

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(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.

County

City

of CHAMPION

Town

Village

FILED
STATE RECORDS

DEC 19 2014

Local Law No. 2 of the year 2014

DEPARTMENT OF STATE

A local law A LOCAL LAW TO PROTECT THE PUBLIC DRINKING WATER SUPPLIES OF THE TOWN OF CHAMPION, JEFFERSON COUNTY, NEW YORK

Be it enacted by

Town Board

of the

(Name of Legislative Body)

County

City

of Town of Champion

as follows:

Town

Village

SECTION 1 – PURPOSE

This Local Law is adopted under the authority of Section 10 of the Municipal Home Rule Law of the State of New York. The purpose and intent of this Local Law is intended to assist in the preservation of public health, general welfare and safety of the residents of the Town and to facilitate the adequate provision of water through the elimination or prevention of groundwater contamination in the vicinity of wells that supply public drinking water for the municipal water districts of the Town of Champion.

SECTION 2 TITLE

This Local Law shall be known and may be cited as the "Wellhead Protection Law of the Town of Champion".

SECTION 3 – ESTABLISHMENT OF WELLHEAD PROTECTION OVERLAY DISTRICT

Article 3 of the Town of Champion Zoning Law is amended by the addition of a Wellhead Protection Overlay District (WHP). The rules and regulations hereafter given shall apply to the Wellhead Protection Overlay District in the Town of Champion depicted on the

map entitled "Town of Champion Wellhead Protection Overlay District," that is incorporated and made part of this Local Law.

SECTION 4 DEFINITIONS

Article 2 of the Town of Champion Zoning Law is amended by adding the following definitions:

BOTTLED WATER. Any product, including natural spring or well water taken from municipal or private utility systems or other water, distilled water, deionized water or any of the foregoing to which chemicals may be added, which are put into sealed bottles, packages or other containers, to be sold for domestic consumption or culinary use, involving a likelihood of such water being ingested by human beings.

BULK WATER. Water intended for potable uses which is transported by tank trucks.

DISPOSAL. The abandonment, discharge, deposit, injection, dumping, spilling, leaking, or placing by any other means of any solid waste, petroleum, radioactive material, hazardous substance, hazardous waste, or aqueous carried waste into or onto land or a surface water body.

HAZARDOUS SUBSTANCE. Any substance listed as a hazardous substance in 6 NYCRR Part 597, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which: (1) because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed; (2) poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; (3) because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released into the environment.

MEDICAL WASTE. Waste generated in the diagnosis, treatment (e.g., provision of medical services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological products.

PETROLEUM. Any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of: 1) being burned to produce heat or energy; 2) as a motor fuel or lubricant; or 3) in the operation of hydraulic equipment.

RADIOACTIVE MATERIAL. Any material in any form that emits radiation spontaneously, excluding those radioactive materials or devices containing radioactive materials which are exempt from licensing and regulatory control pursuant to regulations of the New York State Department of Labor or the United States Nuclear Regulatory Commission.

SOLID WASTE. Garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities.

SECTION 5 REGULATED ACTIVITIES

A. Permitted Activities

The Wellhead-Watershed Protection Overlay District shall be considered as overlaying other existing districts shown on the zoning map. Any uses permitted in the underlying district shall be permitted in the Wellhead-Watershed Protection Overlay District except where the overlay district prohibits such use or activity.

B. Prohibited Activities

The following activities and uses are prohibited in the Wellhead Protection Overlay District in order to protect public health and safety and preserve the Town public drinking water supply:

- Airport, airstrip, or related maintenance area
- Boat service, repair, and/or washing establishment
- Bottled water or bulk water facility (including supply source)
- Car wash
- Cemetery or animal crematory
- Commercial agricultural feed lot except in areas of a county-designated agricultural district
- Commercial appliance or small engine repair shop
- Chemical and/or biological testing laboratory except as related to the provision of drinking water
- Chemical processing and/or manufacturing
- Construction equipment and supply storage yard
- Electric, electronic, and/or communications equipment manufacturing
- Fuel oil distributor
- Funeral home
- Furniture or wood manufacturing, stripping, and/or painting
- Jewelry and/or metal plating
- Laundry or dry cleaning facility, including self-service laundromat/dry cleaner
- Machine shop
- Metal manufacturing, fabrication, plating, and/or finishing
- Mining operation
- Motor vehicle service station
- Municipal garage facility
- Municipal or industrial sewage treatment facility
- Outdoor automobile storage
- Photo processor
- Printing facility
- Public utility or transportation use except as related to the provision of drinking water
- Research laboratory

- Solid waste management facility, hazardous waste treatment, storage, or disposal facility, radiological waste facility, or pathological or medical waste facility
- Trucking or bus terminal
- Any use not otherwise specifically mentioned above that involves the on-site disposal of solid waste, petroleum, radioactive material, hazardous substances, hazardous waste, or aqueous-carried waste (except for sewage and agricultural wastes).

SECTION 6 - VALIDITY

Should any part of this Local Law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the law as a whole or any part thereof other than the part held to be invalid.

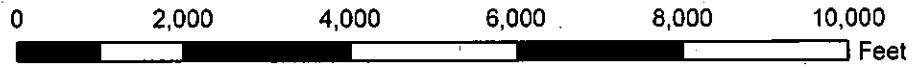
SECTION 7 - EFFECTIVE DATE

This Local Law shall take effect upon being filed in the Office of the Secretary of State.

To
W



Scale



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

(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. 1 of 2014 of the ~~(County)(City)(Town)(Village)~~ of Champion was duly passed by the Town of Champion Town Board on October 6, 2014 in accordance with the applicable provisions of law.

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 2014 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2014, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted _____
(Elective Chief Executive Officer)
on _____ 2014, 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 2014 of the ~~(County)(City)(Town)(Village)~~ of Champion was duly passed by the _____ on _____ and was (approved)~~(not approved)~~ _____
(Name of Legislative Body)
~~approved~~ ~~(repassed after disapproval)~~ by the _____ on _____
(Elective Chief Executive Officer)*

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 _____, in accordance with the applicable provisions of law.

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 2014 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2014, and was (approved)(not approved) (repassed after disapproval)

(Name of Legislative Body) by the _____ on _____ 2014.
(Elective Chief Executive Officer)¹

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2014, in accordance with the applicable provisions of law.

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

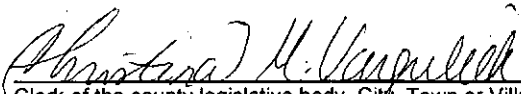
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2014 of the Town of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such town voting thereon at the (special)(general) election held on _____ 2014, 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 2014 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 _____, above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
Christina M. Vargulick

(Seal)

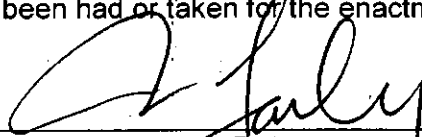
Date: 12/2/2014

(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 JEFFERSON

¹ * 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.
DOS-239 (Rev. 11/99)

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 Timothy A. Farley

Title: Town Attorney

Town of Champion

Date: 12/16/2014