

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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~~

Town

of Belmont

~~VILLAGE~~

Local Law No. 1 of the year 1997.

A local law Prohibiting the Commercial Incineration of Waste Materials

(Insert Title)

Be it enacted by the Town Board of the

(Name of Legislative Body)

~~COUNTY~~

~~CITY~~

Town

of Belmont

~~VILLAGE~~

as follows:

TITLE

This local law shall be cited as Local Law # 1 of 1997 of the Town of Belmont.

INTENT

The Town Board of the Town of Belmont believes that one of the most basic goals and responsibilities is to provide the best possible living environment and quality of life for Town residents. This necessity includes the protection and enhancement of the Town's physical and visual environment. In keeping with this responsibility and principle, it is of the utmost importance that actions be taken to insure that the public is protected from potential hazards resulting from commercial incinerators operating within the Town.

PROVISIONS

The construction and operation of commercial incinerators within the Town of Belmont is hereby prohibited. Operation shall include but not be limited to, associated landfills, dumps and dumping ground intended to contain, store or stock pile solid, liquid, medical or any other kinds of waste. The term "Commercial Incinerators" shall not be deemed to include any electrical co-generation facility currently in operation and possessing all necessary permits.

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

ENFORCEMENT

It shall be the duty of the Supervisor to investigate complaints of violations of this law and he is hereby empowered to prosecute violators of this law in the Town Justice Court. The Town may appear through its attorney to prosecute a violation of this law.

In addition to the penalties set forth hereinafter for a violation of this law, the Town may also maintain an action in a court of competent jurisdiction to compel compliance with the law or to restrain by injunction a violation of the law.

VIOLATIONS AND PENALTIES

A violator of this law shall be guilty of an offense and shall be subject to a penalty of Five Hundred Dollars (\$500.00) for each such violation. Each day's violation shall constitute a separate and additional violation.

IMMEDIATE EFFECT

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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 1997 of the ~~(County)(City)(Town)(Village)~~ of Bellmont was duly passed by the Town Board on January 2, 1997, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

* 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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (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 section (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)(general) election held on _____ 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 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...1....., above.

Judylane Nason
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Judylane Nason, Town Clerk
Date: 1-2-97

(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 Franklin

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.

William Stewart
Signature
Attorney for the Town
Title

~~COUNTY~~
~~CITY~~ of Bellmont
Town
~~Village~~
Date: 1/2/97