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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.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
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MISCELLANEOUS  
& STATE RECORDS

~~County~~

~~City~~

Town

~~Village~~

of Rotterdam

Local Law No. Nine (9) of the year 2003..

A local law to provide for the Codification of Local Laws, Ordinances, and Certain  
(Insert Title)

Resolutions of the Town of Rotterdam into a Municipal Code to be

designated the "Code of the Town of Rotterdam."

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~County~~

~~City~~

Town

~~Village~~

of Rotterdam

as follows:

**Local Law No. Nine (9) of the Year 2003**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ROTTERDAM**

**SECTION 1.** Provide for the Codification of Local Laws, Ordinances and Certain Resolutions of the Town of Rotterdam into a Municipal Code to be designated the Code of the Town of Rotterdam as follows:

**ARTICLE I  
Adoption of Code**

Be it enacted by the Town Board of the Town of Rotterdam, County of Schenectady, New York, as follows:

**§ 1-1. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the 1984 Code of the Town of Rotterdam, and subsequent local laws, ordinances and certain resolutions of the Town of Rotterdam, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 270, together with an Appendix, shall be known collectively as the "Code of the Town of Rotterdam," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions

(If additional space is needed, attach pages the same size as this sheet, and number each.)

contained in the "Code of the Town of Rotterdam" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

**§ 1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of the 1984 Code, and local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Rotterdam, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

**§ 1-3. Repeal of enactments not included in Code.**

All local laws and ordinances of a general and permanent nature of the Town of Rotterdam in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

**§ 1-4. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Rotterdam prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.

B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Rotterdam or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Rotterdam.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Rotterdam.

E. Any local law or ordinance of the Town of Rotterdam providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Rotterdam or any portion thereof.

F. Any local law or ordinance of the Town of Rotterdam appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Rotterdam or other instruments or evidence of the town's indebtedness.

G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.

H. The levy or imposition of special assessments or charges.

I. The annexation or dedication of property.

J. Any local law or ordinance relating to salaries and compensation.

K. Any local law or ordinance amending the Zoning Map.

L. Any regulations adopted regarding trailers.

M. Any local law or ordinance relating to or establishing a pension plan or pension fund for town employees.

N. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the town.

O. Any local law adopted subsequent to 12-2-2002.

#### **§ 1-5. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 1-6. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Rotterdam and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Rotterdam by impressing thereon the Seal of the town, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-7. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Rotterdam" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

**§ 1-8. Code book to be kept up-to-date.**

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Rotterdam required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**§ 1-9. Sale of Code book; supplementation.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

**§ 1-10. Penalties for tampering with Code.**

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Rotterdam or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Rotterdam to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

**§ 1-11. Changes in previously adopted legislation; new provisions.**

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Rotterdam, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

C. Nomenclature. Throughout the Code, all references to the "Building Inspector" are revised to read "Building Inspector/Code Enforcement Officer."

**§ 1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Rotterdam, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

**§ 1-13. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

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(as referenced in § 1-11B)

**Chapter 17, Continuity of Government.**

Chapter 17 is deleted.

**Chapter 22, Defense of Employees.**

Chapter 22 is amended to read as follows:

§ 22-1. Purpose.

The purpose of this chapter is to provide for the defense and indemnification of Town employees pursuant to § 18 of the Public Officers Law.

§ 22-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

TOWN EMPLOYEE -- Any commissioner, member of a public board or commission, trustees, director, officer, employee, volunteer expressly authorized to participate in a publicly sponsored volunteer program or any other person holding a position by election, appointment or employment in the service of the Town or Rotterdam, whether or not compensated. The term "Town employee" shall not include an independent contractor. The term "Town employee" shall include a former employee, the employee's estate or a judicially appointed personal representative.

§ 22-3. Defense.

The Town of Rotterdam hereby confers the benefits of § 18 of the Public Officers Law upon its employees, subject to the limitations set forth in said § 18.

§ 22-4. Indemnification.

