

*COUNTY EAST LAW***ADOPTION OF LOCAL LAW NO. 3 OF 1997**

WHEREAS, proposed Local Law No. 2 of 1997 was duly introduced on October 6, 1997; and

WHEREAS, following due publication thereof, a public hearing was held and conducted on said proposed Local Law on October 27, 1997 at 9:30 a.m. on that day; and

WHEREAS, proposed Local Law No. 5 of 1996 was adopted by this Board as Local Law No. 1 of 1997, and proposed Local Law No. 1 of 1997 was adopted by this Board as Local Law No. 2 of 1997.

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts proposed Local Law No. 2 of 1997, as Local Law No. 3 of 1997, the same to provide as follows:

"ESSEX COUNTY LOCAL LAW NO. 3 OF 1997

A local law amending Article 2 of Local Law No. 4 of 1992 to provide for joint and several liability of waste generators, haulers and other persons for failing to properly dispose of solid waste.

BE IT ENACTED by the Board of Supervisors of Essex County as follows:

- §1. Article 2 of Local Law No. 4 of 1992 is hereby amended by adding a new §2-102 to read and provide as follows:**

"§2-102. Joint and Several Liability

For the purposes of this local law, when a hauler or person transports Solid waste, recyclables, litter or yard wastes within Essex County, the hauler or person transporting such waste as well as the person generating such waste shall each be jointly and severally liable and responsible for any Violation of the provisions of this local law from the time that the waste is collected from the person generating such waste until such waste is properly disposed of at a permitted solid waste management facility."

- §2. This local law shall take effect immediately upon filing with the Secretary of State."**

**COUNTY OF ESSEX
LOCAL LAW NO. 4 OF 1992
AS AMENDED BY LOCAL LAW NO. 2 OF 1993
AND BY LOCAL LAW NO. 3 OF 1997**

A local law relating to the regulation of the collection and disposal of solid waste in Essex County.

BE IT ENACTED by the Board of Supervisors of Essex County as follows:

ARTICLE 1. Purpose and Definitions

§1-100. Purpose

The purpose of this local law is to:

(1) Institute an orderly program for the collection, transportation, treatment and disposal of solid waste generated in Essex County in order to promote the welfare, convenience, health, and safety of the citizens of Essex County;

(2) prevent and prohibit the indiscriminate and uncontrolled use of property for dumping purposes;

(3) prevent and prohibit open dumping and to require that collection, transportation, treatment and disposal of solid waste be conducted only as permitted and approved by the County of Essex;

(4) remove certain materials from the solid waste stream in order to decrease the flow of solid waste to the County landfill, aid in the conservation of valuable resources, increase the useful life of the County landfill, reduce the required capacity of existing and proposed solid waste management facilities, and reduce the financial impact and economic burden upon the taxpayers and residents of Essex County; and

(5) comply with the New York Solid Waste Management Act of 1988 which requires municipalities to adopt a local law providing for the source separation of solid waste into recyclable, reusable, or other components for which economic markets or alternate uses exist.

§1-101. Definitions

For the purpose of this local law, the following terms, phrases and words shall have the meaning given herein:

(1) "Business" shall mean any person engaged in commerce within Essex County.

(2) [Repealed].

(3) "Commercial Waste" shall mean waste or a combination of wastes which is generated in or upon property used for wholesale or retail commercial purposes.

(4) "Construction and demolition debris" shall mean waste resulting from construction, remodeling, repair, maintenance, and demolition of structures, buildings, roads and land clearing, and shall include but not be limited to lumber, concrete, bricks, sheetrock, masonry materials, rocks, stones, road spoils, paving material, tree and bush stumps, building construction materials, and as otherwise defined in 6 NYCRR Part 360, as amended.

(5) "Construction Site" shall mean any private or public property upon which there is taking place (1) repairs or modifications to existing buildings, structures or improvements, (2) construction of new buildings, structures or improvements, or (3) demolition of existing buildings, structures or improvements.

(6) "Container" shall mean any can, bin, dumpster, unit or other similar device used for the temporary storage or collection of solid waste and/or secondary materials. All containers shall be: (a) of rigid or semi-rigid construction sufficient to prevent animals (other than bears) from tearing or ripping it open and resistant to water/snow infiltration; (b) equipped with a tight fitting lid or cover capable of preventing the escape of contents therein and which cannot under normal circumstances be removed by animals; (c) equipped with handles or other devices providing a means for safe and convenient handling; (d) of such size or sufficient capacity to hold all waste generated between collection/disposal periods.

