

LOCAL LAW NO. 3, 1969A LOCAL LAW PROHIBITING THE USE OF ANY LAND
WITHIN THE TOWN OF FENNER AS A DUMP OR
DUMPING GROUNDS, REFUSE DISPOSAL
AREA, OR AS A LAND-FILL SITE
OR IN A LAND-FILL OPERATION EXCEPTING
LANDS ESTABLISHED FOR SUCH PURPOSES
BY THE TOWN BOARD

Section 1 - Legislative Declaration

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Fenner and the safeguarding of their material rights against unwarrantable invasion and for the protection of public health and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its citizens. It is further declared that the establishment or operation of private dumps, dumping grounds, refuse disposal areas, land-fill sites or similar land uses, is a hazard to such health, safety, and welfare of the citizens of the Town; necessitating the elimination thereof. At the same time, it is recognized that the maintenance of a public dump, dumping ground, refuse disposal area or land-fill site owned and operated by the Town is useful and necessary. It is hereby declared that the prohibition of private dumps, dumping grounds, refuse disposal areas or land-fill sites, or other similar use of land for the deposit, burying or disposal of, in any matter whatsoever of offal, garbage, trash, refuse, rubbish and like wastes, and that the maintenance of a public dump, dumping grounds, refuse disposal area, or land-fill site is necessary to provide a single confined area for disposal of waste which will facilitate the inspection of facilities for disposal of waste and facilitate the enforcement of sanitary regulations.

Section 2 - Definitions

For the purpose of this local law, "refuse" shall mean all putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.

Section 3

No lands other than lands of a public dump or dumping ground heretofore or hereafter established by this Town shall be used as a dump, dumping ground, refuse disposal area or as a land-fill site in said Town, however this

local law shall not be so construed as to prevent the use of private land used for the depositing of refuse from a single family, a member of which is the owner, occupant or leasee of said land, or any part of a farm on which only animal wastes resulting from the operation of such farm are deposited.

Section 4

The use of land as a private dump, dumping ground, refuse disposal area or land-fill site is prohibited and the use of said land for the deposit, burying, or disposal in any matter whatsoever of all offal, garbage, trash, refuse, rubbish, debris and like waste is also hereby prohibited.

Section 5

This local law shall not prohibit the establishment, by the Town Board, of public dumps, dumping grounds, refuse disposal areas or land-fill sites owned and operated by the Town, from time to time.

Section 6

Any person violating the provisions of this local law shall be subject to a penalty in the sum of not more than three hundred fifty dollars (\$350.00). Each such deposit of waste material on lands within the Town of Fenner not established as a public dump, dumping ground, refuse disposal area, or land-fill site shall constitute a separate violation of this local law. Each day such lands are so used as a dump, dumping ground, refuse disposal area or land-fill site shall constitute a separate violation. Each separate violation shall be punishable as herein set forth.

The Town Board of the Town of Fenner, or any person aggrieved, may maintain a legal or equitable action or proceeding in any court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this local law.

Section 7 - Validity

In the event that any portion of this law shall be declared invalid or held unconstitutional, said invalidity or unconstitutionality shall not affect the remaining provisions which shall remain in full force and effect.

Section 8

This local law shall take effect immediately.