

For Amendment see page 129

1989-2

(Please Use this Form for Filing your 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. 2 of the year 19 89.....

A local law A COUNTY LAW PROHIBITING THE IMPORTATION OF SOLID WASTE,
(insert title)
HAZARDOUS WASTE AND RADIOACTIVE WASTE TO CHENANGO COUNTY

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

County
~~City~~ of Chenango as follows:
~~Town~~
~~Village~~

Mr. Chiarino offered the following for adoption:

CHENANGO COUNTY

Local Law No. 2 of 1989

A COUNTY LAW PROHIBITING THE IMPORTATION OF SOLID WASTE,
HAZARDOUS WASTE AND RADIOACTIVE WASTE TO CHENANGO COUNTY

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

SECTION 1.0 TITLE

1.1 This law shall be known as the Solid Waste, 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 solid waste, hazardous waste and radioactive waste for collection, storage and/or disposal of solid waste, hazardous waste and radioactive waste 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.

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION 4.0 PROHIBITED ACTS

Except as otherwise provided in this Law:

- 4.1 The importation of solid waste, except by the Towns of Sidney, Otego and Unadilla to BAGS Landfill, special waste, hazardous waste and/or radioactive waste for the purpose of collection, storage and/or disposal within Chenango County is strictly prohibited.

SECTION 5.0 LOW-LEVEL RADIOACTIVE WASTE

- 5.1 Importation of low-level radioactive waste by a duly licensed transporter is permitted only for the purpose of disposal in a facility which has been issued the required federal, state and/or county, local licenses, permits and/or approvals.

SECTION 6.0 DEFINITIONS

- A. Collection. The temporary storage of any solid waste, hazardous waste or radioactive waste prior to storage and/or disposal.
- B. Disposal. The burning, discharge, deposit, injection, dumping, spilling, leaking or placing of solid waste, 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. Waste, Hazardous. Means hazardous waste as defined in Part 371 of Title 6 NYCRR.
- F. Waste, Radioactive. 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.
- G. Waste, Solid. Means solid waste as defined in Part 360 of Title 6 NYCRR or special waste as defined by New York State Department of Environmental Conservation.

SECTION 7.0 ENFORCEMENT

- 7.1 The County Board of Supervisors will enforce the law through its duly authorized agents to enforce the provisions of this law.

SECTION 8.0 PENALTIES

- 8.1 Any person or agent who violates this law shall be guilty of an offense and subject to a fine of up to One Thousand (\$1,000.00) Dollars a day or imprisonment for not more than fifteen (15) days, or both.

SECTION 9.0 VALIDITY

- 9.1 Separability. 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.

9.2 Effective Date. This local law shall take effect upon the filing thereof in the Office of the Secretary of State, State of New York.

Seconded by Mr. Crouch

Results of a roll call vote were: Yes-2,333, No-0, Absent-138

Absent Supervisor Briggs

The Chairman declared the Local Law duly adopted.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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.2.....of 1989...
County
of the ~~City~~ of Chenango..... was duly passed by the Board of Supervisors.....
~~Town~~ ~~Village~~ (Name of Legislative Body)
on January 16 19 89 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ of was duly passed by the
~~Town~~ ~~Village~~ (Name of Legislative Body)
on 19..... and was approved not disapproved by the
repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on 19....., 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 19.....
County
of the ~~City~~ of was duly passed by the
~~Town~~ ~~Village~~ (Name of Legislative Body)
on 19..... and was approved not disapproved by the
repassed after disapproval Elective Chief Executive Officer *
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 election held on 19....., in accordance with the appli-
annual cable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ of was duly passed by the on
~~Town~~ ~~Village~~ (Name of Legislative Body)
..... 19..... and was approved not disapproved by the on
repassed after disapproval Elective Chief Executive Officer *
..... 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., 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 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 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 ~~§ 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 above.

[Handwritten Signature]

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

Date: January 18, 1989



Chenango County, SS
Recorded on this 19th Day
of January, 1989 at 11:45
o'clock A M., In Liber 1 of
Local Laws
at Page 45 and examined
Paul A. Veda Clerk

FILED
1989 JAN 19 AM 11:54
COUNTY CLERK'S OFFICE
CHENANGO COUNTY, N.Y.

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

STATE OF NEW YORK
COUNTY OFChenango.....

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.

[Handwritten Signature: James L. Hayes]

County Attorney
Title

Date: 1-19-89

County
~~City~~ ofChenango.....
~~Town~~
~~Village~~