

**LOCAL LAW NO. 3 OF 2023,
A LOCAL LAW REGULATING THE DISPOSAL OF SEWAGE SLUDGE**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF THURSTON, NEW YORK, AS FOLLOWS:

I. Title.

This Local Law shall be known as the “Sewage Sludge Disposal Law of the Town of Thurston.”

II. Authorization.

This Local Law is adopted under the authority of the New York State Constitution, Article I, Section 19 and Article IX, Section 2(c); Section 10 of the New York Municipal Home Rule Law; Section 130 of the New York Town Law; Section 10 of the New York State Statute of Local Governments; and Section 27-0711 of the New York Environmental Conservation Law, which together authorize towns to advance residents’ rights to clean air, clean water, and a healthful environment; act when public health and safety are threatened; and adopt local laws to govern the handling, storage, and disposal of solid waste.

III. Legislative Findings.

Environmental Rights, Public Health and Safety, and the Handling, Storage, and Disposal of Solid Waste.

- A. That the Environmental Rights Amendment set out at Article I, Section 19 of the New York State Constitution provides that “[e]ach person shall have a right to clean air and water, and a healthful environment.”
- B. That the Amendment seeks to ensure that the fundamental environmental rights of persons in New York State will be protected, even when State laws and regulations do not adequately protect these rights.
- C. That the Amendment was adopted, in part, as a response to incidents in which the State did not expeditiously or sufficiently address contamination of drinking water by per- and polyfluoroalkyl substances (PFAS).
- D. That, pursuant to Section 10 of the New York Municipal Home Rule Law, the Town of Thurston (Town) enjoys broad police powers to advance the health and safety of its residents, and by virtue of that authority, the Town may adopt local laws governing the handling, storage, and disposal of solid waste that are more stringent than the solid waste regulations promulgated by the New York State Department of Environmental Conservation (DEC).
- E. That, pursuant to the Environmental Rights Amendment and the Home Rule Law, the Town is authorized to advance its residents’ rights to clean air, clean water, and a healthful environment and to act when public health or safety is threatened.

- F. That the Town must refrain from enabling or facilitating actions that jeopardize its residents' fundamental rights or threaten public health or safety.
- G. That, consistent with this authority and responsibility, the Town will act to prevent contamination of its drinking water and to protect its residents from the health risks posed by PFAS and other pollutants, especially where the State has failed to do so expeditiously or sufficiently.
- H. That, in some circumstances, the land application of sewage sludge within the Town jeopardizes its residents' rights to clean air, clean water, and a healthful environment and threatens public health and safety.

PFAS Threaten Public Health and Safety.

- I. That PFAS are a large class of widely used, long lasting chemicals, which can take up to thousands of years to break down in the environment.
- J. That, because PFAS are long lasting and highly persistent, it is extremely difficult and expensive to control or reverse PFAS contamination once it occurs.
- K. That many PFAS bioaccumulate in people and animals, such that low-level exposures can build up over time in the bodies of people and animals.
- L. That scientific studies show that exposure even to low levels of PFAS is associated with significant harmful health effects in humans and animals, including cancer, developmental harm, reproductive harm, immune system toxicity, liver toxicity, thyroid toxicity, kidney toxicity, infant motor impairments, and non-alcoholic fatty liver disease.
- M. That people are continuously exposed to a range of different PFAS, including mixtures of PFAS, throughout their lifetimes, creating the potential for cumulative risks that worsen the threat to impacted individuals and communities.
- N. That food and drinking water are major sources of human exposure to PFAS.
- O. That scientific evidence demonstrates that fish and wildlife, including game species, may become contaminated with PFAS through contact with PFAS-contaminated air, water, soil, and food.
- P. That the consumption of PFAS-contaminated food, including fish and game, poses a risk to human health, such that multiple states and other authorities have warned people to avoid or limit consumption of potentially contaminated fish and game.
- Q. That PFAS contamination of a drinking water well can render that water unsafe for decades.
- R. That processes to remove PFAS from drinking water wells can be exorbitantly expensive and take decades.

Sewage Sludge Contains PFAS that Contaminate Soil and Water.

