

# 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.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
DEC 18 2000

~~XXXXXX~~

~~XXXX~~

Town

~~XXXXXX~~

of Clay

*Alexander F. D'Amico*  
Secretary of State

Local Law No. 1 of the year 2000

A local law REPEALING THE PRESENT CHAPTER 110 ENTITLED "RECYCLING, REGULATING COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE IN THE TOWN OF CLAY" AND ADDING A NEW CHAPTER 110 ENTITLED "RECYCLING, REGULATING COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE IN THE TOWN OF CLAY" TO THE TOWN OF CLAY MUNICIPAL CODE.

Be It enacted by the TOWN BOARD of the  
(Name of Legislative Body)

~~XXXXXX~~

~~XXXX~~

Town

~~XXXXXX~~

of CLAY as follows:

(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. 1 OF THE YEAR 2000 ~~XXX~~  
of the ~~(County)(City)(Town)(Village)~~ of CLAY was duly passed by the  
TOWN BOARD on SEPT. 18, 2000 ~~xxx~~, 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 approved)(repassed after  
(Name of Legislative Body)  
disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_,  
(Elective Chief Executive Officer\*)  
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\_\_\_\_  
of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the  
\_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after  
(Name of Legislative Body)  
disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted  
(Elective Chief Executive Officer\*)  
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.

**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 approved)(repassed after  
(Name of Legislative Body)  
disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to  
(Elective Chief Executive Officer\*)  
permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 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 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.

## **LOCAL LAW NO. 1 OF THE YEAR 2000 TOWN OF CLAY**

**A LOCAL LAW REPEALING THE PRESENT CHAPTER 110 ENTITLED "RECYCLING, REGULATING COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE IN THE TOWN OF CLAY" AND ADDING A NEW CHAPTER 110 ENTITLED "RECYCLING, REGULATING COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE IN THE TOWN OF CLAY" TO THE TOWN OF CLAY MUNICIPAL CODE**

**BE IT ENACTED** by the Town Board of the Town of Clay, County of Onondaga as follows:

**SECTION 1. LOCAL LAW NO. 1 OF THE YEAR 2000 REPEALING THE PRESENT CHAPTER 110 ENTITLED "RECYCLING, REGULATING COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE IN THE TOWN OF CLAY" AND ADDING A NEW CHAPTER 110 ENTITLED "RECYCLING, REGULATING COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE IN THE TOWN OF CLAY" TO THE TOWN OF CLAY MUNICIPAL. CODE.**

Repealing the present Chapter 110 entitled "RECYCLING, REGULATING COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE IN THE TOWN OF CLAY" and adding a new Chapter 110 entitled "RECYCLING, REGULATING COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE IN THE TOWN OF CLAY" to the Town of Clay Municipal Code. The purpose of this local law is to comply with the revisions recommended by the Onondaga County Resource Recovery Agency with regard to the recyclable materials and solid waste management plan. Said Local Law reads as follows:

## RECYCLING, REGULATING COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE IN THE TOWN OF CLAY

**§ 110.1 Findings and Purpose.** The reduction of the amount of Solid Waste and conservation of recyclable materials is an important public concern because of the increasing cost of Solid Waste collection and disposal and its impact on the environment. The separation and collection of recyclable materials serves the general -public's interest in our Town by reducing the amount of Solid Waste and will otherwise comply with the Onondaga County Source Separation Law (Local Law No. 12 of 1989) and other applicable provisions of law. In 1988, in the interest of public health, safety and welfare and in order to conserve energy and natural resources, the State of New York enacted a New York State Solid Waste Management Act which established the following solid waste hierarchy: waste reduction, reuse, recycling and waste to energy (See New York Environmental Conservation Law Section 27-0106) with land burial as a last resort only when reuse, recycling or waste-to-energy were unavailable. Section B-35 of the State Solid Waste Management Plan - 1997-1998 Update recommended that Onondaga County take immediate steps to develop environmentally acceptable facilities to manage the Solid Waste generated in the County. In December 1991 Onondaga County adopted a comprehensive Solid Waste Management Plan that was subsequently approved by the State Department of Environmental Conservation. The County Plan, applicable to municipalities within the County, preferred waste-to-energy as a safe and sanitary alternative to the threat to the ground water supply and other liabilities posed by the burying of such waste. Those reasons are further delineated in Section 110.5 of the aforementioned County Plan. Public Authorities Law Section 2045-e(7) and (8) allows the Onondaga County Resource Recovery Agency to contract with municipalities for the delivery of such waste and, in furtherance thereof, to process such Solid Waste. In compliance with both the State and County Solid Waste Management Plans, the Town of has determined that all Solid Waste, both residential and commercial, generated in our Town and destined for disposal in the State of New York, may not be disposed of at any place other than the Approved Disposal Site designated by the Town Board in Section 110.2 hereof. The basis of that determination is attached hereto as Exhibit A and incorporated by reference. This chapter will also establish and refine regulations requiring the licensing of municipal haulers and governing hauler services for the collection and disposal of Solid Waste materials. This Local Law shall not regulate or otherwise restrict any disposal of solid waste generated within the Town that is to be disposed of out-of-state or any handling of recyclable materials separated from the rest of the solid waste in accordance with Onondaga County's Source Separation Law.

