

LOCAL LAW NO. 4-1985  
CHAUTAUQUA COUNTY

AMENDING LOCAL LAW 5-84 REGULATING THE USE OF COUNTY OF  
CHAUTAUQUA SANITARY LANDFILL AND TRANSFER STATIONS

BE IT ENACTED, by the County Legislature of the County of Chautauqua as follows:

A. Local Law 5-84 shall be amended to read as follows:

1. Legislative Findings and Intent.

The Chautauqua County Legislature hereby finds that the disposal of refuse in a safe and environmentally sound method is a matter of serious public concern affecting the safety, health, and well-being of residents of the County of Chautauqua ("County"); that the Sanitary landfill and transfer stations are expensive to maintain and operate, that there is a limited area in the County suitable for sanitary landfill; and that the sanitary landfill and transfer stations are designed and intended to be used primarily for the disposition of refuse generated within the County.

This Local Law is intended to prohibit the deposit or disposal of certain refuse in a County sanitary landfill or transfer station, to ensure that all users of the County sanitary landfill and transfer stations comply with all applicable statutes and regulations governing the transportation or disposition of refuse and to prohibit the unrestricted use of County facilities for the disposal of refuse originating outside the County.

This Local Law is intended to apply to both individuals and entities involved in generating, transporting or disposing of refuse, including without limitation corporations, partnerships, firms, associations, and all other entities which generate transport or dispose of waste and individuals employed by such entities who are responsible directly or indirectly for the proper disposal of refuse, such as truck drivers, foremen, managers and officers.

2. Prohibited Refuse.

It shall be unlawful for any person, corporation, partnership, firm association, or other entity to directly or indirectly deposit or dispose or cause or allow to be deposited or disposed the following refuse at a County sanitary landfill or transfer station:

a. Hazardous or industrial commercial wastes, as defined by the New York State Department of Environmental Conservation, or wastes which when combined with other wastes may produce such hazardous or industrial commercial wastes, unless advance written approval is obtained from the County Department of Public Works or the County Legislature and from all applicable Federal and State regulatory agencies. All such deposits or disposals must be in accordance with such approval.

b. Industrial or municipal sludge between 0% and 20% solids, unless advance written approval is obtained from the County Department of Public Works or the County Legislature

and from all applicable Federal and State regulatory agencies and no industrial or municipal sludge or any kind at any County transfer station.

c. Refuse that requires special authorization, approval or permission from any Federal, New York State or County officials prior to disposal, and refuse that requires such authorization, approval, permission, or certification has been duly obtained and the County Department of Public Works has provided advance written approval for such disposal. Such refuse shall be deposited or disposed only in accordance with such authorization, approval, permission, or certification.

d. Refuse that originates or is generated outside the County, whether or not commingled with other refuse except to the extent authorized by rules and regulations adopted by the Chautauqua County Department of Public Works and approved by the County Executive and Legislature's Environmental Committee.

e. Refuse transported or disposed in a County Sanitary landfill or Transfer Station in violation of any statute or regulation governing such transportation or disposal, including but not limited to the provisions of the New York State Environmental Conservation Law, Vehicle and Traffic Law, Highway Law, or Sanitary Code of the Chautauqua County Health District.

### 3. False or Misleading Statements

It shall be unlawful to make an oral or written statement, directly or indirectly, to the County Department of Public Works or to any agency or official responsible for enforcing the provisions hereof which contains any untrue statement of material fact. It shall also be unlawful to make a statement which fails to state a material fact necessary to make the statement, in light of the circumstance in which it is made, not misleading.

### 4. Penalties.

Violations of any of the provisions of this Local Law are punishable as follows:

(a) First offense within a five year period – violation punishable by a fine not to exceed two hundred and fifty dollars (\$250.00) and/or imprisonment not to exceed fifteen (15) days; (b) second offense within a five year period – class B misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment not to exceed one (1) year; (c) third and subsequent offenses within a five year period – Class A misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00) and/or imprisonment not to exceed one (1) year. In addition to the above penalties, the County Attorney may bring an action in a court of competent jurisdiction to recover on behalf of the County a civil penalty from any violator in an amount not to exceed \$10,000 for each violation. The violator shall have the right to trial by jury. Notwithstanding the above, violations of this local law will also subject the violator to an action by the County for damages based on the expense that are incurred by the County in collection and removing such refuse, provided that nothing herein shall be construed as requiring the County to actually collect and remove such refuse.

### 5. Enforcement.

In addition to all peace offices within the County, the Director of the County Department of Public Works (DPW), the DPW Sanitation Supervisor, the Administrative Assistant to the DPW Director, and all foreman of the DPW Division of Environment are authorized to issue appearance tickets for any violation hereof.

6. Construction.

This Local Law shall supersede Resolution No. 348-79, but shall not be interpreted or construed (a) as affecting the authority of the County Legislature to impose by resolution additional restrictions or limitations not inconsistent with the provisions hereof or otherwise regulate the use of a County sanitary landfill or transfer station, or (b) as requiring the County to accept any particular refuse.

7. Severability.

If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly adjudged invalid.

8. Effective Date.

This Local Law shall be effective upon the date of filing with the office of the Secretary of State.

Emergency Action required by Executive Glenzer

Approve by Legislature: 3/27/85      R/C Vote: 22 Yes; 2 No; 1 Absent (No's: Smith, Stanley)  
Public Hearing: 4/4/85  
Adopted as LL 4-85