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Mr. Monroe, Norfolk, discussed this resolution and people at the plant calling him and asking questions about the Solid Waste Disposal Authority (SWDA). Mr. Monroe said the people of this County are nervous and believe that SWDA is going bankrupt.

Mr. Morrill called the question to close debate, seconded by Mr. Smith, and carried by a voice vote with fourteen (14) yes votes and one (1) Legislator absent (Nichols).

By a roll call vote, resolution number 83-95 failed with four (4) yes votes (Morrill, Moore, McFaddin, and Darmody), ten (10) no votes, and one (1) Legislator absent (Nichols).

RESOLUTION NO. 84-95

ADOPTING LOCAL LAW NO. 4 FOR THE YEAR 1995
AS AMENDED

By Mr. FitzRandolph, Chairman, Finance Committee

WHEREAS, a public hearing has been held on regarding Local Law D (No. 4) for the year 1995, and

WHEREAS, prior notification of such local law was provided to the members of the St. Lawrence County Legislature,

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 4 for the year 1995 is hereby adopted.

* * *

Mr. FitzRandolph moved to adopt resolution number 84-95, seconded by Mr. MacKinnon.

Mrs. Carey moved to amend Section 6 of Local Law No. 4 by deleting the words: "Solid Waste Department," seconded by Mr. Greenwood and Mr. Wilson, and carried by a voice vote with fourteen (14) yes votes and one (1) Legislator absent (Nichols).

By a roll call vote, resolution number 84-95 was carried with fourteen (14) yes votes and one (1) Legislator absent (Nichols).

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LOCAL LAW NO. 4 FOR THE YEAR 1995
AMENDING ST. LAWRENCE COUNTY'S LITTERING LAW
(LOCAL LAW NO. 1 FOR THE YEAR 1993)

§ 1. Title

This local law shall be known as and may be cited as the "Solid Waste Disposal Law of St. Lawrence County."

§ 2. Statement of Legislative Findings and Intent

The open, rural nature of the County makes it an attractive location within which to attempt the unpermitted disposal of solid wastes. The St. Lawrence County Board of Legislators finds that littering and illegal dumping of solid waste on public and private lands adversely affects the public health, safety and welfare. These practices infringe on private property rights and shift the burden of waste disposal to those not responsible for the creation of the solid waste. Littering and illegal dumping can create highway hazards, detract from the enjoyment of public and private lands by creating unsightly conditions, and encourage the spread of vermin and disease. Solid waste deposited in bodies of water can pollute public water supplies. Illegal disposal may adversely impact existing private property values and the tax base and may render areas of the County less desirable for new residential and economic development. Cleaning up illegal disposal sites can be technically difficult and expensive.

The purpose of this local law to prohibit the illegal disposal of litter or solid waste onto private or public property, including waterways.

This local law shall not apply to either recycling or the legal, on-site disposal of solid waste produced on that property by the owners of single family residential properties, farms, and commercial sawmills or utility right-of-way, be it by burial, burning, composting or other legal method, as allowed under Environmental Conservation Law.

§ 3. Statutory Authority

This local law is enacted pursuant to the general police powers granted local governments in Article 9, Section 2(c) of the Constitution of the State of New York and in New York State Municipal Home Rule Law, Section 10 (1)(a)(11) to protect and enhance the well-being and safety of the citizenry and to protect and enhance the physical and visual environment. Further, this local law is enacted pursuant to Article 27, Title 7 § 27-0711 of Environmental Conservation Law.

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§ 4. Applicability

This local law shall be applicable to all territory within St. Lawrence County, New York.

§ 5. Definitions

For the purposes of this Local Law the following terms, phrases, words and their derivatives shall have the meaning given herein. When consistent with the context, words used in the present tense include the future, words used in the singular number include the plural number and masculine pronouns include the feminine. The word "shall" is always mandatory and not merely directory.

"Authorized Receptacle" is a litter storage and collection receptacle, clearly marked and/or intended for the purpose of waste collection.

