

**Local Law Filing**

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 underling to indicate new matter.

**County**~~City~~ of Yates~~Town~~~~Village~~**Local Law No. 2 of the year 1971 .**

**A local law to provide for licensing and regulating commercial refuse collectors in the use of County operated sanitary landfill sites.**

(Insert Title)

**Be it enacted by the Board of Supervisors of the**

**County**~~City~~ of Yates as follows:~~Town~~~~Village~~

## Section 1. Legislative Intent

The purpose of this Local Law is to protect the public health, welfare and safety by licensing and regulating commercial refuse collectors in connection with their use of sanitary landfill sites, which are located within the County of Yates and operated, directly or through contract agreements, by the County of Yates.

## Section 2. Legislative Authority

This Local Law is enacted pursuant to the provisions of Section 226-b of the County Law of the State of New York, as amended.

## Section 3. Short Title

This Local Law shall hereafter be known and cited as the "Yates County Commercial Refuse Collector License Law".

## Section 4. Definitions

For the purpose of this Local Law, the following terms shall have the meanings indicated:

- a. Ashes shall mean the residue resulting from the burning of wood, coal, coke or other combustible material.
- b. Bulky items shall include any large non-decomposable items that cannot be compacted and covered in a sanitary landfill by ordinary means, using conventional equipment, and shall include large tree stumps, large household appliances, demolition materials, excluding discarded vehicles and chassis.
- c. Commercial Refuse Collector shall mean any person, firm or corporation engaged in the business or refuse collection and disposal, for hire within the County of Yates.
- d. County shall mean the County Of Yates.
- e. Garbage shall mean all animal and vegetable wastes resulting from the handling, processing, preparation, cooking or consumption of foods.

- f. Refuse shall mean all decomposable and non-decomposable solid wastes including, but not limited to, garbage, rubbish, trash, ashes, bulky items incinerator residue, street sweepings and offal.
- g. Rubbish shall include glass, metal, paper, plant and tree growth, wood or other non-decomposable solid wastes.
- h. Sites shall mean any sanitary landfill area, within the County and operated by the County, either directly or indirectly by agreement with the operator, for the disposal of refuse.
- i. Trash shall mean leaves, brush branches, lawn rakings, household appliances, and furniture, solid industrial wastes, and demolition and builders' wastes other than "bulky items".
- j. Vehicle shall mean every device, if in working order, in, upon, or by which any person or property is or may be capable of being transported or drawn upon a highway, except devices moved by human power or used upon stationary rails or tracks.

#### Section 5. License

- a. No vehicle, owned or operated by a commercial refuse collector, shall be permitted to dispose of refuse at any site unless the commercial refuse collector shall obtain a license in accordance with this law.
- b. A certificate, indicating such vehicle to be licensed, shall be located on the inside lower right-hand corner of the front windshield.
- c. Application forms, licenses and certificates may be obtained from the Yates County Treasurer, and upon payment of the fee required hereunder, by cash or certified check. Each license and certificate shall expire on the 31<sup>st</sup> day of May next following the date of issue.
- d. Even though more than one vehicle may be owned by a commercial refuse collector, a license and certificate must be obtained for each vehicle.
- e. The annual license fee shall be an amount equal to \$.30 per hundred pound, or part thereof, based upon gross maximum weight for each vehicle being licensed, and licenses and certificates shall be issued in the name of the registered owner of the vehicle. No license or certificate shall be transferable to another owner, but a license and certificate may be transferred to another vehicle of the same owner after first obtaining the approval of the Yates County Treasurer, by notation on the license, and paying any additional license fee which may result from the second vehicle having a greater gross maximum weight than the vehicle originally licensed.

