



Supervisor
DENNIS R. HOUSE
Home
(716) 226-2299

Town Board
NORMAN R. GATES
GERALD L. DEMING
EDWARD J. ORMAN
JAMES A. VITALE

Highway Superintendent
ROY MCCRACKEN

Town Clerk / Tax Collector
CHRISTINE M. ARRIGENNA

Town Justices
ANTHONY GIGLIO
DAVID CLARK

Court Clerk
NORMA GEARY

Assessor
FRANCIS SCHIRMER

Zoning / Code Enforcement
JAMES MORGAN

TOWN OF YORK
2668 MAIN STREET
YORK, NEW YORK 14592
TEL: (716) 243-3128
FAX: (716) 243-4618

**TOWN OF YORK
LOCAL LAW NO. 3
OF
1995**

Be it enacted by the Town Board of the Town of York as follows:

Local Law No. 1 of 1989 entitled "The Solid, Industrial Hazardous and Hazardous Waste Management, Treatment, Storage and Disposal Facility Law of the Town of York," is hereby repealed, and in its place and stead is adopted the following:

Section 1. Title

This Local Law shall be known as the "Solid Waste Management Law of the Town of York."

Section 2. Findings of the Town Board

A. The Town Board finds that the siting, construction and operation of Solid Waste Management Facilities are by their very nature potentially dangerous to the environment and to the health, safety and general welfare of the Town's citizens. Their operation threatens to pollute the air, cause harmful effects to health, contaminate drinking and groundwater, give off offensive odors, create unsightly litter, and damage bodies of water providing habitat for aquatic life.

B. The Town Board finds that Solid Waste Management Facilities may create or contribute to harmful environmental effects in the Town of York, including, but not limited to:

1. Rail and heavy vehicle traffic bringing waste to Solid Waste Management Facilities generate noise, dust, litter, and odor. This increased traffic requires additional road maintenance and repair, and may cause safety hazards.
2. The operation of Solid Waste Management Facilities in an agricultural, commercial and residential community makes the Town less attractive to new residents and businesses, and adversely affects the property values and tax base of the Town.

3. Exposure to certain substances are likely to cause long-term negative health effects. It may be impossible or economically prohibitive to correct these effects.
 4. The siting, construction and operation of Solid Waste Management Facilities are matters of community interest. Current, accurate information regarding the siting, construction and operation of Solid Waste Management Facilities should be available to the Town of York and its citizens.
- C. The Town Board further finds that solid waste regulation under the New York State Environmental Conservation Law is inadequate to completely relieve its foregoing concerns.

Section 3. Purpose

It is the purpose of this Local Law to:

- A. promote and preserve the health, safety and general welfare of persons and property within the Town of York by regulating and monitoring the siting, construction and operation of Solid Waste Management Facilities within the Town of York;
- B. protect the Town's residents from the potential undesirable effects of Solid Waste Management Facilities, including:
 1. unaesthetic results, including odors, blowing litter, increased traffic, dust and/or noise;
 2. deterioration in property values associated with proximity to Solid Waste Management Facilities;
 3. threats to public health or the environment by contamination of air, land, surface water or groundwater; and
- C. exercise the powers granted to the Town by the Legislature of the State of New York pursuant to Article 27 of the New York State Environmental Conservation Law, the Constitution of the State of New York, the New York State Municipal Home Rule Law, and the New York State Town Law to promote and preserve the safety and general welfare of the Town's residents.

Section 4. Definitions

- A. Unless indicated otherwise herein, the terms and words used in this Local Law shall have the same meaning as those defined in Article 27 of the ECL, and the regulations promulgated thereunder, as they may be amended from time to time.
- B. As used in this Local Law:
 1. "Agriculture and Markets Law" means the New York State Agriculture and Markets Law.
 2. "Approved Design Capacity" means the average daily tonnage to be received at the solid waste management facility during the quarter in which the most waste is anticipated to be received, as approved by DEC. For solid waste incinerators or refuse-derived fuel processing facilities, or pyrolysis facilities, "approved design capacity" means the annual rated throughput capacity of the unit or units for treatment of solid waste as approved by DEC.
 3. "Completed Application" means an application meeting all requirements of Sections 11, 12, and 13 of this Local Law.