- S. That PFAS frequently are present in municipal and industrial wastewater, and therefore, PFAS-contaminated wastewater enters wastewater treatment plants (WWTPs).
- T. That conventional treatment methods at WWTPs do not remove or destroy PFAS. Instead, PFAS frequently persist throughout the treatment process and ultimately remain in sewage sludge, including both Class A and Class B biosolids.
- U. That scientific studies have documented the presence of PFAS in soils where sewage sludge has been land applied, and these studies have found certain PFAS in soils at concentrations ranging up to 483,000 parts per trillion (ppt).
- V. That crops can take up PFAS from contaminated soil, and PFAS have been detected in crops intended for human and animal consumption.
- W. That PFAS can leach from contaminated soil into groundwater, including groundwater used for potable water supply.
- X. That runoff containing PFAS can reach surface waters such as rivers and streams, exposing fish and wildlife to PFAS and further threatening drinking water.

Federal Regulators Recognize that PFAS in Sewage Sludge Pose Threats to Public Health and Safety.

- Y. That, in September 2020, the U.S. Environmental Protection Agency (EPA) presented research demonstrating that edible portions of crops grown in soil conventionally amended with municipal sewage sludge contained measurable levels of PFAS, including perfluorooctanoic acid (PFOA).
- Z. That, in November 2020, EPA held a stakeholder meeting concerning PFAS in biosolids at which the agency acknowledged that land application of sewage sludge creates multiple pathways for human exposure to PFAS, including ingestion of contaminated produce, beef, fish, milk, and drinking water.
- AA. That, in October 2021, EPA published a PFAS Strategic Roadmap in which it reiterated that land application of sewage sludge can lead to PFAS contamination in crops and livestock and committed to completing a risk assessment for PFOA and perfluorooctane sulfonic acid (PFOS) in biosolids by Winter 2024.
- BB. That, in December 2022, EPA recommended that WWTPs monitor influent, effluent, and biosolids for 40 different PFAS at least quarterly.
- CC. That, in March 2023, EPA proposed a rule that would set forth health-based maximum contaminant level goals for six PFAS in drinking water. This proposed rule established “zero” as the level of PFOA and PFOS in drinking water for which there are no known or anticipated negative health effects, allowing for a margin of

safety. The proposed rule also set out EPA's findings that the levels below which no health effects are expected are as follows for other PFAS: PFHxS, 9 ppt; PFNA, 10 ppt; and HFPO-DA (commonly referred to as GenX), 10 ppt.

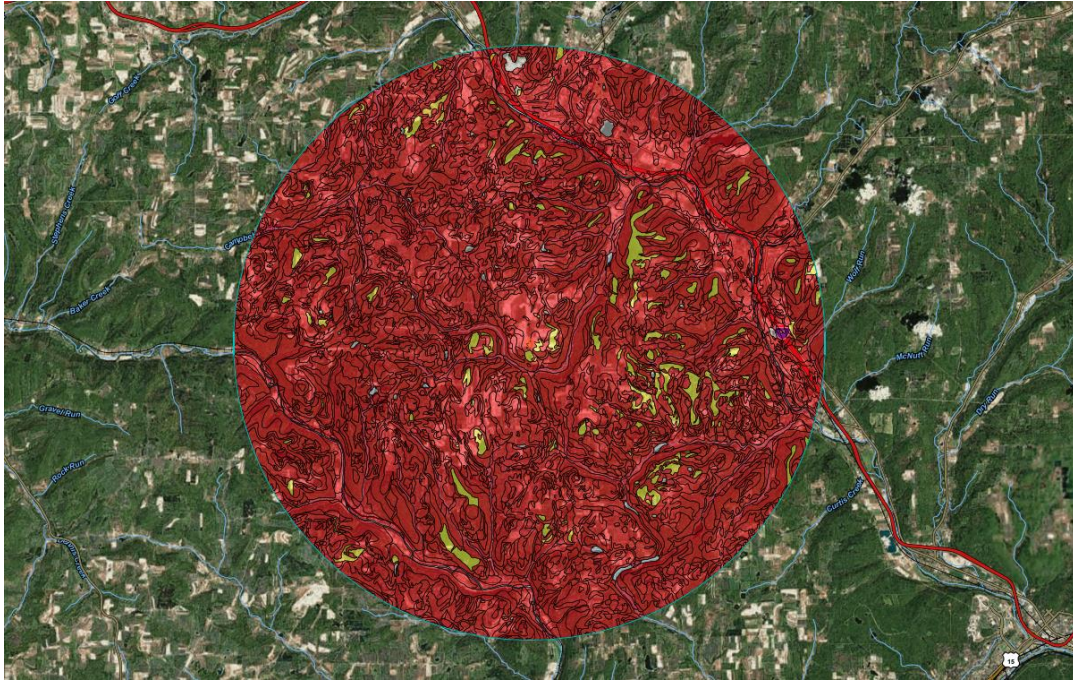
- DD. That federal regulations governing land application of sewage sludge will not adequately protect public health and safety at least until EPA completes its risk assessment and promulgates new standards to protect public health from exposure to sewage sludge containing PFAS.

