

(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~~ of SCHUYLER
~~Town~~
~~Village~~

Local Law No. #1 of the year 19 89

A local law providing for a conditional moratorium on the development of
solid waste management facilities in Schuyler County.

Be it enacted by the Schuyler County Legislature of the
(Name of Legislative Body)

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

SECTION 1. SHORT TITLE

This local law shall be known as the Solid Waste Management Facilities Moratorium Law of 1989.

SECTION 2. INTENT

The intent of this local law is to regulate the establishment or expansion of Solid Waste Management Facilities during the preparation and approval of a Comprehensive Solid Waste Management Plan to assure that any future facilities are consistent with said Plan.

SECTION 3. SCOPE

This local law shall apply to all Solid Waste Management Facilities subject to permit approval by the New York State Department of Environmental Conservation pursuant to 6NYCRR Part 360 within Schuyler County.

SECTION 4. ACTION

A moratorium is hereby declared upon the establishment or expansion of any Solid Waste Management Facility excluding recycling facilities until the County has completed the preparation and approval by the State of New York of a comprehensive Solid Waste Management Plan. No physical activity to establish or expand any Solid Waste Management Facility shall take place without the prior approval of the Schuyler County Legislature.

SECTION 5. EXCEPTIONS

Any party intending to apply to the Department of Environmental Conservation for a permit for establishment or expansion of a Solid Waste Management Facility pursuant to 6NYCRR Part 360 shall petition the Schuyler County Legislature for approval of said facility as being generally consistent with the County Solid Waste Management Plan as formulated by the date of County Legislature action.

SECTION 6. PETITION CONTENT AND PROCESS

Any party petitioning the County Legislature for a determination of Facility Consistency with the evolving Solid Waste Management Plan shall support said petition with a copy of the Department of Environmental Conservation Part 360 Permit Application and such further information as may be required by the Schuyler County Legislature as being essential for a determination of consistency. The Legislature shall seek the recommendation of the County Environmental Management Council, County Planning Commission and County Solid Waste Management Task Force prior to acting on the petition. Any petition filed pursuant to this local law shall be filed with the Clerk of the Legislature. The Legislature shall have 45 days from the date of filing to act upon the petition. Failure to act on any

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

such petition within the 45 day period shall be deemed approval of the petition as filed. The Legislature may act to approve the petition as filed, approve the petition with conditions, or disapprove the petition.

SECTION 7. PETITION FEE

There shall be a fee of \$100.00, payable to the County of Schuyler for the filing of a petition to establish or expand a Solid Waste Management Facility in Schuyler County.

SECTION 8. VIOLATIONS

Any party who shall authorize or undertake physical activity to establish or expand any Solid Waste Management Facility Site within Schuyler County without the prior approval of the Schuyler County Legislature shall be deemed in violation of this local law. Each day of unauthorized physical activity shall be construed as a separate offense. Each separate offense shall be subject to a \$1,000.00 fine.

SECTION 9. SEPARABILITY

Should any provision of this local law be adjudged invalid or unconstitutional, all other provisions hereof shall remain in full force and effect.

SECTION 10. EFFECTIVE DATES

This local law shall take effect immediately upon filing pursuant to the Municipal Home Rule Law and shall remain in effect until the unconditioned approval by the State of New York of the Schuyler County Comprehensive Solid Waste Management Plan.

(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
of the ~~City~~ of SCHUYLER..... was duly passed by the County Legislature
~~Town~~ ~~Village~~ (Name of Legislative Body)
on October 24, 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
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
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
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
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
thereon at the ~~special~~ general 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
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
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.

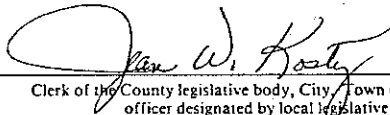
5. (City local law concerning Charter revision proposed by petition.)

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 §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.



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

Jean W. Kosty, Clerk
Schuyler County Legislature

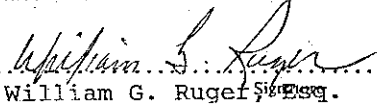
Date: October 25th, 1989

(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 ...SCHUYLER.....

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.



William G. Rugeley, Esq.
County Attorney.....

Title

Date: October 25, 1989

County
City of ... SCHUYLER