

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 Cortland

FILED
STATE RECORDS

AUG 31 2017

DEPARTMENT OF STATE

Local Law No. 4 of the year 2017

A local law to Amend Local Law No. 4 of 2012 to Introduce the flow Control
(Insert Title)

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

County City Town Village

(Select one.)

of Cortland

as follows:

See attached

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

(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. 4 of 2017 of the (County)(City)(Town)(Village) of Cortland was duly passed by the Cortland County Legislature on August 24, 2017, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

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

3. (Final adoption by referendum.)

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

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the 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 1 _____ above.

Yaren H. Fuller, Deputy
Clerk of the county legislative body, City, Town or Village Clerk (or officer designated by local legislative body)

Date: 8.28.17

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Cortland

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Deputy

Signature
Chief Assistant Cortland County Attorney
Title

County
City of Cortland
Town
Village

Date: August 28, 2017

Local Law No. 4 of 2017 – a Local Law to Amend Local Law No. 4 of 2012 to Introduce the Flow Control

WHEREAS, the Cortland County Solid Waste Committee has reviewed and recommended the adoption of the attached Local Law, AND

WHEREAS, said local law has been in its final form upon the desks of the members of the Legislature at least seven days exclusive of Sunday, prior to this date, AND

WHEREAS, a public hearing was held August 24, 2017, and proper notice of said public hearing was provided, NOW THEREFORE BE IT

RESOLVED, that, upon approval of the County Attorney or designee, the attached local law, titled Local Law No. 4 of 2017, "A Local Law To Amend Local Law No 8 of 2014, to Introduce the Flow Control of Solid Waste Generated within the County of Cortland", is hereby adopted by the Cortland County Legislature.

LOCAL LAW NO. 4 FOR THE YEAR 2017

**A LOCAL LAW TO AMEND LOCAL LAW NO. 8 OF 2014,
TO INTRODUCE FLOW CONTROL OF SOLID WASTE
GENERATED WITHIN THE COUNTY OF CORTLAND**

Be it enacted by the County Legislature of the County of Cortland as follows:

Local Law No. 8 of 2014 is hereby amended to read as follows:

SECTION I.

LEGISLATIVE INTENT

The Cortland County Legislature hereby finds that, a safe, sanitary, efficient, economical and environmentally sound manner of conducting solid waste management is declared to be of importance to the health, safety, and welfare of the inhabitants of the County of Cortland. Control of the collection, transportation, and disposal of solid waste and recyclables in the county is essential to the economy and general welfare of the citizens of Cortland County.

The purpose and intent of this Local Law is to ensure that solid waste and recyclables generated within Cortland County continue to be managed in a manner which protects public health, public safety, and the environment, and provides for the financial stability and independence of the county solid waste system. It is the intent of this body to continue a comprehensive and orderly solid waste and recycling program for the benefit and convenience of all county residents, businesses, and industry alike, to provide for environmentally secure and reliable disposal facilities for waste generated within the County, to assist the County in the planning and administration of its solid waste management system, to provide for fair and even-handed enforcement of its solid waste laws and regulations, and to promote the self-sufficiency of the County's solid waste management program through reasonable and appropriate fees for services. This Local Law requires solid waste and recyclables generated within the County of Cortland be disposed of in conformance with the County's Local Solid Waste Management Plan as approved by

the New York State Department of Environmental Conservation. The County Legislature finds and determines that designating County facilities for disposal of certain solid waste and providing for the delivery of recyclables left at curbside to the County's Materials Recovery Facility is in the County's best interests and assists the County in achieving the intent and purposes of this enactment.

This Legislature recognizes that regulation of solid waste and recyclables is a proper and necessary exercise of the County of Cortland's police powers and it is fundamentally related to the public health, safety and well-being of persons and the environment within the County of Cortland. Moreover, regulation of solid waste and recyclables is a necessary and proper exercise of the County's home rule powers under New York Constitution, Article IX, §2[c][ii][10], sections 10 and 20 of the Municipal Home Rule Law, sections 120-aa and 120-w of the General Municipal Law, and section 226-b of the County Law. To the extent that the same is modified hereby, this Local Law amends County of Cortland Local Law Number 8 of 2014.