(7) "Contractor" shall mean any person: (1) engaged in any business dealing with construction; or (2) dealing with the collection of junk, second-hand or used materials; or (3) who owns a packer truck or other vehicle commonly used in the waste hauling or collection industry and is not a collector.

(8) "County" shall mean Essex County, New York.

(9) "Department" shall mean the Essex County Department of Public Works, or its successor.

(10) "Designated recyclables" shall mean those secondary materials designated from time to time by the County or the Department as being recyclable or reusable and for which economic markets exist, and which the County or the Department requires to be source separated.

(11) "Hauler" shall mean any person who, for compensation, collects, transports, carries or hauls with a car, van, pickup truck, packer truck, or other vehicle waste other than solely their own solid waste in Essex County.

(12) "Hazardous Waste" shall mean waste or a combination of wastes as defined in Environmental Conservation Law §27-0901(3) and/or 6 NYCRR Part 371, as amended.

(13) "Individual Hauler" shall mean any resident who, with a car, van, pickup truck, or other vehicle, transports their own solid waste, and/or for no compensation transports solid waste of another resident.

(14) "Industrial Waste" shall mean waste or a combination of wastes which is generated in or upon property used for manufacturing or industrial purposes.

(15) "Infectious waste" shall mean waste or a combination of wastes as defined in 6 NYCRR Part 360.

(16) "Landfill" shall mean the solid waste management facility owned by the County and located in the Town of Lewis, Essex County, New York, and in and upon which solid waste is deposited by plan on a specified portion of open land, all in accordance with or intended to be in accordance with 6 NYCRR Part 360 of the New York State Environmental Conservation Law Rules and Regulations, as the same may be hereafter amended, or any successor regulatory scheme.

(17) "Litter" shall mean waste or a combination of wastes, including secondary materials, which, if thrown, placed, disposed of or deposited as herein prohibited upon any street, road, highway, private or public property, tends to create a public nuisance or a

danger to public health, safety and welfare.

(18) "Loading and Unloading Dock" shall mean any dock space or area used for the purpose of receiving, shipping and transporting goods, wears, commodities, wastes, secondary materials and other objects which is located on or adjacent to any public property or private property.

(19) "Municipality" shall mean a town, city, school district, or village.

(20) "Person" shall mean an individual, trust, firm, joint stock company, corporation (including all classes of corporations defined in General Construction Law §66), partnership, association, commission, municipality, business, state and any agency or department thereof, federal government and any agency or department thereof, public authority or any interstate body.

(21) "Private Property" shall mean all real property and improvements thereon, other than that owned by a municipality, the State of New York or the Federal Government, including but not limited to vacant land or any land, building, structure or other improvement designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, and other structures or improvements appurtenant thereto.

(22) "Prohibited Waste" shall mean waste which shall not be accepted at the Landfill for disposal, as determined from time to time by the Board of Supervisors, and shall include but not be limited to infectious waste, industrial waste, hazardous waste, junked vehicles, used oil, tires, automobile and other batteries, yard waste, scrap metal, explosives, liquid paints/stains and solvents, asbestos waste/materials, waste generated from a location outside of the borders of the County, and such other materials and wastes as designated by any federal or state department or agency. However, the Board of Supervisors may authorize the acceptance of certain prohibited materials or designated components thereof at County solid waste management facilities other than the Landfill.

(23) "Public Property" shall mean any and all real property and improvements owned by a municipality, the State of New York or the Federal Government, as well as any and all streets, roads, highways, sidewalks, alleys, parks, grounds, buildings, and any other public ways, lakes, rivers, streams or water courses.

(24) "Recyclable Materials Dealer" shall mean any person engaged in the business of collecting or purchasing secondary materials for transfer or resale to, or use by, any other person.

(25) "Recyclables" shall mean secondary materials.

(26) "Recycling Center" shall mean a facility operated by non-profit organization organized or conducted exclusively for religious, charitable, hospital, educational, or cemetery purposes, or for the moral or mental improvement of men, women or children, where secondary materials can be or are donated and collected for fund-raising purposes of such organization.

