

LOCAL LAW

INTRODUCTORY NO. 2-1, - 1987

LOCAL LAW NO. 1 - 1988

A LOCAL LAW INCREASING THE SALARIES OF SOME ELECTED COUNTY OFFICERS OR COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE

BE IT ENACTED by the County Legislature of the County of Herkimer as follows:

Section 1. The base annual salary of the County Administrator shall be the sum of Thirty-Two Thousand, Seven Hundred and Ninety One Dollars (\$32,791).

Section 2. The base annual salary of the County Clerk shall be the sum of Twenty-Five Thousand, Nine Hundred and Fifteen Dollars (\$25,915).

Section 3. The base annual salary of the County Treasurer shall be the sum of Twenty-Five Thousand, Nine Hundred and Fifteen Dollars (\$25,915).

Section 4. The base annual salary of the District Attorney shall be the sum of Twenty-Six Thousand, Four Hundred and Three Dollars (\$26,403).

Section 5. The base annual salary of the Director of Real Property Tax Service Agency shall be the sum of Twenty-Seven Thousand, Four Hundred Five Dollars (\$27,405).

Section 6. The base annual salary of the Commissioners of the Board of Elections shall be the sum of Thirteen Thousand, Two Hundred Fifty-One Dollars (\$13,251).

Section 7. The base annual salary of the Manager of Data Processing shall be the sum of Twenty-Eight Thousand, Five Hundred and Twenty Two Dollars (\$28,522).

Section 8. The base annual salary of the Commissioner of Social Services shall be the sum of Thirty-Seven Thousand, Seven Hundred and Thirteen Dollars (\$37,713).

Section 9. The base annual salary of the Director of the Office for the Aging shall be the sum of Twenty-One Thousand, Seven Hundred and Ninety-Five Dollars (\$21,795).

Section 10. The base annual salary of the Fire Coordinator shall be the sum of Thirty-Eight Thousand, One Hundred Sixty Five Dollars (\$38,165).

Section 11. The base annual salary of the Superintendent of Highways shall be the sum of Thirty-Eight Thousand, One Hundred Sixty-Five Dollars (\$38,165).

Section 12. The Salary Schedule for the year 1988 shall include the annual longevity increments of \$250 after three years, \$500 after five years, \$500 after ten years and \$500 after fifteen years as they apply to each officer and employee listed in Section 1, Section 5 thru 9, and Section 11.

Section 13. The Salary Schedule for the year 1989 shall include the annual longevity increments of \$500 after three years, \$1,000 after five years, \$1,000 after fifteen years, as they apply to each officer and employee listed in Section 1, Section 5 thru 9 and Section 11.

Section 14. This Local Law shall take effect forty-five days after its adoption.

Dated: December 21, 1987.

Adopted: February 4, 1988.

LOCAL LAW

INTRODUCTORY NO. ~~3~~ - 1987

LOCAL LAW NO. 2-1988

A LOCAL LAW AMENDING LOCAL LAW NO. 1 FOR THE YEAR 1971, AS LAST AMENDED BY LOCAL LAW NO. 3 OF 1985, INCREASING THE ALLOWABLE INCOME FOR REAL PROPERTY OWNERS TO QUALIFY FOR AN EXEMPTION FOR ANYONE WHO IS 65 YEARS OR OVER

BE IT ENACTED by the County Legislature of the County of Herkimer as follows:

Section 1. Local Law No. 1 for the year 1971, as last amended by Local Law No. 3 for the year 1985, entitled, "A Local Law to Provide for the Exemption from Taxation by the County of Herkimer to the Extent of Fifty Percentum of the Assessed Valuation of Real Property Owned by One or More Persons 65 Years of Age or Over, or Real Property Owned by Husband and Wife, one of Whom is 65 Years of Age or Over," is hereby amended to read as follows:

Section 2. No exemption, as described in Section 1 hereof, shall be granted in the event that the income of the owner or the combined income of the owners of the property for the tax year immediately preceding the date of making application for exemption exceeds the sum of \$9,000.

Section 3. This Local Law shall take effect forty-five days after its adoption.

Dated: December 21, 1987.

Effective: February 4, 1988.

