

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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 underlining to indicate new matter.

County

~~City~~ X

of Dutchess

~~Town~~ X

~~Village~~ X

~~XXXX~~ X

Local Law No. 4 of the year 2000.

A local law Amending Local Law No. 1 of 1984, A Local Law Regulating Solid Waste
(Insert Title)

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County

~~City~~ X

of Dutchess

~~Town~~ X

~~Village~~ X

as follows:

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. LEGISLATIVE DETERMINATION AND FINDING

It is determined by the Dutchess County Legislature that it is appropriate to take steps to discourage or prevent the infiltration of solid waste hauling industry by undesirable or possible criminal elements. The Legislature, therefore, in the best interest of the people and businesses of the County, determines that a thorough review of the possible criminal background, character and fitness of those applying to the Dutchess County Commissioner of Solid Waste Management for Private Hauler licenses to engage in the Disposal of Solid Waste in Dutchess County is required and justified.

SECTION 2.

Section 4 of Local Law No. 1 of 1984 is hereby amended to provide the following additional language at the end thereof:

When an application for a Private Hauler license is filed pursuant to the Rules and Regulations of the Dutchess County Department of Solid Waste Management (the "Rules and Regulations"), the Commissioner of Solid Waste Management (the "Commissioner") shall inform the Dutchess County Sheriff (the "Sheriff") of that filing and shall instruct the Applicant in the procedure required for the Commissioner to obtain a criminal history record check of the

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

Applicant and its Principals through the New York State Division of Criminal Justice Services (the "Division"). The Applicant shall comply with all state, federal and local requirements necessary to authorize the Sheriff or other law enforcement official designated by the Commissioner to take fingerprints, and for the Commissioner to obtain criminal history record information about the Applicant and others as provided in the Rules and Regulations, including paying all necessary fees and executing all necessary consents. Upon receipt of the fingerprints from the Sheriff or other law enforcement official designated by the Commissioner, and the necessary fees from the Applicant, the Commissioner shall submit the fingerprint cards and appropriate fees directly to the Division for identification processing. The results of the Division's search shall be received by the Commissioner, and only the Commissioner or the Commissioner's designee may review the criminal history record information received from the Division.

Except as provided in Article 23-A of the New York Correction Law, Applicants who have been convicted under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. §1962) or of Enterprise Corruption under the New York Organized Crime Control Act (Section 460.20 of the New York Penal Law), as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction, and those Applicants who have been convicted of attempt or conspiracy to commit such crimes or criminal facilitation or solicitation of the commission of such crimes, shall be disqualified from receiving a Dutchess County Private Hauler license. Further, except as provided in said Article 23-A, an Applicant may also be denied a Private Hauler license if it or any of its Principals have been convicted of other crimes or engaged in behavior which is determined by the Commissioner, after applying the standards and procedures set forth in the Rules and Regulations as they may be amended from time to time, to demonstrate a lack of good character, honesty or integrity.

Any Applicant which has been notified that the Commissioner intends to refuse to issue it a Dutchess County Private Hauler license as the result of the provisions of this Section shall be entitled to a hearing on such refusal in accordance with the established Rules and Regulations of the Department.

SECTION 3. EFFECTIVE DATE.

This local law shall take effect pursuant to law and shall be effective for all applications for licenses commencing January 1, 2000.