The Town of Rotterdam hereby agrees to be held liable for the costs incurred under § 18 of the Public Officers Law, subject to the limitations set forth in said § 18.

**Chapter 51, Ordinances, Publication of.**

Chapter 51 is deleted.

**Chapter 55, Public Works Department.**

Chapter 55 is deleted.

**Chapter 72, Alcoholic Beverages.**

Chapter 72 is added to read as follows:

§ 72-1. Open containers in public places prohibited.

A. No person shall have in his possession within the Town of Rotterdam an open container of alcoholic beverage, with the intent to consume the same, while said

person is in any public place, including but not limited to any public highway, public street, public sidewalk, public alley, public parking lot or public area, except for locations licensed for the sale of alcoholic beverages by the State of New York.

B. The possession within the Town of Rotterdam of an open or unsealed bottle or container of an alcoholic beverage while such person is in any public place as referred to in Subsection A above is presumptive evidence of possession of the same with the intent to consume said alcoholic beverage while such person is in said public place.

§ 72-2. Consumption in public places prohibited.

No person shall drink or otherwise consume any liquor, wine, beer or other alcoholic beverage while such person is in any public place, including but not limited to any public highway, public street, public sidewalk, public alley, public parking lot or public area, except for locations licensed for the sale of alcoholic beverages by the State of New York.

**Chapter 83, Bingo.**

(1) Section 83-4 is amended to read as follows:

§ 83-4. Purchase of equipment.

No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase, lease or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law or from another authorized organization.

(2) Section 83-6 is amended to change "\$250" to "\$1,000."

(3) Section 83-7 is amended to change "\$1,000" to "\$3,000."

(4) Section 83-11 is added to read as follows:

§ 83-11. Licensed sellers of supplies and equipment.

No person licensed to sell bingo supplies or equipment, or his/her agents, shall conduct, participate in, or assist in the conduct of bingo. Nothing herein shall prohibit a licensed distributor from selling, offering for sale, or explaining a product to an authorized organization, or installing, or servicing bingo equipment, upon the premises of a bingo game licensee.

**Chapter 93, Buildings, Vacant.**

Chapter 93 is deleted.

**Chapter 101, Consumer Protection.**

Chapter 101 is deleted.

**Chapter 112, Electrical Inspections.**

Section 112-4, Adoption of standards, is amended to change "New York State Building Code Commission" to "New York State Fire Prevention and Building Code Council."

**Chapter 116, Environmental Quality Review.**

- (1) Section 116-4A is amended to change the references to "Section 617.10(b)," "Section 617.7(e)" and "Section 617.10(f)" to "Section 617.12."
- (2) Section 116-5 is amended to change the reference to "Sections 617.8, 617.9 and 617.10" to "Sections 617.9, 617.11 and 617.12."
- (3) Section 116-6 is amended to change the reference to "Sections 617.6 and 617.7" to "Sections 617.6, 617.7 and 617.8."
- (4) Section 116-9 is amended to change the reference to "Section 617.16" to "Section 617.15."
- (5) Section 116-10 is amended to change the reference to "Section 617.12" to "Section 617.4"; and to change the reference to "Section 617.11" to "Section 617.7."
- (6) Section 116-11 is amended to change the reference to "Part 617.13" to "Section 617.5"; and to change the reference to "Section 617.11, Criteria," to "Section 617.7."

**Chapter 130, Fires and Fire Prevention.**

Section 130-7, Fire scenes, is deleted.

**Chapter 150, Hawking, Peddling and Soliciting.**

Section 150-6 is amended to delete the fee amount, which is now included in Chapter 126, Fees.

**Chapter 154, Housing and Building Standards.**

Section 154-15A is amended to increase the maximum penalty for offenses from \$250 to \$1,000, and to increase the maximum term of imprisonment from not more than 15 days to not more than one year.

**Chapter 184, Motorcycles.**

Chapter 184 is deleted.

**Chapter 194, Parks and Playgrounds.**

Section 194-2, Possession and consumption of alcoholic beverages, is deleted.

