

Appendix B

Copy of the Local Solid Waste and Recycling Law

LOCAL LAW NO. 5-1984
CHAUTAUQUA COUNTY

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:

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 of the County suitable for sanitary landfill; and that the sanitary landfill and transfer stations are designed and intended to be used only 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 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 of any kind at any County transfer station.

c. Refuse that requires special authorization, approval or permission from any Federal, New York State or County official prior to disposal, and refuse that requires certification as to type, time, method or nature of disposal or burial, unless and until 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 comingled with other refuse.

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 circumstances 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 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 a 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 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.

5. Enforcement.

In addition to all peace officers 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 foremen of the DPW Division of Environment are authorized to issue appearance tickets for any violations hereof.

6. Construction.

This Local Law shall supercede 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 provisions 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.

Adopted by Legislature: 7/13/84 R/C Vote: 21 Yes; 4 Absent
Public Hearing: 7/30/84
Adopted as LL 5-84

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

LOCAL LAW NO. 3-91
CHAUTAUQUA COUNTY

AMENDING LOCAL LAW 4-85 REGULATING THE USE OF COUNTY OF
CHAUTAUQUA SANITARY LANDFILL AND TRANSFER STATIONS

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

a. Section 2 subsection d of Local Law 4-85 is hereby amended to read as follows:

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 the Legislature's [Environmental Committee].

B. All other terms and conditions of Local Law 4-85 shall remain in full force and effect.

C. This Local Law shall take effect upon filing with the Secretary of State.

Introduced: 1/9/91

Adopted by Legislature: 1/23/91

Public Hearing: 2/7/91

Adopted as Local Law 3-91

LOCAL LAW NO. 13-91
(Print 3)
CHAUTAUQUA COUNTY

ESTABLISHING LANDFILL USER FEE POLICY AND PROCEDURE

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

1. Purpose. The purpose of this Local Law is to specify the policy of the County of Chautauqua to operate the County landfill and transfer stations in a fiscally responsible manner, with the user fees and other charges designed to cover all the expenses. It is also the intent of this local law to provide the professional management team at the landfill with sufficient management flexibility and authority to operate the landfill like a business as efficiently and as cost-effectively as possible, including the ability to adjust user fees to take advantage of market conditions and to reflect changing costs, subject to the continuing review of the County Legislature.

2. User Fee Policy. The user fees and other charges at the County landfill and the transfer stations shall be based on the projected costs of operation calculated on an accrual accounting method that includes the cost of debt service, future landfill closure and groundwater monitoring, and all other expenses associated with the operation of the landfill and transfer stations. In addition, the County shall impose a surcharge for all refuse from outside the County based on market prices and the nature and volume of such refuse, except to the extent otherwise specified by the County Legislature pursuant to a duly adopted and approved resolution.

3. User Fee Procedure. The Deputy Director of the DPW Division of Environment, with input from the Director of Finance and the Budget Director, shall develop a recommended user fee schedule designed to cover all projected costs at the County landfill and transfer stations calculated on the accrual accounting method, and shall from time-to-time recommend changes in the user fees and other charges to ensure that such fees and charges continue to meet all projected expenses. A copy of the schedule of all user fees and other charges shall be sent to the Clerk of the County Legislature, and shall become effective automatically 45 days thereafter unless the County Legislature enacts a duly adopted and approved resolution rejecting or changing such user fees or other charges. The Deputy Director of the DPW Division of Environment shall also establish the surcharge for out-of-county refuse based on existing market conditions and the nature and volume of such refuse.

4. Legislative Authority Continued. Nothing herein shall be interpreted or constructed as preventing the County Legislature, at any time, from enacting a duly adopted and approved resolution setting or changing the user fees or other charges for the County landfill and transfer stations, or otherwise adopting or changing County policy regarding out-of-county garbage, construction and demolition debris, or any other aspects of the County solid waste management system.

