

Local Law Filing

6-18-2018

(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 Village
(Select one.)

DRAFT

of Canandaigua

Local Law No. _____ of the year 20¹⁸

A local law To Amend and Revise Chapter 100 (Dumping) of the Town Code
(Insert Title)

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

County City Town Village
(Select one.)

of Canandaigua as follows:

(See Attachment A)

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

SECTION ONE. Town Code § 100-3 shall be replaced in its entirety with the following:

§ 100-3. Dumping on private land.

- A. No dumping of garbage, rubbish, construction debris, dirt fill, stone, gravel, road bed surpluses, petroleum, chemical, and nuclear materials, organic matter, or manure, above or below ground level, is allowed on private or public properties in the Town, with the following exceptions:
- (1) These regulations shall not restrict an agricultural operation, including private gardens, or private property owners from safely composting garbage.
 - (2) The dumping materials are a valid part of a construction phase duly sanctioned by a building permit.
 - (3) Minimal and appropriate landscape maintenance, the establishment and refurbishing of driveways, the construction and maintenance of septic systems.
 - (4) The dumping materials and private dump site are duly sanctioned by a Department of Environmental Conservation permit and are a preexisting condition prior to the adoption of the ordinance.
 - (5) The dumping of materials in a public dump site designated as a Town refuse-transfer site during hours of operation.
 - (6) The Town Highway Department may dump roadside, culvert, and ditch scrapings on selected sites in cooperation with the property owners.
 - (7) In any of the exceptions listed above, the dumping shall not endanger the health and welfare of the residents of the Town or create a public nuisance.
- B. Any future dump sites will hereafter be subject to the recommendation of the Town Planning Board, the approval of the Zoning Board of Appeals, a permit from the Zoning Officer and a permit from the Department of Environmental Conservation.
- C. No dumping of the materials listed above including the exceptions in Subsection A shall occur and be transported between properties of various ownerships within the Town or enter the Town for deposit from other townships or municipalities both in and outside of the County of Ontario.

SECTION TWO. Town Code § 100-4 shall be replaced in its entirety with the following:

§ 100-4. Penalties for offenses.

Any person violating any provision of this chapter shall, upon conviction thereof, be deemed guilty of an offense and subject to a fine not less than \$100 but not to exceed \$250. Any subsequent violation of this chapter by such offender shall be a misdemeanor, and, upon conviction, such person shall be subject to a fine not less than \$300 or imprisonment not exceeding six months, or both such fine and imprisonment.

SECTION THREE. Town Code § 1-17 shall be amended to include the following definitions. Where such definition already exists in Town Code § 1-17, said existing definition shall be replaced by the definition herein:

GARBAGE

Includes all putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, and animal feces.

NONRECYCLABLE RUBBISH

Soft plastic containers (non-high-density polyethylene [HOPE]), rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, straw, dirt, fill, ashes and similar questionable waste material.

RUBBISH

Waste metal, tin cans, ashes, cinders, glass, pottery and all discarded substances of a solid and incombustible nature including containers in which food is packaged.

SECTION FOUR. Severability. The provisions of this local law are hereby declared to be severable and if any section, subsection, sentence, clause, or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or parts of this local law.

SECTION FIVE. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

DRAFT

(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. _____ of 20¹⁸ of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on _____ 20¹⁸, in accordance with the applicable provisions of law.

DRAFT

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 on _____ 20^{□□}, 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 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 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.

* 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

DRAFT

Date: _____

(Seal)