**§ 110.2 Definitions.** As used in this Chapter, the following terms shall have the meanings indicated:

**"Agency"** shall mean the Onondaga County Resource Recovery Agency.

**"Agency Facility"** shall mean any facility operated by or designated by the Agency. Agency Facilities include the Agency Transfer Stations at Ley Creek and Rock Cut Road, Rock Cut Road

Waste-to-Energy Facility, Agency Landfill (when built), Agency Yard Waste Composting Facilities at Jamesville and Amboy, Construction and Demolition Processing Facility at Ley Creek and Agency designated Materials Recovery Facilities.

**"Approved Disposal Site"** shall mean the Onondaga County Waste-to-Energy Facility on Rock Cut Road in the Town of Onondaga.

**"Construction and Demolition Debris"** shall mean discarded building material, concrete, stones, earth from excavations or grading and all other refuse material resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

**"County"** shall mean the County of Onondaga.

**"County Designated Recyclable Materials"** shall mean those Recyclables designated by the County of Onondaga and the Onondaga County Resource Recovery Agency pursuant to Local Law No. 12 of 1989, including the following:

**Corrugated Paper:** Cardboard containers, boxes and packaging, including pizza boxes, which are cleaned of contamination by food wastes or polystyrene commonly called Styrofoam, and which have been flattened for transport.

**Glass:** Empty, washed glass jars, bottles and containers of clear, green and amber (brown) that contained food and drink, caps removed. This term excludes ceramic, window glass, auto glass, mirror and kitchenware.

**Metal:** All ferrous and non-ferrous metals, including: steel, aluminum and composite cans and containers (cleaned of food wastes) and empty aerosol cans that did not contain hazardous material. Scrap metal, wire, pipes, tubing, motors, sheet metal, etc. are recyclable but must be recycled through scrap dealers.

**Newspapers, magazines and catalogues:** Includes common machine finished paper made chiefly from wood pulp used for printing newspapers, as well as glossy inserts, magazines and catalogues. All must be free of contaminants.

**Office paper:** All bond paper and also computer printout, stationery, photocopy and ledger paper of any color from all waste generators. Paper should, if possible, be free of tape, adhesives, labels, rubber bands, paper clips, binders and other contaminants. This term excludes carbon paper, chemical transfer paper and tyvek or plastic coated envelopes.

**Plastics:** All HDPE and PET type plastic bottles (#1 & #2), including empty, washed food, beverage, detergent, bleach and hair care containers with lids removed. This term excludes all photographic film, vinyl, rigid and foam plastic materials, as well as plastics numbered 3 through 7 and HDPE oil bottles, as well as #1 and #2 containers that are not bottles or contained hazardous material.

## §110.2      **RECYCLING, REGULATING COLLECTION,      § 110.2** **REMOVAL AND DISPOSAL OF SOLID WASTE** **IN THE TOWN OF CLAY**

**Kraft paper:** As found in brown paper bags and package wrapping.

**Beverage cartons:** Includes gabled-topped paper cartons that contained milk and juice products.

**Paperboard:** Paper packaging as found in cereal, cracker and tissue boxes, etc. and toilet tissue and paper towel tubes.

**Mixed paper:** Includes discarded and bulk mail, computer paper, colored paper, greeting cards, wrapping paper and carbonless multi-part forms. Excludes any paper coated with foil or plastic.

**"Curb"** shall mean that street curb immediately in front of the property from which Solid Waste material and recyclables to be collected are generated or in the absence of an actual curb, that portion of the property, which is immediately adjacent to the street.

**"Curbside Collection"** shall mean the use of collection receptacles for residential, commercial, and institutional Solid Waste generators and the regular periodic pick up and transfer of the contents of such receptacles by a Hauler at the location of a Waste Generator.

**"Eligible Household"** shall mean a household residing in a dwelling of four units or less and which is required to utilize Recycling Containers.

**"Hauler"** shall mean any person, company or firm who engages in the collection, transportation, disposal or delivery of Solid Waste within our Town.

**"Hazardous Waste"** means:

- (1) Any waste (excluding Household Hazardous Waste) which is defined or regulated as a Hazardous Waste, Toxic Substance, Hazardous Chemical Substance or mixture, or Asbestos (Regulated Waste) under federal, state or local law, or under rules, regulations, policies or guidelines issued in relation thereof, as they may be amended from time to time including, but not limited to:
  - (a) The Resource Conservation and Recovery Act of 1976 (42 U.S.C. Sections 6901 et seq., as amended by the Hazardous and Solid Waste Amendments of 1984) and the regulations contained in 40 CFR Parts 260-281;
  - (b) The Toxic Substances Control Act (15 U.S.C. Sections 2601 et seq.) and the regulations contained in 40 CFR Parts 761-766;
  - (c) The State Environmental Conservation Law (Title 9 of Article 27) and the regulations contained in 6 N.Y.C.R.R. Parts 370, 371, 372, 373 (Subpart 373-3);

- (2) Radioactive materials which are source, special nuclear or by- product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. Sections 2011 et seq.) and the regulations contained in 10 CFR Part 40; or
- (3) Any other material that by Federal, State or local law, or under rules, regulations, policies, guidelines or orders having the force of law in relation thereto are regulated as harmful, toxic or hazardous to health and ineligible for processing at the Agency Facility.

**"Large Household Furnishings"** shall mean all other large and/or bulky articles actually used in the home and which equip it for living such as chairs, sofas, tables, beds or carpets.

**"Major Appliances"** shall mean a large and/or bulky household mechanism such as a refrigerator, washer, dryer, stove, furnace or hot water tank.

**"Materials Recovery Facility" or "MRF"** shall mean a private or public facility for receiving and processing Recyclables into marketable commodities.

**"Medical Waste"** means any Solid Waste, which is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals.

**"Municipal Hauler License"** shall mean the license issued by the Town to a hauler as a prerequisite to performing Solid Waste collection services within the Town's municipal limits.