4. "Construction" means any physical modification to the site at which an existing or proposed solid waste management facility is, or will be located, including, but not limited to, site preparation (e.g., clearing and grading, etc.)
5. "DEC" means the New York State Department of Environmental Conservation.
6. "Disposal" means the placement, discharge, deposit, injection, dumping, spilling, leaking or placing of any material into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.
7. "ECL" means the New York State Environmental Conservation Law.
8. "NYCRR" means the New York Codes of Rules and Regulations.
9. "Town" means the Town of York, Livingston County, New York.
10. "Town Board" means the Town Board of the Town of York, Livingston County, New York.
11. "Person" means any individual, partnership, joint venture, firm, association, business, industry, enterprise, public or private corporation, political subdivision of the state, government agency, municipality, estate, trust, or any other legal entity whatsoever.
12. "Site" means the property geographically contiguous to a Solid Waste Management Facility and includes the land area of that facility and its access roads, appurtenances and land buffer areas.
13. "Siting, Construction and Operating License" means that license issued by the Town Board pursuant to this Local Law which allows a person to construct or modify a Solid Waste Management Facility.
14. "Solid Waste" means, except as described in Section 360-1.2(a)(4)(i) - (vi) and Section 360-1.15(a)(b) & (c) of Part 360 of Title 6 of NYCRR, any garbage, waste tires, ash residue, refuse, sludge from wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community residential activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342, as amended (86 Stat. 880), or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) except as may be provided by existing agreements, between the State of New York and the government of the United States.
15. "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; C&D debris processing facilities; land application facilities; composting facilities; surface impoundments; used oil storage, reprocessing, and refining facilities; recyclables handling and recovery facilities; waste tire storage facilities; facilities which combine, blend or mix solid waste with other materials; 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.

Section 5. Applicability

The provisions of this Local Law shall apply to all land within the Town of York.

Section 6. Exemptions

A. The following are not subject to this Local Law:

1. Any sewage treatment or bio-solid composting facility within the Town operated by the Town or the County of Livingston.
2. Any Person, site or facility which treats, stores, compacts, recycles, exchanges, disposes or otherwise manages Solid Waste solely at the site of the initial generation of such waste or at sites within the County of Livingston under common ownership or control of the same Person.
3. Any agricultural activity exempted by the Agriculture and Markets Law and the ECL.
4. Any Person utilizing yard waste for compost, mulch or other agricultural, silvicultural, gardening, or landscape use on property which that Person owns and which is the source of the yard waste.

B. None of the foregoing exemptions shall be construed to permit any activity contrary to existing building codes, Town ordinances, Town laws, or any other State or Local law.

Section 7. Coordination with Other Laws

- A. All relevant Sections of Article 27 of the ECL and regulations promulgated thereunder, as amended from time to time, are deemed to be included within and as part of this Local Law, and any violation thereof shall be considered to constitute a violation of this Local Law.
- B. The provisions of this Local Law shall be interpreted in such a manner as to be consistent with State law, except that this Local Law may provide more stringent regulation as is specifically recognized and authorized by ECL §27-0711 and may regulate acts and activities not regulated by State Law.
- C. Nothing contained in this Local Law shall be construed to diminish the obligation of any Person to comply with other laws, rules, and regulations heretofore or hereafter promulgated by the State of New York or any other political subdivision of the State including the County and the Town or any governmental agency.

Section 8. Prohibited Activity

There shall be no storage, transfer or disposal by any Person of any Solid Waste in, or upon, any public highway, street, place, building, stream, or waterway, or body of water or upon any private lands, or other than lands owned by that Person and as specifically authorized herein.

Section 9. License Required

No Person shall establish, construct, site, modify or operate a Solid Waste Management Facility partly or wholly in the Town of York, or receive or accept for treatment, storage, transfer, or disposal within the Town, any Solid Waste without a license as provided in this Local Law.

