

4 of 1979

A Local Law Regulating Use and Operation Of The Wellsville
Sanitary Landfill

adopted: 7-9-79

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
WELLSVILLE, NEW YORK AS FOLLOWS:

ARTICLE 1 - OBJECTIVE AND INTENT

The purpose of this Local Law is to promote the health, safety and welfare of the residents of the Townships of Wellsville and Andover, Allegany County, New York, to effect a cost control program and to facilitate compliance with environmental laws at the Wellsville landfill facility located on Snyder Road in the Townships of Wellsville and Andover.

The New York State Department of Environmental Conservation, pursuant to authorization of the Legislature of the State of New York, has imposed and put into effect strict regulations upon operators of landfill facilities. To comply with the regulations, operators must incur substantial capital and operating expenses. Operators are subjected to substantial penalties and fines for non-compliance with DEC requirements.

To help defray expenses, the Village of Wellsville has entered into agreements with the Town of Wellsville, Village of Andover and Town of Andover. These agreements provide for the sharing of landfill expenses and for the sharing of landfill use.

Since the landfill facility has a finite life expectancy, it is imperative that restrictions be placed on the use and availability of the landfill facility.

ARTICLE 2 - DEFINITIONS

A. PERSON - Includes an individual, society,

group, firm, partnership, association, corporation, and any municipal corporation.

B. REFUSE - Includes trash, litter, garbage and rubbish.

C. RUBBISH - Includes waste material, tin, cans, wire, ashes, cinders, glass, pottery and other substances of a solid, noncombustible nature.

D. GARBAGE - Includes waste food, papers, wood, lumber, plant life, or any other matter which shall be inflammable or capable of fermentation or decay.

E. HAZARDOUS WASTE - A solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or biological characteristics may:

1. cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

2. cause or significantly contribute to a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed.

Such wastes shall include but not be limited to wastes which are bioconcentrative, highly flammable, explosive, highly reactive, toxic, poisonous, radioactive, irritating, sensitizing, or infectious, and shall include wastes that are solid, semi-solid, liquid or contained gases. The final determination of whether or not a waste is hazardous shall be made by the Department of Public Works. Guidelines and regulations of the Department of Environmental Conservation shall be used by the Department of Public Works to aid in its evaluation and determination.

F. NON HAZARDOUS INDUSTRIAL WASTE - Wastes in liquid, semi-solid or solid form that result from industrial or commercial processes including but not limited to factories, processing plants and repair and cleaning establishments, which wastes include, but are not limited to, sludges, oils, solvents, spent chemicals, and acids. Reference is made to guidelines and regulation of the Department of Environmental Conservation.

G. REFUSE - Does not include:

1. Animal carcasses
2. Human body parts or pathological wastes
3. Raw sewage
4. Gunpowder, ammunition or other explosive material
5. Drugs and medication
6. Vehicles, automobiles, trucks, agricultural implements, car bodies, engine blocks
7. Hazardous waste
8. Non-hazardous industrial waste

ARTICLE 3 - LIMITATIONS ON USE

SECTION 1. Refuse only may be deposited at the Village landfill.

SECTION 2. No operators of cars, trucks or other vehicles conveying or transporting refuse are permitted on the landfill facility owned and operated by the Village of Wellsville unless:

A. There is conspicuously attached to such vehicle, in accordance with the rules and regulations of the Department of Public Works, a valid permit issued by or under the authority of the Department of Public Works of the Village of Wellsville, or

B. Such vehicle has obtained prior approval from or under the authority of the Department of Public Works. Such prior approval may be given upon such terms and conditions as may be determined by the Department of Public Works.

ARTICLE 4 - GEOGRAPHIC LIMITATIONS

No person shall dump, deposit, or otherwise leave at the landfill facility any material from outside the landfill service area, to-wit: the Town of Wellsville or the Town of Andover.

ARTICLE 5 - PERMITS

SECTION 1 Landfill permits are issued by or under the authority of the Department of Public Works of the Village of Wellsville and in accordance with its rules and regulations.

SECTION 2. No permit shall be issued to any person who resides outside the service area of the landfill, except to a commercial hauler of refuse who has an established route or otherwise provides refuse hauling services to other persons who reside within the service area. Such permits shall be issued in accordance with the rules and regulations of the Department of Public Works. Any such commercial hauler shall comply with all the provisions of this Local Law and any rules and regulations established hereunder.

SECTION 3. Non-permit holders seeking prior authority to haul or transport refuse to the landfill facility shall apply to the Department of Public Works. The Department may issue such authority upon such terms and conditions as it deems necessary.

Non-permit holders shall otherwise comply with all provisions of this Local Law and any rules and regulations established hereunder.

ARTICLE 6 - MATERIALS PROHIBITED WITHOUT PERMIT

No person, without the prior written consent of the Department of Public Works, shall deposit at the landfill any of the following:

- A. Animal Carcasses
- B. Human body parts or pathological wastes
- C. Raw sewage
- D. Gunpowder, ammunition or other explosive material
- E. Drugs or medication
- F. Vehicles, automobiles, trucks, agricultural implements, car bodies, engine blocks
- G. Hazardous waste

- H. Non-hazardous industrial waste
- I. Stolen property
- J. Firearms
- K. Items or materials used in the commission of an offense, as such term is defined by the Penal Law of the State of New York.