**" Person"** shall mean a natural person, association, partnership, firm, corporation, limited liability company, trust, estate or governmental unit and any other entity whatsoever.

**"Recyclables"** shall mean those recyclable materials including County Designated Recyclable Materials, which can be practically separated from non- recyclable waste for which reuse markets can be accessed for less than the cost of disposal.

**"Recycling Container"** shall mean the blue bin or other container supplied by the Agency, County, the Town or their designees for the use by Eligible Households within the Town. Such containers shall be used exclusively for the storage of County Designated Recyclable Materials. Such containers shall at all times remain the property of the Agency.

**"Recycling Law"** shall mean the Onondaga County Source Separation Law Local Law No. 12, adopted March 6, 1989, as subsequently amended.

**"Regulated Medical Waste"** means those medical wastes that have been listed in 6 NYCPR 364.9 paragraph (c)(1) and that must be managed in accordance with the requirements of that part.

**§110.2      RECYCLING, REGULATING COLLECTION,      § 110.3 (A.)  
REMOVAL AND DISPOSAL OF SOLID WASTE  
IN THE TOWN OF CLAY**

**"Solid Waste"** all materials or substances discarded or rejected 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, residential, governmental, commercial and/or light industrial refuse but shall not include Recyclables, Yard and Garden Waste, human wastes, rendering wastes, demolition wastes, residue from incinerators or other destructive systems for processing waste (other than now existing individual building incinerators, the residue from which is presently collected as part of normal refuse collection practices), junked automobiles, pathological, medical, toxic, explosive, radioactive material or other waste material which, under existing or future federal, State or local laws, require special handling in its collection or disposal.

**"System"** shall mean Onondaga County's Solid Waste Management System as operated by the Onondaga County Resource Recovery Agency and every aspect thereof, including, but not limited to, the Rock Cut Road Waste-to-Energy Facility, Agency Landfill (when built), Yard Waste Composting Facilities at Jamesville and Amboy, Construction and Demolition processing facility at Ley Creek and the Rock Cut Road and Ley Creek transfer stations.

**"Town"** shall mean the Town of Clay.

**"Town Board"** shall mean the Town Board of the Town of Clay.

**"Town Clerk"** shall mean the Clerk of the Town of Clay.

**"Waste Generator"** shall mean any person, which produces Solid Waste requiring off-site disposal.

**"Yard and Garden Waste"** shall mean garden waste, leaves, grass clippings, weeds and brush.

**§ 110.3      Requirement of Haulers to Obtain Municipal Hauler License.** It shall be a precondition of doing business as a Hauler in the Town that the person/firm intending to conduct such business obtain a Municipal Hauler License and a Town sticker. An application on a form approved and provided by the Town must be submitted to the Town Codes Enforcement Office in which the person satisfactorily shall be bound by the following provisions:

- A. The Hauler will deliver all of the non-recyclable Solid Waste (residential and commercial) it collects within the Town and destined for disposal in the State of New York to the Approved Disposal Site specified in Section 110.2 above. It shall be unlawful to unload or deposit any Solid Waste hauled from any premises within the limits of the Town and destined for disposal in the State of New York at any place other than the Approved Disposal Site specified by the Town in Section 110.2 above. Any Hauler failing to dispose of said Solid Waste at the Approved Disposal Site so designated shall be subject to having its license revoked.



**§ 110.3 (B.)****LOCAL LAWS****§ 110.07 (A.)**

- B. The Hauler will supply a plan of operation for collection and transportation and which provides for a Recycling Plan as required by Onondaga County Local Law No. 12 of 1989 as it applies to Haulers, which it shall adhere to and comply with. The Hauler shall agree to provide for the collection of County Designated Recyclables in every waste hauler disposal agreement, written or oral, as part of its standard service and to include the cost of such collection in its standard waste collection rates.

**§ 110.4 Distinctive Municipal Sticker.**

- A. The Hauler shall attach a Municipal Sticker which must be visibly and securely affixed to the driver's side vent window or upper part of the driver's side of the windshield of each of the Hauler vehicles in operation.
- B. No Hauler shall (1) duplicate or imitate a Municipal Sticker or (2) sell or transfer in any manner a Municipal Sticker.

**§ 110.5 Duration of Municipal Hauler License.** Municipal Hauler Licenses issued pursuant to this Local Law shall be effective for an annual term from January 1st through December 31st (one calendar year).

**§ 110.6 Revocation of Municipal Hauler License.** The Town shall have the right to cancel any existing Municipal Hauler License upon thirty (30) days written notice to the Hauler if the Town shall enact legislation establishing a new system for collection of Solid Waste in the Town that is inconsistent with the continuation of said license. The Town shall revoke a Municipal Hauler License upon the happening of any or a combination of the following:

Failure of the Hauler to comply with any provision of Section 110.3 or Section 110.4 of this Local Law. Prior to any such revocation, the Hauler shall be notified by the Town of an opportunity for a hearing in the matter, which hearing shall be held not less than five days after the Hauler is notified in writing by the Town of the pending license revocation and the charges against it. All hearings shall be on a date and time and at a place determined by the Town. The hearing shall be informal and held before the Town Supervisor or his/her designee. Compliance with technical rules of evidence shall not be required, and the decision of the Town Supervisor or his/her designee shall be final.

**§ 110.7 Recycling Plan.** The Town hereby adopts as its Source Separation Legislation, required pursuant to the General Municipal Law, Section 120-aa, the Onondaga County Source Separation Law (i.e. Local Law No. 12 of 1989) as adopted by the Onondaga County Legislature and subsequently amended under its terms.