"Composting" is biological decomposition or breakdown of the organic matter constituents of solid waste into a dark, humus-like material.

"County" shall refer to St. Lawrence County, New York.

"Disposal" is the final placement or treatment of solid waste without the intention of reusing or recycling any portion of the residue.

"Garbage" is putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"Litter" is "solid waste" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger or threat to public health, safety and welfare, detracts from the enjoyment of public and private lands, creates an aesthetic nuisance, and adversely impacts property values.

"Person" is any person, firm, partnership, association, corporation, company, municipality or organization of any kind.

"Private Property" is any real property or building, whether inhabited, uninhabited or vacant, and including yards, grounds, driveways, structures and other areas belonging to a person.

"Public Property" is any premises, street, road, right-of-way, trail, sidewalk, park, space, building and grounds, County Forest, State Forest or other area owned by and under the jurisdiction of a unit of government.

"Solid Waste" as used in this local law shall have the same meaning as the definition in 6 NYCRR Part 360, which includes putrescible and non-putrescible materials or substances that are discharged, including but not limited to garbage, refuse, industrial and commercial waste, sludges,

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rubbish, tires, ashes, incinerator residue, construction and demolition debris, discarded automobiles and offal.

"Vehicle" is every device in, upon, or by which any person or property is or may be conveyed upon a highway or other media, including waterways and airspace.

"Wet Weight" is the weight of litter when found as it lies without having been dried, combusted or evaporated in order to reduce the weight after its discovery.

§ 6. Litter on Public Property

No person shall throw or deposit litter on any public property or body of water contained within or passing through such property, except into authorized receptacles or at other locations specifically designated or provided for the collection of solid waste. It shall not be permitted to deposit household- or commercially-generated solid waste on public property, except at facilities designated for such use by the St. Lawrence County ~~Solid Waste Department~~/Solid Waste Disposal Authority.

§ 7. Litter from Vehicles

No person shall drive or move any vehicle on public roads within the County unless such vehicle is so constructed or loaded as to prevent any load, contents, litter or solid waste from being blown or deposited on public or private property.

§ 8. Litter in Lakes and Waterways

No person shall throw, allow to be thrown, or deposit litter or solid waste in any wetland, pond, lake, stream, river, reservoir, spring, well or other body of water within the County.

§ 9. Litter on Private Property

No person shall throw, allow to be thrown, or deposit litter on any private property within the County not belonging to that person or any other person, except as allowed under regulations promulgated pursuant to the New York State Public Health Law or the Environmental Conservation Law.

This Local Law shall not restrict the legal disposal of solid waste by the owner of a single family residential property or a farm, a commercial sawmill operation or utility right-of-way by methods such as burning, composting or burial, provided such disposal methods are permitted within the jurisdiction and that the solid waste has its origin on the property and is the result of activities by the property owner or utility right-of-way easement holder.

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§ 10. Penalties

A. General

Any person found guilty of violating any provision of this Local Law shall be subject to penalties set forth in this section. Penalties for littering and illegal dumping may be assessed separately from penalties for other infractions including trespassing, destruction of private or governmental property or other offenses. The County is not restricted from recovering court costs from the prosecution of cases under this Local Law.

In the event that a person shall be found guilty of violating this local law he shall be liable for civil penalties in the amount of reasonable attorney's fees, cost of expert witnesses, cost of performance of testing, and any other such reasonable and necessary costs associated with prosecution of the criminal action.

B. Classes of Penalties

In addition to the penalties listed in Section 10A, the following shall apply:

