

1995-4

Local Law Filing

162 WASHINGTON AVENUE, ALBANY, NY 12221

(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 of Chenango
Town
Village

Local Law No. 4 of the year 19 95..

A local law REPEALING LOCAL LAW NO. 2 OF 1989 AS FURTHER AMENDED BY LOCAL LAW NO. 5 (Insert Title) OF 1991 AS AMENDED BY LOCAL LAW NO. 2 OF 1993 AND ENACTING A NEW LOCAL LAW

Be it enacted by the Board of Supervisors of the (Name of Legislative Body)

County City of Chenango as follows:
Town
Village

The Solid Waste Committee offered the following, proposed for enactment:

COUNTY OF CHENANGO
ADOPTED LOCAL LAW NO. 4 OF 1995

A LOCAL LAW REPEALING LOCAL LAW NO. 2 OF 1989 AS FURTHER AMENDED BY LOCAL LAW NO. 5 OF 1991 AS AMENDED BY LOCAL LAW NO. 2 OF 1993 AND ENACTING A NEW LOCAL LAW

Be it enacted by the Board of Supervisors of the County of Chenango as follows:

1. Local Law No. 2 of 1989 as amended by Local Law No. 5 of 1991 as further amended by Local Law No. 2 of 1993 is repealed in its entirety to read as follows:

2. A new local law is enacted as follows:

SECTION 1.0 TITLE.

1.1 This local law shall be known as the Chenango County Hazardous Waste and Radioactive Waste Disposal Law.

SECTION 2.0 DECLARATION OF PURPOSE.

2.1 This local law is adopted for the purpose of promoting the health, safety and general welfare of the people of Chenango County, including the protection and preservation of the environment and its inhabitants, in all matters related thereto, by prohibiting the importation of hazardous waste and/or radioactive waste

for the purpose of collection, storage or disposal within Chenango County.

SECTION 3.0 AUTHORITY.

- 3.1 This local law is hereby enacted pursuant to the authority granted by Section 10 of the New York State Municipal Home Rule Law.

SECTION 4. PROHIBITED ACTS.

Except as otherwise provided in this law:

- 4.1 The importation of hazardous waste and/or radioactive waste for the purpose of collection, storage and/or disposal within Chenango County is strictly prohibited.
- 4.2 Importation of low-level radioactive waste is strictly prohibited.

SECTION 5.0 DEFINITIONS.

- A. Collection. The temporary storage of any hazardous waste or radioactive waste prior to storage and/or disposal.
- B. Disposal. The burning, discharge, deposit, injection, dumping, spilling, leaking or placing of hazardous waste and/or radioactive waste on or into the land, water or air.
- C. Importation. To bring materials into the County for purposes of collection, storage and/or disposal; excluding the transportation of materials through the county.
- D. Storage. The containment of solid waste, hazardous waste and/or radioactive waste such that it does not constitute disposal of that waste.
- E. Hazardous Waste. Means hazardous waste as defined in New York Environmental Conservation Law, Section 27-0901 et seq; Part 371 of Title 6 NYCRR; the Resource Conservation and Recovery Act (RCRA) 42 U.S.C., Section 6903 et seq.; and such other laws or regulations of the United States and State of New York as may be duly enacted or promulgated.
- F. Radioactive Waste. Includes low-level radioactive waste as in the Federal Low-Level Radioactive Waste Policy Amendments Act of 1985, 42 U.S.C., Section 2021b, et seq.; and high-level radioactive waste as in 11e (2) of the Atomic Energy Act 42 U.S.C., Sections

2011 et seq.; and such other laws of the United States of America as may be duly enacted.

SECTION 6.0 ENFORCEMENT.

- 6.1 This local law may be enforced by any police officer, the chief administrative officer of the Chenango County Department of Waste Management, the Chenango County Board of Supervisors and/or any agents or designees of the Board of Supervisors or Department of Waste Management.

SECTION 7.0 PENALTIES.

- 7.1 Each violation of this law shall constitute an unclassified misdemeanor punishable by a fine of up to one thousand dollars or imprisonment for not more than one year or both.
- 7.2 Each day of violation shall constitute a separate and distinct offense.
- 7.3 In addition to or in lieu of criminal penalties under 7.1 above, the County of Chenango may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with and/or prohibit any violation of the provisions of this law including injunction, temporary restraining order or other proper legal remedy available under the laws of the State of New York.
- 7.4 In addition to the above remedies, any person, corporation, partnership or other entity violating this law shall forthwith remove from the County any material imported in violation thereof.
- 7.5 In addition to the above, any person, corporation, partnership or other entity violating this local law shall be subject to loss of privileges to utilize Chenango County landfill facilities.

SECTION 8.0 NON-EXCLUSIVE.

- 8.1 Nothing in this law shall affect nor shall it be construed to affect the provisions of Local Law No. 3 of 1989 entitled "A County Law Protecting the Health, Safety and Well-being of Persons in Chenango County by Prohibiting the Disposal and Storage of Radioactive Waste Within Chenango County" as the same was amended by Local Law No. 4 of 1989.

SECTION 9.0 SAVINGS.

9.1 If any section, paragraph, subdivision or provision of this local law shall be invalid, such validity shall apply only to the section, paragraph, subdivision or provision adjudged invalid and the remainder of this law shall remain valid and in full force and effect.

SECTION 10.0 EFFECTIVE DATE.

10.1 This local law shall take effect immediately upon filing thereof with the Secretary of State, State of New York.

Seconded by Mr. Angell

Results of a roll call vote were: Yes-1,242, No-857, Absent-166

No: Supervisors Briggs, Phelan, Maroney, Schlafer, Wall, Wrightington, Brown, Franklin, P. Flanagan, Lawrence, M. Flanagan and Parry

Absent: Supervisor Dolan

The Chairman declared the Local Law duly adopted.

(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 1995 of the (County)(~~CITY~~)(~~TOWN~~)(Village) of Chenango was duly passed by the Board of Supervisors on August 14 1995, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____ 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____ 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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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.


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

(Seal)

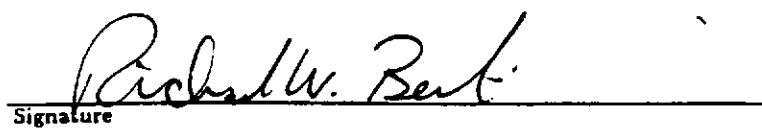
Date: August 18, 1995

(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 Chenango

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.

Chenango County, SS
Recorded on this 31st Day
of August 1995 at 3:36
o'clock P.M., In Liber 1 of
Local Laws
at Page 220 and examined
Mary C. Weidman Clerk


Signature

County Attorney
Title
County Chenango
City TOWN of _____
~~TOWN~~
~~VILLAGE~~
Date: August 18, 1995