Section 10. Activities Requiring a License

- A. The establishment, construction, siting, modification, or operation of a Solid Waste Management Facility partly or wholly within the Town requires a Siting, Construction and Operating License issued by the Town Board pursuant to the provisions of this Local Law.
- B. The following acts are deemed to be modifications which require a Siting, Construction and Operating License.
 - 1. Any expansion of the licensed premises or a greater than ten percent (10%) expansion of the buildings appurtenant thereto, by acquisition, purchase, lease or otherwise; or
 - 2. Any increase in the total quantity of Solid Waste received during any quarter at the Solid Waste Management Facility by fifty percent (50%) or more over the total quantity of Solid Waste received during the comparable quarter of the preceding year; or
 - 3. Any increase in the total quantity of Solid Waste in excess of the Approved Design Capacity of such Solid Waste Management Facility; or
 - 4. Any expansion of the Facility by the installation of additional processing equipment which increases the Approved Design Capacity of that Facility or which changes the process, methods or technology of that Facility;
 - 5. An expansion by a Person, site or Solid Waste Management Facility exempt from license requirements because it treats, stores, disposes or otherwise manages Solid Waste solely at the site of generation or at sites within Livingston County under common ownership or control by the same Person, such that the Person, site or Solid Waste Management Facility now treats, stores, transfers, disposes or otherwise manages such waste which is not generated on-site or at sites within Livingston County under common ownership or control by the same Person; or
 - 6. Any material change in the information provided to the Town by the applicant as part of the license application.

Section 11. License Application Contents

All applications for a Siting, Construction and Operating License shall include the following:

- A. A completed application upon a form prescribed by the Town Board and available from the Town Clerk, which application shall include the full name of the Person seeking the license, whether that Person is an individual, corporation, partnership, joint venture or other legal entity. If the applicant is not an individual, the application shall set forth the names of all parent corporations, affiliates, shareholders (if a closely held corporation), officers, board members, partners, joint venturers or other beneficial owners of the entity seeking the license, the Federal Identification Number or Social Security Number of the applicant and all affiliates or individuals set forth on the applications. If the applicant is a corporation, the applicant shall provide a certificate of good standing from the Secretary of State of the state of incorporation, and if a foreign corporation, proof of the filing as a foreign corporation with the New York State Secretary of State. If the applicant is not a corporation, or is a corporation doing business under an assumed name, the application shall provide certified copies of all documents establishing its authority to do business in the Town, in accordance with section 130 of the General Business Law of the State of New York, or such other laws which regulate its business.
- B. In the event that the proposed operator of the Solid Waste Management Facility is not the same Person as the applicant, then all of the information required by subsection 11(A) of this Local Law shall also be provided with regard to the proposed operator.

- C. A complete list of all Persons holding or owning any property right in or to the proposed licensed premises other than a holder of a secured interest in the demised premises or a holder of a right to access the demised premises pursuant to a utility easement granted to the Town of any governmental agency.

Section 12. Execution of Application

- A. All applications shall be accompanied by evidence of authority to sign the application and shall be signed as follows:
1. Corporations: by a duly authorized officer of at least the level of vice president, accompanied by a certified copy of the authorizing corporate resolution.
 2. Partnerships: by a general partner.
 3. Sole Proprietorships: by the proprietor.
- B. All applications shall be sworn to by or on behalf of the applicant with respect to all statements of fact therein under penalty of perjury.

