

Local Law Filing

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

OCT 05 2009

- County
- City of Galen
- Town
- Village

Local Law No. one of the year 20 09

**MISCELLANEOUS
& STATE RECORDS**

A local law entitled "Litter Control Law"
(Insert Title)

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

- County
- City of Galen
- Town
- Village

as follows:

Section 1. That the Town Code of the Town of Galen is hereby amended, which shall provide as set forth in Schedule A annexed hereto and made a part hereof.

Section 2. All other local laws and ordinances thereof of the Town of Galen inconsistent with the provisions of this local law are hereby repealed; provide, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this local law shall be in addition to other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section 3. If any of the other provisions in the foregoing local law be decided by a court having jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the foregoing local law as a whole, or any part thereof, other than the part so decided to be unconstitutional or be invalid.

Section 4. This local law shall take effect immediately.

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

(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. one of 20 09 of the (County)(City)(Town)(Village) of Galen was duly passed by the Town Board on August 10, 20 09, 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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)

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 _____ 20 _____, in accordance with the applicable provisions of law.

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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

*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.)

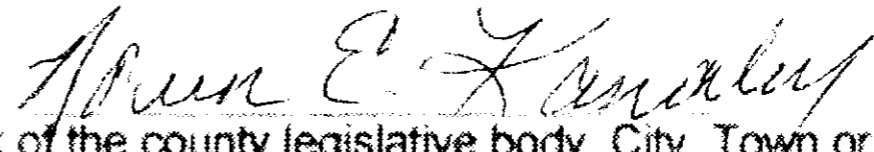
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, 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 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, 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 _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

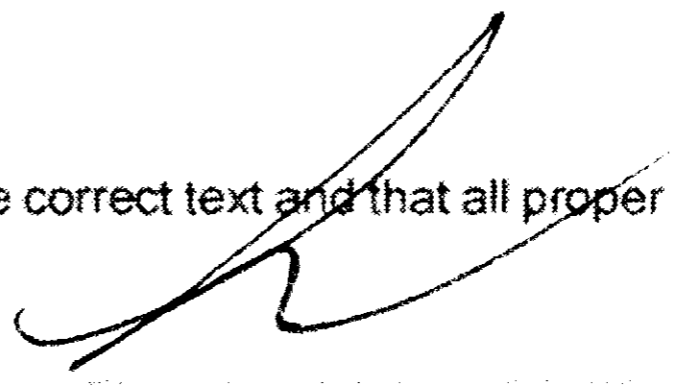
Date: September 22, 2009

(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 WAYNE

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
Arthur B. Williams, Town Attorney
Title

County
City of Galen
Town
Village

Date: September 22, 2009

**Town of Galen
Local Law No. 1-2009
TOWN OF GALEN, NEW YORK
LITTER CONTROL LAW**

- § -1. Title.
- §- 2. General Intent.
- §- 3. Word Usage.
- §- 4. Definitions.
- §- 5. Prohibited Acts.
- §- 6. Enforcement.
- §- 7. Effective Date.

**BE IN ENACTED BY THE TOWN BOARD OF THE TOWN OF GALEN,
THE FOLLOWING LOCAL LAW:**

General Provisions

- §- 1. Title.

This chapter shall be known and may be cited as the “Litter Control Law of the Town of Galen.”

- §-2. General Intent.

Littering creates visual pollution, health and safety hazards, and imposes a financial burden upon the taxpayers of the Town of Galen. The purpose of this chapter is to establish controls over littering in the Town by residents and non-residents and to reduce and work toward eliminating the above problems to promote the health, safety, and general welfare of the public.

- §- 3. Word Usage.

Words used in the present tense include the future; the singular shall include the plural; the plural, the singular; the masculine, the feminine and the word “shall” in mandatory and not permissive.

- §- 4. Definitions.

When used in this chapter, unless otherwise expressly stated, or the context or the subject matter otherwise requires, the following terms shall have the meanings indicated:

LITTER (noun) – Includes the following items left, posted, thrown, dropped, discarded, abandoned, cast aside, blown or dropped from vehicles or otherwise, without the intention of reclaiming the same, within the Town: paper products, plastics, tobacco products, food products, waste and residue therefrom, vehicles parts or tires, newspapers, magazines, publications, handbills, and similar products, rags, cans, bottles, boxes, cartons, wrappers, and containers of any sort, with or without contents, garbage, rubbish, refuse, debris, offal, trash and any and all materials customarily collected and disposed of by trash collection companies and/or the Town.

LITTER OR LITTERING (verb)- To intentionally or negligently leave, post, throw, drop, discard, abandon, cast aside, permit to be blown or dropped from a vehicle or otherwise, or to allow to be posted, thrown, dropped, discarded, abandoned, or cast aside, any litter within the Town, or to place any thing that is commercial, household, industrial or municipal waste in any trash receptacle owned or maintained by the Town, without prior written approval of the Town. The depositing of litter in public receptacles intended for such purpose shall not constitute littering.

LITTERER – One who litters (or who permits littering) as defined herein.

PRIVATE PREMISES – Any real property not constituting public premises as hereinafter defined.

PUBLIC PREMISES – Any real property owned or leased by the State of New York or any of the subdivisions thereof, including the Village and Town of Galen, and Clyde Savannah Central School District.

TOWN – Town of Galen.

TOWN BOARD – Board of the Town of Galen.

§- 5. Prohibited Acts.

A. No person shall, without consent of the public authority having supervision of public property or the owner of private property within the Town, dump deposit, place, throw, leave, or cause or permit the dumping, depositing, placing, throwing, leaving of, or accumulation of, litter on public or private property or water other than property designated and set aside for such purposed by law.

B. No person shall move or interfere with a letter receptacle that has been provided by the Town without prior written approval by the Town.

§ -6. Penalties for offenses.

Each violation of any provision of this chapter shall be deemed an offense as defined by the Penal Law of the State of New York, and any person found guilty thereof shall be liable, for each offense, to a fine which shall not exceed One Thousand (\$1000), or to

imprisonment not to exceed 15 days, or to both such fine and imprisonment. The Town Court of the Town Galen is vested with jurisdiction to hear and determine actions brought pursuant to this chapter.

§ -7. Enforcement: This Local Law shall be enforced by the Code Enforcement Officer of the Town of Galen, the Highway Superintendant of the Town of Galen, and any other person having police power within the Town of Galen.

§ -8. Effective Date.

This Local Law shall be effective immediately upon filing with the New York State Secretary of State.

Adopted by the Town Board of the Town of Galen
August 10, 2009