Introduced: 8/14/91

Approved by Legislature 8/28/91

Public Hearing: 9/11/91

Adopted as Local Law 13-91

PRINT 2

LOCAL LAW NO. 8-92
CHAUTAUQUA COUNTY

A LOCAL LAW TO AMEND LOCAL LAW 13-91 – ESTABLISHING LANDFILL USER
FEE POLICY AND PROCEDURE

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

Section 1. Local Law 13-91 is hereby amended in Section Three (3), User Fee Procedure, to read as follows, with deletions in [brackets] and additions underlined:

The Deputy Director of the DPW Division of the Environment, with input from the Director of Finance and the Budget Director, shall develop a recommended user fee schedule designed to cover all projected costs at the County Landfill, and transfer stations calculated on the accrual accounting method, and shall from time-to-time recommend changes in the user fees and other charges to ensure that such fees and charges continue to meet all projected expenses. A copy of the schedule of all user fees and other charges shall be sent to the Clerk of the County Legislature for distribution to the appropriate committees and members of the Legislature, and shall become effective not less than thirty (30) days [thereafter] after the first regular meeting of the Chautauqua County Legislature following submission to the Clerk of the Legislature, unless the County Legislature enacts a duly adopted and approved resolution rejecting or changing such user fees or other charges. The Deputy Director of the DPW Division of Environment shall also establish the surcharge for out-of-county refuse based on existing market conditions and the nature and volume of such refuse.

Section 2. All other terms and provision of Local Law 13-92 shall remain in full force and effect.

Section 3. This Local Law shall take effect immediately upon filing with the Secretary of State.

Adopted by Legislature – June 10, 1992

(R/C Vote: 25 Yes)

Public Hearing – June 23, 1992

Adopted as Local Law 8-92

LOCAL LAW NO. 9-92
CHAUTAUQUA COUNTY

MANDATING SOURCE SEPARATION AND SEGREGATION OF RECYCLABLE OR
REUSABLE MATERIAL

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

Section 1. Purpose. The purpose of this local law is to comply with the requirements of the New York General Municipal Law regarding the source separation and segregation of recyclable or reusable materials from solid waste.

Section 2. Source Separation of Recyclable Materials. Pursuant to Section 120-aa of the New York State general Municipal Law, all solid waste in Chautauqua County which has been left for collection or which is delivered by the generator of such waste to the solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist. The term "economic markets" refer to instances in which the full avoided cost of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less then amount received from the sale of said material. Components shall include paper, glass, metals, plastics, garden and yard waste, and may include other elements of solid waste. The requirement of this local law shall be in addition to and without limitation upon the authority vested in the County of Chautauqua and other municipalities in Chautauqua County regarding source separation and segregation of recyclable or reusable materials under any other statute, rule, or regulation.

Section 3. Implementation. In order to ensure proper compliance of this local law and the proper operation of County-owned solid waste facilities, the County Executive is hereby empowered to prepare reasonable rules and regulations to implement source separation and segregation of recyclable or reusable materials from solid waste.

Section 4. Effective Date. This Local Law shall be effective upon the sate of filing with the office of the Secretary of State.

Introduced: 7/8/92

Adopted by Leg. 7/22/92 (R/C Vote: 25 Yes)

Public Hearing: 8/3/92

Adopted as LL 9-92

LOCAL LAW NO. 2-94
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 13-91 – ESTABLISHING LANDFILL USER
FEE POLICY AND PROCEDURE

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

Section 1. Section 2 of Local Law 13-91, entitled User Fed Procedure is hereby amended by substitution to read as follows:

The Deputy Director of the DPW Division of the Environment shall develop and periodically revise a user fee schedule designed to cover all actual and projected costs at the County Landfill and transfer stations, as calculated on the accrual accounting method. A copy of the schedule of all user fees and other charges shall be sent to the Clerk of the County Legislature for distribution to the appropriate committees and members of the Legislature, and shall become effective after the next meeting of the Chautauqua County Legislature, unless the County Legislature enacts a duly adopted and approved resolution rejecting or changing such user fees. The Deputy Director of the DPW Division of Environment shall also establish the charges for out-of-County refuse based on existing market conditions and the nature and volume of such refuse.

Section 2. This Local Law shall take effective immediately upon filing with the Secretary of State.