Section 13. Filing Fees and Costs

- A. An applicant for a Siting, Construction and Operating License shall deposit with the Town an application fee as determined by resolution of the Town Board. The application fee which initially shall be no more than \$50,000 is to be utilized by the Town as needed, to pay for all fees, costs and disbursements incurred by the Town in processing the application including but not limited to independent legal, engineering and technical consultant fees, stenographic charges, and any other application process including SEQRA review. Such application fee shall be directly related to the projected costs to be incurred by the Town in evaluating and processing the application including researching issues raised during Public Hearings and any other issues deemed relevant by the Town Board. An estimate of the application fee will be made by the Town Board and provided to the applicant for comment. The Town Board will consider the applicant's comments in determining the application fee. The application fee shall be maintained in a separate Town fund which funds may be appropriated by the Town Board in accordance with the terms of this Local Law. In the event the application fee is insufficient to cover the fees, costs and disbursements incurred by the Town in processing the application, the Town shall provide the applicant with an invoice of the fees, costs and disbursements, and the applicant shall be obligated to pay the Town such additional fees, costs and disbursements within thirty (30) days from receipt of that invoice by the Town. The Town shall return to the applicant any portion of the permit application fee which has not been expended, regardless of whether the application has been approved or denied. In the event there is more than one (1) applicant, any refunds shall be allocated among the applicants on a pro-rata basis as determined by the Town Board.
- B. In the event that the applicant fails or refuses to pay such additional fees, costs and disbursements for any reason within thirty (30) days of its receipt of an invoice, the Town may suspend review of the application. Failure or refusal to reimburse the Town for expenses incurred may be a basis for refusal of the license application or revocation of an existing license. The applicant shall be responsible for all additional fees, costs, and disbursements, including reasonable attorneys fees incurred in the collection of any invoiced items.

Section 14. License Application Procedures

- A. Any person who proposes to establish, construct, site, modify or operate a Solid Waste Management Facility in the Town shall submit a Completed Application for a Siting, Construction, and Operating License to the Town Board prior to commencement of any such activity.

- B. Upon receipt of a Completed Application, the Town Board shall issue to the applicant a written notice of completed application. The Town Board shall hold a public hearing concerning the license application, within sixty (60) days of the Town Board's issuance of a written notice of Completed Application or such longer period as may be agreed upon in writing by the Town Board and the applicant. The Town Board shall conduct a public hearing on the application after the Town Board has issued public notice of the hearing at least ten (10) days prior to the date of the hearing, (2) the applicant has served written notice of the hearing upon all landowners contiguous to the proposed boundaries of the licensed premises at least (10) days prior to the date of the hearing, and (3) the applicant has provided written proof of such service to the Town Board. The public hearing shall be recorded by a stenographer, and a transcript of the proceedings shall become a part of the application. In the event that said hearing shall not be completed in one day, the hearing may be adjourned to subsequent hearing. The Town Board shall have the ability to incorporate any public comments of record which have been filed with the DEC into the record for consideration for the application. The Town Board shall have the right to provide a copy of the transcript, or a summary thereof, to the DEC for consideration as part of its review process.
- C. The Town Board's decision to grant or deny the license shall be based upon its review and determination of the following issues:
1. Whether the applicant's proposal is in compliance with all applicable laws and regulations;
 2. Whether the applicant's proposal will significantly impact, benefit or threaten the environment or the health, safety, and general welfare of the community and the Town's citizens;
 3. Whether the applicant has demonstrated adequate contingency plans for corrective or remedial action which may be necessitated by factors including any contamination or release of toxic materials attributable to the Solid Waste Management Facility's operation, equipment malfunctions, and natural disaster or casualty (such as flood or fire);
 4. Whether the applicant has demonstrated adequate program for closure of the Solid Waste Management Facility, to be implemented when use of that Facility or a part of that Facility permanently terminates or is out of service for more than sixty (60) days; and
 5. Whether the applicant, its parent corporations, affiliates, shareholders (if a closely held corporation), officers, board members, partners, joint venturers or other beneficial owners have complied and are in compliance with the requirements of any license or permit issued by any governmental agency or subdivision, and have complied and are in compliance with all applicable laws and regulations.
 6. Upon request of the applicant or on its own motion the Town Board may waive the submission of any of the above information if the said Board finds such information not to be relevant to the particular application submitted.
- D. Within one hundred twenty (120) days following receipt of a completed application, or thirty (30) days subsequent to the issuance of all permits or licenses issued by any governmental agency in connection with the proposed activity or premises, or such longer period as may be agreed upon in writing by the Town Board and the applicant, the Town Board shall notify the applicant in writing of its decision to either grant or deny the license.
- E. In granting or denying a license, the Town Board shall make findings of fact and state in a written notification to the applicant the reasons for such grant or denial, as the case may be.