Consent may be given only in extraordinary circumstances, and then only if it is determined by the Department of Public Works--after review of the facts and circumstances--that the material referred to above will not, if deposited, pose a health danger or depart from the regulations of the Department of Environmental Conservation relating to landfill facilities.

ARTICLE 7 - COMPLIANCE WITH ORDERS, SIGNS & REGULATIONS

No person at or on the landfill shall fail to comply with any landfill sign, order or direction, or rule or regulation of the Department of Public Works, or of the person or persons present and in charge of the facility.

ARTICLE 8 - LIMITATIONS ON PERSONS DEPOSITING WASTE MATERIAL

No person shall deposit or cause to be deposited any substance of any kind in the refuse disposal and sanitary landfill area hereinbefore designated except at the places, times, and in the manner directed by the person in charge of said refuse disposal and sanitary landfill area, whether such direction is given personally, or by another person on behalf and under the authority of the operator of said refuse disposal and sanitary landfill area, or by signs or instruction erected upon the above-described site by and under the authority of the Village Department of Public Works.

ARTICLE 9 - LOADING REQUIREMENTS

All persons bringing waste material to the landfill shall secure the loads so as to prevent blowing or

disbursing of the load or materials therefrom except at the location authorized by the person in charge of the facility.

ARTICLE 10 PENALTIES

A. Any person who violates any provision of this Local Law or rule, regulation or order adopted pursuant thereto shall be guilty of a violation.

B. The violation shall be punishable as provided in the Penal Law.

C. Nothing herein shall preclude, in an appropriate case, the bringing of a charge of trespassing in violation of the Penal Law of for any other violation of the Penal Law.

ARTICLE 11 HEARING PROCEDURES ON PERMIT REVOCATION OR SUSPENSION

A. In the event that a person violating the provisions of this Local Law has previously been issued a permit or has otherwise been given authority to use the landfill facilities, then such permit or authority is subject to suspension or revocation.

B. Proceedings to suspend or revoke a permit or authorization to use the landfill facilities shall be commenced by written notice of charges sent to the permit holder by post-paid mail to the address of the permit holder on file in the office of the Department of Public Works.

C. Permit holders are responsible for any violations that may be committed by another person while using the motor vehicle to which the permit holder's permit is attached.

D. A person charged with a violation shall be notified of his right to a hearing within twenty (20) days of the mailing of the notice. The notice shall state the time and place of the hearing.

E. The hearing shall be held before a hearing officer (May also be a hearing panel) designated by the Mayor. A decision will be made by the hearing officer within three (3) business days, and the decision shall be made known by mail to the person charged within one (1) business day

therefrom.

F. Within fourteen (14) days of any decision of the hearing officer, upon request either by the person charged with the violation or upon the request of the Director of the Department of Public Works of the Village of Wellsville, the evidence and determination of the hearing officer shall be reviewed by the Village Board of Trustees. The Village Board may modify, affirm or reverse the findings and determinations of the hearing officer. Such review and decision by the Board of Trustees shall be made within seven (7) working days of the request for review.

G. Continued use or reinstatement of a permit may be granted upon conditions which may be specified by the hearing officer or by the Board.

H. In the event of flagrant violations, a permit may be summarily suspended by the Director of the Department of Public Works pending a hearing and determination. Notice of such suspension, together with a notice of hearing, shall be sent to the permit holder by mail.

ARTICLE 12 EVIDENCE

Mailing or delivery addresses or other such evidence that the waste items originated outside the collection area of the Towns of Wellsville or Andover shall be prima facie evidence of a violation of this local law.

ARTICLE 13 SCAVENGING PROHIBITED

Scavenging or otherwise removing material from the landfill facility is prohibited to any person without the prior written consent of the Department of Public Works.

ARTICLE 14 LOST PROPERTY

The Village of Wellsville shall not be responsible for any mistakenly or inadvertently deposited or otherwise mislaid items of property.

ARTICLE 15 DAMAGE OR INJURY TO PERSONAL PROPERTY

The Village of Wellsville shall not be responsible for any injuries to persons or property arising out of the use of the landfill facility, including damage to tires.

ARTICLE 16 RULES AND REGULATIONS

The Board of Trustees and the Director of the Department of Public Works are authorized to establish rules and regulations and cause signs to be erected to implement the intent and enforcement of this Local Law. Certified copies of such rules and regulations shall promptly be filed in the office of the Wellsville Village Clerk.

ARTICLE 17 SAVINGS CLAUSE

If any section, sub-section, paragraph, clause, phrase or provision of this Local Law shall be adjudged invalid or held unconstitutional, such determination shall not affect the validity of this Local Law as a whole, or any part or provision thereof, other than the part so adjudged to be invalid or unconstitutional.

ARTICLE 18 EFFECTIVE DATE

This Local Law will take effect immediately.