

(Please Use this Form for Filing your 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~~ of Duanesburg
~~Town~~
~~Waste~~

Local Law No. 1 of the year 19 89

A local law REGULATING THE DUMPING OF REFUSE WITHIN THE TOWN OF DUANESBURG AND THE
(Insert title)
USE OF THE TOWN OPERATED SANITARY LANDFILL.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~Town~~ of Duanesburg as follows:
~~Waste~~

SECTION I- LEGISLATIVE INTENT:

The Town Board of the Town of Duanesburg finds it necessary for the preservation of health, safety, good conduct and appearance of the Town to regulate the dumping of refuse and garbage within the Town of Duanesburg and to regulate the use of its sanitary landfill.

SECTION II - DEFINITIONS:

For the purpose of this Local Law the terms, phrases, and words used herein shall be as defined in the New York State Sanitary Code or if not defined therein shall have the meaning ordinarily given thereto. They shall be given the construction provided for in the General Construction Law of the State of New York.

SECTION III - PROHIBITION AGAINST DUMPING

The dumping, storing or placing of waste materials, rubbish, demolition materials and/or garbage on any lands in the Town of Duanesburg is hereby prohibited other than at Town authorized landfills. The accumulation, transportation, or placing of organic waste materials intended solely for agricultural or horticultural purposes shall be exempted for the provisions of this Local Law.

SECTION IV - OPEN HOURS OF THE SANITARYLANDFILL:

The Town sanitary landfill shall be open on such days and times as the Town Board shall provide by resolution which dates and times shall be posted at or near the entrance of said site. No person, corporation or governmental agency shall deposit waste, garbage, or refuse in said landfill at any other days or times than as is provided for herein except with the express written permission of the Town Board. It is a violation of this Local Law to dump or deposit waste, garbage, or refuse outside the gates of the sanitary landfill in the event that said landfill is closed.

SECTION V - REFUSE, GARBAGE AND WASTE ACCEPTED:

Only that refuse, garbage and waste as is generated and

(If additional space is needed, please attach sheets of the same size as this and number each)

accumulated in the Town of Duaneburg or from such other areas as may be granted access to said sanitary landfill by the Town Board, either by resolution or by written contract, shall be accepted. No such refuse or waste shall be accepted which contains burning or smoldering substances, hazardous or toxic substances, or demolition debris, except for a small amount of wood, lumber or scraps from renovation projects.

SECTION VI - AUTOMOBILES AND MOTOR VEHICLES, WHITE WARE:

No person shall carry or leave or cause to be carried or left within the said sanitary landfill any junk automobile, vehicles, motorcycles, turcks or junk cars, either as a whole or dismantled, or any parts thereof, with the exception of tires. White ware defined as regrigerators, washers, dryers, water heaters, and etc. shall not be accepted unless express written permission is obtained from the Town Board and material is left in a Town designated area.

SECTION VII - CONDUCT AT THE SANITARY LANDFILL:

No person shall deposit waste in the sanitary landfill except in conformity with this Local Law and no person shall engage in conduct adversely affecting the quiet, efficient operation of the landfill or enter the landfill site for a purpose other than the purpose of the deposit of waste as heretofore provided. Hunting or shooting within or across the landfill site is expressly prohibited. Dump picking is absolutely prohibited.

SECTION VIII - REMOVAL AND TRANSPORTATION:

No person, firm, corporation, or governmental agency shall remove, transport or permit the removal or transportation of any offensive or toxic materials within the Town of Duaneburg, except in such a manner or by such conveyance as will prevent the creation of a nuisance or the loss or discharge of such material in any public place. All such material shall be so handled and covered so it cannot escape or be accessible to rodents, flies, or other insects or create a nuisance.

SECTION IX - RIGHTS OF THE TOWN DECLARED:

This Local Law shall not prohibit the establishment by the Town Board of a public dump, sanitary landfill, or construction and demolition disposal area owned and operated by the Town from time to time. No lands other than those dedicated by the Town of this purpose shall be used as a dumping ground, refuse disposal area or a landfill site in the Town of Duaneburg, County of Schenectady, New York.