**Chapter 230, Sewers.**

Section 230-18, New sewer connections, permit applications and fees, is amended to delete the phrase "as adopted by Local Law No. 5 of the year 1995."

**Chapter 244, Solid Waste Disposal.**

Chapter 244 is amended to read as follows:

ARTICLE I  
Disposal

§ 244-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

GARBAGE -- Putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods and any other matter capable of fermentation.

HAZARDOUS WASTE -- Any solid waste that is considered a hazardous waste using the classification and standards established and promulgated by the New York State Department of Environmental Conservation and/or the Environmental Protection Agency. In the case of a difference in classification, more stringent interpretation will be used.

SANITARY LANDFILL -- A land disposal employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards and the design and operation requirements as promulgated by state and/or federal regulatory agencies.

**SOLID WASTE** -- Any rubbish, garbage, refuse, sludge, building demolition and debris, or any solid, liquid or semisolid material resulting from industrial, commercial, residential, agricultural or community activities which has served its original intended use and is being discarded.

**TOWN ENGINEER** -- A licensed professional engineer of the Town of Rotterdam overseeing the operation of the Town of Rotterdam Sanitary Landfill or a duly authorized representative appointed by the Rotterdam Town Board.

**WASTE COLLECTOR** -- An individual, firm or corporation engaged in the business of collecting solid waste from residences, businesses or industries and transporting this material to a solid waste disposal site.

§ 244-2. Applicability; use of land as disposal site restricted.

A. This article shall apply to any lands now used or hereafter acquired or leased by said Town for the purpose of disposal of solid waste and/or use as a sanitary landfill.

B. Other uses prohibited. The use of any lands, other than those described in Subsection A hereof, within the Town of Rotterdam as a disposal site for solid waste, is hereby prohibited, except those sites that have been approved by the New York State Department of Environmental Conservation (DEC) and the Town of Rotterdam.

§ 244-3. General regulations.

A. No person, firm or corporation, for the purpose of final disposal thereof shall throw, deposit or cause to be thrown or deposited any solid waste thereof in or upon any lands within said Town of Rotterdam except upon the approved solid waste disposal sites as described in § 244-2A hereof.

B. No person, firm or corporation shall leave or deposit any form of solid waste of any kind upon any street, avenue, highway, park or public place within the Town of Rotterdam, except that householders and business places may place garbage and refuse, in proper covered containers, in front of their premises for authorized collection and removal to the public dumping grounds described in § 244-2A hereof.

C. No person, firm or corporation shall, for the purpose of final disposal, throw or cause to be thrown or deposited upon the sanitary landfill area described in § 244-2A hereof, any waste materials from septic tanks, cesspools or any other sewerage disposal. The disposal of any hazardous wastes at the sanitary landfill is hereby prohibited.

D. It shall be unlawful for solid waste containers which might attract flies and bugs and create a health menace to be left uncovered on any property, and the owner and/or occupant of such property shall be responsible and liable for any violation thereof.

E. No garbage or other solid waste which contains liquids or can ferment shall be placed in any container with a hole or holes therein.

F. The Town Board of the Town of Rotterdam may, by local law or contract with a private party, establish a schedule of charges and/or fees levied upon all garbage and refuse collectors, contractors, businesses, commercial enterprises and Town residents of Rotterdam using the sanitary landfill area. Said fees and/or charges will be set forth in Chapter 126 of the Code of the Town of Rotterdam, entitled "Fees." Outside municipalities or private commercial enterprises using or operating the Town sanitary landfill under contract with the Town of Rotterdam will be assessed and charged as set forth within the executed contract between the parties and be subject to the same rules and regulations as herein designated.

G. The above-described sanitary landfill area shall be open during the hours set by the Town Board, and posted at the direction of said Town Board. All entry upon and/or use of said sanitary landfill area, at times other than during the hours which it is open as aforesaid, is hereby prohibited, except for personnel of the Town authorized to enter upon and/or work at the sanitary landfill area during times when said sanitary landfill area is closed.