- A. No Hauler shall dispose of Recyclable Materials as Solid Waste. Nor shall any Hauler accept Recyclable Materials for disposal as Solid Waste.

**§110.7 (B.) RECYCLING, REGULATING COLLECTION, § 110.10 (B.)  
REMOVAL AND DISPOSAL OF SOLID WASTE  
IN THE TOWN OF CLAY**

B. Recycling Containers shall at all times remain the property of the Agency or Town, as the case may be, and are provided for the use and convenience of Eligible Households in complying with this Chapter. No Hauler shall:

- (1) Remove a Recycling Container from the Town;
- (2) Willfully destroy a Recycling container;
- (3) Dispose of a Recycling Container other than by returning such container to the Town at a designated location; or
- (4) Use a Recycling Container for other than the temporary storage of County Designated Recyclable Material.

**§ 110.8 Imposition of Fees.** The Town Board, may by resolution, designate and impose such fees as it deems reasonable and appropriate in relation to the collection and disposal of any waste material including without limitation Recyclable Materials. After any such fees are imposed, the manner of implementation and collection shall be by regulation of the Town Board or its designee not inconsistent with the terms of the resolution imposing such fees. The Town Board by resolution also from time to time, establish fees to defray expenses in connection with the fee for the Municipal Hauler License and administration of this Local Law. Fees shall be paid by the applicant at the time of application.

**§ 110.9 No Sunday Collection.** Haulers shall not collect Solid Waste in the Town on Sundays, Thanksgiving or Christmas.

**§ 110.10 Insurance - Indemnity/Hold Harmless.**

- A. In consideration of the Town issuing a Municipal Hauler License to an applicant, the applicant shall agree, upon the issuance of such License to the applicant, that the applicant shall indemnify, hold harmless and defend the Town and its officers and employees from and against any and all claims, demands, losses, damages, costs, payments, actions, recoveries, judgments and expenses of every kind, nature and description, including without limitation all engineers' and attorneys' fees, fines, penalties and clean-up costs resulting from any such claim, etc., arising out of or connected in any way with the applicant's acting as a Hauler or the applicant's involvement or participation in the collection, distribution or transportation of Solid Waste.
- B. The Hauler, as a condition of obtaining a Municipal Hauler License, shall provide and maintain the following insurance coverage's at limits to be set from time to time by resolution of the Town of Clay Town Board:

- (1) Public liability (CGL) including contractual coverage;
  - (2) Automobile liability coverage for all owned, hired and non-owned vehicles; and
  - (3) Worker's Compensation coverage.
- C. The public liability policy aforementioned shall name the Town of Clay as an additional insured.
- D. Each policy of insurance shall be endorsed to contain the following language:
- "The Town will be given 30 days prior written notification of any cancellation, non-renewal or modification of this policy which reduces coverage or limits at the following address: 4483 State Route 31, Clay, New York 13041.
- E. Prior to the issuance of any Municipal Hauler License, the Hauler must provide to the Town Attorney's Office proof of insurance coverage in a form to be determined from time to time by resolution of the Town Board.

**§110.11 Hours of Operation.** Haulers shall not operate earlier than 6:00 a.m., nor later than 6:00 p.m.

**§110.12 Removal of Uncollected Waste.** Where certain Solid Waste, Recyclables and/or other Waste Materials were not collected because those materials were not placed or prepared by the Waste Generator in accordance with the provisions of this Chapter, the Person who placed such materials for collection and the owner of the property adjoining the curb where such Waste Materials were placed shall remove those wastes from the location as soon as possible after the Hauler has refused collection and, in any event, by 6:00 p.m. on the designated collection day.

**§110.13 Restrictions on Use of Vehicles and Handling of Waste.** The collection, removal, and carrying of Solid Waste, Recyclables and/or material, and the transportation of Solid Waste, paper, and Recyclables on any highway, street, alley, or lane of the Town must be done in covered vehicles. No Hauler shall throw or scatter or cause to be scattered or deposited or to escape from the vehicle any Solid Waste or Recyclables on the streets or public places.

**§110.14 Yard and Garden Waste Prohibited.** Yard and Garden Waste may not be accepted for disposal at any Agency Facility but may be accepted for recycling at a yard waste composting facility of the Hauler's choice within the County or taken elsewhere.

**§110.15 Dumping/Draining Leachate Prohibited.** Except as specifically permitted in this Chapter, no Hauler shall deposit or cause to be deposited or stored for more than one (1) day upon any property any Solid Waste and/or Recyclables, and dumping thereof is hereby prohibited. No leachate or other obnoxious or contaminating substance shall be allowed to drain from any Hauler vehicle on the public streets.

**§110.16      RECYCLING, REGULATING COLLECTION,      § 110.20**  
**REMOVAL AND DISPOSAL OF SOLID WASTE**  
**IN THE TOWN OF CLAY**

**§110.16    Accumulation/Storage of Solid Waste on Private Property.** No Hauler shall suffer or permit Solid Waste to accumulate or remain upon private premises including extended storage in Hauler vehicles owned or operated by that Hauler so that the same shall emit odors or become offensive or dangerous to the public health or to any person or property.

**§110.17.   Outdoor Burning.** No Hauler shall bury or burn any Solid Waste and/or Recyclables or cause to be buried or burned any Solid Waste and/or Recyclables, papers, trash, Hazardous Waste and/or materials within the limits of the Town, unless authorized to do so in writing by the Town Board.