DEC Regulation Relating to PFAS in Sewage Sludge and Sewage Sludge Land Application.

- EE. That, despite EPA's December 2022 recommendation, DEC does not require all WWTPs in New York State to monitor influent, effluent, and biosolids at least quarterly for the 40 different PFAS identified by EPA.
- FF. That, although DEC recently revised its State Pollutant Discharge Elimination System permit application for new and existing WWTPs to require monitoring data for these 40 PFAS, DEC will not require most WWTPs to complete an application for more than a decade, as a result of DEC's interpretation of its Environmental Benefit Permit Strategy. Moreover, DEC's revised application forms require only one-time monitoring, not quarterly monitoring, as EPA recommends.
- GG. That technology exists to remove PFAS from wastewater but to our knowledge no such proven technology is used at any WWTP in New York State.
- HH. That, in 6 NYCRR Part 361-2, DEC regulations set forth requirements governing the land application of sewage sludge in New York State, including certain soil testing, monitoring, and recordkeeping requirements for permitted facilities.
- II. That pursuant to those regulations, DEC allows land application of sewage sludge on all active farmland in New York State, irrespective of the soil type.
- JJ. That DEC regulations recognize risks to crops and livestock posed by land application of sewage sludge.
- KK. That DEC has promulgated an interim strategy addressing PFAS in biosolids that requires all facilities that accept biosolids to test for 40 PFAS by March 7, 2024.
- LL. That the interim strategy prohibits land application only if the level of two PFAS—PFOA and/or PFOS—exceed 50,000 ppt. If testing shows a level above 20,000, DEC will take steps one year later to restrict land application if the levels are not reduced to below that amount.
- MM. That DEC's interim strategy will remain in effect until 6 NYCRR Part 361 is revised to incorporate EPA's risk-based standards for PFAS in biosolids, meaning that 2025 is the earliest time at which DEC could promulgate sufficiently protective regulation of land application of sewage sludge.

Thurston-Specific Factual Findings

- NN. That, according to EJScreen, an environmental justice mapping and screening tool published by EPA, the five miles surrounding Bonny Hill, Town of Thurston, New York, rank in the 72nd percentile of New York State census tracts for high concentrations of low-income residents.
- OO. That, according to New York State, Bonny Hill straddles a Disadvantaged Community.
- PP. That, in July 2023, the Town of Thurston applied for a Community Development Block Grant, noting that 23.4% its “population is reliant on State and Federal Aid.”
- QQ. That, according to the Food Access Research Atlas published by USDA’s Economic Research Service, the Town of Thurston is designated as a low income and low access community, defined as a community containing census tracts where a significant number or share of residents is low-income and located more than 10 miles from the nearest supermarket.
- RR. That the Appalachian Regional Commission classifies Steuben County as a “transitional county” because it contains two “distressed areas,” defined as census tracts that have a median family income no greater than 67 percent of the U.S. average and a poverty rate 150 percent of the U.S. average or greater.
- SS. That the Town of Thurston is encompassed by census tracts, which are disproportionately impacted by a wide array of public health burdens, including Census Tract 36101961800, which has a higher rate of chronic obstructive pulmonary disease emergency department visits than 91% of other census tracts New York State; a higher rate of heart attack hospitalizations than 84% of other census tracts in New York State; and a higher percentage of residents without health insurance than 91% of New York State.
- TT. That many Thurston residents rely on local fish and game for food.
- UU. That many Thurston residents hunt deer whose range includes areas where sewage sludge has been land applied or where the land application of sewage sludge could be proposed in the future.
- VV. That many Thurston residents fish in rivers and streams near areas where sewage sludge has been land applied or where the land application of sewage sludge could be proposed in the future.
- WW. That, according to the USDA Natural Resources Conservation Service’s Web Soil Survey, which USDA considers its “single authoritative source of soil survey information,” 95.5% of land within a 7-mile radius of Bonny Hill, Town of Thurston, New York is rated as having “very limited” suitability for land application of municipal sewage sludge.



