

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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. Do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 22 1998

Allyn F. Egan
Secretary of State

~~COUNTY~~
~~CITY~~ of Volney
Town of
~~VILLAGE~~

Local Law No. 3 of the year 1998

A local law prohibiting dumping of refuse, waste or trash upon Town roads
(Insert Title)

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

~~COUNTY~~
~~CITY~~ of Town of Volney
Town of as follows:
~~VILLAGE~~

Section 1. A. Generally.

No person shall sweep, throw, cast, drop, put or place, or having accidentally dropped, failed to pick up any bag, bottle, bottle cap, box, container, garbage, paper, piece of paper, wrapper or any other trash or litter, in or upon any public street, place, park or building, except in receptacles provided for such purposes or to permit any person under his or her control or employ to do the same.

B. Placement of Litter, Refuse, Waste or Trash in Receptacles.

Persons placing litter, refuse, waste or trash in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, or other public place or upon private property.

Section 2. Depositing Trash, Refuse, Waste, Snow or Other Debris in Public Streets.

No person shall sweep, throw or deposit, or cause to be swept, thrown or deposited, any ashes, dirt, stone, brick, leaves, grass, weeds or any other debris or rubbish of any kind or any water or liquid of any kind except for purposes of cleansing same into any public highway, street, gutter or public place.

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

No person shall throw, put, push or place or cause to be thrown, put, pushed or placed, any snow or ice into any public highway, street, public place or thoroughfare in the Town.

This Section shall not apply to water or liquids running into streets as a result of fire fighting or flushing of fire hydrants by authorized personnel or the use in a reasonable manner of ashes, salt or other material for the purpose of reducing the hazard of, or providing traction on snow, ice or sleet.

Section 3. Littering by Trucks or Other Vehicles.

No truck or other motor vehicle or trailer or other motor conveyance shall be operated or loaded in such a manner that any part or portion of its load, whether sand, gravel, stone, dirt, rubbish, paper, boxes, trash or other material shall be dropped, blown or caused to fall or dropped upon any public street, highway, public place or thoroughfare in the Town.

Section 4. Private Property.

A. Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon the streets or other public places or upon any private property.

B. Owner to Maintain Premises Free of Litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this Section shall not prohibit storage of litter, refuse, waste or trash in authorized receptacles for collection.

C. Vacant Lots.

No person shall throw or deposit litter, refuse, waste or trash on any open or vacant

private property within the Town, whether owned by such person or not.

Section 5. Removal of Litter, Refuse, Waste or Trash by Town.

A. Notice to Remove.

The Code Enforcement Officer is hereby authorized and empowered to notify the owner of any open or vacant private property within the Town, or the agent of such owner, to properly dispose of litter, refuse, waste or trash located on such owner's property. Such notice shall be by registered mail, addressed to said owner at his or her last known address.

B. Action upon Non-Compliance.

Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of such litter, refuse, waste or trash within ten (10) days after receipt of written notice provided for in subdivision A above, or within fifteen (15) days after the date of such notice, in the event the same is returned to the Town by the Post Office because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Code Enforcement Officer is hereby authorized and empowered to enter upon such property and to provide for the removal and disposal of such litter, refuse, waste or trash.

C. Charge Included in Tax Bill.

When the Town has effected the removal of such litter, refuse, waste or trash, the actual cost thereof, plus accrued interest at the rate of twelve percent (12%) per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be assessed against and shall constitute a lien on the property and shall be levied and collected in the same manner as general Town taxes.

Section 6. Penalty.

A violation of any provision of this Chapter is hereby declared to be a violation and shall be punishable by a fine not exceeding One Thousand

(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. 3 of 1998 of the ~~(County)(City)~~(Town)(Village) of Volney was duly passed by the Town Board on May 14 1998, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 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 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 19 ____ 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 _____ 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 1, above.

Barbara A MacEwen
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
BARBARA MacEWEN, Town Clerk
Date: 5-18-98

(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 ONONDAGA

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.

Ronald S. Carr
Signature RONALD S. CARR
Town Attorney
Title

~~XXXXXX~~
~~XXXX~~ of Volney
Town
~~XXXXXX~~
Village

Date: 5/20/98