

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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 use italics or underlining to indicate new matter.

~~COUNTY~~

~~CITY~~ of Farmersville

~~TOWN~~

~~VILLAGE~~

Local Law No. _____ 3 _____ of the year 2000

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
OCT 17 2000
Raymond A. Quinlan
Secretary of State

"A local law AMENDMENT NO. 2 TO THE SOLID WASTE DISPOSAL LAW OF THE
(Insert Title)
TOWN OF FARMERSVILLE, LOCAL LAW NO. 1-1991."

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

~~COUNTY~~

~~CITY~~ of Farmersville

~~TOWN~~

~~VILLAGE~~

as follows:

SEE ATTACHED PAGES "1a" THROUGH "1d"

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

I. TITLE.

This local law shall be known as "AMENDMENT NO. 2 TO THE SOLID WASTE DISPOSAL LAW OF THE TOWN OF FARMERSVILLE" and designated as Local Law No. 3 of 2000. This local law shall amend Local Law No. 1 of 1991 as amended by Amendment No. 1 to that Law being Local Law No. 1 of 2000.

II. FINDINGS AND PURPOSE.

A. Findings of the Town Board.

1. By authority delegated to it from the State of New York the Town possesses the right to regulate solid waste management facilities and in order to preserve the character of the Town and protect the health, safety and welfare of its residents the Town Board finds that the construction and operation of a new solid waste management facility for the permanent disposal of solid waste as regulated by its "Solid Waste Disposal Law of 1991", being Local Law No. 1 - 1991 as amended by Local Law No. 1 of 2000 shall be further amended by this Local Law as the Board has benefited from additional studies and engineering briefings.

2. This law shall also be interpreted consistent with the terms of Local Law No. 1 of 1994, which is not repealed.

B. Purposes of Local Law.

The Town Board intends by this Local Law:

1. To revise certain provisions in AMENDMENT NO. 1 TO THE SOLID WASTE DISPOSAL LAW OF THE TOWN OF FARMERSVILLE.

III. Parts of Local Law No. 1 of 2000 to be repealed by this Amendment and substitutions, if any.

A. The second paragraph of Article V shall be repealed and substituted in its place the following:

"Permits issued pursuant to this Local Law shall be issued for a term co-extensive with the term of a permit to construct or to operate as issued by DEC of the State of New York"

B. Article VI A.2. shall be modified commencing on the second line at the top of page 1G by deleting that last sentence in that paragraph and the entire next paragraph and to be substituted in its place the following sentence:

"The owner/operator shall provide the Town with split samples and copies of all testing and monitoring reports provided to DEC."

C. Article VI A.3. shall be modified by repealing Paragraph designated "18" in its entirety, and Paragraph "19" (to be renumbered as "18") shall be deleted and re-worded as follows:

"The turbidity of any water discharged from stormwater management or drainage facilities shall comply with all DEC and EPA requirements."

D. Article VI A.3. Paragraph 20 shall be renumbered as "19".

E. Paragraph 21 shall be renumbered as "20".

F. Paragraph 22 shall be repealed in its entirety and replaced by the following which shall be numbered "21":

"All materials to be placed directly on a geomembrane liner shall meet all technical requirements of Part 360. The permittee shall provide appropriate documentation certified by a licensed professional engineer that demonstrates that the geomembrane is protected from damage, puncture or excessive

loss of strength, under the design static loads and during construction and operation which certification must be acceptable to the Town Engineer before the permittee may construct."

G. Paragraph 23 shall be renumbered "22".

H. Paragraph 24 shall be repealed and replaced by the following which shall be renumbered "23":

"The storm water management system design shall meet the approval of the Town Board so as to provide for additional discharge points on the south side of Route 98 as recommended by the Town Engineer."

I. Paragraph 25 shall be repealed and substituted in its place the following and renumbered "24":

"To facilitate maintenance, reduce erosion, and maintain aesthetic quality, no earth slope constructed within 500 feet of the state highway shall exceed a slope of 3 horizontal to 1 vertical. Constructed slopes that deviate less than 10 feet vertically from original grade are exempt from this regulation. The Town Board may grant a variance from this requirement if it is approved by the Town Engineer."

J. Article VIII shall be repealed in its entirety.

IV. MISCELLANEOUS.

A. This Local Law shall be deemed to supersede and repeal any other ordinances and local laws to the extent inconsistent herewith.

B. If any part of this Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in force and effect as if the invalidated portions had not been enacted.

C. Nothing herein shall be deemed to be a waiver of or restriction upon any rights and powers available to the Town of Farmersville to further regulate the subject matter of this Local Law.

V. EFFECTIVE DATE.

This Local Law shall become effective when it is filed with the Secretary of State pursuant to the Municipal Home Rule Law.

(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. 3 of 2000 of the ~~(County)(City)(Town)(Village)~~ of Farmersville was duly passed by the Town Board on Oct. 11, 2000, 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.

Susan Halmea

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

Date: 10/11/2000

(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 Cattaraugus

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.

Donald J. Swanz

Signature Donald J. Swanz

Town Attorney

Title

~~County~~
~~City~~ of Farmersville
~~Town~~
~~Village~~

Date: 10/11/2000