Source: USDA Web Soil Survey (demarcating in red land within a 7-mile radius of Bonny Hill, Thurston, New York with “very limited” suitability for land application of sewage sludge) (last visited September 28, 2023).

- XX. That, according to EPA’s EnviroAtlas geospatial mapping tool, the modeled estimates for percolation, surface runoff, downward movement of nitrogen leachate, and downward movement of phosphorus dissolved in surface runoff from agricultural lands in and around Bonny Hill, Town of Thurston, New York, exceed estimates for adjacent areas and rank well above average nationwide, indicating an increased risk that pollutants and toxic substances, including PFAS, in land applied sewage sludge will travel to local streams and groundwater, change the hydrology of local watersheds, and contaminate nearby well water.
- YY. That testing by Cyclopure, Inc. in March 2023 of water samples collected at 35 sites in the Town, as well as in the adjoining towns of Cameron and Bath, found certain PFAS at levels of greater than 1 ppt in eleven samples, all of which were collected from private drinking water wells located near areas where sewage sludge has been land applied. The four samples with the highest levels of PFAS showed total PFAS levels of 18.1, 14.9, 5.9 and 5.1 ppt.
- ZZ. That, despite requests from the Town, DEC has not expeditiously provided bottled water to Town residents concerned about PFAS contamination in private drinking water wells, collected and tested water samples for PFAS contamination, or taken any other action sufficient to protect the fundamental rights of these and other residents in light of unique conditions in the Town.
- AAA. That it is unknown what the future use of land upon which sludge is land applied in Thurston will be.

IV. Purpose.

It is the purpose of this Local Law to close gaps in existing State and Local laws, regulations, and ordinances governing sewage sludge disposal in the Town of Thurston so that persons in the Town may realize their fundamental rights to clean air, clean water, and a healthful environment; and to ensure that the health and safety of residents of the Town of Thurston are protected; taking into account the unique features of the Town including its topology, cumulative pollution burdens, and the vulnerabilities of persons who live, work, and recreate in the town.

V. Definitions.

Unless defined herein or the context otherwise requires, the terms and words used in this law shall have the same meaning as those defined in Article 27 of the Environmental Conservation Law and Title 6, Parts 360 to 364 and 617 of the New York Codes, Rules, and Regulations. As used in this Local Law, these terms and words shall be defined as follows:

6 NYCRR means Title 6 of the New York Codes, Rules, and Regulations.

Composting means aerobic decomposition of solid organic constituents of sewage sludge or other solid waste.

Breach means a failure by the County or a State Agency to prevent further land application of sewage sludge in violation of conditions described in Section VI or a failure by the County or a State agency to remediate damage as described in Subsections VII.A, VII.B, VII.C, and VII.D, within a reasonable period of time.

County means Steuben County, New York.