H. Waste collectors will not be permitted to dispose of solid waste at the landfill after 3:30 p.m. on those days that the sanitary landfill is open.

#### § 244-4. Transportation.

A. All solid waste transported, brought and/or carried to the disposal site(s) of the Town of Rotterdam, shall be contained securely and battened down within or upon the vehicles transporting same. An open body shall be required to completely cover the solid waste with tarpaulin or other protective enclosing material to prevent any portion or part of solid waste being transported from falling from the vehicle. The landfill gate attendant is authorized to issue a summons to offenders who violate this section of this article.

B. All trucks, transporting solid waste, with or without rubbish, shall have watertight metal containers which shall be kept clean when not in use. If solid waste is not in watertight containers, the body of this vehicle itself must be reasonably tight. Vehicles must be kept in reasonably good mechanical and body condition. They must be kept as sanitary as the nature of the use permits. The commercial collector vehicles must bear the name of the collector's license number in letters at least six inches high. Each vehicle shall also bear the number of cubic yards it is rated for. A certificate issued from the Department of Public Works must be filed with the permit application showing physical compliance with this article.

§ 244-5. Large articles.

No person shall carry or leave or cause to be carried or left upon the premises mentioned in § 244-2A of this article any automobile, vehicle or other large article or any part thereof unless the same shall have been dismantled and the body thereof so cut and flattened out as to permit the same to be disposed of properly in accordance with the accepted standards of a landfill operation or as approved by the Town Engineer or his representative.

§ 244-6. Deposit to be by direction of person in charge.

No person shall deposit or cause to be deposited any substance of any kind on the disposal site herein designated, except at the places and in the manner directed by the person in charge of the premises under the authority of the Town Board, whether such direction shall be given personally or by another person by his authority or by a sign or signs erected upon the premises by his authority.

§ 244-7. Burning.

No material or substance of any kind shall be burned at the Town's solid waste disposal site(s), except by permission of the person in charge.

§ 244-8. Residence and business permits; waste originating outside Town.

A. All residents and business enterprises located within the Town and whose solid waste material originates within the Town who use their own vehicles or other means of conveying their solid waste to the sanitary landfill shall register and obtain a permit from the Town Clerk. The annual permit fee charged for businesses using their own vehicles will be the same charge as the rate charged for one disposal at the landfill, as specified by the Town of Rotterdam.

B. The disposal at the Rotterdam sanitary landfill site(s) of any solid waste originating outside the boundaries of Schenectady County is hereby prohibited. The Town may accept solid waste from private or municipal entities within Schenectady County by special contract.

C. Resident permits shall be issued on or before the first day of January of any calendar year and shall be for the period covering January 1 to December 31 of such calendar year.

D. Permits must be properly affixed to the visor window of the permitted vehicle. The landfill attendant will require proof of identification that the vehicle is properly registered to a resident of Rotterdam.

E. Business enterprises not wholly located within the Town of Rotterdam may be limited on the maximum quantity of solid waste material accepted at the Town's disposal site. The Town Engineer may restrict quantities, using as a basis an equitable method such as percentage of property assessment within the Town relative to total property assessment or some other procedure that would fairly provide for the proper quantities generated within the Town.

§ 244-9. Waste collector permits.

A. A permit shall be issued by the Town Clerk to each waste collector upon the payment by the applicant of a fee. Every waste collector who collects solid waste within the Town of Rotterdam must obtain a waste collector permit. Rental trucks may be substituted for regularly permitted trucks without fee while the same are out of order for repair, but they must carry the same identification markings as the trucks they replace if they are to be used for more than five days in succession; however, their use must be first reported to the Town Clerk no matter how long they are to be substituted.