#### Section 6. License Regulations

- a. Prior to obtaining a license for any vehicle, a commercial refuse collector must file with the Yates County Treasurer a statement on form to be provided by the County Treasurer, indicating the townships, within the County of Yates, where such collector shall be used in the collection of refuse. There must also be indicated the prices to be charged each classification of customer to be served by such collector within the township where the vehicle is to be operated in collecting refuse. In the event that there is a change in the town or township in which the vehicle is to be used for refuse collection, or if there is a change in the charge to be made to any classification of customer within any township, an amended statement reflecting such change is to be filed with the Yates County Treasurer with in five (5) days of such change.

- b. No commercial refuse collector shall charge any customer of the same classification, within any one township, at a different rate than another customer of the same classification within the same township.
- c. Any commercial refuse collector collecting refuse within a township, must provide refuse collection service to any other person within the township, requiring and paying for the same, except that the commercial refuse collector shall not be required to provide service to any residence so located that there are not at least four (4) other occupied residences within one (1) mile thereof.
- d. The Application to be filed with the Yates County Treasurer shall contain a certification by the refuse collector to the effect that at least 90% of any load of refuse disposed of at any site shall constitute refuse collected within the County of Yates.
- e. All vehicle licensed under this local law shall be adequately enclosed or covered so as to avoid loss of refuse while operating on the public highways.

#### Section 7. Revocation

The Yates County Treasurer shall have the authority to revoke or suspend for a period of not less than sixty (60) days, any license and certificate for violations of any of the provisions of this Local Law, upon giving five (5) days written notice by registered mail, to the commercial refuse collector who is the owner and operator of the vehicle, the license and certificate of which is being revoked. Within three (3) days thereafter, the commercial refuse collector shall surrender such license and certificate to the County Treasurer. The license and certificate for all vehicles owned and operated by a single commercial refuse collector may be revoked for violation of the regulation respecting charges to the same classification of customer within a single township.

#### Section 8. License Review Board

The Chairman of the Yates County Board of Supervisors shall appoint a License Review Board, consisting of not less than three (3) nor more than five (5) persons, none of whom shall, directly or indirectly, have any interest in a commercial refuse collection business. It shall be the duty of the License Review Board, upon the written notice of any commercial refuse collector, to review any decision of the County Treasurer revoking or suspending any license and certificate issued under this Local Law. Within ten (10) days of receiving such written request, the License Review Board shall hold a hearing at which the Commercial refuse collector making the request may be present, with any representative of his choice, and such other witnesses as either the Board or the collector may wish to be present. Within ten (10) days of such hearing the License Review Board shall make a written finding of facts and determination, one copy of which shall be filed with the County Treasurer and the Clerk of the Board of Supervisors and one copy of which shall be mailed to the commercial refuse collector who requested such hearing.

#### Section 9. Publication of Rates

The County shall have the right, from time to time, to cause to be published, at County expense, the Statement of the rate of charge to be made by commercial refuse collectors.

#### Section 10. Validity

If any section, sub-section, paragraph, clause, sentence or phrase of this Local Law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion

shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 11. Effective Date

This Local law shall be effective on the 1<sup>st</sup> day of July 1971.

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

(1)

**(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. 2 of 1971 of the (County)(City)(Village) of Yates was duly passed by the Board of Supervisors on May 24, 1971, 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 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ (Elective Chief Executive Officer\*) 20\_\_, 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 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ (Elective Chief Executive Officer\*) 20\_\_. 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 \_\_\_\_\_ 20\_\_, 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 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ (Elective Chief Executive Officer\*) 20\_\_. Such local law was submitted to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_, 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 countywide basis or, if there are 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.**

**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 20\_\_ 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 \_\_\_\_\_ 20\_\_, 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 20\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_1\_\_, above.

Martha Marchionda \_\_\_\_\_  
Clerk of the County legislative body, city, Town or Village Clerk  
Or officer designated by local legislative body

(Seal)

Date: May 28, 1971

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

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.

John Scheridan  
Signature

County Attorney \_\_\_\_\_  
Title

County  
~~City~~ of Yates  
~~Town~~  
~~Village~~

Date: 5/28/71