Consultation process means the Town's outreach to and communication with Steuben County, the New York State Department of Environmental Conservation, and the New York State Department of Health for the purpose of advancing public health and safety and the rights of residents enshrined in Article I, Section 19 of the New York State Constitution pursuant to Section IX of this Local Law. The consultation process shall last at least 30 days. The consultation process begins once the Town describes to the County and the two Departments the activity threatening the Town's water and environment, the person responsible for the activity, the location of the activity, the date or dates the Town became aware of the activity. During the consultation process, the Town shall ask the County and the two Departments whether they or any other state agency has the authority and the intent to prevent the activity from continuing within 30 days and to remediate damage to the Town's water and environment caused by the activity within a reasonable period of time.

DEC means the New York State Environmental Conservation Department.

Disadvantaged community means a community identified as disadvantaged pursuant to the criteria set forth in ECL section 75-0111.

Disposal means the placement, distribution, land application or other handling of sewage sludge, digestate, or wastewater treatment sludge.

ECL means the New York State Environmental Conservation Law.

Land application means the spraying, spreading, injecting, incorporating or otherwise applying sewage sludge onto the land surface, below the land surface, or into the soil such that the wastewater sludge can either condition the soil or fertilize crops or vegetation grown in the soil.

Other authority means the New York State Public Health Law or any other New York State Law, Local Law, ordinance, regulation, or legally binding the rule of any kind.

Person means any individual natural person, partnership, firm, association, business, industry, enterprise, public or private corporation, political subdivision of the state, government agency, municipality, estate, trust or any other legal entity whatsoever.

Prevailing party means a plaintiff or petitioner in a civil action authorized pursuant to Section VIII of this Local Law in whose favor a final judgment is rendered in whole or in substantial part.

Reasonable period of time means the time necessary to remediate the damage described in Subsections VII.A, VII.B, VII.C, and VII.D of this local law to the maximum extent possible if good faith efforts are made. The reasonable period of time shall be no longer than one year after the Town becomes aware of the contamination of water or soil by land application of sewage sludge in a manner proscribed by this Local Law, unless within one year of said contamination, the New York State Department of Environmental Conservation or Steuben County determine that, pursuant to the best available science, a longer period of time is necessary for remediation, provided that the reasonable period of time shall be no longer than five years.

Resident means an individual natural person whose primary residence is in the Town of Thurston.

Sewage means human excrement, industrial wastewater, storm water and other types of wastewater piped, trucked or otherwise conveyed to a wastewater treatment plant.

Sewage Sludge means any solid, semisolid or sludge-like material generated in a wastewater treatment plant by the treatment of sewage or industrial wastewater or otherwise derived from sewage or industrial wastewater or their byproducts. "Sewage sludge" shall be considered synonymous with "biosolids." Sewage sludge shall include material remaining or produced as a result of the anaerobic digestion of sewage sludge, the composting of sewage sludge, or the fermentation of sewage sludge.

State Agency means the New York State Department of Public Health, the New York State Department of Environmental Conservation, or any other New York State Agency.

Town means the Town of Thurston. Whenever this law refers to any action which is to be taken or authorized by the "Town," the provisions shall be deemed to refer to the Town Board unless otherwise specified.

Wastewater Treatment Plant means a facility that collects sewage and industrial wastewater and treats the sewage and industrial wastewater to remove certain contaminants.

VI. Conditions on the Land Application of Sewage Sludge Within the Town of Thurston.

The land application of sewage sludge shall be prohibited:

- A. Within 10 miles of a disadvantaged community; or
- B. Within 1000 feet of a potable water well where PFAS contamination has been documented; or
- C. In any place within the Town other than those identified in subparagraphs A and B, unless an independent expert on PFAS in sewage sludge, selected by the Town Board and paid for by the person proposing the land application of sewage sludge, certifies:
 - a. That the application will not cause any exceedance of any Environmental Protection Agency health advisory level, Environmental Protection Agency health-based water concentration, or Agency of Toxic Substances and Disease Registry minimal risk level, and
 - b. That the application complies with any applicable Environmental Protection Agency rules, standards, or recommendations concerning allowable levels of PFAS in sewage sludge, and
 - c. That the application will not cause any adverse effects to human health or the environment.
 - d. The expert shall grant or deny certification based on the submission of sufficient sampling data and other information by the person proposing the land application of sewage sludge.