**§110.18   Special Events.** This Local Law shall also apply to all special events held in the Town. The sponsor of said events shall be responsible for sorting all Solid Waste materials into appropriate containers or bags and making all arrangements for pickup and disposal of all Solid Waste materials. The Hauler may charge a fee to be determined by the Town Board for such pickups and disposal.

**§110.19.   Penalties and Remedies for Violation.** A. In addition to any revocation of the Municipal Hauler's license pursuant to Section No. 110.3 of this Local Law, each day's violation or failure to comply with the provisions of this Local Law shall be considered a new and separate offense, and subject to the penalties set forth in Section No.110.20.

B. In addition to the above-provided penalties and revocations, or in lieu thereof, the Town Board may also institute and maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by temporary restraining order, preliminary and/or permanent injunction any violation of this Local Law.

C. This Local Law shall be enforced by the Town Code Enforcement Officer, Town Police Department, Town Building Inspector, Town Fire Inspector, Superintendent of Highways, Onondaga County Sheriff's Department, New York State Police, Department of Environmental Conservation Officers and all local law enforcement agencies.

**§110.20   Penalties.** The failure of a Hauler to comply with the provisions of this Local Law shall be considered a Violation subject to the following specified fines for each offense pursuant to Section 80.05 (4) of the Penal Law as well as for corporate officers, directors and officials except for corporations in their corporate capacity which shall be fined pursuant to Section 80.10 of the Penal Law. Each day's violation shall be considered a new and separate offense subject to a separate penalty as fixed below. Any fines collected under this Local Law shall inure to the Town and shall be deposited in the Town General Fund to use as it deems appropriate.

| <u>Section</u> | <u>Violation</u>                              | <u>Fine</u> |
|----------------|-----------------------------------------------|-------------|
| 3              | Failure to obtain a Municipal Hauler License. | \$250.00    |

| <u>Section</u> | <u>Violation</u>                                                                                                                                | <u>Fine</u>              |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 3              | Failure to deliver of Solid Waste collected within the Town and destined for disposal within New York State to the Town Approved Disposal Site. | \$250.00 plus revocation |
| 4a             | Failure to attach a Municipal Sticker to the Hauler's vehicle.                                                                                  | \$250.00                 |
| 4b             | Duplication or imitating the Municipal Sticker or engaging in the selling of the Municipal Sticker.                                             | Revocation               |
| 7a             | Accepting and/or Disposing of County Designated Recyclable Materials as Solid Waste.                                                            | \$200.00                 |
| 7b             | Removing, destroying or disposing of a Recycling Container or using same for other than storage of a County Designated Recyclable.              | \$150.00                 |
| 9              | Engaging in the collection of Solid Waste and/or Recyclables on Sundays, Thanksgiving or Christmas.                                             | \$ 50.00                 |
| 10d            | Failure to notify the Town, 30 days prior written notice of any cancellation, non-renewal or modification of required insurance policy.         | \$ 50.00                 |
| 11             | Failure to comply with the designated hours of operation.                                                                                       | \$200.00                 |
| 12             | Failure to remove uncollected Solid Waste improperly set out for disposal.                                                                      | \$100.00                 |
| 13             | Throwing, scattering or allowing deposit of any Solid Waste and/or County Designated Recyclables or other waste upon the streets.               | \$100.00                 |
| 14             | Engaging in the collection of Solid Waste and/or County Designated Recyclables in a non-covered vehicle.                                        | \$100.00                 |

**§110.20 (15)    RECYCLING, REGULATING COLLECTION,    § 110.23  
REMOVAL AND DISPOSAL OF SOLID WASTE  
IN THE TOWN OF CLAY**

| <u>Section</u> | <u>Violation</u>                                                                                                                                                       | <u>Fine</u> |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 15             | Dumping or depositing any Solid Waste and/or Recyclables material upon any property.<br>Draining Leachate from hauler vehicle.                                         | \$100.00    |
| 16             | Allowing Solid Waste or other waste material and Recyclables to accumulate upon any property so that it becomes obnoxious, unsightly or offensive.                     | \$250.00    |
| 17             | Any Hauler engaging in the burial or private burning of Solid Waste and/or Recyclables, papers, trash, Hazardous Waste and/or materials within the limits of the Town. | \$250.00    |

**§110.21    Severability.** If any paragraph, section, sentence or portion of a sentence of this Local Law shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

**§110.22    Revocation of Prior Local Law Regulating Collection, Removal and Disposal of Solid Waste in the Town of Clay.** In 1992, the Town of Clay enacted Local Law No. 2 Regulating Collection, Removal and Disposal of Solid Waste in the Town of Clay. That Local Law is repealed in its entirety and replaced and superceded by this Local Law, effective upon the effective date of this enactment.

**§110.23    Effective Date.** This Local Law shall take effect immediately upon its filing with the New York Secretary of State.

## **APPLICANT BUSINESS INFORMATION**

**NOTE:** THIS APPLICATION MUST BE COMPLETED AND APPROVED BY THE TOWN LICENSING AGENCY. YOU MUST HAVE A VALID TOWN LICENSE TO PERFORM WASTE HAULING SERVICES IN THE TOWN OF CLAY PURSUANT TO TOWN OF CLAY LOCAL LAW NUMBER 1 OF THE YEAR 2000. NO PERMITS WILL BE ISSUED UNTIL ALL QUESTIONS HAVE BEEN ANSWERED TO THE SATISFACTION OF THE TOWN.

