

1990-6

(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
~~City~~
~~Town~~
~~Village~~ of Chenango.....

Local Law No.⁶..... of the year 19 ⁹⁰.....

A local law A County Law Prohibiting Littering In Chenango County.....
(Insert title)

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

County
~~City~~
~~Town~~
~~Village~~ of Chenango..... as follows:

The Solid Waste Committee offered the following, and moved its adoption:

Introduced as Proposed Local Law #8 of 1990

Article I

TITLE

SECTION 1: This local law of the County of Chenango shall be known and cited as the "Chenango County Anti-Littering Law."

Article II

PURPOSE

SECTION 1: Legislative Intent - the legislature of the County of Chenango declares that the quality of its environment is being adversely affected by the unregulated disposal of refuse and other offensive material in the County.

It further declares that the quality of the environment is an important aspect of the quality of life for both residents of and visitors to the County.

Therefore, it is hereby declared to be a policy of the County of Chenango to improve the economic and social well-being of its inhabitants and visitors by regulating the area for and method of disposal of refuse and offensive materials within the County.

Article III

GENERAL DEFINITIONS

SECTION 1: Wherever used in this County Law, unless otherwise expressly stated or unless a different meaning clearly appears from the context or unless a different meaning is stated in the definition, the following terms shall have the meanings as set forth hereafter:

A. "Person" shall mean any individual, society, club, firm, public or private corporation, partnership, industry, group or association of persons and the singular number includes the plural.

B. "Private Premises" shall be any yard, walk, land or driveway belonging or pertinent to any dwelling, house, building or other structure not owned by state or local municipality including school districts.

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

C. "Public Place" includes any and all streets, sidewalks, boulevards, alleys, publicways, public parks, squares, spaces, grounds and buildings owned by the State, local municipalities, and school districts. A "public place" shall not include a landfill, materials recovery facility, recyclable drop off center, or transfer station operated by a municipality provided the refuse is deposited in an authorized area or receptacle on such site.

D. "Refuse" 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, and includes but is not limited to garbage, rubbish, ashes, construction and demolition debris, incinerator residue, tires, papers, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, human bedding, crockery, industrial waste, discarded automobiles or parts thereof, discarded household appliances or parts thereof, or any similar item or matter. It shall not include animal wastes utilized for agricultural purposes.

Article IV

DISPOSAL OF REFUSE

SECTION 1: No person shall deposit household or commercial refuse in any public receptacles which are specifically maintained for the public's use.

SECTION 2: No person shall deposit, leave or abandon refuse upon any public property or right-of-way.

SECTION 3: No person shall deposit, leave or abandon refuse upon any private property except that this provision shall not apply to the disposal of refuse by a person in lawful possession of private property upon such private property.

SECTION 4: No person shall throw or deposit refuse in or upon any street, sidewalk or other public place herein within the County.

SECTION 5: No person shall sweep into or deposit in any gutter, street or other public place as defined herein within the County any refuse from any building or lot or from any private premises.

SECTION 6: No person shall throw or deposit refuse in any public park within the County. When public receptacles are not provided, all refuse or offensive materials shall be carried away from the park by the person responsible for its presence and shall then be properly disposed of elsewhere.

SECTION 7: No person who is a driver or passenger in a vehicle shall throw or deposit refuse upon any street or public place as defined herein within the County or upon any private premises.

SECTION 8: No person shall throw or deposit any refuse in any pond, lake, or man-made body of water, brook or natural waterway adjoining land within the County of Chenango.

Article V

ENFORCEMENT AND PENALTIES

SECTION 1: Enforcement. Enforcement of the provisions of the County Law shall be by the Chenango County Sheriff's Department, the New York State Police, or any and all local law enforcement agency or law enforcement officer. Any County official acting in his or her official capacity is empowered to take such action as is necessary to facilitate the enforcement of this law.

SECTION 2: Penalties:

1. A violation of any section of this Local Law shall be subject to penalties as follows:

(a) 1st offense is classified as a violation and punishable by a fine not to exceed \$100 or 15 days in jail or both.

(b) 2nd offense within an 18 month period shall be classified as a violation and punishable by a fine not to exceed \$250 or 15 days in jail or both;

(c) 3rd offense within a 3 year period shall be classified as an unclassified misdemeanor punishable by a fine of not less than \$100 or more than \$1,000 or one year in jail or both.

(d) Each offense shall be a separate and distinct offense and in the case of continuing offenses, each day's continuance thereof may be deemed a separate and distinct offense.

(e) One hundred percent (100%) of the criminal fines collected in the enforcement of this law shall be returned to the enforcing municipality for which the sentencing Court sits and shall be used for environmental improvement programs.

2. Civil Penalties

1. In addition to any penalties imposed under Section 1 of this article, the following civil penalties may be imposed:

(a) 1st offense by a fine not to exceed \$100;

(b) 2nd offense within an 18 month period shall be punishable by a fine not to exceed \$250;

(c) 3rd offense within a 3 year period shall be punishable by a fine of not less than \$100 or more than \$1,000;

(d) each offense shall be a separate and distinct offense and in the case of continuing offenses, each day's continuance thereof shall be deemed a separate and distinct offense.

2. All civil penalties shall be payable directly to the Chenango County Treasurer and utilized by the Chenango County Department of Waste Management for waste managing purposes.

Article VI

CONSTRUCTION AND SAVINGS CLAUSES

SECTION 1: If any part or portion of this law or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provisions or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the application thereof to other persons or circumstances, and the County Board hereby declares that it would have enacted this law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

SECTION 2: This local law is intended and shall be liberally construed to be additional to any other local law or statute of the State of New York.

SECTION 3: This local law is not intended to nor shall it be construed to permit that which is otherwise prohibited under any other federal, state or local law or regulation.

SECTION 4: This local law shall be construed so that it does not conflict with a State statute on a subject preempted by State law so as to proscribe local legislation thereon.

SECTION 5: This law shall be effective immediately.

Seconded by Mrs. Adsit

Results of a roll call vote were: Yes-2,288, No-0, Absent-183

Absent: Supervisor Maltzan

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. ... 6 ... of 19 ..90....
County
of the ~~City~~ of was duly passed by the ..Chenango County Board of Supervisors
~~Town~~ ~~Village~~ (Name of Legislative Body)
onAugust..13..... 19 ..90... 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
of the ~~City~~ of was duly passed by the
~~Town~~ ~~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

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

*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}/_{§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.

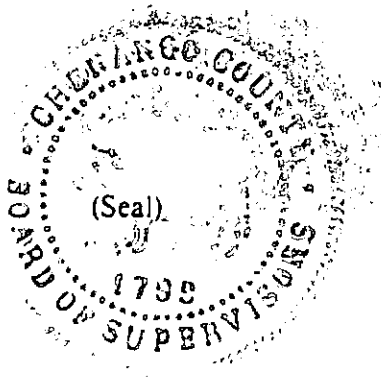
6. (County local law concerning adoption of Charter.)

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 above.

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

Date: August 17, 1990



Chenango County, NY
Recorded on this 17th Day
of August 1990 at 3:43
o'clock P. M., In Liber 1 of
Local Laws
at Page 80 and examined
Paul A. Uddal 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 OFChenango.....

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
County Attorney
.....
Title

Date: August 17, 1990

County
~~CITY~~
~~TOWN~~
~~VILLAGE~~
ofChenango.....