

(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
City of BELLMONT
Town
Village
Local Law No. 1 of the year 19 86

A local law Regulating the dumping of refuse within the Town and
(Insert title)
the use of the Town operated sanitary landfills

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

County
City of Bellmont as follows:
Town

SECTION 1. - LEGISLATIVE INTENT

The Town Board of the Town of Belmont finds it necessary for preservation of the health, safety, good conduct and appearance of the Town and the convenience and financial well-being of its citizenry to regulate the dumping of refuse and garbage within said Township and to regulate the use of its sanitary landfill.

SECTION 2. - 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 3. OPEN HOURS OF THE SANITARY LANDFILL

The 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 to 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 provided for herein except with the express written permission of the Town Board. It is a violation of this ordinance to dump or deposit waste, garbage, or refuse outside of the gates of the sanitary landfill in the event that said landfill is closed.

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

SECTION 4. - REFUSE, GARBAGE AND WASTE ACCEPTED

Only that refuse, garbage, and waste as is accumulated in the Town of Belmont 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, without the express written permission of the Town Board.

SECTION 5. - AUTOMOBILES AND MOTOR VEHICLES

No person shall carry or leave or cause to be carried or left within the said sanitary landfill any junk automobile, vehicle or junk car, either as a whole or dismantled, or any parts thereof, unless express written permission is obtained from the Town Board.

SECTION 6. - FEES

(A) No person, firm or corporation or governmental agency shall deposit waste of any kind at the landfill who are not residents or taxpayers of the Town of Belmont or who have not secured written permission to do the same from the Town Board or who has not entered into a written contract with the Town Board. All users of the said landfill shall obtain an identification sticker from the Town Clerk upon payment of a registration fee as hereinafter provided and shall display the identification sticker when using said landfill.

(B) The Town Board may, by resolution, set the annual registration fee to be paid by residential users of said landfill and the annual registration fee or per load charge to be paid by firms or persons engaged in the business of collection of waste, refuse or garbage in the Town of Belmont or by commercial, governmental or industrial users of said landfill. Said firms and individuals engaged in the business of collection of waste, refuse or garbage in the Town of Belmont, or said commercial governmental or industrial users who have more than one vehicle using the landfill site shall pay a separate annual registration fee for each such vehicle if they elect to pay the annual registration fee rather than on a per load basis. Said firms, individuals and users shall obtain from the Town Clerk a permit or permits to use said landfill and said license or licenses shall be prominently displayed on or in each vehicle entering the landfill site.

SECTION 7. - CONDUCT AT 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 for the purpose of the deposit of waste as heretofore provided. Hunting or shooting within or across the landfill site is expressly prohibited.

SECTION 8. - 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 Belmont, except in such manner or by such conveyance as will prevent the creation of a nuisance or the loss of 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 9. - RIGHTS OF THE TOWN DECLARED

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

SECTION 10. - DUMP OR SANITARY LANDFILL CONSTRUCTION

No person, firm, corporation or other Governmental Agency shall establish a public or private dump, sanitary landfill or refuse disposal area for private or public use within the Town of Belmont

SECTION 11. - ENFORCEMENT AND PENALTIES FOR VIOLATIONS

(A) The Town Board shall have the direct responsibility for the operation of said sanitary landfill and may make such rules and regulations which are not inconsistent with this Local Law and which are necessary for the efficient operation of the landfill. It shall post such rules and regulations at or near the entrance of the sanitary landfill and shall provide a copy of the same to the Town Clerk who shall maintain them in the Town Clerk's files.

(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 there under, shall be guilty of a violation and upon conviction of said violation shall be punished by a fine of not more than Two Hundred and Fifty Dollars (\$250.00) for each violation or by imprisonment in the County jail for a term not to exceed fifteen (15) days or by both such fine or imprisonment. Each violation of this Local Law or the rules or regulations promulgated there under shall constitute 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.

SECTION 12. - RELATION TO STATE SANITARY CODE

Nothing in this Local Law shall be construed to supersede the standards contained in the 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 13. - REPEALER, SEVERABILITY

All Local Laws and ordinances, or parts thereof, heretofore enacted and inconsistent with any of the terms or provisions of this Local Law are hereby repealed. 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 14. - EFFECTIVE DATE

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

(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.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19⁸⁶
County
City
of the Town of Bellmont was duly passed by the Town Board of the Town of Belmont
Village (Name of Legislative Body)
on April 14, 19⁸⁶ in accordance with the applicable provisions of law.

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

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

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
City
of the Town of _____ was duly passed by the _____
Village (Name of Legislative Body)
on _____ 19_____, not disapproved and was approved by the _____
repassed after disapproval Elective Chief Executive Officer *
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 appli-
cable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
City
of the Town of _____ was duly passed by the _____ on _____
Village (Name of Legislative Body)
_____ 19_____, not disapproved and was approved by the _____ on _____
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.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 § 37 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 general 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, 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.

J. James Carter
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 4-21-56

(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 F. RANKLIN

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.

[Signature]
Signature

..... ATTORNEY AT LAW FOR TOWN
Title

Date: 4-22-56

County
City of MARSHFIELD
Town
Village