This local law is intended to supersede all prior local laws and enactments relative to solid waste and recyclable programs in Cortland County; including, but not limited to, Local Laws Number 8 of 2014, Number 4 of 2012, Number 3 of 2002 and Number 5 of 1992 and Number 3 of 1981.

SECTION II.

DEFINITIONS

- a. The term "**Beneficial Use Determination**" shall mean a designation made by the NYS Department of Environmental Conservation as to whether the 6 NYCRR Part 360 Solid Waste Management Facilities regulations have jurisdiction over waste material which is to be beneficially used. Once the Department of Environmental Conservation grants a Beneficial Use Determination (or "BUD"), the waste material ceases to be considered solid waste for the purposes of Part 360 when used as described. There are 16 pre-determined BUDs listed in 6 NYCRR Part 360-1.15(b). In situations where a particular reuse is not specifically identified in Part 360-1.15(b), generators and potential users can petition the Department of Environmental Conservation for a case-specific BUD in accordance with the 6 NYCRR Part 360-1.15(d).
- b. The term "**Board of Hearing**" shall mean the board described in Section V (1) of this local law.
- c. The term "**Cortland County Legislature**" shall mean the duly elected County Legislature of Cortland County.
- d. The term "**Commercial Waste**" shall mean solid waste generated by stores, offices, institutions, restaurants, warehouses, industrial facilities, other businesses and agricultural enterprises.
- e. The term "**Commercial Waste Permit**" shall mean the permit issued pursuant to Section IV (1) of this local law.
- f. The term "**Construction and Demolition Debris**" shall have the meaning set forth in 6 NYCRR 360-1.2(b)(38) as the same may be amended, superseded or replaced.
- g. The term "**Contractor**" shall mean any individual, association, partnership, firm, corporation, not-for-profit organization, municipality, educational institution or any other person so deemed by the department, engaged in the commercial collection, pickup, transfer, removal and/or disposal of Commercial Waste, Construction and Demolition Debris and/or Industrial Waste excluding Refuse.

- h. The term "County" shall mean Cortland County, a municipal corporation of the State of New York, with offices at 60 Central Avenue, Cortland, New York 13045.
- i. The term "County Landfill" shall mean the landfill owned and operated by the County of Cortland and located on Town Line Road in the Towns of Cortlandville and Solon, New York, or any other landfill owned and/or operated, or caused to be operated by, the County of Cortland.
- j. The term "Department" shall mean Cortland County Solid Waste/Recycling as a part of the Cortland County Highway Department, or its successor.
- k. The term "Electronic Equipment Recycling" shall have the meaning specified in the NYS Environmental Conservation Law, Article 27, Title 26, also known as the "*NYS Electronic Equipment Recycling and Reuse Act*".
- l. The term "Facility" shall mean any Solid Waste management facility owned or operated, or caused to be operated by the County, or any such other facility or facilities in or out of County that accepts or disposes of solid waste and/or recyclables generated, originated or brought into the County, including, but not limited to landfills, transfer stations, materials, recovery facilities, drop-off centers, and resource recovery facilities.
- m. The term "Hazardous Waste" shall mean those materials, substances, or wastes including, but not limited to, pesticides and containers used for pesticides, other waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the New York State Commissioner of the Department of Environmental Conservation, (6 NYCRR Parts 370, 373, 376), and any other material determined, now or in the future, to be hazardous by state or federal rule, regulation and/or statute.
- n. The term "Farm" shall have the meaning specified in 6 NYCRR §360-1.2, as the same may be amended, suspended or replaced.
- o. The term "Industrial Waste" shall mean Solid Waste generated by manufacturing or industrial processes. Such waste may include, but is not limited to the following manufacturing processes: electric power generation, fertilizer/agricultural chemicals, inorganic chemicals, iron and steel manufacturing, leather and leather products, non-ferrous metals manufacturing/foundries, organic chemicals, plastics and resins manufacturing, pulp and paper industry, rubber and miscellaneous plastic products, stone, glass, clay and concrete products, textile manufacturing, transportation equipment, and water treatment. This term does not include oil or gas drilling, production and treatment wastes (such as brines, oil, and fluids) or overburden, spoil or tailings resulting from mining, or solution mining brine and insoluble component wastes.
- p. The term "Infectious Waste" shall have the meaning specified in 6 NYCRR 360-1.2 as the same may be amended, superseded or replaced.
- q. The term "M.R.F. Recycling Facility" shall mean the Materials Recovery Facility located at 137 South Pendleton Street, Cortland, New York.
- r. The term "Municipal Solid Waste (MSW)" shall have the meaning set forth in 6 NYCRR 360-1.2(b)(106) as the same may be amended, superseded or replaced.
- s. The term "Open Dump" shall mean a Solid Waste disposal area which does not comply with the required public health and environmental control practices.