B. Waste collectors shall not collect garbage and/or rubbish on Sundays or such days as the Town Board shall from time to time so direct. All waste collectors must unload solid waste only during those times and days established by the Town Board. No collection of garbage and/or rubbish shall be permitted at any location in the Town of Rotterdam between sunset on any given day and the hour of 6:00 a.m. official local time on the succeeding day. There shall be no collection of garbage and/or rubbish in a commercial area located within the boundaries of Patton Drive, Altamont Avenue, O'Brien Avenue and Hamburg Street in the Town of Rotterdam between sunset on any given day and the hour of 7:00 a.m. official local time on the succeeding day.

C. All permits shall be issued on or before and be effective as of January 1 of any year and shall be for the period covering January 1 to December 31 of such calendar year.

D. In addition to the other requirements of this article, all waste collector permit applications shall include or comply with the following:

(1) A schedule of rates to be charged and services to be rendered, together with the approximate hours of collection in each block or a map showing the approximate hours of collection in each area shown shall be furnished. The term "approximate" shall mean whether morning or afternoon hours and on what day. A separate schedule must be furnished for each vehicle.

(2) A statement shall be furnished of where the refuse will be deposited, if it is intended that a site outside the Town of Rotterdam will be used.

(3) Applications must be filed six weeks before a permit expires or is to become effective to allow for proper investigation and processing.

(4) All permit applications shall be investigated by the Town Engineer, who will advise the Town Clerk of his findings for further processing and issuance or denial of the permit.

(5) Permits described in § 244-9A are limited to collectors collecting in the Town of Rotterdam exclusively. All other permits are controlled by § 244-8.

(6) A roster of permittees and their employees shall be maintained by the Town Clerk for public inspection.

(7) A copy of this article shall be given to all collectors when requesting application forms. The application shall state that they have read this article. They shall agree to abide by rules of landfill operation as adopted from time to time by the Town Board consistent with the limitations and purposes of this article.

(8) Each collector shall file a certificate of a public liability policy of \$10,000/\$20,000 and a certificate of his vehicle liability policy with the Town Clerk and shall in his application agree to indemnify any person not to exceed \$1,000 for any single act of dishonesty in or about such person's place of abode by any of the collector's employees.

E. The disposal by any waste collector at the sanitary landfill of any solid waste originating outside the Town of Rotterdam is prohibited.

#### § 244-10. Temporary permits.

A limited use, three-day permit, shall be issued for out-of-town businesses doing work within the Town of Rotterdam, subject to verification and approval by the Department of Public Works. The fee for this temporary permit will be as set forth in Chapter 126, Fees.

#### § 244-11. Penalties for offenses.

A. Any waste collector who violates § 244-9E of the Town Code shall be guilty of a violation and, upon conviction thereof, be punishable by a maximum fine of \$250, and be prohibited from disposing of solid waste at the landfill for one month for the first offense and two months for the second offense, and three offenses automatically bans the waste collector from using the landfill again.

B. Any violation of this article, other than as provided in Subsection A, by any person shall constitute a violation and shall be punishable by a fine not less than \$250

and no more than the sum of \$500. Each subsequent violation will be punishable by a fine of not less than \$500 and no more than \$750.

§ 244-12. Inspections of trucks and carriers.

The Public Works Department of the Town of Rotterdam is charged with the inspection of all trucks and other carriers transporting garbage prior to issuance and renewal or during the period of time that permits are in effect; and also with the enforcement of all the other provisions of this article.

§ 244-13. Revocation of permit.

In addition to the penalties hereinbefore provided for, the Town Board may, after a public hearing thereon, at which the licensee or special permittee shall have an opportunity to be heard, revoke any permit issued under authority of this article to any applicant whom the Town Board shall determine to be an undesirable person or incapable of or unwilling to comply with the provisions of this article.

§ 244-14. Landfill disposal regulations.

A. Waste disposal. Any object over five feet in length may be refused admission if, in the opinion of the landfill attendant in charge, the object would obstruct proper functioning of the landfill.