VII. Penalties for Offenses.

A person who violates any of the provisions of this Local Law shall be liable for:

- A. Civil penalties equal to the cost of the removal of any solid or liquid waste disposed of in violation of this Local Law, and
- B. Civil penalties equal to the cost of the restoration of any land on which solid or liquid waste is disposed of in violation of this Local Law as nearly as possible to its former condition, and
- C. Civil penalties equal to the cost of remedying any effects of the violation of this Local Law on nearby properties or resources, including, without limitation, air, trees, crops, water bodies, wetlands and groundwaters, and

- D. Civil penalties equal to the cost of filtration of drinking water contaminated as a result of a person's violation of this Local Law as well as civil penalties equal to the cost of procuring and disbursing alternative sources of drinking water until said filtration system is functional, and
- E. Additional civil penalties of not less than five thousand dollars nor more than ten thousand dollars for the first offense and not less than ten thousand dollars nor more than twenty-five thousand dollars for the second and each subsequent offense.
- F. Funds raised through the collection of these civil penalties shall be spent first on remediating the abovementioned environmental damage. If any funds are leftover, the Town of Thurston shall spend the remaining funds to advance health, safety, and Article I, Section 19 of the New York State Constitution by remediating drinking water contamination elsewhere in the Town.

VIII. Enforcement.

- A. The Town of Thurston shall issue a stop-work order against any person in violation of this Local Law within 60 days of learning of the violation, if issuance of such a stop-work order would prevent further violations of said Local Law.
- B. Penalties provided for by this Local Law may be recovered in an action by the Town of Thurston in any court of competent jurisdiction. The Town of Thurston is also entitled to recover other relief, including an injunction, as the court may deem appropriate. In such an action, where the Town of Thurston is the prevailing party, the Town shall be entitled to recover: reasonable attorneys' fees and costs, including expert witness fees and other litigation expenses.
 - a. Prior to said court's issuance of a final judgment against the person alleged to be in violation of this Local Law, the Town of Thurston may enter into an agreement to waive civil penalties with said person so long as the person's payment of all remediation costs as described in Subsections VII.A, VII.B, VII.C, and VII.D of this Local Law plus one thousand dollars in civil penalties are a condition of said agreement.
- C. Any Town of Thurston resident shall also have the authority to enforce the provisions of this Local Law through an action brought in any court of competent jurisdiction.
 - 1. In such an action, if the resident is the prevailing party, said resident shall be entitled to recover: reasonable attorneys' fees and costs, including expert witness fees and other litigation expenses.
 - 2. A resident shall not enforce the provisions of this Local Law unless said resident provides 60 days written notice by certified mail to the person in violation of this Local Law, the Town of Thurston, Steuben County, the New York State Department of Public Health, and the New York State Department of Environmental Conservation setting forth the resident's allegation.

- a. The notice shall include sufficient information to permit the recipient to identify: the activity alleged to constitute a violation, the person responsible for the alleged violation, the location of the alleged violation, the date or dates the resident became aware of such violation, and the full name, address, and telephone number of the resident giving notice.
- b. If, within 60 days of submitting the notice, the person in violation of this Local Law cures the violation and provides the resident an express written statement that the violation has been cured and that no further violations shall occur, no action may be initiated against the person for such violation.
- c. If, within 60 days of submitting the notice, the Town of Thurston initiates its own enforcement action pursuant to Subsection VIII.B against the individual alleged to be in violation of this Local Law, or executes an agreement with said person pursuant to Subsection VIII.B.a, and provides the resident an express written statement that an enforcement action is underway, no action may be initiated by the resident against the person for such violation.
- d. Notwithstanding any of the preceding provisions of this section, no action by the resident may be initiated against the person alleged to be in violation, if, within 60 days of submitting the notice, Steuben County or a New York State Agency affirms in writing to the resident and the town that, pursuant to the New York State Environmental Conservation Law or other authority, the County or State Agency shall:
 - a. Prevent further violations of this Local Law by the person alleged to be in violation and
 - b. Ensure that the damage described in Subsections VII.A, VII.B, VII.C, and VII.D resulting from past violations of this Local Law by the person alleged to be in violation is remediated within a reasonable period of time.
- e. Notwithstanding Subsection VIII.C.d, the resident may enforce this Local Law against the person alleged to be in violation, if the County or the State Agency breaches its written affirmation, provided that the resident brings the enforcement action no sooner than one year after receiving the written guarantee from the County or State Agency.