- t. The term “Person” or “Persons” shall mean any individuals, company, partnership, association, firm, corporation, municipality or any other entity.
- u. The term “Private Business/Farm Permit” shall mean the permit issued pursuant to Section IV(2) of this local law.
- v. The term “Processor” shall mean a primary user of the particular material such as Recyclables, including, but not limited to, glass factories, detinner, plastic recovery facility, paper mill or a consolidator of the material.
- w. The term “Prohibited Materials” shall mean the following materials, as may be modified from time to time by the Department, and these materials shall not be accepted at the County Landfill or any other Facility in the County:
- i. Well drilling debris (i.e., tailings from the drilling of wells or hydraulic fracturing)
 - ii. Septic tank pumpings
 - iii. Liquid wastes
 - iv. Pesticides and chemicals
 - v. Junked vehicles, car parts, motor parts
 - vi. Explosives
 - vii. Compressed gas tanks
 - viii. Fluorescent bulbs (including compact fluorescent bulbs)
 - ix. Hot ashes, other burning or hot loads
 - x. Sealed containers
 - xi. Hazardous waste
 - xii. Large dead animals
 - xiii. Motor oil
 - xiv. Friable asbestos
 - xv. Sludge (without a permit)
 - xvi. Batteries
 - xvii. **Incinerator waste, incinerator ash and/or incinerator residue shall be a prohibited item (material) not withstanding its permitted use unless incinerator waste, incinerator ash and/or incinerator residue acceptance is specifically authorized by further resolution of the Cortland County Legislature.**
- x. The term “Recyclables” shall mean such material designated from time to time by the Department which under any applicable law or regulation is not Hazardous Waste and which can be reasonably separated from the Solid Waste stream and held for its material recycling or reuse value. The following materials as my be modified from time to time by the Department, shall be considered Recyclables:
- i. glass
 - ii. newspapers
 - iii. corrugated cardboard
 - iv. metal containers
 - v. plastic containers (marked with recycling triangle, numbers 1 through 7)
 - vi. residential metal appliances (with statement of purging CFC or Freon)
 - vii. tires (for an additional fee)

- y. The term "Refuse" shall mean putrescible and incidental non-putrescible Solid Waste including, but not limited to, animal, vegetable and paper waste. Refuse originates primarily in homes, business and restaurants, and has characteristics similar to that Solid Waste collected and disposed of as part of normal residential and commercial collections.
- z. The term "Resident" shall mean any individual who is a legal resident of the County or any individual who is a temporary resident of the County.
- aa. The term "Residential Waste Permit" shall mean the permit issued for the disposal of Solid Waste generated from houses, apartments and other residential dwellings.
- bb. The term "Solid Waste" shall have the meaning set forth in 6 NYCRR 360-1.2(b) as the same may be amended, superseded or replaced. (See also NYS County Law §226-b)
- cc. The term "Source Separation" shall mean the dividing of solid waste into some or all of its component parts at the point of generation, including the separation of recyclables from each other, or the separation of recyclables from other solid waste. (6 NYCRR §360-1.2 (160)). The residue remaining after recyclables are removed from the waste stream is not considered source separated material.
- dd. The term "Waste Collector" shall mean any individual, association, partnership, firm, corporation, not-for-profit organization, municipality, educational institution, or any other person so deemed by the Department, engaged in the commercial collection, pick-up, transfer, removal and/or disposal of Solid Waste and/or Recyclables generated, originated or brought within the boundaries of the County.