Approved by Legislature – March 23, 1994
(R/C Vote: 23 Yes; 2 Absent)
Public Hearing – April 7, 1994
Adopted as Local Law 2-94

LOCAL LAW NO. 13-95
CHAUTAUQUA COUNTY

A LOCAL LAW ESTABLISHING USER FEE POLICY AND PROCEDURE

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

Section 1. Purpose. The purpose of this local law is to specify the policy of the County of Chautauqua to operate the County landfill and transfer stations in a fiscally responsible manner, with the user fees and other charges designed to cover all the expenses. It is also the intent of this local law to provide the professional management team at the landfill with sufficient management flexibility and authority to operate the landfill like a business as efficiently and as cost-effectively as possible, including the ability to adjust user fees to take advantage of market conditions and to reflect changing costs, subject to the continuing review of the County Legislature.

Section 2. User Fee Policy. The user fees and other charges at the County landfill and the transfer stations shall be based on the projected costs of operation (calculated on an accrual accounting method that includes the costs of debt service, future landfill closure and groundwater monitoring, and all other expenses associated with the operation of the landfill and transfer stations), market prices and the nature and volume of such refuse except to the extent otherwise specified by County Legislature pursuant to a duly adopted and approved resolutions.

Section 3. User Fee Procedure. The Deputy Director of the DPW Division of the Environmental shall develop and periodically revise a user fee schedule generally applicable to refuse deposited at the County landfill. The user fee schedule shall be sent to the Clerk of the County Legislature for distribution to appropriate committees and members of the Legislature, and shall become effective seventy-two (72) hours after its receipt by the Clerk or after the next meeting of the Chautauqua County Legislature, whichever is sooner, unless the County Legislature enacts a duly adopted and approved resolution rejecting or changing such user fees. The Deputy Director of the DPW Division of Environmental shall also establish charges for specific waste contracts for in-County and out-of-County refuse based on existing market conditions, which may vary from the generally applicable user fee schedule. This procedure shall be subject to such other terms and conditions as may be specified in a duly adopted and approved resolution of the County Legislature. The County Executive is hereby authorized and empowered to execute municipal cooperation agreements with other municipalities pursuant to this Local Law.

Section 4. Construction. Local Law 12-91, as amended is hereby repealed.

Section 5. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

Approved by Legislature: 4/24/95 (R/C Vote: 17 Yes; 8 No) No's: Bobseine, Fagerstrom,
Kubera, Porphiglia, Tarnowski, Taylor, Teresi, Trusso
Public Hearing: 6/12/95
Adopted as Local Law 13-95

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

LOCAL LAW NO. 19-95
CHAUTAUQUA COUNTY

AUTHORIZING LEASE OF REAL PROPERTY FOR AN EXTENDED TERM FOR
LANDFILL REFUSE GAS PROJECTS

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

Section 1. Purpose. The purpose of this Local Law is to modify and supersede the lease term limitations contained in County Law Section 215 and Local Law 7-1975 for landfill refuse gas development projects.

Section 2. Authorization. The County of Chautauqua is hereby authorized to lease County real property and the rights to landfill refuse gas on such property for a term not exceeding thirty years.

Section 3. Effective Date. This Local Law which is subject to a permissive referendum pursuant to the provisions of Municipal Home Rule Law Section 24 shall take effect 45 days after adoption except that in the event it shall become subject to referendum on petition it shall take effect upon approval by the affirmative vote of a majority of the qualified electors voting on the proposition for its approval.

Approved by Legislature – October 11, 1995

(R/C Vote: 16 Yes; 7 No; 2 Absent) No's: Ahlstrom, Kubera, Porpiglia, Sackett, Tarnowski, Taylor, Trusso

Public Hearing – October 23, 1995

Adopted as Local Law 19-95

LOCAL LAW NO. 20-95
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE USE OF CHAUTAUQUA SANITARY LANDFILL
AND TRANSFER STATIONS

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

1. Section 2 of Local Law 14-95 is hereby amended to read as follows:

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 (NYSDEC), and the United States Environmental Protection Agency (USEPA). It shall be further unlawful to dispose or any waste or material that originated or was generated in a nuclear power plant or nuclear reactor.