Section 15. Term of License

The term of the Siting, Construction and Operating License issued shall be determined by the Town Board but shall be no less than one (1) year and no more than ten (10) years. In those circumstances where a permit has been issued to the applicant by DEC pursuant to Part 360 of Title 6 of NYCRR for the proposed activity or premises, the term of the Siting, Construction and Operating License shall be equal in length to the duration of the DEC permit.

Section 16. Conditions of License

- A. The Town Board may issue a license containing such conditions and limitations deemed by the Town Board to be necessary for the protection and preservation of the health, safety and general welfare of the Town's residents.
- B. Every Siting, Construction and Operating license issued pursuant to this Local Law shall be conditioned upon the license holder's acceptance of Solid Waste exclusively from Solid Waste haulers and/or transporters who possess all required permits and/or licenses from the DEC and all other appropriate governmental agencies.
- C. All Solid Waste shall be transported in compliance with required manifests, if any .
- D. Every Siting, Construction and operating license issued pursuant to this Local Law shall require the license holder to submit simultaneously to the Town copies of any monitoring reports or other information which the license holder submits to DEC or other governmental agencies during the term of such license.
- E. The Siting, Construction and Operating License shall be conspicuously displayed at all times in the principal office of the license holder located at the licensed premises.
- F. The license holder shall immediately provide to the Town copies of any notice of non-compliance, cease-and-desist orders, notices of fines or penalties, notices of revocation or suspension of any license or permit or any other written directives received from any governmental entity issued to the license holder, its affiliates, shareholders (if closely held corporation), officers, board members, partners, joint venturers or other beneficial owners of the license holder.
- G. The license holder shall immediately provide to the Town copies of all notices and pleadings regarding claims actions, suits, or proceedings, pending or threatened, against the license holder or licensed premises, which could cause the incurrence of expenses or costs of any kind or which seek money damages, injunctive relief, remedial action or other legal remedy.

Section 17. Transfer and Assignment of License

All licenses issued pursuant to this Local Law are transferable only upon prior written approval of the Town Board, and a clear and convincing demonstration that the prospective transferee will be able to comply with applicable laws and regulations, permit conditions, and other requirements to which the prospective transferor is subject. In determining whether to approve any transfer of a license, the Town Board shall also consider whether the prospective transferee, its parent, corporations, affiliates, shareholders (if a closely held corporation), officers, board members, partners, joint venturers or other beneficial owners have complied and are in compliance with the requirements of any license or permit issued by any governmental agency or subdivision, and have complied and are in compliance with all applicable laws and regulations. For the purposes of this Local Law, a "transfer" by the license holder shall include but is not limited to any type of transfer or assignment or a controlling interest in or to the license holder.

Section 18. Bonds and Insurance

- A. As a condition of the issuance of any Siting, Construction, and Operating License, the Town Board shall require bonds or insurance issued by a bonding, surety or insurance company (which is rated by

BEST's no less than "AAA" or its equivalent) acceptable to and in an amount set by the Town Board including the following:

1. Performance bond, to ensure the proper performance of the work and siting of the Facility pursuant to the details of the applications, the dictates of this Local Law, and any other local or State law.
 2. Penalty bond, to ensure that all penalties levied and judgments secured pursuant to this Local Law are promptly tendered and satisfied.
 3. Liability insurance, to cover injuries to Person and property.
 4. Such bonds or insurance to ensure that all costs and potential liabilities related to closure are covered.
- B. The Town reserves the right to require that the Town be a named insured on any policy required hereunder.
- C. The terms and conditions of all such bonds and insurance shall be clearly set forth in detail on the license, including the amount of such bonds and insurance.

Section 19. Reissuance of License

- A. Any holder of a Siting, Construction and Operating License who intends to continue construction or operations beyond the period of time covered in such license must file for reissuance of such license at least one hundred eighty (180) days prior to its expiration. Filing for reissuance shall be made by the license holder on a form prescribed by the Town Board and available from the Town Clerk, or if no such form is prescribed, than on the same form as was previously filed. The provisions of this Local Law relative to submittal and processing of initial applications, including payment of the filing fee and costs, shall apply to reissuance applications under this section.
- B. Upon review of a reissuance application, the Town Board shall consider the same issues as set forth in Section 14 of this Local Law and utilize the same process of review as employed in the consideration of the original application.
- C. The Town Board may reissue the original license, deny reissuance, or issue a license subject to different and additional conditions and limitations in order to secure compliance with the provisions of this Local Law or the original license.