SECTION III.

ADMINISTRATION

- a. The Department, or its successor, shall be primarily responsible for all ministerial and administrative duties described or reasonably required by the terms of this local law.
- b. The Cortland County Legislature, pursuant to New York State County Law §226-b, may, by resolution, establish schedules of rates or fees to be charged for any solid waste collection or management facilities or services provided, including, but not limited to, the establishment of solid waste permit, tipping and user fees. Such fees shall commence upon the adoption or effective date of such resolution and continue until modified, amended or rescinded.
- c. The Department, or its successor, shall administer the program of registering and permitting all waste collectors, contractors and other persons collecting, transporting or disposing of Solid Waste and Recyclables in the County. This includes the issuance, renewal, and revocation of all permits described in this local law.
- d. The Department, or its successor, may promulgate rules in connection with the operation of the County Landfill or any other Facility.
- e. The Department, or its successor, shall issue warning notices, and may initiate proceedings pursuant to Section V of this local law subject to the approval of the Cortland County Legislature or its designee.

- f. The Department, or its successor, may encourage and conduct studies, investigations and research relating to various aspects of Solid Waste Management as it deems necessary or as requested by the Cortland County Legislature.

SECTION IV.

STANDARDS AND REGULATIONS

1. Commercial Waste Permit Requirements

- a. No waste collector or contractor shall collect, transport or dispose of solid waste at the Cortland County Landfill without obtaining a Commercial Waste Permit issued by the County.
- b. All applications for Commercial Waste Permits shall be in writing and shall contain such information as requested by the Department, but at a minimum, as set forth in this local law. All Commercial Waste Permit information shall be verified by the applicant as required by this local law and the Department. The applicant shall file with any application proof of insurance and shall pay the required permit fee as set forth in this local law.
- c. All Commercial Waste Permit holders must make available curbside recycling pick-up to their residential and commercial customers, either directly or by subcontracting a duly licensed contractor to provide this service to their commercial and residential customers.
- d. Each Commercial Waste Permit applicant shall be required to pay a Commercial Waste Permit fee per vehicle. The fees, rates, or charges for Commercial Waste Permit holders shall be established by resolution of the Cortland County Legislature and such charges shall commence upon the adoption or effective date of such resolution and continue until modified, amended or rescinded.
- e. Proof of insurance shall be filed with the application executed by the representatives of an insurance company, duly authorized and qualified by the Department, evidencing that said insurance company has issued motor vehicle liability and property damage insurance policies covering the following:
 - i. All operations of the applicant or any other person, firm or corporation employed by him in transporting solid waste and/or recyclables.
 - ii. The disposal of such solid waste and/or recyclables to and within the designated and approved County Landfill and/or Facility.
 - iii. Protecting the public and any person from injuries or damages sustained by reason of transporting solid waste and/or recyclables.
 - iv. The certificate or affidavit to be filed with the application shall be executed by the representatives of a duly qualified insurance company evidencing that said insurance company shall provide to the County of Cortland at least 30 days notice of any cancellation or reduction of coverage, and further evidencing that said insurance company has issued commercial vehicle insurance policies.