2. This local law shall become effective upon the date filing with the office of Secretary of State.

Approved by Legislature – October 25, 1995

(R/C Vote: 25 Yes)

Public Hearing – November 14, 1995

Adopted as Local Law 20-95

LOCAL LAW 2-20
CHAUTAUQUA COUNTY

A LOCAL LAW PROVIDING SOLID WASTE FLOW CONTROL
IN CHAUTAUQUA COUNTY

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

SECTION 1. GENERAL PROVISIONS

A. Legislative Intent and Purpose

The purpose and intent of this Local Law is to ensure that Solid Waste generated within Chautauqua County continues to be managed in a manner which protects public health, public safety and the environment, and which provides for the financial stability of the County solid waste system. During the 1960's, the County faced a solid waste crisis as environmentally sound disposal of solid waste was beyond the financial means of small local governments. County involvement began in 1967 with a permit requirement for the approximately forty (40) town, village, and private waste dumps that were in operation at the time. Gradually the small open dumps were closed and the County created a comprehensive County-wide solid waste disposal system. Currently, the County operates its solid waste system in accordance with the following:

- 1) New York State solid waste management policies set forth in Environmental Conservation Law (ECL) §27-0106;
- 2) Local Law 9-92 of the County of Chautauqua, entitled *Mandating Source Separation and Segregation of Recyclable or Reusable Material*, and rules, regulations, and permit requirements promulgated pursuant thereto;
- 3) Local Law 13-95 of the County of Chautauqua, entitled *A Local Law Establishing User Fee Policy and Procedure*;
- 4) Local Law 14-95 of the County of Chautauqua, entitled *A Local Law Regulating the Use of Chautauqua County Sanitary Landfill & Transfer Stations*, and rules, regulations, and permit requirements promulgated pursuant thereto; and
- 5) The Local Solid Waste Management Plan for the County of Chautauqua, with pending updates under review.

The County Legislature finds and determines that in addition to the laws, rules, regulations, permit requirements, policies, and plan set forth above, establishing local flow control over the collection and disposal of certain Solid Wastes generated within the County of Chautauqua is in the public interest and assists the County in achieving the intent and purposes of this enactment.

This Legislature recognizes that regulation of Solid Waste is a proper and necessary exercise of the County of Chautauqua's police powers as it is fundamentally related to the public health, safety and well-being of persons and the environment within the County of Chautauqua. Moreover, regulation of Solid Waste is a necessary and proper exercise of the County's home rule powers under N.Y. Const., Art. IX, § 2[c][ii][10], Sections 10 and 20 of the Municipal

Home Rule Law, Section 120-aa of the General Municipal Law and Section 226-b of the County Law.

B. Declaration of Policy

The Legislature recognizes that the County's solid waste system, comprised of a solid waste landfill, transfer stations, landfill gas-to-energy plant, and other assets, is a critical part of the environmental infrastructure of Chautauqua County and provides facilities and services which are necessary to protect public health and the environment. It is hereby declared to be the public policy of the County of Chautauqua to provide for the continued operation and viability of its comprehensive, publicly owned and operated solid waste management system and to provide mechanisms for the continued financial viability of its system in light of state and federal regulations and requirements. The Legislature intends to maintain the County solid waste system's historic economical rate structure for the benefit of in-County users, and continue to operate the solid waste system in a manner that provides a competitive business environment for the County's residents and industries.

The County's solid waste management program is intended on a County-wide basis to provide environmentally sound disposal of solid wastes, to provide special collections for household hazardous waste, to safely monitor and maintain closed landfill facilities, to provide for a program of recycling electronic and other waste, to encourage the growth of recycling in both the public and private sectors, to provide public education on proper waste management methods, to provide assistance in the disposal of code enforcement demolition wastes for all local governments in the County in order to reduce neighborhood blight, to provide assistance for all local governments in the County in the event of emergencies such as floods, lake fish kills, and lake weed infestations, to recover energy from the generation of landfill gas, and to employ new techniques of waste management as they become available. This Local Law is intended to ensure the orderly and reliable collection of solid waste by municipalities and qualified collection firms, to provide a means to gather relevant information regarding waste generation for planning and administration of the solid waste program, to assist in the enforcement of recycling laws, to provide a sufficient and reliable source of landfill gas for energy production as a renewable natural gas (RNG), and to advance the goals of the Solid Waste Management Plan and its periodic updates.

This law regulates only the collection, transport, processing and disposal of Solid Waste generated within the incorporated limits of Chautauqua County. This Local Law shall not be construed to extend the jurisdiction of the County of Chautauqua beyond the incorporated limits of the County of Chautauqua. It shall be the policy of the County of Chautauqua, in the adoption, implementation and enforcement of this Local Law, to treat all persons subject to its provisions in a fair and impartial manner without regard to their location or legal residence, within or without the boundaries of the County of Chautauqua, the State of New York, or any other state.