B. Commercial haulers and/or collectors. Drivers of all commercial collectors' vehicles shall sign an appropriate charge sheet upon each admittance showing the charge incurred, and the waste collectors shall be billed on a regular periodic basis, not less frequently than monthly. Charges shall be payable within 10 days of billing, and collectors who do not pay within said period will be charged a penalty of 1 1/2% per month on the unpaid balance and shall be barred from further use of the dumping facility until their bills are paid. Repeated delinquency shall be grounds for cancellation of the collector's permit.

C. All vehicles which contain mixed loads of solid waste and construction and demolition debris (C&D) should be charged 1 1/2 times the C&D disposal rate, as set forth in Chapter 126 of the Town Code, entitled "Fees," unless the owner separates the material prior to disposal, which would qualify them to be charged the C&D rate, as set forth in Chapter 126 of the Town Code, entitled "Fees," for the entire load.

ARTICLE II  
Recycling

§ 244-15. Purpose.

The purpose of this article is to facilitate the disposal of solid waste generated within the Town of Rotterdam in the most environmentally acceptable manner possible and to facilitate and encourage the recovery of all recyclable materials which can be marketed or used for secondary purposes.

§ 244-16. Definitions.

As used in this article, the following words are intended to include and be defined as follows:

**BOARD** -- The Town Board of the Town of Rotterdam.

**MULTIPLE RESIDENCE** -- A building or parcel of land having four or more dwelling units.

**NEWSPAPERS** -- Includes inserts; no magazines.

**NONRESIDENCE** -- Any building or parcel of land not used as a residence or a multiple residence.

**PERSON** -- Any individual, partnership, association, firm, corporation, company or any and all combinations acting in concert.

**RECYCLABLE MATERIALS** -- Solid waste consisting of newspapers, plastic bottles, metal containers and glass containers (only clear, green and brown glass containers).

**RESIDENCE** -- A building or parcel of land having three or fewer dwelling units.

**RESIDENT** -- A person residing in a residence.

**SOLID WASTE** -- All putrescible or nonputrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, yard and agricultural waste, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles, offal and sludges from air or water control facilities, but not including sewage and other highly dilute water-carried materials or substances and those in gaseous form.

**UNSEPARATED RECYCLABLE MATERIALS** -- Recyclable materials, as specified herein, that are mixed with other solid waste.

§ 244-17. Separation and collection of recyclables.

A. It shall be the responsibility of all persons of the Town, prior to placement of solid waste for collection and removal, to source-separate recyclable materials from all other solid waste and place them out for collection in the following manner:

(1) Glass and metal containers shall be clean and all contents shall be removed therefrom in the following manner: caps shall be removed, paper labels shall be removed from metal containers and cans must be flattened with ends cut off, if possible, and inserted inside.

(2) Newspapers for collection shall be placed in containers or secured in such a manner as to be clean and dry.

(3) Plastic bottles shall be clean and all contents shall be removed therefrom, including the caps.

(4) Recyclables shall not be placed in the same container as or otherwise mixed with other forms of solid waste which consist of recyclable materials combined with other forms of solid waste.

B. On or after July 1, 1994, it shall be the responsibility of all persons of the Town, prior to placement of solid waste for collection and removal, to separate the following additional recyclable materials from all residential solid waste and place them out for collection in the following manner:

(1) Corrugated cardboard, junk mail, brown paper bags and magazines for collection shall be placed in containers or secured in such manner as to be clean and dry.

(2) Aseptic packaging, which includes milk cartons and juice boxes, must be clean and all contents shall be removed therefrom.

C. It shall be unlawful for any person to collect and dispose of solid waste which consists of recyclable materials combined with other forms of solid waste.

D. All persons owning or otherwise responsible for the management of nonresidences and multiple residences shall provide for the separate collection of recyclables and distinguish them from other forms of solid waste.

E. Other materials to be excluded from solid waste. Tires, white goods and scrap metals are not to be disposed of, collected as or mixed with solid waste. These items must be delivered to facilities registered with the State of New York, permitted or exempted from 6 NYCRR Part 360 permitting.

§ 244-18. Enforcement.

