

County of Tioga

Local Law No. 1 of the Year 1989.

A Local Law regulating the disposal of solid waste at unapproved sites.

Be It Enacted by the Legislature of the County of Tioga as follows:

***SECTION 1: INTEREST***

It is the intent of this Local Law to protect and promote the health, safety and welfare of the inhabitants of the County of Tioga and to regulate and control the disposal of solid waste within the County of Tioga pursuant to Sections 226-b, 263, 264 of the County Law and other applicable laws.

***SECTION 2: DEFINITIONS***

As used in this Local Law, the following terms shall have the meanings indicated:

- a) **Person:** Any individual or individuals, public or private corporation, company, partnership, or copartnership, association, firm, trust, estate, limited partnership or any other legal entity.
  
- b) **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 discarding or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water carried material or substances and those in gaseous form.
  
- c) **Solid Waste Management Facility:** Any facility employed beyond the initial solid waste collection process, including but not limited to recycling centers; transfer stations; baling facilities; rail haul or barge haul facilities; processing systems, including resource recovery facilities or other facilities for reducing solid waste volume; sanitary landfills; plants and facilities for compacting, composting or pyrolization solid waste; incinerators; and other solid waste disposal, reduction or conversion facilities.

**SECTION 3:**

No person shall dump or otherwise dispose of any solid waste on any county roads or other owned, leased or otherwise controlled property of any kind of the County of Tioga, including but not limited to streets, roads, highways, sidewalks, bridges, lands, culverts, sluices, gravel pits, driveways, building and other structures, streams or bodies of water, or recreation areas, except at a solid waste management facility operated by or under the authority of or in contract with the County of Tioga or the Solid Waste Commission of Tioga County.

**SECTION 4: PENALTIES FOR OFFENSES**

a) Any violation of this Local Law shall constitute a violation as defined in the Penal Law, punishable by a maximum fine of two hundred fifty dollars (\$250.00) or by imprisonment for not more than fifteen (15) days, or by both. Each day's continued violation shall constitute a separate additional offense or violation.

b) Notwithstanding the above, the County Legislature of the County of Tioga may also, at its option, maintain an action or proceeding in the name of the County in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of the rules and regulations of this Local Law.

**SECTION 5: SEVERABILITY**

If any clause, sentence, paragraph, section, article of part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 6: EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State of New York.

(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 1989 of the (County) of Tioga was duly passed by the Tioga County Legislature on February 14, 1989 , in accordance with the applicable provisions of law.

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.

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.

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.

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 , become operative.

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\*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.

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:

(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 Tioga

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

Title

County of Tioga

City

Town

Village

Date: