

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12251

(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.

FILED
MAR 11 1991

~~COUNTY~~
~~CITY~~ of HAMPTON
Town
~~Village~~

Local Law No. 1 of the year 19 91

A local law in Relationship to Solid Waste Treatment and Disposal
(Insert Title)
in the Town of Hampton, Washington County, State of New York
Be it enacted by the Town Board of the
(Name of Legislative Body)

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

TOWN OF HAMPTON
LOCAL LAW NO. 1, 1991

- SECTION 1 TITLE
- SECTION 2 DEFINITIONS
- SECTION 3 LEGISLATIVE INTENT
- SECTION 4 PURPOSE
- SECTION 5 SEVERABILITY
- SECTION 6 SUPERSESSION
- SECTION 7 EFFECTIVE DATE

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

TOWN OF HAMPTON

LOCAL LAW NO. 1, 1991

Local Law in Relationship to Solid Waste
Treatment and Disposal in the
Town of Hampton, Washington County, State of New York

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

SECTION 1 TITLE:

This Local Law shall be entitled Solid Waste Treatment and
Disposal in the Town of Hampton, Washington County, of 1991.

SECTION 2 DEFINITIONS:

"SOLID WASTE" means all putrescible and non-putrescible
materials or substances that are 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 treatment facilities, rubbish, tires, ashes,
contained gaseous material, incinerator residue, construction and
demolition debris, discarded automobiles, and offal.

"PUTRESCIBLE" means the tendency of organic matter to
decompose with the formation of malodorous by-products.

"RECOVER" means any act or process by which recyclables are
separated from the solid waste stream.

"RECYCLE" means to use recyclables in place of virgin
materials in manufacturing a product.

"RECYCLABLES" means solid waste that exhibits the potential

to be used repeatedly in place of a virgin material.

"RECYCLABLES HANDLING AND RECOVERY FACILITY" means a solid waste management facility, other than collection and transfer vehicles, at which recyclables are separated from the solid waste stream, or at which previously separated recyclables are collected.

"REFUSE" means anything putrescible or non-putrescible that is discarded or rejected as useless or worthless.

"RESIDUALS" means sludge, sewage sludge, septage, air pollution control facility waste, or any other such waste having similar characteristics or effects; and solid waste remaining after the processing of solid waste by composting methods that was not made into compost suitable for use.

SECTION 3 LEGISLATIVE INTENT:

The preservation and improvement of the quality of the environment within the Town of Hampton, in the face of growth and change, with the accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants of the Town of Hampton and requires action by the governing body of the Town of Hampton.

It is recognized that the integrity of the Town's environment and its agricultural surroundings cannot be protected without the full cooperation and participation of all people of the Town of Hampton working in partnership with Local, County and State officials. The establishment of a Solid

Waste Treatment and Disposal Plan for the Town of Hampton, Washington County is a necessary step in creating a unified action on environmental issues.

It is the belief of the Town upon analysis of Hampton's waste stream that potential exists for expansion of efforts to increase waste reduction, with on-going composting and recycling within Hampton.

Furthermore, the Town of Hampton recognizes that solid waste is a continuous process and that the Town must consider the development of on-going solid waste management capabilities. This is important if Hampton is to achieve long-term success in implementing waste reduction and recycling goals.

It is the intent of the Town to assert its rights to establish procedures and standards for its Town so as to protect its public health and its environment by ensuring the safe, proper and suitable management of solid waste within the borders of the Town of Hampton.

SECTION 4 PURPOSE:

The Town Board of the Town of Hampton, pursuant to the powers of Municipal Home Rule Law, § 10; Article 27 Environmental Conservation Law, Statute of Local Government and by the powers invested in the enabling legislation of 1987 New York State Laws Chapter 681 to declare the Town of Hampton to pre-empt and supersede Chapter 681 (an act in relation to solid waste treatment and disposal in Washington County) (1987) to the extent that the Town of Hampton hereby retains its rights and powers to

implement said Local Laws within the Town of Hampton with respect to collecting, receiving, transporting, delivering, storing, processing and disposing of solid waste or the recovery by any means of any materials or energy product or resources therefrom including delivery in any recycling efforts.

This Local Law does not specifically exclude the ability of the Town pursuant to its governing laws, Municipal Home Rule Law

§ 10; Article 27 Environmental Conservation Law, Statute of Local Government, to enter into an agreement with said County of Washington or other municipal entities or the private sector regarding solid waste collection, receiving, transporting, delivering, storing, processing and disposing of solid waste or the recovery within the Town of Hampton.

SECTION 5 SEVERABILITY:

If any phrase, clause, sentence, paragraph, subdivision or section of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such portion of this Local Law shall be deemed separate and distinct from the remainder of this Local Law and such judgment shall not affect the validity of the remaining provisions of this Local Law.

SECTION 6 SUPERSESION:

This Local Law, pursuant to Municipal Home Rule Law § 10 of the State of New York, Article 27 of the Environmental Conservation Law, Statute of Local Government, specifically supercedes Chapter 681 of Washington County Solid Waste Treatment

and Disposal (1987) as it relates to the ability and powers of Washington County in collecting, receiving, transporting, delivering, storing, processing and disposing of solid waste or recovery. Said Local Law hereby asserts the powers to adopt and amend Local Laws within its borders so that the Local Laws enacted by the County shall not take present over and shall not supercede said Local Law of this Town.

SECTION 7 EFFECTIVE DATE:

This Local Law shall take effect immediately upon its filing in accordance with the provisions of Section 27 of 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. 1 of 1991 of the ~~(County)~~(City)(Town)(Village) of Hampton was duly passed by the Town Board on March 7 1991, 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 _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (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____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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 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 _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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.

~~4. (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 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.

~~Print Name of County Legislative Body, State of New York, and Village, City or Town Designated by Local Legislation~~

TOWN CLERK

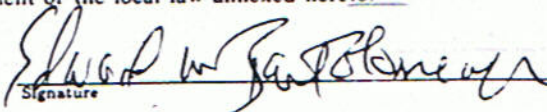
Date: March 7, 1991

(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 WASHINGTON

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

Attorney to the Town of Hampton
Title

EDWARD W. EASTON
of Hampton
Town

Date: March 7, 1991