New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

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.

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of VAN ETTEN

FILED
STATE RECORDS
JUL 23 2021
DEPARTMENT OF STATE

Local Law No. 2 **of the year 20**21

A local law STORAGE OF SOLID WASTE
(Insert Title)

Be it enacted by the TOWN BOARD **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of VAN ETTEN **as follows:**

SECTION 1 – TITLE.

This Local Law shall be known and cited as Local Law No. 2 of 2021 of the Town of Van Etten, Chemung County, New York, " Storage of Solid Waste. "

SECTION 2 – AUTHORITY.

This Local Law is adopted pursuant to the Municipal Home Rule Law of the State of New York.

SECTION 3 – PURPOSE.

The purpose of this Local Law is to promote and protect the public health, safety, and welfare by regulating the outside storage of solid waste and related items within the Town of Van Etten. This Local Law is intended to protect property values, preserve natural beauty and environmental quality, and promote the general well-being of Town residents by curbing any deterioration in the appearance or attractiveness of the Town.

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

SECTION 4 – APPLICATION.

This Local Law shall apply to all lots, plots, or parcels of land within the Town of Van Etten which are vacant or upon which are located buildings or accessory structures devoted to residential use or occupancy, mixed use or occupancy, or commercial or industrial use or occupancy.

SECTION 5 – DEFINITION OF SOLID WASTE.

For purposes of this Local Law, the term "Solid Waste" means all putrescent and non-putrescent materials and substances that are discarded or rejected as being spent, including, without limitation, household furnishings, household appliances, garbage, refuse, industrial and commercial waste, sludge from air or water treatment facilities, rubbish, tires, motor vehicle parts, ashes, contained gaseous material, incinerator residue, construction and demolition debris, and offal.

SECTION 6 – PROHIBITION AGAINST OUTSIDE STORAGE OF SOLID WASTE.

No person shall cause or permit any Solid Waste to be deposited or stored in an outdoor area of any property subject to this Local Law for a period that is in excess of fifteen (15) days. Any Solid Waste which is deposited or stored in a manner which violates the prohibition contained in the preceding sentence shall be removed no later than thirty (30) days after notice of such violation is delivered by the Code Enforcement Officer or other Town officer to the owner of the property upon which the Solid Waste is deposited or stored.

SECTION 7 - PENALTY

Any violation of this Local Law which continues for period in excess of thirty (30) days after notice thereof shall be punishable by a fine that shall not be less than Fifty Dollars ($50.00) nor in excess of Two Hundred Fifty Dollars ($250.00), or imprisonment for a period not to exceed fifteen (15) days, or both. Each week a violation of this Local Law continues shall constitute a separate and additional violation. For purposes of conferring jurisdiction upon court and judicial officers generally, a violation of this Local Law shall be deemed a misdemeanor, and solely for such purposes all provisions of law relating to a misdemeanor shall apply to such a violation.

SECTION 8 – SEVERABILITY.

If any section, paragraph, subdivision, clause, phrase, or provision of this Local Law shall be judged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect the validity of this Local Law as a whole or any part or provision hereof other than the part so decided to be invalid or unconstitutional.

SECTION 9 – REPEALER.

This Local Law shall supersede all prior local laws, ordinances, rules, and regulations pertaining to the outdoor storage or disposal of Solid Waste within the Town of Van Etten, and such prior local laws, ordinances, rules, and regulations shall be, upon the effective date of this Local Law, null and void.

SECTION 10 – EFFECTIVE DATE.

This Local Law shall be effective upon its adoption and filing with the Secretary of State of the State of New York as required by law.

(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. 2 of 2021 of the (County)(City)(Town)(Village) of VAN ETTEN was duly passed by the TOWN BOARD OF THE TOWN OF VAN ETTEN on JUNE 10 2021, in accordance with the applicable
(Name of Legislative Body)
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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20☐☐, in accordance w ith 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(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 _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
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.

* 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.

Dawn A. Rose

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 7/19/2021