- f. Upon receipt of the application and the proper proof of insurance and the payment of the Commercial Waste Permit fee, the Department shall thereupon issue the applicant a Commercial Waste Permit. A Commercial Waste Permit shall expire on the next December 31st following the date of issue. Upon issuance of the Commercial Waste Permit, the Department shall affix the Commercial Waste Permit identification sticker issued to each and every vehicle operated by the permitted commercial hauler.
- g. Renewal of Commercial Waste permits shall be in the same manner and subject to the same conditions as original Commercial Waste Permits, and also shall be subject to any additional requirement in effect at the time of application for renewal as specified by the Department or the Cortland County Legislature.
- h. Whenever proof, by means of an affidavit, is submitted to the Department that a Commercial Waste Permit issued for the purpose set forth in this local law has been lost or destroyed, the Department shall, upon payment of \$5.00 by the applicant, issue a new Commercial Waste Permit in lieu of the one which was lost or destroyed.
- i. No Commercial Waste Permit issued pursuant to the provision of this local law shall be transferable.
- j. All collection, transportation and/or disposal of solid waste and/or recyclables shall be in strict conformance with the rules and regulations prescribed in this local law and as such rules and regulations may hereafter be amended or supplemented by the Department. Any violation of the provisions of this local law may result in suspension or revocation of the Commercial Waste Permit pursuant to the provisions of Section V hereof.
- k. All vehicles used in the collection, transportation and/or disposal of solid waste and/or recyclables shall be maintained in a sanitary condition and shall be constructed as to prevent leakage in transit. The body of the vehicle shall be wholly enclosed or shall at all times be kept covered with an adequate cover. Operation of vehicles shall be done in such a manner as to prevent spilling or loss of contents.
- l. Any Commercial Waste Permit issued pursuant to this local law shall be in the nature of a privilege subject to the terms and conditions set forth in this local law and as amended or supplemented by the Department, and shall not be deemed to create a property interest with respect to the Commercial Waste Permit in the holder.
- m. All such Commercial Waste Permit requirements specified herein, including, but not limited to, Commercial Waste Permit fees and insurance coverage amounts, may be amended or adjusted from time to time by resolution of the Legislature of Cortland County.

2. Residential Waste Permit and Private Business / Farm Permit Requirements

- a. Residential Waste Permits shall be available and are required for passenger cars, vans, station wagons and pick-up trucks (up to one ton capacity). All other vehicles must be registered under the provisions applicable to a Commercial Waste Permit or Private Business/Farm Permit. The Department, in its sole discretion, may require any vehicle, regardless of type or size, transporting solid waste and/or recyclables for compensation paid to the owner or operator, to comply with the provisions applicable to a Commercial Waste Permit or Private Business/Farm Permit.
- b. Persons and contractors not holding Commercial Waste Permits may obtain a Private

Business/Farm Permit for the collection, transportation and/or disposal of solid waste other than refuse at the County Landfill. A Private Business/Farm Permit must be obtained from the Department. The fees, rates or charges for Private Business/Farm Permit holders shall be established by resolution of the Cortland County Legislature, and such charges shall commence upon the adoption or effective date of such resolution and continue until modified, amended or rescinded. Holders of a Private Business / Farm Permit shall be required to make immediate cash payment of the required fee for the first 90 days, and once a month thereafter.

- c. The Department may, at its sole discretion, require certain Private Business/Farm Permit holders to provide proof of insurance in a form and amount satisfactory to the Department before such Private Business/Farm Permit holder may dispose of Solid Waste and/or Recyclables at the County Landfill or any other Facility.
- d. Residential Waste Permit holders and Private Business/Farm Permit holders shall strictly comply with all rules and regulations prescribed by the Department.
- e. All Residential Waste Permit and Private Business/Farm Permit requirements specified herein, including, but not limited to, Residential Waste Permit fees and Private Business/Farm Permit fees, may be amended or adjusted from time to time by resolution of the Cortland County Legislature.