(27) "Resident" shall mean any individual person who is either a legal resident or a temporary resident of the County.

(28) "Scavenging" shall mean the removal of materials or wastes from any public or private property or container, recycling center or solid waste management facility, without the approval or consent of the owner or operator thereof.

(29) "Secondary Materials" shall mean materials as defined in Environmental

Conservation Law §27-0401, as amended, and shall include but not be limited to plastics, metal and glass containers, cardboard, newspaper, paper goods and products, office paper, and such other materials as may be designated by the Essex County Board of Supervisors or its duly designated officer.

(30) "Solid Waste" shall mean waste or a combination of waste as defined in Environmental Conservation Law §27-0501(7) and §27-0701(1), as amended, and/or 6 NYCRR Part 360, as amended.

(31) "Solid Waste Management Facility" shall mean any facility as defined in Environmental Conservation Law §27-0501(8) and §27-0701(2), and/or 6 NYCRR Part 360, as amended.

(32) "Town" shall mean any of the eighteen towns in the County.

(33) "Transfer Station" shall mean a facility where a person or hauler delivers, deposits or transfers solid waste and/or secondary materials to a container for transport to another solid waste management facility.

(33-a) "Shuttle Station" shall mean a facility where a resident or individual hauler delivers, deposits or transfers residential solid waste and/or secondary materials to a container for transport to another solid waste management facility.

(34) "Transport" shall mean the movement of any waste or secondary materials from the point of generation to any intermediate points and/or to the point of ultimate storage or disposal.

(35) "Vehicle" shall mean every device in, upon or by which any person, property, waste or secondary material is or may be transported or drawn upon land or water.

(36) "Waste" shall mean those materials and substances as defined in Environmental Conservation Law §27-0901(11), as amended, and/or 6 NYCRR Part 360, as amended.

(37) "White Goods" shall mean any large household appliance including refrigerators, stoves, dishwashers, water heaters, washers, dryers, or other similar appliances.

(38) "Yard Waste" shall mean leaves, grass clippings, garden debris, plant material, chipped tree limbs or brush, tree limbs and brush less than two inches in diameter and three feet in length, and other biodegradable plant/vegetable material.

ARTICLE 2. Administration and Enforcement

§2-100. County Administration and Enforcement

(1) The Department is hereby authorized to: (a) promulgate, adopt, amend and repeal rules and regulations in furtherance of this local law; and (b) enforce the provisions of this local law, and the aforesaid rules and regulations.

(2) The Department shall administer the provisions of this local law, and the rules and regulations in furtherance hereof, including but not limited to the registration of all haulers, the operation and maintenance of all solid waste management facilities within the County, and the issuance of all permits.

§2-101. Town Administration and Enforcement

(1) Nothing herein shall prevent or prohibit any town in the County from adopting one or more local laws relating to one or more of the subjects governed by this local law, provided that such town local laws are consistent with and do not adversely affect the provisions of this local law.

(2) Where provided in this local law any town in the County may administer and enforce the provisions of this local law.

§2-102. Joint and Several Liability

For the purposes of this local law, when a hauler or person transports solid waste, recyclables, litter or yard wastes within Essex County, the hauler or person transporting such waste as well as the person generating such waste shall each be jointly and severally liable and responsible for any violation of the provisions of this local law from the time that the waste is collected from the person generating such waste until such waste is properly disposed of at a permitted solid waste management facility.

ARTICLE 3. Anti-Litter

§3-100. Littering Prohibited.

No person shall dump, place, deposit or dispose of any litter within the County except in containers or at any solid waste management facility.

§3-101. Prevention of scattering.

Persons placing litter in any container shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public or private property.

§3-102. Upsetting or tampering with containers.

No person shall upset or tamper with any container designed or used for the deposit of litter so as to cause or permit its contents to be deposited or strewn in or upon any public or private property.

§3-103. Sidewalks and alleys to be kept free from litter.

Persons owning, occupying or in control of any public or private property shall keep the sidewalks and alleys adjacent thereto free of litter.

§3-104. Owner to maintain private premises.

(1) The owner or person in control of any private property shall at all times maintain such property free of litter.