SECTION 2. DEFINITIONS

A. Chautauqua County Department of Public Facilities (DPF). An administrative unit of the County of Chautauqua with responsibility for the operation of the County's Solid Waste Facilities and Solid Waste and Recycling programs.

B. County Solid Waste Facility. Any facility owned or operated by the County of Chautauqua, which includes, but shall not be limited to, the Chautauqua County Landfill, the County transfer stations, the County landfill gas-to-energy plant, and all facilities identified by the Deputy Director for the receipt of household hazardous waste, electronic waste and such other facilities as may be established by the County from time to time.

C. Commercial Hauler. Any person who is engaged in the business of collecting and transporting solid waste for disposal from the locations within the County of Chautauqua at which such waste is generated. For purposes of this definition, “person” shall mean any individual, public or private corporation, political subdivision, government agency, department or bureau of New York State or United States government, municipality, industry, partnership, association, limited liability company, trust, estate, non-profit entity, tax-exempt entity, or any other legal entity.

D. Deputy Director. The Deputy Director of the Division of Solid Waste of the Chautauqua County Department of Public Facilities (DPF).

E. Solid Waste and Related Terms. The terms Solid Waste, Construction and Demolition Debris, Organic, Recyclable, Regulated Medical Waste, and other terms in common usage in the solid waste industry, shall, unless otherwise specifically defined herein, have the meanings set forth in 6 NYCRR 360.2 or successor provision.

SECTION 3. FLOW CONTROL

A. All Solid Waste, including, but not limited to, Construction and Demolition Debris, and wastes generated and collected from residences, businesses, institutions and other locations within the County of Chautauqua shall be delivered for disposal to the County Solid Waste Facility designated by the Deputy Director pursuant to this Local Law, except as otherwise provided pursuant to Section 3 (B), below.

B. This Local Law shall not be applicable to collection and disposal of source separated Recyclables, source separated Organic Wastes, Regulated Medical Wastes, wastes processed pursuant to environmental sustainability programs approved by the Deputy Director, and any materials that are not authorized for acceptance at County Solid Waste Facilities by New York State law or regulation or Local Laws 9-92 and 14-95 of the County of Chautauqua, or as otherwise provided by rules, regulations, and permit requirements promulgated pursuant to Local Laws 9-92, 14-95, and this Local Law.

C. Compliance with the provisions of this Local Law shall be a term and condition of all permits issued by the Landfill in furtherance of this Local Law and Local Laws 9-92 and 14-95 of the County of Chautauqua. It shall be unlawful for any Commercial Hauler to collect, transport or dispose of Solid Waste or Recyclables generated within Chautauqua County without a Landfill permit. Violations of the provisions of this Local Law, and/or rules, regulations, and permit requirements promulgated pursuant to this Local Law, shall subject the violator to the penalties set forth in said Local Law 14-95.

D. In order to ensure proper compliance with this Local Law, the Deputy Director is hereby empowered to promulgate rules and regulations to implement the Solid Waste flow control required by this Local Law, including, but not limited to, permit requirements. The rules and regulations promulgated by the Deputy Director shall be subject to policies and procedures specified by the County Legislature pursuant to a duly adopted and approved resolution.

SECTION 4. UPDATING OF ADMINISTRATIVE REFERENCES IN PRIOR LOCAL LAWS

References to the “Division of the Environment” and “DPW”, in prior Local Laws 13-95 and 14-95 of the County of Chautauqua, are hereby updated and deemed to be, respectively, the “Division of Solid Waste” and “DPF”.

SECTION 5. SEVERABILITY

If any part of this Local Law or the application thereof to any person should be adjudged to be invalid by any court of competent jurisdiction, such judgment shall, unless otherwise provided in said judgment, be confined in its operation to the application, part or provision of this Local Law directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the rest and remainder of this Local Law or the application thereof to other persons or circumstances. The Chautauqua County Legislature hereby declares that it intends that the provisions of this Local Law that are not specifically adjudged to be invalid shall remain in full force and effect.

