thereafter. Such fine shall be payable to the County and shall be transmitted to the Lewis County Treasurer. Upon conviction, the court may also order clean-up of the affected area, and/or community service, in lieu of or in addition to a fine. Non-exclusive jurisdiction be and same hereby is vested in the respective town and village justice courts of Lewis County.

Failure to pay any fine may result in imprisonment as prescribed in Section 420.00 of the Criminal Procedure Law.

Section 830 Severability

If any section, paragraph, part, or provision of this local law or the application thereof to any person or circumstance shall be judged invalid by a court of competent jurisdiction, such order or judgement shall be confined in its operation to the controversy in which it was rendered and shall not affect the remainder of any provision of any section or the application of any part thereof to any other person or circumstance.

Section 840 Effective Date

The within local law shall take effect immediately.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 19 92 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Lewis was duly passed by the Board of Legislators on Sept. 1st 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.

Mary E. Terrillion
Clerk of the County legislative body, ~~City, Village or Town~~
~~or other designated executive body~~
Mary E. Terrillion
Date: September 8th 1992

(Seal)

(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 Lewis

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.

Kenneth B. Wolfe
Signature _____
Kenneth B. Wolfe
County Attorney
Title _____

County _____
~~City~~ of Lewis
~~Town~~
~~Village~~

Date: September 8th 1992