SECTION X - DUMP OR SANITARY LANDFILL CONSTRUCTION:

No person, firm, corporation or other governmental authority or agency shall establish a public or private dump, sanitary landfill or refuse disposal area for private or public use within the Town of Duanesburg, unless express permission is granted by the Town Board and the New York State Department of Environmental Conservation.

SECTION XI - ENFORCEMENT AND PENALTIES FOR VIOLATIONS:

- a. The Town Board shall have the direct responsibility for the operation of said sanitary landfill and may make by resolution such rules and regulations which are not inconsistent with this Local Law and which are necessary for the efficient operation of the sanitary landfill.
- b. The Town Board, in keeping within the Town's Budgetary appropriations, shall have the right to employ persons to operate said landfill and may prescribe their duties and responsibilities. Said employees may exclude any person from the use of the sanitary landfill who have violated the provisions of this Local Law or any of the rules and regulations promulgated by the Town Board.
- c. Any person, firm or corporation who shall violate any of the provisions of this Local Law or the rules and regulations promulgated thereunder shall be guilty of a violation and upon conviction of said violation shall be punished by a fine of not more than One Thousand (\$1,000.00) Dollars for each violation or by imprisonment in the County Jail for a term not to exceed thirty (30) days or both fine and imprisonment. Each violation of this Local Law or the rules or the regulations promulgated thereunder shall constitute a separate offense and each day of violation constitutes a separate offense and shall be punishable as such hereunder.
- d. In addition to the penalties heretofore provided, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this Local Law, and the Town may recover all associated expenses, costs and disbursements incurred in such a proceeding, including but not limited to reasonable attorney's fees.
- e. This Local Law may be enforced by the Town Code Enforcement Officer, State Police, Sheriff's Department, Environmental Conservation Officers as well as by citizen's complaint. Any individual has the prerogative of filing a complaint with any of the above mentioned enforcement agencies.

SECTION XII - RELATION TO STATE SANITARY CODE:

Nothing in this Local Law shall be construed to supersede the standards contained in the New York State Sanitary Code. In the event of any dispute regarding which standards are applicable, this Local Law shall be interpreted by any Court of competent jurisdiction so that the more stringent shall prevail.

SECTION XIII - SEVERABILITY:

In the event that any portion of this Local Law shall be declared invalid by a court of competent jurisdiction, such invalidity shall not be deemed to affect the remaining portions hereof.

SECTION XIV - EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State.

Be it enacted this 8th day of June, 1989 by the Town Board of the Town of Duaneburg of Schenectady County, New York to be effective immediately.

William H. Park
Supervisor

James M. Bortone
Councilman

Patrick J. Hildner
Councilman

Thomas A. Lawrence
Councilman

John W. Darvell
Councilman

ATTEST:

Debra M. St. Mark
Town Clerk

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1989.....
~~CORRECT~~
~~CITY~~ of Duanesburg was duly passed by Town Board of the Town of Duanesburg,
~~TOWN~~ ~~VILLAGE~~ (Name of Legislative Body)
on June 8 1989 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County of the City of was duly passed by
Village (Name of Legislative Body)
on 19..... and was approved by the
not disapproved Elective Chief Executive Officer
repassed after disapproval
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County of the City of was duly passed by the
Village (Name of Legislative Body)
on 19..... and was approved by the
not disapproved Elective Chief Executive Officer
repassed after disapproval
on 19..... Such local law was submitted to the people by reason of a mandatory referendum and received the affirmative vote of a majority of the qualified electors voting permissive general thereon at the special election held on 19....., in accordance with the applicable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County of the City of was duly passed by the on
Village (Name of Legislative Body)
..... 19..... and was approved by the on
not disapproved
repassed after disapproval Elective Chief Executive Officer
..... 19..... Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. ...1..... of 19 89... of the City of having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on the became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above:

Sheal M. Stewart
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer
designated by Local Legislative Body

Date: June 13, 1989

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ...SCHENECTADY.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Sheal M. Stewart
(Title of Officer)
~~COUNTY~~ of Duanesburg
~~TOWN~~
~~VILLAGE~~

Dated: June 13, 1989