

Local Law Filing

(Use this form to file a 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.

STATE RECORDS

Town of Dickinson

DEC 16 2016

Local Law No. 7 of the year 2016:

DEPARTMENT OF STATE

A LOCAL LAW ENTITLED "A LOCAL LAW REVISING TOWN CODE SECTIONS 462-8 AND 600-12 CONCERNING THE DUMPING OF CLEAN FILL WITHIN THE TOWN OF DICKINSON," WHICH READS AS FOLLOWS:

Be it enacted by the Town Board of the Town of Dickinson as follows:

Section 1. Chapter 462, Solid Waste Management, is revised as follows:

§ 462-8 Dumping of clean fill.

The dumping of clean fill (rocks, cinders, etc.) shall be allowed within the Town of Dickinson by permit obtained from the Town Code Enforcement Officer only for the purpose of filling in to establish grades. Such clean fill shall not be construed to mean rubbish or garbage as herein defined. At its discretion, the Town may require an engineering study to be conducted, at the expense of the permit applicant, to assess the whether the proposed dumping may adversely affect or injure adjacent property, among other considerations. Dumping of clean fill that will disturb more than one acre of total land area, or disturbs less than one acre of total land area but is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules, requires a stormwater pollution prevention plan (SWPPP) in accordance with the provisions of Chapter 476 of the Town Code. No dumping is permitted over Town utilities, easements or right of ways without the written permission of the Commissioner of Public Works.

Section 2. Chapter 600, Zoning, is revised as follows:

§ 600-12 Operation within limits; safeguards and conditions.

C. Waste disposal and storage of material. The dumping of refuse, rubbish, garbage, waste material or other substances is prohibited in all restricted districts within the

Town. The dumping of clean fill is permitted as set forth in section 462-8 of the Town Code. Any such fill is to be leveled and when such fill is completed it shall be covered with at least four inches of clean earth. No materials of any kind shall be stored outdoors on the premises in any restricted districts except for the construction of a structure to be actually erected on the premises upon which the materials are stored within a period of one year from the date of such storage, unless a permit is granted therefor by the Board of Appeals.

Section 3. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2016 of the Town of Dickinson was duly passed by the Town Board on December 12, 2016 in accordance with the applicable provisions of law.

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.



Susan Cerretani, Town Clerk

(Seal)
Date: December 12, 2016