Section 20. Modification, Suspension, and Revocation of License by the Town Board

- A. After notice to the license holder and a public hearing, any license issued pursuant to this Local Law may be modified, suspended or revoked, in whole or in part, during its term for cause, including, but not limited to, the following:
1. Violation of any part of this local Law or any other provision of the Town Code of the Town of York.
 2. Violation of any condition, limitation or term of a license issued under this Local Law;
 3. obtaining a license by misrepresentation or a failure to fully disclose all relevant facts;
 4. Materially false or inaccurate statements or information in a license application;
 5. Non-compliance with requirements of any license or permit issued by any governmental entity;
 6. Cancellation of any insurance, bond or surety required by the Town Board; or

7. If continuation of the license would have a significantly negative impact upon the environment or the health, safety, and welfare of the general public.
- B. In modifying, suspending or revoking a license, the Town Board shall make findings of fact and state in a written notification to the license holder the reasons for such modification, suspension or revocation, as the case may be.

Section 21. Access to Premises

- A. During normal business hours and upon reasonable notice to the licensee, the Town Board and/or its authorized agents may inspect each Solid Waste Management Facility licensed under the provisions of this Local Law as often as they deem necessary. For the purposes of making such inspection, the Town Board and its authorized agents shall have open, unlimited, unrestricted and immediate access to all Facilities licensed hereunder. The licensee shall have a right to have a representative present during such inspections, but may not delay or postpone such inspection due to the unavailability of such representative unless the delay or postponement is with the consent of the Town Board or its authorized agent. In making such inspection and at any other times when Town Board members or the Board's authorized representatives shall be on the premises of an applicant they will observe safety warnings and regulations of the applicant.
- B. License holders shall maintain all records concerning the Siting, Construction and Operation of a Solid Waste Management Facility licensed under the provisions of this Local Law, and such records shall be open to inspection by the Town Board, and its authorized agents at any time during hours normal to that Facility operation or within forty-eight (48) hours of receipt of any written request from the Town whichever is sooner.

Section 22. Site Monitors

- A. The Town Board may, in its discretion, appoint Persons with suitable qualifications as either a full or part time site monitors for the Town. Site monitors shall have authority:
1. To monitor any Facility issued a Siting, Construction and operating License pursuant to the provisions of this Local Law and determine whether the license holder is complying with all zoning requirements and the requirements of all Town laws and ordinances.
 2. To report to the Town Board, at such times as the Town Board requires, as to the operation of such Facility.
 3. To test or have tested any materials deposited in, or placed upon any such Facility and to test any surface or groundwaters and/or soils within or adjacent to said Facility and to conduct any other environmental tests as he or she may deem necessary or advisable.
- B. All fees, costs and disbursements relating to site monitoring under this section are to be borne by the license holder. The license holder shall be obligated to pay these fees, costs and disbursements for site monitoring which have been incurred by the Town during the course of each month, as set forth by the Town in an invoice provided to the license holder. In the event that the applicant fails or refuses to pay the invoiced amounts for any reason within twenty (20) business days of the invoice, the Town may suspend the license and/or call a previously posted bond or letter of credit for payment of the obligation. Failure or refusal to reimburse the Town for expenses incurred may be a basis for revocation of the license. The license holder shall be responsible for all additional costs, disbursements and reasonable attorneys fees incurred in the collection of any invoiced items.