1. Persons littering by disposing of 20 pounds wet weight (9 kilograms) or less of solid waste shall be deemed to be in violation of this law, and shall receive a citation for such an offense. The violation shall be punishable by a fine only, plus the cost of any damages resulting from the littering, including the reasonable cost of analyzing and removing the litter and remediation of the site, as appropriate. The minimum fine shall be \$25.00 and the maximum fine \$250.00.
2. Persons littering by disposing of more than 20 pounds wet weight (9 kilograms), but less than 100 pounds wet weight (45 kilograms) of solid waste in violation of this law shall be deemed guilty of a violation as that term is defined by subdivision 3 of Section 10 of the Penal Law, punishable by a period of incarceration in the St. Lawrence County Correctional Facility of up to 15 days and/or a fine in an amount not less than \$50.00 and not to exceed \$500.00 plus the cost of any damages resulting from the littering, including the reasonable cost of analyzing and removing the litter and remediation of the site, as appropriate. Each occurrence of a violation shall constitute a separate offense.
3. Persons littering by disposing of 100 pounds wet weight (45 kilograms) or more of solid waste in violation of this law shall be deemed guilty of a Class B misdemeanor punishable by a period of incarceration in the St. Lawrence County Correctional Facility of up to 60 days and/or a fine of not less than \$100.00 and not to exceed \$1000.00 plus the cost of any damages resulting from the littering, including the reasonable cost of analyzing and removing the litter

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and remediation of the site, as appropriate. Each occurrence of a violation shall constitute a separate offense.

A violation under this subsection shall create a liability to the people of the County for a civil penalty not to exceed \$1000.00 to be assessed after a hearing or opportunity to be heard, upon due notice and with the right to specification of the charges and representation by counsel at such hearing.

Each occurrence of a violation of this local law shall constitute a separate violation for the purposes of civil liability.

If a person is found guilty of a violation of this local law under this subsection and it is the Court's judgement that remediation of the site is appropriate, the Court may require the posting of a cash or performance bond and/or the forfeiture of capital, goods and/or property or other assurance to secure compliance with such an order. Non-compliance with remedial orders shall result in disclosure of such non-compliance on the property deed.

§ 11. Enforcement

- A. The enforcement of this local law shall be the responsibility of the County of St. Lawrence, which shall have the authority to issue citations for violations. The prosecution of the violations shall be the responsibility of the County Attorney or the District Attorney. The County is authorized to request the County Attorney or the District Attorney to commence an action in any court of competent jurisdiction to enjoin any violation of this local law and/or to seek criminal and/or civil penalties for violation thereof, as stated in Section 10. The County may call upon the Sheriff's Department, the New York State Police or other law enforcement agencies to issue the necessary citations or for other assistance as necessary to enforce this local law.
- B. Upon receipt of a complaint by a property owner on whose private property littering has occurred or upon receipt of a complaint or report of littering being observed on either public or private property, the Solid Waste Disposal Authority shall investigate such complaint and maintain a record of same.
- C. The County Attorney is authorized to commence an action in any court of competent jurisdiction to enjoin any violation of this local law or to seek criminal and/or civil penalties for violation thereof.
- D. Revenues resulting from monetary penalties recovered pursuant to this Local Law shall be placed in a St. Lawrence County revenue account expressly established for the purpose of solid waste enforcement activities.

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§ 12. Conflicting Laws

All ordinances and local laws or parts thereof in conflict herewith are preempted by this local law provided, however, that the provisions of this law shall not be interpreted as obviating any requirements or restrictions wherever it is possible to conform with the provisions of both this law and any other law or ordinance.

§ 13. Severability

If any part or provision of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the remainder of this local law or the application thereof to other persons or circumstances shall not be affected thereby, and the County Board of Legislators hereby declares that it would have enacted this law without the invalid provision or application, as the case may be, had such invalidity been apparent.

§ 14. Effective Date

This local law shall take effect immediately upon compliance with the statutes of the State of New York.

RESOLUTION NO. 85-95

ADOPTING LOCAL LAW NO. 3 FOR THE YEAR 1995

By Mr. FitzRandolph, Chairman, Finance Committee

WHEREAS, a public hearing has been held on regarding Local Law C (No. 3) for the year 1995, and

WHEREAS, prior notification of such local law was provided to the members of the St. Lawrence County Legislature,

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 3 for the year 1995 is hereby adopted.

* * *

Mr. FitzRandolph moved to adopt resolution number 85-95, seconded by Mr. Wilson, and carried by a roll call vote with fourteen (14) yes votes and one (1) Legislator absent (Nichols).