SECTION 6. COUNTY NOT LIABLE

Nothing in this enactment shall be deemed to impose any civil or criminal liability upon, or give rise to, a cause of action against any official, employee or agency of the County of Chautauqua for failing to act in accordance with this Local Law or by enforcing same in good faith.

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect January 1, 2021.

Emailed: 06/12/2020

Adopted by Legislature: 06/24/2020

Public Hearing by County Executive: 07/06/2020

Adopted As Local Law 2-20

R/C Vote: 19 Yes

Date State Filed: 7/20/2020

Local Law Filing

(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 ☐ Town ☐ Village
(Select one:)

of Chautauqua

FILED
STATE RECORDS

AUG 30 2022

DEPARTMENT OF STATE

Local Law No. 6 of the year 2022

A local law A Local Law Establishing the Chautauqua County Landfill Commission
(Insert Title)

Be it enacted by the Chautauqua County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Chautauqua

as follows:

See Attached

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

LOCAL LAW 6-22
CHAUTAUQUA COUNTY

A LOCAL LAW ESTABLISHING THE CHAUTAUQUA COUNTY LANDFILL
COMMISSION

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

SECTION I. INTENT

It is the intent of this Local Law to create a Chautauqua County Landfill Commission to serve as an advisory body to the government of the County of Chautauqua concerning solid waste disposal and solid waste related activities in which the County of Chautauqua is currently or hereafter engaged.

SECTION II. ESTABLISHMENT AND MEMBERSHIP

There is hereby established a Chautauqua County Landfill Commission which shall be composed of seven (7) members appointed by the County Executive, subject to confirmation by the County Legislature. Two (2) of the members so appointed shall be County Legislators, one (1) of whom shall be designated as chairperson of the Commission by the County Executive. The remaining members should include representatives (one each) of the government of the Town of Ellery, a large municipal customer, a large private customer, a waste hauler, and a representative of a community hosting a County transfer station.

SECTION III. TERM OF OFFICE

The term of office of each person appointed to the Chautauqua County Landfill Commission shall be two (2) years, except that the term of each member initially appointed shall expire on December 31, 2024. Any vacancy during a term of office shall be filled by appointment for the remainder of the term in which the vacancy occurred.

SECTION IV. POWERS AND DUTIES

The Chautauqua County Landfill Commission shall have the following powers and duties:

A. To review and make recommendations concerning proposed agreements, regulations, fees and related matters to the County Executive, the County Legislature and other appropriate county officers and bodies.

B. To advise the County Executive and the County Legislature on proposed matters relating to the construction, renovation, operation, or discontinuation of any solid waste disposal and solid waste related facility owned and/or operated by the County of Chautauqua.

C. To submit to the appropriate committee of the County Legislature proposed rules and regulations governing the use and operations of solid waste disposal and solid waste related facilities owned and/or operated by the County of Chautauqua.

D. To serve as a liaison between the government of the County of Chautauqua and persons or parties interested in solid waste disposal and solid waste related operation and activities in which the County of Chautauqua is or may become involved.

E. To perform such other tasks and assignments as may be assigned to the Commission by the County Executive, the County Legislature or any other authorized county officers or body.

F. To prepare and send to the Clerk of the Chautauqua County Legislature summary minutes of each meeting of the Commission.

G. To submit an annual report to the Public Facilities Committee of the Chautauqua County Legislature describing the actions of the Commission during the year and describing the plans and concerns identified for future consideration.

SECTION V. MEETINGS, COMPENSATION

The members of the Chautauqua County Landfill Commission shall meet at least bi-monthly. The members shall not be entitled to compensation for the performance of their powers and duties as members of the Commission but shall be entitled to reimbursement for reasonable and necessary expenses incurred in the performing said powers and duties in accordance with applicable County reimbursement policies.

SECTION VI. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

Sponsors: Chagnon, Davis, Harmon, Muldowney, Pavlock, Penhollow

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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. 6 of 20²² of the (County)(City)(Town)(Village) of Chautauqua was duly passed by the Chautauqua County Legislature on July 27 20²², and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the County Executive and was deemed duly adopted (Elective Chief Executive Officer*)
on August 12 20²², in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

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 _____ 20____, in accordance with the applicable provisions of law.

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* 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 chairperson 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 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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, 2 above.

Olivia L. Lee

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

8/24/22

(Seal)