1. TOWN OF CLAY

2. Name of Company: \_\_\_\_\_

3. Contact person regarding this Application: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Cell Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

4. Company Address: \_\_\_\_\_

5. Describe what type(s) of waste(s) your company will be hauling: \_\_\_\_\_

6. What part of the Town will you be operating out of? \_\_\_\_\_

7. Does the Applicant Agree that it will deliver all of the Solid Waste collected within the Town and destined for Disposal within the State of New York to the Onondaga County Waste-to-Energy Facility on Rock Cut Road in the Town of Onondaga? \_\_\_\_\_. (Yes or No)

Dated: \_\_\_\_\_

Applicant \_\_\_\_\_

**Fill out the following Attachments A, B and C.**

## **ATTACHMENT "A"**

NAME OF  
COMPANY: \_\_\_\_\_

BRIEFLY DESCRIBE YOUR PLAN OF OPERATION FOR COLLECTION AND  
TRANSPORTATION OF SOLID WASTE, AND ALSO INCLUDE PROVISIONS OF YOUR  
RECYCLING PLAN.



**ATTACHMENT "B"**  
**SCHEDULE OF INSURANCE**

**NAME OF COMPANY:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

has the following policies of insurance in full force and effect: **(attach copies of policies showing endorsements and dates of coverage).**

**VEHICLE**

Name of Insured: \_\_\_\_\_

Insurance Company: \_\_\_\_\_

Policy Limits: \_\_\_\_\_

Period of Coverage: \_\_\_\_\_

**VEHICLE**

Name of Insured: \_\_\_\_\_

Insurance Company: \_\_\_\_\_

Policy Limits: \_\_\_\_\_

Period of Coverage: \_\_\_\_\_

**GENERAL LIABILITY**

Name of Insured: \_\_\_\_\_

Insurance Company: \_\_\_\_\_

Policy Types: \_\_\_\_\_

Period of Limits: \_\_\_\_\_

Period of Coverage: \_\_\_\_\_

**GENERAL LIABILITY**

Name of Insured: \_\_\_\_\_

Insurance Company: \_\_\_\_\_

Policy Types: \_\_\_\_\_

Period of Limits: \_\_\_\_\_

Period of Coverage: \_\_\_\_\_

**ATTACHMENT "C"**  
**LIST OF VEHICLES**

**NAME OF COMPANY** \_\_\_\_\_

**OPERATES THE FOLLOWING NUMBER OF VEHICLES IN ONONDAGA COUNTY:**

| <u>LICENSE PLATE NO.</u> | <u>YEAR</u> | <u>MAKE</u> | <u>TYPE</u> | <u>VEHICLE ID</u> |
|--------------------------|-------------|-------------|-------------|-------------------|
| 1. _____                 | _____       | _____       | _____       | _____             |
| 2. _____                 | _____       | _____       | _____       | _____             |
| 3. _____                 | _____       | _____       | _____       | _____             |
| 4. _____                 | _____       | _____       | _____       | _____             |
| 5. _____                 | _____       | _____       | _____       | _____             |
| 6. _____                 | _____       | _____       | _____       | _____             |
| 7. _____                 | _____       | _____       | _____       | _____             |
| 8. _____                 | _____       | _____       | _____       | _____             |
| 9. _____                 | _____       | _____       | _____       | _____             |
| 10. _____                | _____       | _____       | _____       | _____             |
| 11. _____                | _____       | _____       | _____       | _____             |
| 12. _____                | _____       | _____       | _____       | _____             |
| 13. _____                | _____       | _____       | _____       | _____             |
| 14. _____                | _____       | _____       | _____       | _____             |
| 15. _____                | _____       | _____       | _____       | _____             |
| 16. _____                | _____       | _____       | _____       | _____             |
| 17. _____                | _____       | _____       | _____       | _____             |
| 18. _____                | _____       | _____       | _____       | _____             |
| 19. _____                | _____       | _____       | _____       | _____             |
| 20. _____                | _____       | _____       | _____       | _____             |

## **EXHIBIT "A" TO LOCAL LAW NO.1 OF THE YEAR 2000**

### **PURPOSES OF LOCAL LAW NO. 1 OF THE YEAR 2000**

#### **1. Introduction.**

Local Law No. 1 of the Year 2000 is being adopted in furtherance of reducing the amount of solid waste and conserving of recyclable materials through the use of waste-to-energy as the preferred waste disposal alternative for all solid waste generated within the Town, which is to be disposed of within New York State. This Local Law No.1 of the Year 2000 shall not regulate or otherwise restrict any disposal of solid waste generated within the Town that is to be disposed of, out-of- state or any handling of any recyclable materials separated from the rest of the solid waste in accordance with Onondaga County Source Separation Law. The goals of Local Law No. 1 of the Year 2000 and the alternatives to achieve the goals are set forth below. The impacts of Local Law No. 1 of the Year 2000 on interstate disposal of solid waste are addressed below and are hereby determined to be incidental and outweighed by the benefits to be achieved.

#### **2. Goals to be Achieved.**

The Town desires to realize the following benefits through designation of a waste to energy facility for all solid waste generated in the Town, which is to be disposed of within New York State:

- (a) Achieve reductions in waste volume;
- (b) Lessen contamination risk associated with the disposal of waste in landfills and reduce the potential for future Town liabilities arising from the disposal of waste in landfills;
- (c) Track destination of waste;
- (d) Maximize recycling to supplement the existing source separation law and reduce amount of waste to be disposed;
- (e) Remove hazardous and radioactive wastes from the waste stream;
- (f) Use waste to generate electricity and thereby conserve natural resources (fossil fuels);
- (g) Promote composting; and
- (h) Foster compliance with New York State Solid Waste Management Act and the New York State and Onondaga County Solid Waste Management Plans.