3. Disposal of Solid Waste

- a. No waste collector, contractor, or other person shall dispose of solid waste at the County Landfill or any Facility for the disposal of solid waste, without a Commercial Waste Permit, Residential Waste Permit, or Private Business/Farm Permit.
- b. Only solid waste generated within the County will be accepted at the County Landfill or at any other Approved Landfill Facility located in the County. Combined loads containing solid waste from within the County as well as from a contiguous County will not be accepted for disposal at the County Landfill.
- c. Recyclable material generated within the County and from out of the County will be accepted at the Recycling Facility located in the County.
- d. The County Landfill will accept BUD material from outside the county as defined and allowed under the rules and regulations of the NYS Department of Environmental Conservation and the Cortland County Legislature.
- e. The County Landfill is authorized to accept construction and demolition debris subject to prior approval.
- f. Anyone entering the County Landfill or any other Facility to dispose of solid waste must adhere to the rules and regulations as posted, and must follow the instructions of the attendant on duty.
- g. Nothing within this local law shall be construed at any time to restrict the ability of the Department to refuse to accept Hazardous Waste or other Prohibited Materials at the County Landfill or any other Facility.
- h. No Waste Collector, Contractor, or other person shall dispose of solid waste at the County Landfill or at any other Facility unless such Person or entity shall pay the tipping fee.

- i. Tipping fees for Commercial Waste Permit holders, Private Business/Farm Permit holders, and Residential Waste Permit holders shall be established by resolution of the Cortland County Legislature, and such charges shall commence upon the adoption or effective date of such resolution and continue until modified, amended or rescinded. A minimum fee per transaction shall be established by resolution of the Cortland County Legislature, and such charges shall commence upon the adoption or effective date of such resolution and continue until modified, amended or rescinded.
- j. Commercial Waste Permit holders and Private Business/Farm Permit holders will be billed monthly by the County. Such bills must be paid within 30 days of the mailing of the fee statement. Such bills unpaid within 30 days of mailing will be charged an additional 2% per month finance charge. Failure to make payments when due shall result in suspension or revocation of the Commercial Waste Permit or Private Business / Farm Permit.
- k. All Solid Waste Permit disposal requirements specified in this subsection including, but not limited to, tipping fees, permit costs, etc., may be amended or adjusted from time to time by resolution of the Cortland County Legislature.
- l. There shall be no Open Dumps in the County. This shall not be construed as to prohibit disposal areas located within the property boundaries of a farm for Solid Waste generated from that farm as otherwise permitted by law except in cases creating a public health nuisance.

4. Disposal of Recyclables

- a. All persons generating solid waste, and/or Waste Collectors and Contractors operating in the County, must separate from the solid waste stream those recyclables designated by the Department. The recyclables stream, as may be further modified from time to time by the Department, must be separated into two categories:

- (1) newspaper, magazines and corrugated cardboard; and
- (2) plastic, glass, aluminum and metal.

This number of recyclables categories for separation will be set by resolution of the Cortland County Legislature, subject to DEC approval, and such charges shall commence upon the adoption or effective date of such resolution and continue until modified, amended or rescinded.

- b. It shall be unlawful for any person to commingle source separated recyclables left at curbside for collection with any solid waste in a container, collection vehicle or solid waste transfer station or disposal facility.
- c. Any individual, firm or corporation depositing contaminated and/or non-recyclable material as recyclable will be charged accordingly and any license or permit is subject to suspension or cancellation.
- d. Electronic Equipment Recycling shall comply with the requirements of Environmental Conservation Law Article 27, Title 26. Manufacturers of covered electronic equipment (CCE) are required to provide the county with at least one convenient method of recycling. Municipalities are not required to provide electronic waste collection and recycling programs. If the County of Cortland chooses to do so, with the permission of the Cortland County Legislature by resolution, the county may voluntarily enter into agreements with manufacturers or collective

electronic waste acceptance programs to provide collection services to assist manufacturers in meeting their obligations under the Electronic Equipment Recycling and Reuse Act; and/or collect electronic equipment that is not included in the Act as covered electronic equipment.