LOCAL LAW
 INTRODUCTORY NO. 1 - 1988
 LOCAL LAW NO. 3 - 1988

A LOCAL LAW AUTHORIZING LEASE OF COUNTY OWNED PROPERTIES

BE IT ENACTED by the Legislature of the County of Herkimer as follows:

Section 1. After a determination by the Legislature that a parcel of real property is not required for public use, such parcel, or portion of a parcel, may be leased in the discretion of the Legislature as follows:

- A. In accordance with the provisions of Section 215 of the County Law of the State of New York; or
- B. At private lease, without requiring bids therefore, for such term as the Legislature may determine, upon such terms and conditions as may be prescribed by the Legislature and in the same manner and with the same rights and privileges as if owned by an individual.

Section 2. This Local Law shall take effect immediately.

Dated: April 18, 1988.

Effective: April 18, 1988.

(NOTE: The above Local Law was rejected by Dept. of State as being subject to permissive referendum and was repassed by the Legislature by the Legislature on May 25, 1988 and deemed duly adopted on July 11, 1988).

LOCAL LAW
 INTRODUCTORY NO. 1-2 for 1988
 LOCAL LAW NO. 3 for 1988

A LOCAL LAW AUTHORIZING LEASE OF COUNTY OWNED PROPERTIES

BE IT ENACTED by the Legislature of the County of Herkimer as follows:

Section 1. After a determination by the Legislature that a parcel of real property is not required for public use, such parcel, or portion of a parcel, may be leased in the discretion of the Legislature as follows:

- A. In accordance with the provisions of Section 215 of the County Law of the State of New York; or
- B. At private lease, without requiring bids therefore, for such term as the Legislature may determine, upon such terms and conditions as may be prescribed by the Legislature and in the same manner and with the same rights and privileges as if owned by an individual.

Section 2. This Local Law shall take effect forty-five days after its adoption.

Dated: May 25, 1988.

Adopted: July 11, 1988.

LOCAL LAW
INTRODUCTORY NO. 2 - 1988
LOCAL LAW NO. 4 - 1988

A LOCAL LAW FOR THE COLLECTION AND DISPOSITION OF SOLID WASTE INCLUDING GARBAGE, RECYCLABLES, CONSTRUCTION AND DEMOLITION DEBRIS, APPLIANCES, FURNISHINGS, YARD WASTE, HOUSEHOLD HAZARDOUS WASTE, AND FARM HAZARDOUS WASTE

BE IT ENACTED by the Legislature of the County of Herkimer:

Section 1. Definitions

(a) "Solid Waste" means all putrescible and non-putrescible solid wastes, including, but not limited to, materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as a manufacturing by-products, including, but not limited to, garbage, refuse, industrial, commercial and agricultural waste sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics or hazardous waste promulgated by the Commissioner of Environmental Conservation.

(b) "Garbage" means putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and/or serving of foods.

(1) "Household Garbage" originates primarily in home kitchens.

(2) "Commercial and Industrial Garbage" originates primarily in stores, markets, restaurants and other places where food is stored, prepared, and/or served; and the term shall also include all non-hazardous and non-toxic wastes which are not commercial and industrial by-products.

(c) "Hazardous Waste" includes pesticides and containers used for pesticides, used motor oil, automobile batteries, vehicular tires and all other materials, determined now or in the future to be hazardous by state or federal rule, regulation and/or statute.

(1) "Household Hazardous Waste" originates primarily in the home.

(2) "Farm Hazardous Waste" originates primarily on farms and/or results from farming activities.

(3) "Commercial and Industrial Hazardous Waste" originates primarily from commercial and industrial activities.

(d) "Yard Waste" means grass clippings, leaves, cuttings and other debris from shrubs, hedges and trees. "Garbage", "Recyclable Material", and "Construction and Demolition Debris" shall not be construed to include "Yard Waste".

(e) "Construction and Demolition Debris" means waste resulting from construction, remodeling, repair and demolition of structures, road

building, and land clearing. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree and brush stumps.

(f) "Major Appliances" means a large and/or bulky household mechanism (as a refrigerator, washer, dryer, stove, etc.) ordinarily operated by gas or electric current.

(g) "Large Household Furnishings" means all other large and/or bulky articles actually used in the home and which equip it for living (as chairs, sofas, tables, beds, carpets, etc.)

(h) "Recyclable Material" means any material designated, from time to time, by Herkimer County which, under any applicable law or regulation, is not hazardous and which is separated from the waste-stream and held for its material recycling or reuse value.

(i) "Recyclable Commercial and Industrial By-products" includes all materials which are a by-product of production utilized in production or sale by a commercial enterprise or industrial enterprise.

(j) "Recyclers" means those persons who deal with recyclable material as collectors, separators and/or marketers. This definition includes not-for-profit corporations and charitable corporations which collect recyclables for fund raising purposes.