#### **3. New York State and Onondaga County Priorities.**

- New York State Waste Priorities. In 1988 the State of New York enacted a New York State Solid Waste Management Act to ensure the proper management of solid waste. The Act established a statutory hierarchy of solid waste management priorities as follows:
  - first, to reduce the amount of solid waste generated;
  - second, to reuse material for the purpose for which it was originally intended or to recycle material that cannot be reused;

- third, to recover, in an environmentally acceptable manner, energy from solid waste that can not be economically and technically reused or recycled; and
- fourth, to dispose of solid waste that is not being reused, recycled or from which energy is not being recovered, by land burial or other methods approved by the New York State Department of Environmental Conservation.

**These priorities are incorporated in New York Environmental Conservation Law Section 27-0106(l) (a-d).**

- Onondaga County Source Separation Law. In 1989, the Onondaga County Legislature enacted Local Law No. 12 of 1989 known as the Onondaga County Source Separation Law. The local law mandated that all designated recyclable materials be separated from the rest of the solid waste and sent to a material recovery facility ("MRF") for recycling. In Onondaga County all homeowners and businesses must recycle. A hauler may take recyclable materials to a MRF of its choice, whether in-state or out-of-state, as long as the materials are ultimately recycled.
- Onondaga County Waste Management Plan. The New York State Solid Waste Management Act authorized governmental planning units to adopt local solid waste management plans to achieve the goals of the Act (see Environmental Conservation Law § 27-0107). The 1988 New York State Solid Waste Management Plan in Section B-35 recommended that municipalities in New York State take immediate steps to develop environmentally acceptable facilities to manage the solid waste generated within their jurisdiction. In December 1991 Onondaga County adopted a Comprehensive Solid Waste Management Plan ("County Plan") that was subsequently approved by the New York State Department of Environmental Conservation on November 6, 1992 pursuant to Environmental Conservation Law Section 27-0107. The County Plan, which applies to municipalities within the County, such as ours, and which we hereby adopt and accept herein, chose waste-to-energy operated by the Onondaga County Resource Recovery Agency ("OCRRA") as the preferred waste disposal alternative (Cf. Environmental Conservation Law Section 27-0106).

**4. Benefits of County Plan and Waste to Energy Alternative.**

- Lessen Contamination and Future Liability. Waste-to-energy facilities are a safe and sanitary alternative to land filling. Landfills retain a future threat of contamination as well as potential future legal liabilities arising from the burial of solid waste.
- Tracking of Waste. The County Plan also provides a benefit in allowing the County to track the destination of waste and promoting countywide coordination of waste management.
- Reduction in Waste Volume. Reduction in waste volume is another environmental benefit of the waste-to-energy disposal process. The waste-to-energy process leaves a residue for burial that has been reduced by 90% in volume and 75% in weight in comparison to the original waste. As a result, the ash byproduct of the waste-to-energy process consumes less landfill space than conventional solid waste disposal through dumping waste directly into landfill cells and covering the waste with soil cover. It is estimated that the County's

waste- to-energy process saves approximately 600,000 cubic yards of landfill space annually in a state where over 4 million tons of solid waste have to be exported annually out of state. The ash residue generated by OCRRA's facility has been tested annually by an EPA process and shown to be non-toxic.

- Electricity Generation. Energy generation from burning solid waste provides revenue and conserves natural resources by reducing the need to burn fossil fuels to generate electricity.
- Compliance with New York State Solid Waste Management Act and County PI. The use of the waste-to-energy process is in compliance with the State's solid waste hierarchy and the County Plan.

## **5. Alternative Waste-to-Energy Facilities.**

Alternatives. It is our finding that there are only two commercially available waste-to-energy disposal facilities proximate to our municipality and located within New York State. Both the American ReFuel facility near Niagara Falls, New York and the OCRRA facility ("Onondaga Facility") have records of being generally compliant with their State emissions permit requirements.

OCRRA Benefits. The Onondaga Facility has environmentally beneficial programs uniquely associated with it that include the availability of a vigorous recycling program and other environmentally sound solid waste management practices:

- • Only the Onondaga Facility has a requirement in its operating permit that 40% or more of the waste that could be processed at the facility ("processables") must be recycled.
- • Only the Onondaga Facility dedicates a substantial portion of its tipping fee revenues to support community-based recycling programs. As a result, communities using the Onondaga Facility have achieved recycling rates of over 65% of the solid waste stream among its municipal users. Since the Onondaga Facility opened in 1994, OCRRA, which markets the facility's capacity, has utilized over \$4 Million of its tipping fee revenues to support recycling in its users communities. The Onondaga Facility has received both state and national awards including:
  - EPA Environmental Excellence Award 1995
  - NYS Governor's Award for Waste Reduction and Recycling 1997
  - National Recycling Coalition "Best Urban Community Award" 1998
  - Solid Waste Association of North America Integrated Solid Waste Management Excellence Silver Award 1999
  - U.S. Conference of Mayors Outstanding Commercial Recycling Program 2000
- • This commitment to recycling of a significant portion of tip fee revenues from the Onondaga Facility has resulted in user communities achieving a recycling participation rate of 98% among households within those municipalities and more than 90% among businesses.
- • Tip fee revenues from the Onondaga Facility have been used to remove and properly dispose of over 5,000 55-gallon drums and cubic yard boxes of household hazardous waste.

