

TOWN OF COLUMBIA
LOCAL LAW # 1 for 1992

Be it enacted by the Town Board of the Town of Columbia, Herkimer County, New York, as follows:

SECTION I - DECLARATION OF POLICY

It is hereby determined by the Town Board that the operation of dumps for the disposal of garbage, rubbish, raw or treated sewage sludge, industrial or medical waste; or any facility to treat or process the above materials are likely to constitute a hazard and menace to health and safety of the residents of the Town of Columbia and it is, therefore, the intent of this Local law to prohibit the operation of dumps, or facilities to process sewage in any form, industrial or medical waste, or using public roads for littering or the disposal of garbage and rubbish in the Town of Columbia, pursuant to section 130 subdivision (6) and (15) of the Town law of the State of New York.

SECTION II - DEFINITIONS

The term "person" as used in this local law shall include an individual, firm, partnership, corporation, municipality, or any Government Agency, or association of people.

The term "dump" as used in this local law shall mean a place used for the disposal and leaving paper, garbage, rubbish and waste materials of any nature by the public or by any person and shall include all public roads.

The term "facilities" shall mean any structure or open area used to store, treat or process, garbage, rubbish, sewage, raw or treated, sludge, industrial or medical waste.

SECTION III - RESTRICTIONS

The operation or maintenance of a dump or facilities for the treatment, processing, or disposal of garbage, rubbish and waste material, sewage raw or treated, sludge, industrial or medical waste or disposal along the public roads, including littering, is hereby prohibited in the Town of Columbia.

SECTION IV - EXCEPTIONS

Nothing herein contained shall be deemed to prohibit any person from disposing of bio-degradable, non-commercial or industrial rubbish, waste material and garbage on property within

the Town; provided, such rubbish, waste material and garbage is generated within the Town. Nothing herein shall be deemed to prohibit a Town sponsored transfer station, or landfill for rubbish, waste material and garbage generated by the Town residents.

SECTION V - ENFORCEMENT

This Local Law may be enforced by the County Codes Enforcement Officer, local constables, local Codes Enforcement Officer, if any, State Police, Sheriff's Department, Environmental Conservation Officers or any other peace officer, or such other person duly designated by the Town as an enforcement officer, as well as by a citizen's complaint. Any individual has the prerogative to file a written complaint with any of the above mentioned enforcement agencies.

SECTION VI - PENALTIES

Any person violating any of the provisions of this Local Law shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine not exceeding \$1000.00 for each offense or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment. The Town Board shall also have the power to bring civil action to restrain any violation of this Local law in a court of competent jurisdiction. When a violation of this Local law is continuous, each 24 hours thereof shall constitute a separate offense.

SECTION VII - SEPARABILITY

If any clause, sentence, subdivision, paragraph, section or part of this Local law 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, subdivision, paragraph, section or part hereof directly involved in the controversy in which such judgement shall have been rendered.

SECTION VIII - REPEALER

The provisions of Law # 1 of 1988 are hereby repealed.

SECTION IX - EFFECTIVE DATE

This Local law shall take effect immediately upon filing with the office of the Secretary of State.