- e. Recyclables and solid waste must be separately packaged or contained in proper containers as specified in this local law or as designated by the Department. If plastic bags are utilized for this purpose, the bags shall be transparent to facilitate viewing of their contents.
- f. Commercial Waste generators may elect to contract with a processor of recyclable material and have such material delivered directly to the processor from the place of generation or place of business. All recyclables sold in this manner must be reported to the Department for inclusion in data required by the New York State Department of Environmental Conservation.
- g. The Department may maintain recyclable drop-off stations under agreement with the various municipalities for use by existing recyclable drop-off stations located in the Towns. The Department reserves the right to increase, decrease, or eliminate the number, or relocate such recyclable drop-off stations.
- h. Tipping fees or disposal charges may be imposed by resolution of the Cortland County Legislature at any Facility located in the County for the disposal of recyclables.
- i. All recyclable disposal requirements specified in this subsection may be adjusted from time to time by resolution of the Cortland County Legislature.

5. Flow Control of Solid Waste and Recyclables

- a. All Municipal Solid Waste, and all Construction and Demolition Debris generated or collected within the County of Cortland, shall be delivered for disposal to a County Solid Waste Management Facility, except as follows:
 - i. Hazardous Wastes, Regulated Medical Wastes and other Prohibited Materials as defined in Section II (w) are not accepted at County Solid Waste Management Facilities and must be disposed of in accordance with applicable law.
 - ii. Solid waste materials that do not meet the applicable requirements for acceptance at the County Solid Waste Management Facility shall be disposed of at a facility authorized for its acceptance by the State of New York or other jurisdiction. All Persons generating or collecting such wastes within the County of Cortland shall apply to the Department for a determination of whether said materials are acceptable at County Solid Waste Management Facilities.
 - iii. Special waste which does not meet the applicable criteria for acceptance at a County Solid Waste Facility shall be disposed of at a facility, regardless of its location, authorized for its acceptance by the New York State Department of Environmental Conservation or other jurisdiction.
- b. All residential recyclables generated or placed curbside within the County of Cortland for collection by a Waste Collector licensed pursuant to this Local Law shall be delivered:
 - i. To the Cortland County M.R.F. Facility, or such other County Solid Waste

- Management Facility designated by the Department; or
- ii. To another materials recovery facility licensed or registered with the appropriate regulatory authority, with which the Waste Collector has an agreement for the acceptance of the recyclables collected by the Waste Collector within Cortland County, said agreement, as renewed or amended from time to time, to be filed with the Department.
- c. Compliance with this section shall be a condition of all permits issued pursuant to this Local Law, and violation thereof shall subject the violator to the penalties set forth in Section V, (Enforcement), of this Local Law, including, but not limited to, fines, civil penalties, and the possible suspension or revocation of permits issued by the County.
 - d. Presumptions - There shall be rebuttable presumptions in the enforcement of this Local Law that:
 - i. The placement of any container which is marked or identified with the name of any Waste Collector, at any location within the County, shall be presumptive evidence that said Waste Collector is providing solid waste collection services at said location within the County as of the date of said placement.
 - ii. Evidence of Solid Waste in a container located in the county as described in Section IV 5(3)(d)(i) above, and subsequent observation of the same container empty, shall be presumptive evidence that Solid Waste was collected from the container by the Waste Collector whose name is marked on the container.
 - iii. The failure to deliver any solid waste to a facility designated by the Department pursuant to Section IV(5)(a) of this Local Law.

SECTION V.

ENFORCEMENT

1. Civil Sanctions (except for non-payment of tipping fees covered in Section V)
 - a. The Department shall have the right to impose a civil penalty and/or suspend or revoke any Commercial Waste Permit, Residential Waste Permit, or Private Business/Farm Permit if the holder of such permit violates any of the provisions of this local law. Revocation, suspension or civil penalty may only follow a written notice of violation and, if demanded, a hearing as provided for in this local law.
 - b. Upon any violation of the provisions of this local law, the Department shall serve notice of violation in person or by ordinary and certified mail sent to the holder of any permit issued pursuant to this local law at the address set forth in the permit application on file with the Department. Such notice shall state the nature of the violation and the Department's intent to revoke or suspend, and/or impose a civil penalty upon the permit holder.
 - c. Any holder of a Commercial Waste Permit, Residential Waste Permit or Private Business/Farm Permit may demand a hearing as allowed by Section V(1) of this local law by serving upon the Department a written request for a hearing. Such request must be received by the Department within twenty (20) days of the date of service of notice. Upon receipt of

such demand, a hearing shall be scheduled and held at the offices of the County of Cortland during regular business hours.