- • Tip fee revenues from the Onondaga Facility have been used to fund a paint recycling program in Onondaga County with almost 4,000 gallons of paint recycled per year.
- • Tip fee revenues from the Onondaga Facility have been used to fund a battery collection/recycling program in Onondaga County that recycles and diverts over 56,000 pounds of batteries annually.
- • In addition to separating out and properly disposing of household hazardous waste, paint and batteries, the Onondaga Facility has radiation detection monitors that screen out radioactive waste from the solid waste stream, again, for proper separate disposal at a designated secure facility. In the first five years of the Onondaga facility's operation, 96 radioactive detections in the solid waste stream were addressed. These radioactive items are removed from the general waste stream and then disposed or otherwise handled in accordance with federal and state law.
- • The Onondaga Facility also supports a solid waste hotline that advises homeowners and businesses about proper waste recycling and disposal in Onondaga County. In 1999 alone this hotline fielded over 48,600 calls from County residents.
- • Tip fee revenues from the Onondaga Facility have supported two yard waste composting sites which have contributed to the recycling of yard waste into over 3,000 tons of mulch and compost which is then given away free to the public to promote environmentally friendly fertilizer. These materials are not sent to the Onondaga Facility thereby dramatically reducing nitrous oxide emissions to New York's environment. Prior to being given away, the compost is tested to ensure that contaminants are not present. This composting program diverts these materials from simply being disposed in a landfill and unnecessarily using available landfill space and furthers the state's environmental policies by a reuse and recycling of materials that would otherwise be land filled.
- • The Onondaga Facility has provided free disposal for trash and garbage picked up along public roads, parks, etc. during Earth Day cleanup of municipalities in Onondaga County. In 1999 some 136,000 pounds of such litter was accepted for disposal thereby helping the cleanup of public areas in the County.
- • The Onondaga Facility has safely processed over 1.5 million tons of solid waste since 1995. In Section S-7 of the 1988 NYS DEC Solid Waste Management Plan it was stated that "DEC has concluded that emissions from a properly designed and operated waste-to-energy facility, using state-of-the-art pollution controls, should not significantly or unacceptably increase risks to human health and the environment". The Onondaga Facility has installed over \$15 Million in environmental controls and emissions scrubbers and annual emission tests are reported to the community on a publicly accessible internet website. On March 14, 2000 County Health Commissioner, Dr. Lloyd F. Novick, M.D., MPH, announced the results of a comprehensive, detailed five-year study (1994 -1999) by the Health Department which confirmed the DEC's 1988 conclusion and which showed no evidence that the Onondaga Facility had any impact on the environment or was the source of any contaminants of any health significance.

- The Onondaga facility uses solid waste as a fuel, thereby generating electricity for the local power grid. This conversion of solid waste for use as an energy fuel results in a very significant utilization of resources of materials that would otherwise be landfilled. In 1999, alone, the Onondaga Facility generated over 210,000 megawatts of electricity, which, if generated by an oil fired plant, would be equivalent to burning some 330,000 gallons of oil, a resource whose shortages resulted in skyrocketing gasoline prices in 2000.

## **6. Other Alternatives.**

- Neither the American ReFuel waste-to-energy facility near Niagara Falls nor any commercial landfill in New York provides the substantial environmental benefits summarized above. It is these environmental benefits that encouraged our municipality to become a member of the Onondaga County Solid Waste Management System and that forms the basis for designating the Onondaga Facility as the Approved Disposal Site in New York State. This finding is not meant to restrict haulers in any way from utilizing any out-of-state disposal facility for solid waste disposal or from using any facility, whether in-state or out-of-state, for the processing of recyclables collected from households, businesses or industries in our community.

## **7. Independent Analysis.**

**Findings:** The Town of Clay has determined that portions of Local Law No. 2 of the Year 1992 may in fact be unenforceable due to recent case law decisions. The proposed changes will not have a negative environmental effect because there will be no change to existing procedures or practices. Furthermore, the Town of Clay wishes to comply with the revisions recommended by the Onondaga County Resource Recovery Agency.

## **8. Impact on Interstate Commerce.**

The designation of the Onondaga Facility as the approved disposal site in New York State does not create any differential treatment of in-state and out-of-state economic interests that benefits in-state and burdens out-of-state interests. Said Local Law does not regulate or otherwise restrict any disposal of solid waste generated within the Town that is to be disposed out-of-state.

Said Local Law also does not regulate or otherwise restrict the handling of any recyclables generated within the Town. A hauler may take recyclable materials to a MRF of its choice, whether that MRF is located in New York State or out-of-state, as long as the materials are ultimately recycled.

The impact, if any, on other solid waste facilities by the provisions of this Local Law is limited to facilities in New York State. Whatever may be such incidental in-State impacts are far outweighed by the benefits of the integrated waste system established by Onondaga County pursuant to the requirements and goals of the State and County Solid Waste Management Plans and the New York State Solid Waste Management Act that ensures disposal in accordance with strict environmental standards and compliance with the State waste hierarchy and fosters increased recycling and reuse of waste materials.

125-A.1



5. (City local law concerning Charter revision proposed by petition.)

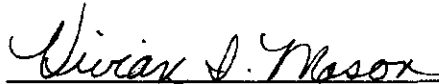
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 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 one....., above.



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

VIVIAN I. MASON, TOWN CLERK OF THE TOWN OF CLAY

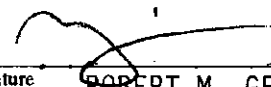
Date: December 12th, 2000

(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 ONONDAGA

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.

  
Signature ROBERT M. GERMAIN, TOWN ATTORNEY

Town Attorney  
Title

~~County~~  
~~City~~ of CLAY  
Town  
~~Village~~

Date: DECEMBER 12TH, 2000