Section 23. Enforcement

- A. Whenever, on the basis of any information available to him, the Site Monitor has reason to believe that the license holder is in violation of any requirement of this Local Law or any license condition, the Site Monitor shall notify the license holder, DEC and the Town Board.
- B. When, on the basis of any information available to him, the Site Monitor determines that any condition or practice requirement of this Local Law, or any license condition, which condition, practice or violation also creates an imminent danger to the health or safety of the public, or is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources, the Site Monitor shall immediately order a cessation of all work and operations at the Solid Waste Management Facility or the portion thereof relevant to the condition, practice or violation. Such cessation order shall remain in effect until the Site Monitor determines that the condition, practice or violation has been abated, or until modified, vacated or terminated by the Site Monitor pursuant to paragraph C of this section. Where the Site Monitor finds that the ordered cessation of work and operations, or any portion thereof, will not completely abate the imminent danger to health or safety of the public or the significant environmental harm to land, air or water resources, the Site Monitor shall in addition to the cessation order, impose affirmative obligations on the license holder requiring it to take whatever steps the site monitor deems necessary to abate the immediate danger or the significant environmental harm.
- C. Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, and reasonable description of the portion of the Solid Waste Management Facility to which the notice or order applies. Each notice or order issued under this section shall be given promptly to the license holder by the Site Monitor who issues such notice or order, and all such notices shall be in writing and shall be signed by the Site Monitor. Any notice or order issued pursuant to this section may be modified, vacated, or terminated by the Site Monitor. A copy of any such order or notice shall also be sent to the DEC and the Town Board. Any notice or order issued pursuant to this section which requires cessation of work and operations shall expire within 30 days of actual notice to the license holder unless a public hearing is held. Within 14 days of the completion of the hearing, the Town Board shall make written findings of fact and determine whether such condition or practice exists or that the license holder is in violation of any requirement of this Local Law or any licensed condition. If the Town Board does not make these written findings of fact and determination within 14 days of the completion of the hearing, then the notice or order which requires cessation of work and operations shall expire.
- D. Nothing herein shall be construed so as to eliminate any additional enforcement rights or procedures which are available under Federal, State or Local law, but which are not enumerated here.

Section 24. Violations

- A. Upon a violation by any Person of this Local Law or any license issued hereunder, the Town Board shall be also entitled to obtain an injunction against such Person prohibiting further violations and, in addition, ordering that any Solid Waste illegally disposed of be removed from the Town and ordering that any land on which Solid Waste is illegally disposed of be restored as nearly as possible to its former condition by the removal of any waste illegally disposed of any by such other restorative measures as are available, and further ordering that the license holder remedy any effects of the violation on surrounding or adjacent properties or resources,, including without limitation, soil, air, crops, bodies of water, wetlands, and groundwaters.
- B. For any violation of this Local Law or any license issued hereunder, the violator shall also be subject to a civil penalty of up to \$25,000 for each violation. Each day of non-compliance shall be a separate and distinct offense. The Town shall be entitled to recover such penalties in an action at law in any court of competent jurisdiction.

C. Upon an action for injunctive relief or for a civil penalty hereunder, the Town shall be entitled to a further award and judgment for its costs, disbursements, and reasonable attorneys' fees in connection therewith.

D. Any Person who takes part in or assists in any violation of this Local Law shall also be personally subject to, and liable for the penalties provided herein.

Section 25. Compliance with Zoning

Pursuant to the zoning laws of the Town of York any Solid Waste Management Facility is subject to the issuance of a special use permit. Said permit shall be issued as a part of any license to operate, but shall be separate and distinct, and not be merged therein.

Any new, extended, or expanded Facility shall not be deemed to be a prior non-conforming use, or pre-existing use under the zoning laws, but shall be deemed to be in the instance of any license issued hereunder, a new land use.

Solid Waste Management Facilities shall be operated within the Town only in those areas so permitted by the Town's zoning laws.

Section 26. Miscellaneous

A. This Local Law shall be deemed to supersede 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 full force and effect as if the invalidated portions had not been enacted.

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

Section 27. Effective Date

This Local Law shall become effective upon its filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law, and shall apply to all completed applications received on or after the date of the initial public hearing held hereon on May 11, 1995.

Section 28. Reactivation of Former Law

If this Local Law is declared null and void for any reason by a court of competent jurisdiction then its predecessor law, Local Law No. 1 of 1989, shall be automatically reactivated and resurrected, and shall be in full force and effect. Similarly, if only a part of this Local Law is declared null and void by a court of competent jurisdiction, and that part had superseded a comparable part of Local Law No. 1 of 1989, that part of Local Law No. 1 of 1989 shall be automatically reactivated and resurrected and shall be in full force and effect.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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 do not use italics or underlining to indicate new matter.

