

(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 Machias  
Town  
~~Village~~  
Local Law No. 1 of the year 19 83

A local law FOR THE ESTABLISHMENT OF A 'HAZARDOUS WASTES PROHIBITION'  
(Insert title)  
LAW FOR THE TOWN OF MACHIAS, NEW YORK

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

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

(see attached)

Section 1. TITLE

This Local Law shall be known as and may be cited as "Hazardous Wastes Prohibition" Law of the Town of Machias.

Section 2. PURPOSE

The Town of Machias is primarily responsible for promoting the health, safety and general welfare of its residents and the environmental quality of its lands. This Law is designed to preserve, protect and insure the quality of the natural man-made environment within the Town of Machias for this generation of residents and generations to follow.

Section 3. APPLICABILITY

This Local Law shall apply to all territory within the Town of Machias. Minor quantities of five (5) pounds or less of hazardous wastes resulting from local agricultural, commercial or residential sources are excluded from this Law, provided these wastes are managed in an environmentally safe manner, consistent with Federal and State Regulations dealing with hazardous wastes.

Section 4. DEFINITIONS: ADOPTION BY REFERENCE: COPIES ON FILE

Certain terms used herein shall be defined as follows:

Facility - Shall mean any combinations of structures and/or machinery, lagoons, pits, bogs, excavations, landfills, burial sites and devices, designed in whole or in part for the purpose of or in association with the permanent or temporary storage, recycling, processing, neutralizing, drying, solidification or incineration of hazardous wastes.

Hazardous Waste - Shall be those identified and defined by Title 40 of the Code of Federal Regulations, Part 261, and any future modifications or amendments of Title 40, Part 261 shall become a part of this Local Law. Title 40 of the Code of Federal Regulations, Part 261 is adopted by the Town Board and incorporated herein by reference as if fully set out at length. A copy of said Title and Part as published in the Federal Register Vol. 45, No. 98, dated Monday, May 19, 1980, and being pages 33119 through 33133 are now filed in the office of the Clerk of the Town of Machias.

Person - Shall mean any individual, partnership, firm, association, business, industry, enterprise, public or private corporation, political sub-division of the State, Government Agency, municipality, estate, trust or any other legal entity whatsoever.

Section 5. PROHIBITED ACTIVITIES

No person shall construct, operate and/or establish a facility for the internment, storage, temporary storage, recycling and/or processing of hazardous waste within the Town of Machias. The only exemption under this Section is that described in Section 3, above mentioned.

Section 6. ENFORCEMENT

A violation of this Local Law or any regulations or provisions thereof will be deemed a Class A Misdemeanor punishable by a fine not exceeding \$1,000.00 or imprisonment not exceeding one (1) year, or both. Each and every day that the violation of this Local Law is permitted to exist will constitute a separate offense. In addition, any violation of this Local Law or regulation or provision thereof, will create a liability to the people of the Town for a civil penalty not to exceed \$5,000.00 to be assessed after a hearing upon due notice and with the right to a specification of the charges, and to be represented by counsel at such hearing.

Section 7. CONFLICTING LAWS PRE-EMPTED

All Ordinances and Local Laws or parts thereof in conflict herewith are pre-empted by this Local Law.

Section 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the New York 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. .....<sup>1</sup>..... of 19.....<sup>83</sup>  
~~XXXXX~~  
of the ~~XXXXX~~ of Machias ..... was duly passed by the Town Board .....  
Town .....  
~~XXXXX~~ (Name of Legislative Body)  
on May 16th ..... 19 83 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  
of the City of ..... was duly passed by the .....  
Town .....  
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  
of the City of ..... was duly passed by the .....  
Town .....  
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 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  
of the City of ..... was duly passed by the ..... on  
Town .....  
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.)

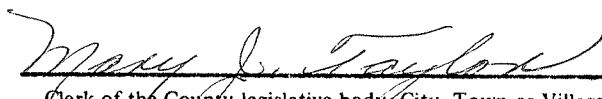
I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special 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 of 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.

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

Date: May 16th, 1983

(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.

.....  
Signature

..... Town Attorney .....  
Title

Date: May 19th, 1983

County  
Town of Machias  
Village