

LOCAL LAW NO. 14-95
CHAUTAUQUA COUNTY

A LOCAL LAW REGULATING THE USE OF CHAUTAUQUA COUNTY SANITARY
LANDFILL & TRANSFER STATIONS

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

Section 1. Legislative Findings and Intent

The Chautauqua County Sanitary Landfill should be operated in both an environmentally and economically sound manner. In order to achieve those benefits, the landfill staff should market its services to businesses and residents both inside and outside the County.

Section 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 to allow to be deposited or disposed at a County Sanitary landfill or transfer station any refuse that would be detrimental to the safe and efficient operation of the County landfill, as described in rules and regulations promulgated by the DPW Division of the Environment. The acceptance of out-of-County waste shall be governed by the same standards that apply to in-County waste, including the Chautauqua County Sanitary Code, the rules and regulations of the New York State Department of Environmental Conservation (NYDEC), and the United State Protection Agency (EPA).

Section 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 such statement, in light of the circumstances in which it is made, not misleading.

Section 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 no 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 may bring an action in a court of competent jurisdiction to recover a civil penalty from any violators in an amount not to exceed fifty thousand dollars (\$50,000.00) for each violation, and/or an order suspending the violator's privilege to use the County Landfill and transfer stations. The violator shall have the right to a jury trial. Notwithstanding the above, violations of this Local Law will also subject the violator to damages based on the expenses that are incurred by the County in collecting and removing such refuse, provided that nothing herein shall be construed as requiring the County to actually collect and remove such refuse.

Section 5. Enforcement.

In addition to all peace officers within the County, the Director of the County Department of Public Works (DPW), the DPW Deputy Director of Environment, the DPW Sanitary Supervisor, and all foremen of the DPW Division of Environment are authorized to issue appearance tickets for any violations herein.

Section 6. Construction.

This Local Law 5-84, as amended, the Resolution No. 348-79, are hereby repealed, but this Local Law shall not be interpreted or construed (1) 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 stations, or (b) as requiring the County to accept any particular refuse.

Section 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.

Section 8. Effective Date.

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

Approved by Legislature: 5/24/95 R/C Vote: 25 Yes

Public Hearing: 6/12/95

Adopted as Local Law 14-95