County

City

of

YORK

Town

Village

Local Law No. 3 of the year 1995

A local law Solid Waste Management Law of the Town of York
(Insert Title)

Be It enacted by the TOWN BOARD of the
(Name of Legislative Body)

County

City

of

YORK

Town

Village

as follows:

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

(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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, 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. _____³_____ of 1995.. of the (County)(City)(Town)(Village) of _____^{YORK}_____ was duly passed by the _____^{TOWN BOARD}_____ on Sept. 28 19 95, and was (approved)(not approved)(repassed after disapproval) by the _____^{SUPERVISOR}_____ and was deemed duly adopted on Sept. 28 19.95, *(Elective Chief Executive Officer*)* 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 approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted *(Elective Chief Executive Officer*)* 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 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 *(Elective Chief Executive Officer*)* 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 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.)

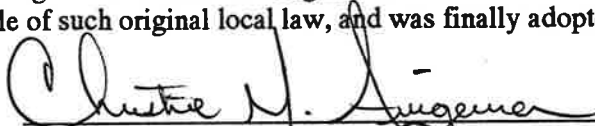
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____²_____, above.


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

(Seal)

Date: September 29th, 1995

(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 LIVINGSTON

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 of York Attorney
Title

County _____
City _____ of YORK
Town _____
Village _____

Date: September 29th, 1995



Supervisor
DENNIS R. HOUSE
Home
(716) 226-2299

Town Board
NORMAN R. GATES
GERALD L. DEMING
EDWARD J. ORMAN
JAMES A. VITALE

Highway Superintendent
ROY MCCRACKEN

TOWN OF YORK
2668 MAIN STREET
YORK, NEW YORK 14592
TEL: (716) 243-3128
FAX: (716) 243-4618

Town Clerk / Tax Collector
CHRISTINE M. ARRIGENNA

Town Justices
ANTHONY GIGLIO
DAVID CLARK

Court Clerk
NORMA GEARY

Assessor
FRANCIS SCHIRMER


Zoning / Code Enforcement
JAMES MORGAN

November 28th, 1995

State of New York
State Records and Law Bureau
Department of State
162 Washington Avenue
Albany, New York 12231

Gentlemen:

In accordance with the requirements of Municipal Home Rule, Section 27, I herewith enclose one (1) certified copy of the Town of York Local Law Number 4 of the year 1995 for filing in the office of the Secretary of State.

Sincerely,

Christine M. Arrigena
Town Clerk



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STATE OF NEW YORK
County of Livingston
Town of York
Office of the Town Clerk

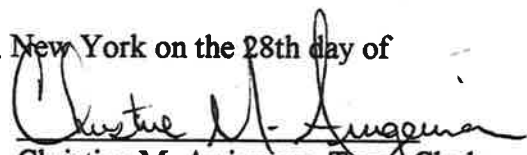
I, Christine M. Arrigenna, Town Clerk of the Town of York, New York, Livingston County, do hereby certify that: AT THE YORK TOWN BOARD MEETING OF 8-24-95, following a Public Hearing held on 8-24-95, the attached Local Law: PROVIDING A FOUR YEAR TERM FOR THE ELECTIVE OFFICE OF TOWN CLERK OF THE TOWN OF YORK, was approved.

The Public Hearing on the Four Year Term for the Elective Office of Town Clerk of the Town of York, as proposed, was published in the Livingston County News of Geneseo, New York, the official publication of the Town of York, New York. The date of the Public Hearing was 8-24-95, at 7:00 p.m., and held at the York Town Hall, 2668 Main Street, York, New York.

All published notices of this Law were posted on the York Town Clerk's signboard.

All York Town Board members had notice of such meeting at least ten (10) days previous to the Public Hearing.

Witness my hand and the seal of said Town of York, New York on the 28th day of November, 1995.


Christine M. Arrigenna, Town Clerk