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(k) "Source Separation" means the segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

(l) "Vehicular Tires" means tires from cars, trucks, domestic, recreational and farm vehicles.

(m) "Person" means any owner or owners of residential property, individual head of household, landlord, Chief Executive Officer, owner or manager of a commercial or industrial establishment.

(n) "Legislature" means the Herkimer County Legislature or for the purpose of this Local Law only, a Committee of the Legislature, or an employee or officer of the County of Herkimer designated by the Legislature to perform duties under this Local Law and/or the regulations adopted pursuant thereto.

Section 2. Preparation of Garbage and Recyclable Material for Residential Collection.

In order to provide for public health and safety and to facilitate the conservation of vital natural resources, each city, town and/or village within the county shall provide for the collection of solid waste and recyclable material. Each municipality shall provide by January 2, 1990, to the Legislature a plan for approval to provide for such collection, which plan shall include the schedules required by Sections 4(a), 5(a) and 7(a) of this Local Law. Such plan must demonstrate that regular, reliable collection of solid waste and recyclable material will be provided to each property which generates that material in that municipality.

The Legislature shall determine the schedule of implementation for collection of recyclable material in the County. If the Legislature has designated an employee, officer or committee, as provided in this Local Law, the determination shall be subject to approval by the Legislature.

After the schedule of implementation has been imposed in an area of the County and becomes effective by its terms, no person shall dispose of garbage or recyclable or nonrecyclable material except as follows:

(a) In order to facilitate the conservation of vital natural resources through recycling: Each person shall provide for the separation of recyclable material in a suitable container or containers as authorized by the Legislature or as provided by the County of Herkimer or any public authority contracting with said County.

(b) In order to further facilitate the conservation of vital natural resources through recycling: Discarded newspapers, glass and metals shall be separated from other nonrecyclable material and placed in authorized containers. The particular requirements for separation shall be established by the Legislature.

(c) After placement of garbage and of recyclable materials at the roadside or other designated area approved by the Legislature by a person for collection in accordance herewith, such garbage and recyclable material shall be delivered to the appropriate facility designated by the Legislature. It shall be a violation of this Local Law for any person

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without authority from the Legislature to collect, pick up, remove or cause to be collected, picked up or removed any garbage or recyclable material placed at the roadside or other designated area and each such collection, picking up, or removal from one or more premises shall constitute a separate and distinct offense in violation of this Local Law. A person may dispose of their recyclables by selling or donating the same to recyclers, but these recyclables may not be picked up at the roadside.

(d) It shall be a violation of this Local Law for any person to place at the roadside or other designated area for collection any can or container other than one which contains only garbage or recyclable material, except under regulations established by the Legislature.

(e) Tipping fees if necessary for the collection, handling and disposal of recyclables shall be established by the Legislature.

Section 3. Public Sale of Recyclables.

(a) In order to facilitate the sale of recyclable material, the Legislature shall request letters of interest from recyclers expressing their willingness to purchase recyclable material from the County. A list of interested parties shall be established.

(b) Prior to the sale of recyclable material, recyclers appearing on the list will be notified and given specifications with regard to available recyclable material for sale.

(c) In the event that recyclers bid on said recyclable material, it shall be required that said bid be written and delivered to the Legislature

in accordance with the specifications set forth by the Legislature. In the case of awarding a bid, the highest bid price from a responsible bidder will be accepted. The Legislature, however, retains the right to reject all bids and authorize a rebidding.

(d) All sales of recyclables collected and separated shall be subject to bid. It shall be a term and condition of all bids for recyclables collected under this local law that the material purchased will be recycled and not landfilled or burned or otherwise not recycled.

Section 4. Preparation of Residential, Commercial and Industrial Construction and Demolition Debris and disposal of the Same.

(a) Each city, town and/or village within the county shall provide a schedule for the collection of residential, commercial and industrial construction and demolition debris. Such material which is recycled or reused for construction shall not be regulated by this Local Law.

(b) Said debris shall be disposed of at the Demolition Debris Disposal Site or other suitable site as designated by the Legislature under the terms and conditions established by the Legislature.

(c) Tipping fees or other charges for the handling and disposal of residential, commercial and industrial and construction debris shall be established and modified by the Legislature as needed from time to time.

Section 5. Preparation of Residential Yard Waste and Disposal of the Same.

(a) Each city, town and/or village within the county shall provide a schedule for the collection of residential yard waste.