A. The Superintendent of Highways, the Sanitary Landfill Inspector and any other person designated by the Board shall be authorized to inspect:

- (1) Solid waste left for collection.
- (2) Loads of solid waste being transported within the Town of Rotterdam.
- (3) Solid waste being disposed of at the Town's sanitary landfill for the purpose of determining if any person has failed to comply with provisions of any section of this article.

B. The Superintendent of Highways, the Sanitary Landfill Inspector and any other person designated by the Board shall be authorized to turn away and deny access to any person delivering a load of solid waste which includes or contains recyclable materials to the Town's sanitary landfill.

### ARTICLE III Yard Waste: Scavenging

#### § 244-19. Nonrecyclable waste and yard waste packaging; scavenging.

A. Yard waste, which means leaves, grass clippings, garden debris, tree branches, limbs and brush, must be packaged for disposal in the following manner:

(1) All leaves, grass clippings and certain garden debris must be placed in biodegradable brown paper bags prior to being left adjacent to the road along the front property line to be picked up by the Town Highway Department for disposal.

(2) All such material delivered to the disposal site must either be packaged in biodegradable brown paper bags or not packaged for disposal.

(3) All tree branches, brush and limbs must be cut to a maximum length not to exceed four feet, have a diameter not to exceed six inches and be tied together in bundles with cloth or rope prior to being left adjacent to the road along the front property line to be picked up by the Town Highway Department for disposal.

(4) All yard waste placed adjacent to the road along the property line must be packaged in accordance with the requirements of this subsection. Any loose yard waste, including leaves, that is placed adjacent to the roadway that is not packaged appropriately is subject to the penalties of this article.

B. Nonrecyclable solid waste, with the exception of leaf and yard waste, shall be placed in clear plastic bags.

- C. Scavenging within the Town of Rotterdam is prohibited.

ARTICLE IV  
Penalties

§ 244-20. Penalties for offenses.

Violation of §§ 244-17 and 244-19 of this chapter shall be punishable as follows:

- A. For a first conviction: a fine of not less than \$50.
- B. For a second conviction: a fine of not less than \$100.
- C. For a third conviction: a fine of not less than \$200.
- D. After a third conviction, said person, firm or corporation shall be denied the use of the Rotterdam Sanitary Landfill.

**Chapter 245, Solid Waste Recycling.**

Chapter 245 is deleted.

**Chapter 247, Streets and Sidewalks.**

(1) **Article I, Use.** Section 247-3 is amended to change "Town Commissioner of Highways" to "Town Highway Superintendent."

(2) **Article IV, Notification of Defects.** Section 247-16 is amended to read as follows:

§ 247-16. Maintenance of records.

The Town Clerk and the Town Superintendent of Highways shall keep an indexed record, in a separate book, of all notices which it shall receive of the existence of such defective, unsafe, dangerous or obstructed conditions, or of such snow or ice, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.

**Chapter 249, Subdivision of Land.**

(1) Section 249-9F is amended to read as follows:

F. Action on preliminary plat. Such a preliminary plat shall be clearly marked "preliminary plat" and shall conform to the definition provided in Town Law § 276, Subdivision 4. The Planning Commission shall approve, approve with conditions or disapprove the preliminary plat in accordance with the procedures set forth in Town Law § 276, Subdivision 5.

(2) Section 249-10E is amended to read as follows:

E. Approval of final plats.

(1) Submission of final plats. Final plats shall conform to the definition provided by this section.

(2) Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Clerk of the Planning Board.

(3) Final plats when no preliminary plat is required to be submitted; receipt of complete final plat. When no preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.

(4) Final plats; not in substantial agreement with approved preliminary plats, or when no preliminary plat is required to be submitted. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, or when no preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted conforming to the definition provided by this section the following shall apply:

(a) Planning Board as lead agency; public hearing; notice; decision.

[1] Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

[a] If such Board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in

substantial agreement with a preliminary plat, or on a final plat when no preliminary plat is required to be submitted, shall be held within 62 days after the receipt of a complete final plat by the Clerk of the Planning Board; or

[b] If such Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.

