
(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 of Lewis

Local Law No. 2 of the Year 2001

A Local Law entitled "**COUNTY OF LEWIS LOCAL LAW PROHIBITING
SOLID WASTE LANDFILLS IN THE COUNTY OF LEWIS AND
REGULATING THE LOCATION OF TRANSFER STATIONS**".

(Insert Title)

Be it enacted by the Lewis County Board of Legislators of the County of Lewis, as follows:

LOCAL LAW NO. 2 - 2001
COUNTY OF LEWIS

Introduced by Chairman of the Board of Legislators, Ralph K. Farney.

BE IT HEREBY ENACTED by the Board of Legislators of the County of Lewis, as follows:

Article I	TITLE
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1. TITLE

This Local Law shall be known as and may be cited as the "**COUNTY OF LEWIS LOCAL LAW PROHIBITING SOLID WASTE LANDFILLS IN THE COUNTY OF LEWIS AND REGULATING THE LOCATION OF TRANSFER STATIONS**".

2. FINDINGS AND AUTHORITY

1. The Board of Legislators of the County of Lewis (the “Board”) is concerned with the public health, welfare and safety of the community. The Board hereby finds that solid waste management facilities such as solid waste landfills present an unacceptable land use, environmental risk, and threat to the local economy in the County of Lewis.
2. This Local Law is enacted pursuant to the authority granted by Environmental Conservation Law Section 27-0711, and the County’s police powers under the Municipal Home Rule Law.

3. PURPOSE

1. It is the intent of this law to:
 1. Reduce the risk of pollution from solid waste landfills by prohibiting such activities.
 2. Protect the residents of the County from undesirable effects of solid waste landfills, including:
 1. Unaesthetic results, including odors, blowing litter, ash, increased traffic, dust, and noise, and;
 2. Deterioration in property values associated with an adjacent or proximate landfill that may interfere with the orderly development of properties; and
 3. Threats to public health or the environment by contamination of air, surface water or ground waters.
2. It is not the intent of this Local Law to restrict, obstruct, or otherwise hinder the continuation of agricultural production. The Board believes that the community is enhanced by the farms, representing a majority of land uses in the community, that operate within its boundaries.
3. It is not the intent of this Local Law to regulate in any way the composting of yard waste and food waste at the personal residences or farms at which such waste is produced.

4. APPLICABILITY

- A. This Local Law shall be applicable to all areas within the County of Lewis, except within Towns or Villages which have adopted a local law regulating solid waste management facilities.

5. DEFINITIONS

1. Solid Waste : “Solid Waste” means all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard, or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage, septage and other diluted water carried materials or substances and those in gaseous form.

2. Solid Waste Management Facility: “Solid Waste Management Facility” means any facility employed beyond the initial solid waste collection process and managing solid waste, including but not limited to: storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; landfills; disposal facilities; solid waste incinerators; refuse-derived fuel processing facilities; pyrolysis facilities; construction and demolition debris processing facilities; land application facilities; composting facilities; surface impoundments; used oil storage, reprocessing, and re-refining facilities; recyclables handling and recovery facilities; waste tire storage facilities and regulated medical waste treatment facilities. The term includes all structures, appurtenances, and improvements on the land used for the management or disposal of solid waste.

3. Transfer Station: “Transfer Station” means a solid waste management facility other than a recyclables handling and recovery facility, used oil facility, or a construction and demolition debris processing facility, where solid waste is received for the purpose of subsequent transfer to another solid waste management facility for further processing, treating, transfer or disposal.

4. Landfill: “Landfill” means land or a facility or part of one where solid waste or its residue after treatment is intentionally placed, and at which solid waste will remain after closure, excluding a land application facility.

5. Land Application Facility: “Land Application Facility” means a site where solid waste is applied to the soil surface or injected into the upper layer of the soil to improve soil quality or provide plant nutrients.

VI. EXEMPTIONS

- A. The solid waste management facilities identified in this subdivision are exempt from this Local Law:
1. Disposal areas and/or activities located within the property boundaries of a single family residence or farm or business for solid waste generated within the property boundaries from that residence or farm or business.
 2. Disposal areas for waste pesticides by the farmer who used them.
 3. Disposal areas located within the property boundaries of a farm for crop residuals, animal and aquacultural manure, animal and aquacultural carcasses and parts generated from a farm and other similar solid waste generated by farm activities.
 4. Solid waste from nonhazardous inactive landfills which has been excavated as part of a construction project and is being returned to the same excavation or other excavation containing similar solid waste or otherwise relocated within the landfill's existing footprint.
 5. Disposal areas for road-killed animals on local roads and State and County highways under the jurisdiction of government agencies. Such disposal areas must, however, be located on property owned by the government agency and within the highway right-of-way. Disposal areas must be a minimum of 50 feet from any residence, surface water or any other disposal area for road-killed animals. No more than 10 road-killed animals may be placed in a single disposal area. Road-killed animals placed in disposal areas must be covered with at least three feet of excavated soil material and in no case shall be placed within groundwater. Mass burial of road-killed animals is not exempt from the provisions of this Local Law.
 6. Individual graves for burial of animals, including pet cemeteries, provided mass burial of animal carcasses is not practiced.
- B. None of the above exemptions shall be construed to permit any activity contrary to existing or future building codes, zoning ordinances or codes or other local or state laws or as exempting any other permit required by state or local law.

VII PROHIBITED AND REGULATED FACILITIES

No new solid waste landfills shall hereafter be sited, constructed, or operated within the County of Lewis.

No Transfer Station shall hereafter be sited or constructed on, or transferred to, a site whereon the Transfer Station shall be located within one thousand (1,000) feet of a residence.

VIII REPEALER; EFFECT ON OTHER LAWS

All other ordinances and local laws or parts hereof in conflict herewith are superseded by this Local Law; provided, however, that the provisions of this Law shall not be interpreted as obviating any requirements or restrictions wherever it is possible to conform to the provisions of both this law and any other law or ordinance.

IX SEVERABILITY

If any part of the 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 full force and effect as if the invalidated portions had not been enacted.

X 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. 2 of 2001, of the County of Lewis was duly passed by the Lewis County Board of Legislators on February 6, 2001, in accordance with the applicable provisions of law.

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 disapproved, repassed after disapproval, by the _____, 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__, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 19__, and was approved, not disapproved, 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.

4. (Subject to a 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 disapproved/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.

* 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 the power to approve or veto Local Laws or Ordinances.

5. (City Local Law Concerning Charter Revision Proposed by Petition.)

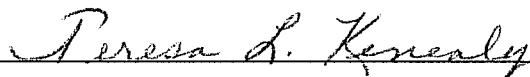
I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 19 __, of the City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 the 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
TERESA L. KENEALY, CLERK

(Seal)

Date: February 6th, 2001

(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 LEWIS

I, the undersigned, hereby certify that the foregoing Local Law contains the correct test and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.



Signature - Kevin M. McArdle, Esq.

Lewis County Attorney
(Title)

County of Lewis
Date: February 7th, 2001