

1991-5

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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~~ ofChenango.....
~~Town~~
~~Village~~

Local Law No.5..... of the year 19 ..91..

A local law ..AMENDING LOCAL LAW NO. 2 OF THE YEAR 1989.....
(Insert Title)

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

County
~~City~~ ofChenango..... as follows:
~~Town~~
~~Village~~

The Solid Waste Committee offered the following, and moved its adoption:

COUNTY OF CHENANGO

LOCAL LAW NO. 5 OF 1991

A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF THE YEAR 1989

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

1. Section 4.0 Prohibited Acts of Chenango County Local Law No. 2 of the year 1989 is amended in its entirety to read as follows:

"Section 4.0 Prohibited Acts

Except as otherwise provided in this Law:

4.1 The importation of solid waste, special waste, hazardous waste and/or radioactive waste for the purposes of collection, storage and/or disposal within Chenango County is strictly prohibited.

4.2 Notwithstanding the provisions of Section 4.1 above it shall not be a violation of this law for a utility company regulated by the New York State Public Service Commission and operating an existing electric generating facility within Chenango County to import into the County vehicular tires or parts thereof provided each of the following conditions are met:

i. The tires are incinerated or burned for the purpose of producing electric power; and

ii. The incineration or burning of tires is in compliance with any and all federal, state and local statutes and regulations including but not limited to air pollution and N.Y.S. Department of Conservation mandates; and

iii. Stockpiling of tires shall be limited to a quantity which will be incinerated or burned at the facility within a six month period provided, however,

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

(1)

that in no event shall the quantity of tires stockpiled be in violation of any federal, state or local statues or regulations; and

iv. In the event the utility determines to or is required by governmental order or mandate, to cease tire incineration or burning at the site, such utility shall cause the removal and proper disposal of said tires outside the County of Chenango at the sole cost of said utility within sixty (60) days; and

v. Provide a preference for the use of tires accumulated or existing within Chenango County in its operation by affording the County of Chenango thirty days advance written notice prior to the signing of any proposed contract concerning the importation of tires, and allowing the County or another responsible entity within Chenango County to meet such offer within such time."

2. Section 8.0 Penalties of Chenango County Local Law No. 2 of the year 1989 is amended in its entirety to read as follows:

"Section 8.0 Penalties

8.1 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.

8.2 Each day of violation shall constitute a separate and distinct offense.

8.3 In addition to or in lieu of criminal penalties under 8.1 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.

8.4 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 hereof."

3. This law shall take effect immediately.

Seconded by Mrs. Adsit

Results of a roll call vote were: Yes-1,587, No-477, Absent-407

No: Supervisors Phelan, Shepard, Dolan, Wrightington, Spann and Stevens

Absent: Supervisors Perry, Portelli and Bays

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. 5 of 1991 of the (County)(City)(Town)(Village) of Chenango was duly passed by the Board of Supervisors on October 7 1991, 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.



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

Date: October 11, 1991

(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 15th Day
of October 1991 at 4:55
o'clock P M., in Liber 1 of
Local Laws
at Page 129 and examined
Paul A. Meda Clerk

[Signature]
Signature
County Attorney
Title
County
~~City~~ of Chenango
~~Town~~
~~Village~~
Date: October 11, 1991