

1989-3

(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.

FILED

1989 MAR 23 PM 3:40

County
~~City~~
~~Town~~
~~Village~~ of Chenango

COUNTY CLERK'S OFFICE
CHENANGO COUNTY, N.Y.

Local Law No. 3 of the year 19 89

A local law ... A COUNTY LAW PROTECTING THE HEALTH, SAFETY AND WELL-BEING OF PERSONS IN
CHENANGO COUNTY BY PROHIBITING THE DISPOSAL AND STORAGE OF RADIOACTIVE
WASTE WITHIN THE COUNTY OF CHENANGO.

Be it enacted by the Chenango County Board of Supervisors of the
(Name of Legislative Body)

County
~~City~~
~~Town~~
~~Village~~ of Chenango as follows:
Mr. Wrightington offered the following for adoption:

Section 1. FINDINGS AND INTENT.

The Chenango County Board of Supervisors hereby finds:

- (a) The Chenango County Board of Supervisors as the duly constituted local government within the geographical boundaries of the County of Chenango is empowered and authorized to provide for the general health, safety and well-being of its citizenry;
- (b) The disposal and storage of radioactive waste within the boundaries of the County of Chenango poses an imminent danger to the health, safety and well-being of the inhabitants of the County;
- (c) The Constitution of the State of New York, at Article 17, Section 3, mandates the State of New York provide for the protection and promotion of the health of its inhabitants, but the State of New York, by proposing the possible siting of a nuclear waste disposal facility within Chenango County, has abridged its constitutional duty to the citizens of Chenango County.

Section 2. PROHIBITED ACTS.

No person, corporation, partnership, government agency or instrumentality or other entity shall dispose of or store or cause to be disposed, either directly or indirectly, any radioactive waste within the geographical boundaries of Chenango County.

Section 3. PENALTIES.

- (a) Each violation of this law shall constitute an unclassified misdemeanor punishable by imprisonment for not more than one year and to a fine not exceeding one thousand dollars.
- (b) Each day of violation shall constitute a separate and distinct offense.

Section 4. ADDITIONAL REMEDIES.

The County of Chenango may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with and or prohibit any violation of the provisions of this law including injunction, temporary restraining order or other proper legal remedy.

(If additional space is needed, please attach sheets of the same size as this and number each)

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Section 5. SEPARABILITY.

This local law is separate and apart from any other local law and each provision hereof is separate from any other provision. If this law or portion thereof is found to be invalid, no other law or unaffected portion of this law shall be affected thereby and shall remain in full force and effect.

Section 6. This law shall take effect immediately upon proper filing pursuant to law.

Seconded by Supervisor Crouch

Results of a roll call vote were: Yes - 2,458, No-0, Absent - 13

Absent: Supervisor White

The Chairman declared the Local Law duly adopted.

(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. ...3... of 19 89...
County
City
of the Town of ...Chenango... was duly passed by the ...Board of Supervisors...
Village
(Name of Legislative Body)
on ...March 20,..... 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 the Town of was duly passed by the
Village
(Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval 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.....
County
City
of the Town of was duly passed by the
Village
(Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
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
general
thereon at the special election held on 19, in accordance with the applicable
annual
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 the Town of was duly passed by the
Village
(Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was subject to a 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 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.

[Handwritten Signature]
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body.

Date: March 22, 1989



Chenango County, SS
Recorded on this 23rd Day
of March 1989 at 3:40
o'clock P M., in Liber 1 of
Local Laws
at Page 49 and examined
Paul A. Ueda Clerk

(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 Chenango

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.

Richard W. Bush
Signature
.. 2nd Assistant County Attorney ..
Title

Date: March 22, 1989

County
~~City~~ of Chenango
~~Town~~
~~Village~~
~~XXXXX~~