

County of Tioga

Local Law No. 8 of the Year 1991.

A Local Law amending Local Law 1 of the year 1983 regarding Toxic and Hazardous Materials.

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

SECTION 1:

Section 117, Permit to Operate and Construct and Modify Storage Facilities, Subsection B, is hereby amended to change "Tioga County Public Health Service" to "Tioga County Health Department".

SECTION 2:

Section 117, Subsection B(3) is hereby amended as follows:

3. The permit fee schedule shall be:

A. Operational Permit Fee

1. Initial Permit (Conditional or Operational)

- a. 2,000 gallons or less stored \$300.00
- b. More than 2,000 gallons stored \$900.00

2. Operational Permit Fee after first year

- a. 2,000 gallons or less stored \$180.00
- b. More than 2,000 gallons stored \$550.00

3. New Construction and Modification Permit Fee

- a. If less than 10% change in facility \$125.00
- b. If 10% or more change in facility \$350.00

SECTION 3:

Section 117 is hereby amended to add a new Subsection "E" to read as follows:

E. In the event that any facility or individual is found to have caused an adverse effect to the environment by a release as described in Section 119(A), registration of the site shall be mandatory. An annual registration fee of one thousand (\$1,000.00) dollars shall be charged until the release has been remediated. Application for said registration shall be made within thirty (30) days after notification.

SECTION 4:

Section 120, Enforcement, is hereby amended to change "Tioga County Public Health Service" to "Tioga County Health Department" in subparagraph B; and increasing the penalty from \$250.00 to \$500.00.

SECTION 5:

Section 123, Exemptions, Subsections "B" and "D" are hereby amended to read as follows:

B. All fuel oil and gasoline storage, if such facilities are presently registered and in compliance with NYS DEC regulations.

D. Any materials specifically intended for agricultural use stored at the point of usage.

SECTION 6: SEVERABILITY

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any court or agency 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, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 7:

This Local Law shall be effective immediately upon filing with the Secretary of State.

(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. 8 of 1991 of the (County) of Tioga was duly passed by the Tioga County Legislature on December 30, 1991, 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 on 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.

*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: