

(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 Moriah
~~Town~~
~~Village~~

Local Law No. 1 of the year 19 87

A local law regulating the dumping of refuse within the Town of Moriah:
(Insert title)
salvaging and the use of the Town of Moriah operated sanitary
landfill.

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

~~County~~
~~City~~ of Moriah as follows:
~~Town~~
~~Village~~

SECTION 1. LEGISLATIVE INTENT: The Town Board of the Town of Moriah find it necessary for the preservation of the health, safety, good conduct and appearance of the Town of Moriah, 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 landfills.

SECTION 2. DEFINITIONS: For the purpose of this Local Law the terms, phrases, and words used herein shall be 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. SUPERVISION OF THE SITE: The site shall be under the supervision of the Town Superintendent of Highways, who, subject to the approval of the Town Board may formulate and enforce such rules, regulations and directions as he may deem necessary to maintain sanitary conditions within the site and to insure that it complies with all Federal and State laws, rules and regulations. A custodian may be appointed by the Town Board to serve under the jurisdiction of the Superintendent of Highways and to be in charge of all matters concerning dumping and placing of refuse at the site.

SECTION 4. USE OF THE SITE: The site shall be used in accordance with the following:

- (a) It shall be open for use only on such days and such hours as shall be designated by the Town Board;
- (b) No persons shall place or cause to be placed on such site and refuse, debris or other material accumulated and collected outside the Town of Moriah or Village of Port Henry.
- (c) No person shall at any time dump or deposit in the site any explosive or potentially dangerous material or any material which is burning and no person shall start or cause a fire by any means within the site enclosure.
- (d) Only materials authorized by State Law may be placed in the construction and demolition debris disposal site. The Town Board, in addition to the limitations imposed by State law may further limit

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

the size or weight of type of materials to be deposited in either the dumpsters or the construction and demolition debris disposal site.

(e) Disposal of motor vehicles, motor vehicle bodies, carcass or other putrescible matter or acids is prohibited. All such prohibitions enacted by the Town Board shall be posted at the side enclosure. It shall be a violation of this Local Law for any person to disobey such prohibition.

SECTION 5. SALVAGING: It shall be unlawful for any person to salvage or remove from the site area any refuse or material deposited at the site, unless such salvage and removal is specifically authorized by the Superintendent of Highways or the site custodian.

SECTION 6. DUMPING: No person shall use any land within the Town of Moriah as a dump or dumping ground, other than that dedicated by the Town of Moriah to be used as a dumping ground, refuse disposal area or landfill site.

SECTION 7. FEES:

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

(b) The Town Board may, by resolution, set the annual registration fee to be paid by residentail users of said landfill and the annual registration fee or per loan charge to be paid by firms or persons engaged in the business of collection of waste, refuse or garbage in the Town of Moriah or by commercial, governmental, or industrial users of said landfills. Said firms and individuals engaged in the business of collecting waste, refuse or garbage in the Town of Moriah, 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 vehicle if they elect to pay the annual registration fee rather than on a per loan basis. Said firms, individuals and users shall obtain from the Town Clerk of the Town of Moriah a license or licenses to use said landfill area and said license or licenses shall be prominently displayed on or in each vehicle entering the landfill site.

SECTION 8. 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 9. REMOVAL AND TRANSPORTATION: No person, firm, corporation or governmental agency shall remove, transport or permit the removal or transportation of any offensive or toxic material within the Town of Moriah, except in such manner or by such conveyance which will prevent the creation of a nuisance of 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 10. 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 landfills. 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 Budget 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 and/or any of the rules and regulations promulgated by the Town Board.

(c) The employee or employees so elected by the Town Board of the Town of Moriah, to operate said landfill site, shall have the authority to report any person salvaging the dump site or any person violating any of the provisions of this Local Law, to the local police or town justice. Any person caught salvaging or violating any rules hereunder shall be convicted in the Town Court, Town of Moriah, and the fine stated hereinafter shall be imposed.

(d) 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 to exceed TWO HUNDRED 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 and imprisonment. Each violation of this local law or the rules of regulation promulgated thereunder shall constitute a separate offence and shall be punishable as such hereunder.

(e) 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 jurisdiction the violation of this Local Law.

SECTION 11. 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 12. 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 portion hereof.

SECTION 13. 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 19.87...
County
City
of the Town of Moriah was duly passed by the Town Board
Village
(Name of Legislative Body)
on November 10, 1987 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 referendum, and received the affirmative vote of a majority of the qualified electors voting
general
thereon at the special election held on 19....., in accordance with the appli-
annual
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.

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
of the City of..... having been submitted to referendum pursuant
provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a m
of the qualified electors of such city voting thereon at the special 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..... o
County of, State of New York, having been submitted to the Electors at
General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the M
cipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of
cities of said county as a unit and of a majority of the qualified electors of the towns of said cou
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 appropri
certification.)

I further certify that I have compared the preceding local law with the original on file in this offic
and that the same is a correct transcript therefrom and of the whole of such original local law, and wa
finally adopted in the manner indicated in paragraph 1..... above.

Date: November 11, 1987

Mae Williams
Clerk of the County legislative body, City, Town or Village Clerk or
officer designated by local legislative body
Mae Williams, Town Clerk
Town of Moriah



(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 ESSEX

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.

Date: November 11, 1987

.....
Signature William J. Potkowski
Town Attorney - Town of Moriah
Title

County
City
Town of Moriah
Village x