

(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~~ of DUNKIRK
~~City~~
~~Town~~
~~Village~~

Local Law No. 1 of the year 19 89

A local law entitled: "REGULATING DUMPING IN THE TOWN OF DUNKIRK, NEW YORK."
(Insert title)

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

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

1. DEFINITION - The term "person" as used in this LOCAL LAW, shall include any individual, society, club, firm, partnership, corporation or association of persons and the singular number shall include the plural number.

The term "rubbish" as used in this LOCAL LAW shall include waste metal, tin cans, ashes, cinders, glass, pottery and all discarded substances of a solid and incombustible nature.

The term "garbage" as used in this LOCAL LAW shall include waste food, papers, dead animals or parts thereof, and all waste or discarded wood, lumber, construction and demolition materials, tires, chemicals or any other nauseous or offensive matter or any material which shall be inflammable or capable of fermentation or decay.

The term "compost" as used in this LOCAL LAW shall include trees, branches, leaves, grass, farm products and by-products.

2. DUMPING PROHIBITED - No person shall use any of the lands within the TOWN OF DUNKIRK as a dump or dumping grounds, nor shall any person throw, dump, deposit or place on such lands or cause to be thrown, dumped, deposited or placed on any lands in the TOWN OF DUNKIRK any rubbish or garbage, nor shall any person dispose of or attempt to dispose of any such rubbish or garbage by burying the same on any lands in the TOWN OF DUNKIRK.

3. COLLECTION OF GARBAGE OR RUBBISH - all persons who have contracted for pickup of garbage or rubbish with a commercial or public hauler of refuse shall secure such garbage or rubbish in containers and locate the same on their own property in such a manner as to prevent the rubbish or garbage from spilling or blowing over onto lands of other

property owners. No garbage or rubbish shall remain at the road side for pickup purposes for more than 24 hours.

4. FURTHER GENERAL RESTRICTIONS - No person shall throw or deposit or cause to be thrown or deposited any garbage, compost or rubbish in or upon or adjacent to any public highway, street or road located in the TOWN OF DUNKIRK. Any garbage, compost or rubbish thrown or deposited from a motor vehicle shall be deemed to have been thrown or deposited by all of the occupants of the motor vehicle and each person shall be subject to prosecution for the violation.

5. VIOLATION OF LOCAL LAW; PENALTY - That any breach of this LOCAL LAW is hereby declared to be a violation and shall, upon conviction, be punishable by a fine not less than Fifty (\$50.00) Dollars, nor more than Two Hundred Fifty (\$250.00) Dollars or up to Fifteen (15) Days in jail, or both.

6. RESERVATION OF RIGHTS - The TOWN BOARD of the TOWN OF DUNKIRK shall also have the right to pursue any legal remedy available to it to compel compliance with or to restrain by injunction the violation of this LOCAL LAW.

7. PRIOR LOCAL LAWS SUPERSEDED - This LOCAL LAW shall supersede all previously adopted dumping ordinances of the TOWN OF DUNKIRK including the dates of 12/1/49 and 10/23/50; and also amendments of dates 9/8/58 and 1/6/76; and also 5/11/77 Zoning Ordinance, Section 816; which former ordinances and amendments are hereby declared null and void.

8. SAVING CLAUSE - If any clause, sentence, paragraph, section or part of this LOCAL LAW shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the

controversy in which such judgment shall have been rendered.

9. EFFECTIVE DATE - This LOCAL LAW shall take effect immediately upon the filing of same with the Secretary of State of the State of New York.

Upon roll call vote, the following votes were cast:

Supervisor Robert H. Altwies	<u>voting aye</u>
Councilwoman Patricia F. Johnson	<u>voting aye</u>
Councilman Wilfred F. Apps	<u>voting aye</u>
Councilman David T. Rusch	<u>voting aye</u>
Councilman Richard E. Mourer	<u>voting aye</u>

(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. 1..... of 19...89

~~County~~

~~City~~ of Dunkirk.....

was duly passed by the Town Board
(Name of Legislative Body)

~~Village~~

on June 13, 19 89 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

City of

was duly passed by the
(Name of Legislative Body)

Village

not disapproved

on 19 and was approved

by the Elective Chief Executive Officer *

repassed after disapproval

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

City of

was duly passed by the
(Name of Legislative Body)

Village

not disapproved

on 19 and was approved

by the Elective Chief Executive Officer *

repassed after disapproval

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 thereon at the special election held on 19, in accordance with the applicable 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

City of

was duly passed by the
(Name of Legislative Body)

Village

not disapproved

on 19 and was approved

by the Elective Chief Executive Officer *

repassed after disapproval

on 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 above.


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

Date:

4/13/89

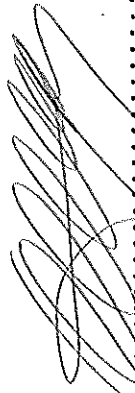
(Seal)

(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 CHAUTAUQUA.....

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.


.....
Albert W. Foley Signature
Town Attorney-Town of Dunkirk.....
Title

Date:

16 Apr 1989

County
~~City~~ of Dunkirk
Town
~~Village~~