

Local Law #2 of 1998

Section I. Short Title

This Local Law shall be known and may be cited as the Solid Waste Disposal Facilities Law of the Town of Granville.

Section II. Legislative Intent and Findings of Fact

A. Background

The Town of Granville (the "Town"), Washington County (the "County"), New York, is concerned about land use and the quality of the environment in the Town and the County, and the public health, safety and welfare of the citizens of the Town. In order to advance the quality of land use and the environment, and the public health, safety and welfare in the Town, the Town has determined to adopt certain regulations regarding the construction and operation of solid waste facilities in the Town. For this purpose, the Town Board has held public hearings and members of the Town Board have attended certain informational meetings regarding the construction and operation of solid waste facilities. Further, the Town has reviewed certain legal matters regarding the regulation of the construction and operation of solid waste facilities.

B. Legislative Findings of Fact

The Town Board does hereby find that appropriate and salutary measures must be taken to protect the health, safety, comfort and general welfare of the Town in connection with the construction and operation of solid waste facilities. The Town Board also finds that the construction and operation of solid waste facilities adversely affects the health, safety, comfort and general welfare of the Town and its citizens.

C. Legislative Intent

Pursuant to authority duly vested in it under the laws of the State of New York, it is the intention of the Town Board to preserve and protect the health, safety, comfort and general welfare of the Town and its citizens by hereby adopting a law prohibiting the construction and operation of solid waste facilities.

Section III. Scope of Controls

A. This Local Law hereby provides as follows:

1. The construction of a solid waste facility within the Town is hereby expressly prohibited.

2. The operation of a solid waste facility within the Town is hereby expressly prohibited.

(3) The animal crematorium meets or exceeds applicable state and federal regulations regarding particulate emissions;

(2) The operator of the animal crematorium obtains and maintains proper licensing from the New York State Department of State pursuant to Article 35-C of the General Business Law of the State of New York, and any other applicable provisions of law;

(1) The animal crematorium unit does not exceed 500 lbs in capacity;

A. For purposes of this Local Law, a crematorium established for the cremation of animal carcasses shall not be deemed a 'solid waste facility' as defined in Section III(b)(2) herein, if said crematorium meets the following specifications:

Section IV. Animal Crematorium Exclusion

C. This Local Law is not intended to restrict or prohibit any solid waste facilities currently in lawful operation or owned by the Town.

2. "Solid waste facility" means any facility employed beyond the initial solid waste collection process for commercial and municipal purposes, including, but not limited to, transfer stations, baling facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, facilities for disposal of construction and demolition debris, plants and facilities for compacting, composting or pyrolyzation of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities; provided, however, that for purposes of this Local Law, the term "solid waste facility" shall not include a crematorium established for the cremation of animal carcasses and which complies with the specifications set forth in section IV herein, nor shall it include any solid waste facility in lawful operation in the Town of Granville on the effective date of this Local Law.

1. "Solid waste" means all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, animal carcasses, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form; provided, however, that for purposes of this Local Law, the term "solid waste" shall not mean organic waste materials used in connection with agricultural or horticultural purposes or slate slag and other slate related by-products; nor shall it include animal carcasses which are cremated in a crematorium that complies with the specifications set forth in section IV herein.

B. For purposes of this Local Law, the terms described below shall have the following definitions:

All ordinances or local laws, or parts of ordinances or local laws, in conflict with the provisions of this Local Law are hereby modified or repealed to the extent necessary to give this Local Law full force and effect. By way of illustration, but not of limitation, this Local Law shall be deemed to supersede the provisions of Town of Granville Local Law Number 1 of 1992; however, such repeal shall not affect any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, and prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected.

Section VII. Repeal of Other Laws

The invalidity of any word, section, clause, paragraph, sentence part or provision of this Local Law shall not effect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

Section VI. Validity

A. Any person violating any provisions of this Local Law shall be guilty of an offense and, upon conviction thereof, be punished by a fine not exceeding \$50,000 and/or imprisonment not to exceed five (5) years.

B. For the purposes of conferring jurisdiction upon the Courts, violations of this Local Law shall be deemed a misdemeanor and for such purpose the law relating to misdemeanors shall apply to such violations for procedural matters. Each day of a continued violation after notice shall constitute a separate additional violation. In addition, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of this Local Law.

Section V. Penalties

B. Any animal crematorium in operation in the Town of Granville that does not comply with the specifications listed above shall be deemed a 'solid waste facility' and be in violation of this Local Law.

(4) The operator of the animal crematorium obtains and maintains proper operating permits from the New York State Department of Environmental Conservation for particulate emissions into the air.

(5) The animal crematorium is located at least one hundred feet away from the boundary line of any adjoining property and at least one hundred twenty-five feet away from the center line of any public highway.

Section VIII. Effective Date

This Local Law shall take effect upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law.