[2] Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

[3] Decision. The Planning Board shall make its decision on the final plat as follows:

[a] If such Board determines that the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days after the date of the public hearing; or

[b] If such Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.

[4] Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

(b) Planning Board not as lead agency; public hearing; notice; decision.

[1] Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the final plat within 62 days after the receipt of a complete final plat by the Clerk of the Planning Board.

[2] Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

[3] Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:

[a] If the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the final plat.

[b] If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

(3) Section 249-12A is amended to change "60 days" to "62 days."

### **Chapter 268, Weapons.**

Section 268-8, Penalties for offenses; seizure, Subsection A, is amended to increase the maximum fine for a violation to \$250, and to reduce the maximum imprisonment to 15 days.

### **Chapter 270, Zoning.**

(1) Section 270-3, Title, is amended to change "Zoning Ordinance" to "Zoning Local Law."

(2) Section 270-4G is amended to change "this ordinance" to "this local law"; and to change "the Rotterdam Zoning Ordinance" to "the Rotterdam Zoning Local Law."

(3) In § 270-5, Definitions:

(a) The definition of "factory-manufactured home" is deleted.

(b) The definition of "home occupation" is amended to read as follows:

HOME OCCUPATION -- A business, profession, occupation or trade conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such premises.

(c) The definition of "manufactured home" is added to read as follows:

MANUFACTURED HOME -- A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 300 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include and structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. Chapter 70.

(4) In § 270-99A, the reference to Town Law § 281, Subdivision (d) is amended to refer to Town Law § 281, Subdivision 3(c).

(5) In § 270-111, the "Rotterdam Zoning Ordinance" is amended to refer to the "Rotterdam Zoning Local Law."

(6) In § 270-133A, "45 days" is amended to read "62 days."

(7) Section 270-134B is amended to read as follows:

B. Review by Planning Board. Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a decision to the Building Inspector/Code Enforcement Officer.

(1) Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due to the town, the Planning Board shall endorse its

approval on a copy of the final site plan and shall forward such copy to the Building Inspector/Code Enforcement Officer.

(2) Upon disapproval of a final site plan, the Planning Board shall so inform the Building Inspector/Code Enforcement Officer, and the Building Inspector/Code Enforcement Officer shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.

(8) In § 270-137, "this Zoning Ordinance" is amended to read "this zoning chapter."

(9) Section 270-157B is deleted.

(10) Section 270-165:

(a) Subsection B(2) is amended to change "45 days" to "62 days."

(b) Subsection B(4) is added to read as follows:

(4) The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the board. The decision of the authorized board on the application after the holding of the public hearing shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

(11) Section 270-174D is amended to change "ordinance" to "local law."

(12) Section 270-180A is amended to read as follows:

A. Penalties. Any person or persons, firm or corporation violating any of the provisions of this chapter shall be guilty of an offense punishable by a fine not exceeding \$350 or by imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction of a third violation, all of which were committed within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000 or by imprisonment for a period not to exceed six months, or both. Each week's (Monday to Sunday or part thereof) continuous violation shall constitute a separate additional violation. The Town Board shall have such other remedies as are allowable by law.

**SECTION 2.** This local law shall take effect upon filing with the Secretary of State as required by Section 27 of the Municipal Home Rule Law and by posting of appropriate signage.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. Nine (9) of 2003 of the ~~(County)(City)(Town)(Village)~~ of Rotterdam was duly passed by the Town Board on July 9 2003, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* 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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the 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 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 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...1....., above.

*Denise D. Esposito*  
~~Clerk of the County Legislative Body, City, Town or Village Clerk~~  
~~or other designated local legislative body~~

(Seal)

Date: July 9, 2003

(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 Schenectady

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.

*[Signature]*  
Signature  
Tom Attorney  
Title

~~County~~  
~~City~~ of Rotterdam  
Town  
~~Village~~

Date: July 9, 2003