(b) Said yard waste shall be composted either by the County of Herkimer at a site or sites designated by the Legislature or at sites approved by the Legislature operated by cities, towns or villages. Where allowed by law or regulation, this section shall not prohibit private composting of yard waste.

(c) Tipping fees or other charges for the handling and disposal of residential yard waste shall be established and modified by the Legislature as needed from time to time.

Section 6. Disposal of Commercial and Industrial Garbage and Recyclables.

(a) All commercial and industrial waste collected by either municipal haulers or private haulers shall be delivered to the appropriate facility designated by the Legislature.

(b) All commercial and industrial recyclables designated for disposal at a County facility shall be packaged and collected in a manner designated by the Legislature, and delivered to a facility designated by the Legislature.

(c) Tipping fees and other charges for the handling and disposal of commercial and industrial garbage and recyclables shall be established and modified by the Legislature as needed from time to time.

(d) The materials collected by the metal industry and Recyclable Commercial and Industrial by-Products collected by recyclers shall be exempt from this Local Law. Any waste tendered for municipal collection by commercial and industrial enterprises shall not include such recyclables.

(e) Recyclable industrial and commercial by-products may be sold or donated by an industrial and/or commercial enterprise to any scrap metal enterprise or recycler. However, said materials cannot be placed at the curbside for collection by said scrap metal enterprise or recycler.

Section 7. Disposal of Major Appliances, Large Household Furnishings and Vehicular Tires

(a) Each city, town and/or village within the county shall provide a schedule for the collection of and disposal of major appliances, large household furnishings and vehicular tires.

(b) Said major appliances, large household furnishings and vehicular tires shall be disposed of by delivery to a site or sites designated by the Legislature or at sites approved by the Legislature operated by city, towns or villages.

(c) Tipping fees or other charges for the handling and disposal of major appliances and tires shall be established and modified by the Legislature as needed from time to time.

Section 8. Preparation of Residential Hazardous Waste for Collection and Disposal of the Same.

(a) All household hazardous waste and farm hazardous waste shall be placed in a container determined by the Legislature.

(b) Household hazardous waste and farm hazardous waste shall be delivered to such facility as the Legislature shall designate.

(c) Tipping fees or other charges for the handling and disposal of residential hazardous waste shall be established and modified by the Legislature as needed from time to time.

Section 9. Rules and Regulations

(a) All rules and regulations imposed for the purpose of implementing the provisions of this Local Law shall be adopted or approved by the Herkimer County Legislature.

(b) Before adopting or approving such rules and regulations the Committee on Solid Waste of the Herkimer County Legislature, or such other committee as shall be designated, shall hold a public hearing upon at least five (5) days notice to consider the proposed rules and regulations. Such notice shall be published one time in the official newspapers of the County and mailed by regular mail to the supervisors of all the towns and the mayors of the city and villages in the County.

(c) Said rules and regulations shall not become effective until thirty (30) days after adoption or approval by the Herkimer County Legislature. During such thirty (30) day period the Legislature shall, by such means it deems proper, publicize the said rules and regulations.

Section 10. Enforcement: Penalties

Any person who violates any provision of this Local Law, including any rule or regulation issued pursuant thereto, shall be guilty of an offense punishable by a fine of Fifty Dollars (\$50.00), and in addition thereto, shall be liable to pay a civil penalty of Fifty Dollars (\$50.00); for a second violation within one year of the first violation shall be guilty of an offense punishable by a fine of One Hundred Dollars (\$100.00), or by imprisonment for up to Fifteen (15) days, or both, and in addition thereto, shall be liable to pay a civil penalty of One Hundred Dollars (\$100.00); for a third and each subsequent violation shall be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00), or more than Five Hundred Dollars (\$500.00), or by imprisonment for up to Thirty (30) days, or both, and in addition thereto, shall be liable to pay a civil penalty of One Thousand Dollars (\$1,000.00). Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation.

Section 11. Implementation:

This local law shall be implemented throughout the County of Herkimer no later than eighteen (18) months from the date said Local Law becomes effective. The Clerk shall forthwith notify each municipality in the County when the Local Law shall be effective in that municipality.

Section 12. Severability:

If any part of this ordinance is found to be illegal by a court of competent jurisdiction, the remaining sections shall remain in full force and effect.

Section 13. Effective Date: September 28, 1988.

This Local Law shall take effect immediately.

Dated: September 28, 1988.

Effective: September 28, 1988.