

LOCAL LAW NO. 1 1984

A LOCAL LAW PROVIDING FOR THE MANAGEMENT
OF SOLID WASTE GENERATED WITHIN THE
COUNTY OF DUTCHESS

BE IT ENACTED by the Legislature of the County of Dutchess as follows:

SECTION 1. Short Title. This local law shall be known and may be cited as the solid waste management law.

SECTION 2. Purposes. This local law is adopted pursuant to Chapter 675 of the Laws of 1982 of the State of New York for the purpose of (1) effectuating the management on a county-wide basis of all solid waste generated within or coming into from outside of the County of Dutchess in order to protect the public health and safety and to improve the environment by control of air, water and land pollution, and (2) carrying out the expressed policy of the State to displace competition with regulation or monopoly public service.

SECTION 3. Definitions. As used or referred to in this local law, unless the context otherwise requires:

1. "Agency" shall mean the Dutchess County Resource Recovery Agency created under Chapter 675 of the Laws of 1982 of the State of New York.
2. "Commissioner of Solid Waste Management" shall mean the Commissioner of Solid Waste Management of the County of Dutchess.
3. "County of Dutchess" shall mean the entire County of Dutchess as constituted and existing under the Laws of the State of New York.
4. "Disposal of Solid Waste" shall mean the transporting or delivery of solid waste to a solid waste facility.
5. "Municipality" shall mean any county, city, town, village, improvement district (or a county, city, town or village acting on behalf of an improvement district), public corporation, municipal corporation, political subdivision, government agency, department or bureau of the state or federal government.
6. "Person" shall mean any natural person, individual, partnership, co-partnership, association, joint venture, corporation form, trust, estate or any other legal entity inclusive of a "municipality."
7. "Solid Waste" shall mean all materials or substances discarded or rejected within the County of Dutchess as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including, but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the United States Atomic Energy Act of 1954, as amended, and waste which

appears on the list of hazardous waste promulgated by the Commissioner of Environmental Conservation pursuant to Section 27-0903 of the Environmental Conservation Law of the State of New York.

8. "Solid Waste Management-Resource Recovery Facility" shall mean any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed for the collecting, receiving, transporting, storage, processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom including, but not limited to, recycling centers, transfer stations, baling facilities, rail haul or maritime facilities, collection vehicles, processing systems, resource recovery facilities, steam and electric generating and transmission facilities, including auxiliary facilities to supplement or temporarily replace such generating facilities, steam distribution facilities, sanitary landfills, plants and facilities for compacting, composting or pyrolyzation of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities and resource recovery equipment and disposal equipment as defined in subdivisions four and five of Section 51-0903 of the Environmental Conservation Law of the State of New York.

SECTION 4. Disposal of Solid Waste. The Commissioner of Solid Waste Management is hereby authorized and directed to designate in writing, from time to time, one or more solid waste management-resource recovery facilities to be used for the disposal of solid waste generated within the County of Dutchess, which designation may include a determination that a particular solid waste management-resource recovery facility shall be the only facility used for the disposal of solid waste generated within all of, or a described area within, the County of Dutchess or by a particular person or persons. In making any such designation the Commissioner of Solid Waste Management shall give due consideration to the capacity of any facility so designated, the size and population of the area or person or persons to be served and such other factors as shall enable the Commissioner of Solid Waste Management to determine that the public interest is served by such designation. No person shall dispose of solid waste generated within or coming into from outside of the County of Dutchess, except at a solid waste management-resource recovery facility designated by the Commissioner of Solid Waste Management in accordance with this Section. The Commissioner of Solid Waste Management is hereby authorized and directed to promulgate such rules and regulations as he shall determine to be necessary to effectuate the purposes of this local law, including the requirement that all private haulers of solid waste be licensed by the Commissioner of Solid Waste Management. All acts and proceedings taken by the Commissioner of Solid Waste Management pursuant to this local law shall, in all respects, be consistent with the Environmental Conservation Law and other applicable laws and rules and regulations promulgated pursuant thereto.

SECTION 5. Enforcement. It shall be the responsibility of the Commissioner of Solid Waste Management, in consultation with the County Attorney, to enforce the provisions of this local law and all rules, regulations and designations made pursuant thereto. Such enforcement shall be by such legal or equitable proceedings, including without limitation a proceeding for specific performance, brought in the name of the County of Dutchess as may be provided or authorized by law.

SECTION 6. Penalties. Any person who violates this local law shall be guilty of an offense and subject to a fine of not more than Five Hundred

Dollars (\$500.00) and/or imprisonment for not more than fifteen (15) days and/or suspension or revocation of collecting, receiving, transporting and/or disposing privileges in conjunction with solid waste within the County of Dutchess. Each and every act of disposal committed which is prohibited by Section 4 hereof shall constitute a separate violation of this local law.

SECTION 7. Priority. Pursuant to Section 1 of Chapter 675 of the Laws of 1982 of the State of New York, this local law takes precedence over and shall supercede any inconsistent provisions of any local law enacted by any municipality within the County of Dutchess.

SECTION 8. Separability. If any section, provision, or part thereof, in this local law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the remainder of the local law or the validity of the local law as a whole or any sections, provisions, or part thereof, not so adjudged invalid or unconstitutional and the application of the local law or any section, provision or part thereof, to other persons or circumstances shall not be affected by said adjudication.

SECTION 9. Effective Date. This local law shall take effect immediately.

RESOLUTION NO. 339 1983

RE: LOCAL LAW NO. 1 OF 1984; A LOCAL LAW PROVIDING FOR THE MANAGEMENT OF SOLID WASTE GENERATED WITHIN THE COUNTY OF DUTCHESS

Government Services Committee

COMMUNITY SERVICES COMMITTEE

offers the following

and moves its adoption:

RESOLVED, that the County Legislature of the County of Dutchess does hereby adopt Local Law No. of 1983 which is being presented herewith.

CA-236-83
SJW:ld
6/22/83

APPROVED

Lucille P. Pattison

LUCILLE P. PATTISON
County Executive

Date: 1/16 84

STATE OF NEW YORK)
COUNTY OF DUTCHESS)

This is to certify that I, the undersigned, Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16th day of 1984, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 19 day

DEC 29 1983

Patricia M. Grandi
Deputy CLERK OF THE LEGISLATURE

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