(2) The owner or person in control of any private property open to the public for use shall, if public containers are unavailable, maintain authorized private containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public or private property.

§3-105. Littering from vehicles.

(1) No person, while the operator of or passenger in a vehicle, shall throw, dump,

place, deposit or dispose of litter upon any public or private property, or upon any highway, road, street, alley, or sidewalk, or within the limits of the right-of-way thereof, or upon public or private property adjacent thereto.

(2) No person shall drive or move any loaded or partly loaded car, truck or other vehicle within the County unless such car, truck or other vehicle is so constructed or loaded so as to prevent any part of its load or contents from being blown or deposited upon or along any public or private property.

§3-106. Litter on public property.

No person shall throw, place, dump or deposit litter adjacent to, along, in or upon any public property within the County except in containers placed and available for such purpose and in such a manner that the litter will be prevented from being carried or deposited by the elements upon or adjacent to any part of the public property or upon any other public or private property. Where containers are not provided, all such litter shall be removed from the public property by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

§3-107. Construction sites.

(1) Each contractor shall be responsible for the job site so that litter (a) will not be deposited or placed upon the site except in authorized containers furnished by the contractor, or (b) will be prevented from being carried or deposited by the elements upon any public or private property.

(2) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public or private property, shall be removed by the contractor.

§3-108. Loading and unloading docks.

Every person owning, operating or in control of a loading or unloading dock shall maintain authorized containers for the deposit and collection of litter, and shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public or other private property.

§3-110 Authorized Containers: Specifications and Maintenance.

(1) Litter containers shall comply with §1-101(6) of this local law and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage.

(2) A minimum container size of twenty gallons or 75.7 liters shall be used.

(3) All containers shall be maintained in a clean condition and appearance with no holes or cracks from which litter may escape, and all contents shall be removed periodically and disposed of in accordance with this local law.

ARTICLE 4. Collection, Disposal and Transportation of Solid Waste

§4-100. Permits Required; Exception.

On and after the effective date of this local law, no person shall collect, transport, or haul solid waste and/or recyclables in the County, or dispose of such waste at any County solid waste management facility or at any non-County solid waste management facility located within the County, unless such person has obtained and is in possession of a valid permit as provided in this article; except that no person shall be required to obtain any permit to place solid waste and/or recyclables on their own private property for collection and disposal by an authorized hauler.

§4-101. Permit applications: Haulers.

(1) All haulers shall, prior to engaging in the collection, transportation and/or hauling of any waste in the County, apply to the Department for a permit to collect, transport and/or haul waste and/or recyclables in the County.

(2) All permit applications shall be in writing on a form prescribed and provided by the Department, shall be verified by the applicant, and shall contain such information as required by the County or the Department, including but not limited to the following:

- (a) the legal name and address of the applicant;
- (b) a list of all vehicles used or to be used by the applicant in the collection, transportation and/or hauling of waste or recyclables, as well as copies of current vehicle registrations and insurance cards;
- (c) the names and addresses of all employees or other persons who will or may operate such vehicles, as well as copies of their current driver's licenses;
- (d) a detailed description of the area(s) in Essex County serviced by the applicant and the collection route(s) used;
- (e) the type(s) of waste to be collected, transported and/or hauled by the applicant from each route identified pursuant to (d) above, the frequency of collection for each route, the approximate amount by weight or volume of each type of waste collected per collection for each route, and the solid waste management facilities at which the applicant intends to deposit and dispose of the waste collected, transported and/or hauled by the applicant from each route;
- (f) such other information as the Department or the County shall require.

(3) The Department shall have the right to request more specific information if deemed necessary at any time.

(4) In the event that the list of vehicles contains one or more vehicles having a gross vehicle weight of 8,000 pounds or more, the applicant shall furnish with his application proof of the following insurance, which will include proof that the same will not be cancelled except on at least 30 days written notice to the County:

- (a) public liability insurance in the amount of at least \$500,000 per occurrence for personal injury or death, and \$250,000 per occurrence for property damage, covering all operations of the applicant and the applicant's employees and agents to be conducted under the permit, the disposal of waste at County solid waste management facilities, and the protection of the public and any person from injuries or damages as a result of the applicant's operations and disposal of waste; and
- (b) workers' compensation and disability insurance as required by law, if

any.

