

(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 or use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 18 1998
Allyn F. Casper
Secretary of State

~~County~~
~~City~~ of Galen
Town
~~Village~~

Local Law No. 1 of the year 1998

A local law amending Local Law No. 1 of 1980 (Zoning Law) and Local
(Insert Title)
Law No. 2 of 1988 (Solid Waste Management and Disposal
Law) of the Town of Galen

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

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

SECTION I.

That Local Law No. 1 of 1980 of the Town of Galen, adopted March 1, 1980, known as the Zoning Ordinance of the Town of Galen, at section 411.10 be, and the same hereby is, amended to provide as follows:

§ 411.10 Landfill : No Landfill as defined herein shall be permitted within the Town of Galen.

SECTION II.

That Local Law No. 2 of 1988 of the Town of Galen, adopted and effective December 1, 1988, known as the Solid Waste Management and Disposal Law of the Town of Galen be, and the same hereby is, amended to provide as follows:

- A. Section II (Legislative Findings) at Subdivision E shall provide:
 - E. The Town Board finds that land activities principal or accessory to incineration and land filling of solid waste are not acceptable uses of the lands within the Town.

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

- B. Section II. (Legislative Findings) at Subdivision F, is hereby amended and shall provide:
- F. The Town Board finds that, in light of the uncertain health and environmental impacts of solid waste, it is in the best interests of the Town to prohibit solid waste management activities within the Town as hereinafter set forth.
- C. Section IV. (Solid Waste Management Restricted) is hereby amended and shall provide:
- A. It shall be unlawful for any person or entity to: (1) constrict or operate within the Town a solid waste incineration facility; (2) generate, transport, store, maintain, collect, deposit, dispose of or otherwise manage within the Town any by-products and/or residues of solid waste incineration ; or (3) store, collect, treat, dispose of or otherwise engage in solid waste management within the Town.
- B. This section shall not apply (i) to activities associated with compliance with the New York State Returnable Container Act; (ii) to routine accumulation of solid waste for pick-up or disposal by residents of the Town of Galen; or (iii) to any disposal of manure incidental to the normal farming operation of any resident of the Town. The Town Board may permit persons engaged in either recycling activities or the business of transporting solid waste to transport and temporarily store or accumulate solid waste for good cause shown upon written application
- D. Section V (Permit Required) and section VI (Reporting) be, and the same are hereby repealed.
- E. Section VII (Miscellaneous) is relettered Section V and a new Section VI is added and shall provide:

VI. Penalties

- A. Any person, firm, company or corporation owning, controlling or managing any building, structure or premises therein or where there shall be placed on or there exists anything in violation of any provisions of this law and any person, firm, company, or corporation who shall assist in the commission of any violation of this law shall be guilty of a misdemeanor punishable as provided in the Penal Law of the State of New York. Every such person, firm, company, or corporation shall be deemed guilty of a separate offense for each day such violation shall continue.
- B. Any person, firm, company, or corporation violating this law, in addition,

shall be subject to a civil penalty enforceable and collectible by the Town in the amount of ten thousand (\$10,000.00) dollars for such offense. Such penalty shall be collectible by and in the name of the Town for each day that such violation shall continue.

- C. In addition to any remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent, restrain, correct, or abate any violation of this law.

SECTION III.

If any part of this local law shall be declared invalid, void, unconstitutional, or unenforceable by a court of competent jurisdiction, all unaffected provisions hereof shall survive such declaration and this local law remain in full force and effect as if the invalidated portions had not been enacted.

SECTION IV.

This local law shall take effect immediately.

(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 1998 of the ~~(County)~~(City)(Town)(Village) of Galen was duly passed by the Town Board on May 4th 1998, 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~~ _____ 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 _____, above.

Joseph M. Casu
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 5/11/98

(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.

J. B. Nally
Signature
Town Attorney
Title

~~COUNTY~~
~~CITY~~ of Galen
Town
~~VILLAGE~~

Date: May 12, 1998