IX. Coordination with State Law.

- A. The provisions of this Local Law shall be interpreted as consistent with state law, including all relevant sections of Article 27 of the ECL and 6 NYCRR, Parts 360 to

364 and 617, except to the extent that this Local Law imposes more stringent requirements.

- B. The Town has determined that land application of sewage sludge threatens the public health and safety and residents fundamental rights under Article I, Section 19 of the New York State Constitution in numerous ways, including but not limited to: increasing residents' risk of exposure to PFAS through contaminated drinking water; increasing residents' risk of exposure to PFAS through contaminated game and fish; increasing environmental harms associated with nutrient pollution in local waterways; and, increasing residents' risk of exposure to other harmful pollutants contained in sewage sludge, including heavy metals, pathogenic bacteria (including those resistant to antibiotics) and viruses.
- C. The Town has determined that several local conditions warrant standards that are more stringent than those set forth by state law. Those local conditions include: demographic and socioeconomic indicators, including indicators that support New York State's disadvantaged community designations; USDA's rating of 95.5% of land within a 7-mile radius of Bonny Hill, Town of Thurston, New York, as having "very limited" suitability for land application of municipal sewage sludge; EPA modeling data indicating that percolation, surface runoff, downward movement of nitrogen leachate, and downward movement of phosphorus dissolved in surface runoff from agricultural lands in and around Bonny Hill, Town of Thurston, New York, present increased risks that land application of sewage sludge will threaten waterways and drinking water, as compared to adjacent areas and the nation as a whole.
- D. The Town of Thurston shall consult with the New York State Department of Public Health, the New York State Department of Environmental Conservation, and Steuben County no less than 30 days before enforcing this Local Law against a person.
 - 1. Notwithstanding and other part of this Local Law, the town shall not enforce this Local Law against a person alleged to be in violation of a Section VI, if, within 30 days after the town begins this consultation process, the County or a State Agency affirms in writing that:
 - a. The County or the State Agency will prevent further violations of this Local Law by said person and
 - b. The County or the State agency will ensure that damage described in Subsections VII.A, VII.B, VII.C, and VII.D resulting from past violations of this Local Law by the person alleged to be in violation is remediated within a reasonable period of time and to the maximum extent possible.
 - 2. If the County or the State Agency breaches this written affirmation, then the Town may proceed with an enforcement action against the person alleged to be in violation of this Local Law provided that the town does so no sooner than one year after receiving the first written affirmation.

3. Notwithstanding any other provision of Subsection IX.D the Town shall have authority to issue a stop work order against a person alleged to be in violation of this Local Law to prevent further violations of the Local Law during the consultation process.

X. Public List of Water Wells.

Any person may provide evidence of PFAS contamination in a potable water well within the Town. The Town shall maintain a publicly accessible list of potable water wells in which PFAS contamination has been documented.

XI. Forbearance from Actions Violating Fundamental Environmental Rights.

The Town of Thurston shall not undertake acts that would enable or facilitate the land application of sewage sludge in and throughout the town where such land application would contaminate or risk contaminating the water and the healthful environment of residents of the town. Acts include, but are not strictly limited to, decisions to issue permits, licenses, and other administrative approvals. Acts also include, but are not strictly limited to, decisions to execute grants, loans, and contracts. This provision supersedes any inconsistent Local Law, ordinance, resolution, or regulation adopted by the Town.

XII. Severability.

If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant, or portion of this Local Law is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations, or decision, the remainder of this Local Law shall not be affected thereby but shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant, and portion of this chapter shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules, or regulations preempt a provision or limit the enforceability of a provision of this Local Law, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or state law, rule, or regulation is subsequently repealed, rescinded, amended, or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the town.

XIII. Effective Date.

This Local Law shall take effect upon the date it is filed in the Office of the Secretary of State of the State of New York.