

Intro No. 30
Date 12/15/2022
Reviewed by RLS
Co. Attorney
Date 11/28/22

RESOLUTION
BROOME COUNTY LEGISLATURE
BINGHAMTON, NEW YORK

Sponsored by: County Administration, Public Works & Transportation and Finance Committees

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 5 OF 2022, ENTITLED: "A LOCAL LAW AMENDING CHAPTERS 317-26, 317-17 and 317-31 OF THE BROOME COUNTY CHARTER AND CODE"

WHEREAS, Commissioner of Solid Waste Management requests amendments to the Broome County Charter and Code, and

WHEREAS, said amendments address situations where banned materials are being mixed in with all garbage in violation of local law and New York State Department of Environmental Conservation regulations, now, therefore be it

RESOLVED, that Local Law Intro. No. 5 of 2022, entitled: "A Local Law Amending Chapters 317-26, 307-17 and 317-31 of the Broome County Charter and Code", be and the same hereby is adopted and approved in accordance with the Broome County Charter and Administrative Code and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 5 of 2022

"A Local Law Amending Chapters 317-26, 317-17 and 317-31
of the Broome County Charter and Code"

BE IT ENACTED, by the County Legislature of the County of Broome as follows:

Section 1 Chapter 317-26 is amended in part as follows:

§317-26 Source separation required

- D. Each and every waste hauler, public and private, providing waste collection services in the County of Broome shall be required to provide curbside **[or dropoff]** collection of source-separated recyclables for all units serviced by the hauler.

Section 2 Article II Solid Waste Management §317-17 Penalties for offenses is amended in part as follows:

§317-17 Penalties for offenses.

Any person who violates this article shall be guilty of an offense and subject to a fine of not more than \$500 and/or imprisonment for not more than 15 days and/or suspension or revocation of collecting, receiving, transporting and/or disposing privileges in conjunction with solid waste within the County of Broome. **In addition to the above, the violation of any section of this article shall be subject to a civil penalty of \$500 imposed immediately at the time of weigh out.** Each and every act of disposal committed which is prohibited by § 317-14 hereof shall constitute a separate violation of this article.

Section 3 Article IV Source Separation § 317-31. Penalties for waste haulers is amended in part as follows:

C. Violation of any section of this article shall be punishable by a fine not in excess of \$1,000 and/or revocation of the hauler's landfill user's permit, or any combination thereof. **The violation of any section of this article shall be subject to a civil penalty of \$500 imposed immediately at time of weigh out.** In addition, the violation of any section of this article shall be subject to a civil penalty imposed by the County to recover cost associated with enforcement and prosecution, including but not limited to reasonable attorney's fees, court costs and site cleanup costs, if applicable. And, in addition, Broome County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.

Section 4 This Local Law shall take effect upon filing with the Secretary of State.

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