§4-102. Permit Fees: Haulers.

Each applicant shall be required to pay an initial application fee of \$50.00, together with a registration fee of \$10.00 for each vehicle to be used by the applicant under such permit. Upon renewal of a permit there shall be paid a fee of \$50.00 for the first vehicle plus a fee of \$10.00 for each additional vehicle to be used by the applicant under such renewal permit.

§4-103. Issuance of Permits: Haulers.

(1) Upon receipt of the properly completed application, and all other information/documentation required to be submitted therewith, and the payment of the required fees, the County or the Department shall thereupon issue the applicant a permit, as well as a registration sticker for each and every vehicle to be used by the applicant under such permit which shall be affixed to a conspicuous place designated by the Department in or on such vehicle(s).

(2) The Department may, in its discretion, impose conditions for the issuance and use of any permit so issued in order to promote the purposes of this local law.

§4-104. Resident Permits.

(1) All residents transporting their own solid waste for disposal at any County solid waste management facility shall obtain a permit from the designated town official of the town in which they reside.

(2) The town board of each town in the County shall designate one or more officials to issue permits to residents of the town, and shall have the right to establish a permit fee therefor.

(3) A valid permit issued to any resident of the County by any town shall be honored at any County solid waste management facility provided that the requisite fees for disposal of waste thereat is paid.

§4-105. Expiration, Renewal, Revocation and Suspension of Permits.

(1) All permits shall expire annually on June 30th, unless renewed as provided in paragraphs (2) and (3) below.

(2) Renewal of existing resident permits shall be made upon request of any qualified resident and payment of the fee therefor to the appropriate town official or designated agent.

(3) Renewal of existing permits issued to any hauler shall be made upon submission of a written application for renewal containing the information required by the Department and the payment of the fee therefor to the Department, and any permit so renewed shall be subject to the same terms and conditions as the original permit and to any additional requirements in effect at the time of the renewal.

(4) The Department shall have the power and right to immediately revoke or suspend any permit, as well as any vehicle registration sticker, issued pursuant to this local law upon:

- (a) the cancellation or termination of any required policy of insurance;

- (b) any violation of this local law, or the rules and regulations thereunder, or any applicable federal or state law or regulation;
 - (c) any violation of the terms and/or conditions of an existing permit;
 - (d) discovery by the Department that material information provided by the permit holder in connection with his/her/its permit application(s) or renewal thereof was or is false, untrue or incorrect; or
 - (e) any person ceasing to be a resident of the County.
- (5) The town supervisor of any town in the County shall have the power and right to immediately revoke or suspend any resident permit issued pursuant to this local law upon:
- (a) any violation of this local law, or the rules and regulations thereunder, or any applicable federal or state law or regulation; or
 - (b) any person ceasing to be a resident of the County.

§4-106. Permits: Prohibition against Assignment/Transfer

No permit, or any vehicle registration sticker, issued under the provisions of this local law shall be transferred or assigned.

§4-107. Permits: Limitations.

No permit shall be issued to or renewed for any person while: (a) any permit previously issued is under suspension, revocation, or review; or (b) where any expired permit was either revoked, or was suspended and the conditions for reinstatement were not met.

§4-108. Transportation of Waste.

(1) All transportation and hauling of solid waste shall be in strict conformity with this local law, the rules and regulations promulgated hereunder, and all applicable federal and state laws and regulations.

(2) All vehicles used in the transportation and hauling of solid waste shall be so constructed and/or enclosed so as to prevent leakage in transit, and the body of any truck used by a hauler shall either be wholly enclosed or shall at all times be kept covered with an adequate cover.

(3) All vehicles shall be operated and used in such a manner as to prevent spilling or loss of contents.

(4) All vehicles transporting or hauling solid waste in the County, and any waste delivered to or deposited at a County solid waste management facility, shall be subject to inspection by the County, the Department, or their designee(s) at any time.

§4-109. Collection and Disposal: General Requirements.

(1) Every person depositing or placing any solid waste, including recyclable materials, on or within any public or private property for ultimate collection and disposal, shall deposit and place all such waste in containers meeting the requirements set forth in §1-101(6) of this local law.

(2) All solid waste, including recyclable materials, placed for collection and/or disposal by a hauler at a location other than a County solid waste management facility shall