- d. Upon the expiration of such twenty (20) day notice period provided for in Section V(1)(c) of this local law, or the majority determination of the Board of Hearing, the revocation, suspension and/or civil penalty in the notice or as modified by the Board of Hearing, shall be effective.
- e. The Board of Hearing shall consist of the three (3) members, each appointed by a majority vote of the Cortland County Legislature at the first regular meeting following the biennial organizational meeting. The term of office shall coincide with that of the Legislature appointing the members. The Chairperson of the Board of Hearing shall be selected by the Chairperson of the County Legislature. Members shall be residents of the County of Cortland. One member shall be an elected or appointed officer or employee of the County. In no instance shall elected or appointed officers or employees constitute a majority of the Board of Hearing.
- f. The Board of Hearing shall promulgate rules and regulations in furtherance of its powers and duties, including rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of civil penalties authorized by this local law. The Board of Hearing shall have the authority to conduct investigations necessary to carry out the provisions of this law. Hearings shall be conducted by a Hearing Officer appointed by the Board of Hearing. The Hearing Officer may administer oaths or affirmations, subpoena witnesses (whether or not a County officer, employee or appointed official), compel their attendance and require the production of any document, book or record deemed relevant or material to resolving the adjudicatory proceeding.
- g. Hearings. In any hearing conducted pursuant to this Section, the following shall apply:
 - A stenographic or audio record shall be kept.
 - The permit holder may be represented by counsel.
 - Witnesses shall be sworn and subject to cross-examination.
 - Evidence submitted shall be relevant and may include evidence as to the past performance of the permit be accorded such weight as the Hearing Officer deems appropriate, consistent with its reliability.
 - Findings of fact shall be made by the Hearing Officer, in writing, upon a preponderance of the evidence.
 - Upon a finding that a violation is proved, the Hearing Officer shall impose such civil penalty, permit conditions or order such suspension or revocation of any Permit, as he/she deems appropriate.
- h. The Hearing Officer shall make a complete record of all adjudicatory proceedings conducted. A final decision, determination or order adverse to a party in an adjudicatory proceeding shall be in writing and stated in the record and shall include findings of fact and conclusions of law or reasons for the decision, determination or order. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision, determination or order shall include a ruling upon each proposed finding. A copy of the decision, determination or order shall be delivered or mailed forthwith to each party and to his attorney of record.

- i. A decision of the Hearing Officer may be appealed to the Board of Hearing by service of a written request within twenty (20) days of the date of decision. On appeal, the Board of Hearing shall hear written and oral argument within thirty (30) days after the receipt of the request for appeal, and, not more than thirty (30) days thereafter, may affirm, modify, reverse or remand the decision to the Hearing Officer for further action, the decision of the Board of Hearing shall be final and reviewable pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.
- j. Any person who violates any of the provisions of this local law may be required to pay a civil penalty not to exceed \$2000.00 for each violation. Such civil penalty must be paid in full before any permit issued pursuant to this local law can be reinstated.

SECTION VI.

SEVERABILITY

If any part of this local law, as originally enacted or as amended from time to time, is found to be illegal, or its application to any person or circumstances is held to be invalid, the remainder and the application of its provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall remain in full force and effect.

SECTION VII.

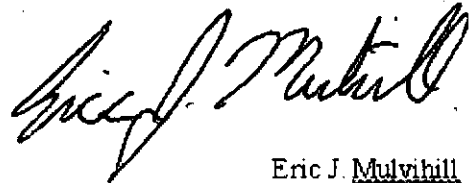
EFFECTIVE DATE

This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

STATE OF NEW YORK) SS:
COUNTY OF CORTLAND)

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 24th day of August, 2017 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand
and the official seal of the CORTLAND COUNTY
LEGISLATURE, this 24th day of August, 2017.



Eric J. Mulvihill
Clerk of the Cortland County Legislature