

TOWN OF COLUMBUS
Local Law No. 1 of the year 1989

**A local law prohibiting
the disposal or storage of wastes**

Be it enacted by the Town Board of the Town of Columbus as follows:

SECTION I: DECLARATION OF POLICY

This local law is adopted for the purpose of promoting the health, safety, and general welfare of the people of the Town of Columbus including the protection and preservation of the environment and its inhabitants and in all matters related thereto, by prohibiting waste to be disposed of or stored in the Town of Columbus.

SECTION II: PROHIBITED ACTS

Except as otherwise provided in this Law the disposal or storage of waste on any public or private lands in the Town of Columbus is strictly prohibited.

SECTION III: EXCEPTIONS

Nothing contained herein shall be deemed to prohibit any person from spreading waste used as fertilizer for agricultural purposes, clean hard fill, or existing household disposal facilities used exclusively by the persons occupying the property as of the date of this law, as long as such disposal is not in violation of any local, county, state, or federal law.

SECTION IV: DISCRETION OF THE TOWN BOARD TO ISSUE PERMITS

The Town Board may at its discretion issue a permit for the disposal or storage of non-hazardous wastes not included in Section III above, on application from any person.

If the Town Board of the Town of Columbus deems the site environmentally suitable it may, at its discretion, issue a dumping permit. Fees for said permit will be levied annually for the proper disposal, as determined by the Town Board of the Town of Columbus as follows:

1. \$ 0. For the proper disposal (burying - 2 feet) of building structures, which have been erected within the town, according to 360 DEC rules and regulations.
2. \$ 100,000 For each quarter acre, or part thereof, for the disposal or storage of waste originating from inside the boundaries of the Town of Columbus.

3. \$ 250,000 For each quarter acre, or part thereof, for the disposal or storage of waste originating from outside the boundaries of the Town of Columbus.

Any costs incurred by the Town Board for consultation fees or extraordinary expenses in connection with the review will be charged to the applicant.

Any permitted disposal facility must be constructed according to DEC regulations and in accordance with any other town, county, state, or federal law.

SECTION V: LIABILITY COVERAGE:

The applicant must have the following:

1. Environmental Impairment Liability Coverage with a \$100,000,000 limit of liability, liability coverage for sudden or non-sudden occurrences, and coverage for clean up costs. The Town of Columbus is to be included as additional insured. Proof of these insurances should be in the form of a Certificate of Insurance. It should also provide that the Town of Columbus will get 120 days prior notice of policy cancellation and that policy premiums have been paid for one full year. Fronted policies will not be accepted.

2. Evidence of an Irrevocable Letter of Credit in the amount of \$1,000,000 must be provided to the Town Board.

SECTION VI: DEFINITIONS:

"Waste" shall be defined as hazardous waste, municipal waste, industrial waste, special waste, solid waste, sewage sludge, construction and demolition debris.

"Disposal" shall be defined as the burning, discharge, deposit, injection, dumping, spilling, leaking, or placing of waste into the land, water, or air.

"Storage" shall be defined as containment of waste such that it does not constitute disposal.

"Clean hard fill" shall be defined as dirt, rocks, brick, stumps, mortar, cement.

"Person" shall include an individual, firm, partnership, corporation, or association of persons.

SECTION VII: ENFORCEMENT

This Local Law may be enforced by the county Codes Enforcement Officer, local constable, local Codes Enforcement Officer, State Police, Sheriff's Department, Environmental Conservation Officers, or any other peace officer, as well as by citizen's complaint. Any individual has the prerogative to file a signed written complaint with any of the above mentioned enforcement agencies.

SECTION VIII: PENALTIES

Any person violating any of the provisions of this Local Law shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$1000.00 for each offense, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment. The Town Board shall also have the power to bring civil action to restrain any violation of this Local Law in a court of competent jurisdiction. When a violation of this Local Law is continuous, each 24 hours thereof shall constitute a separate and distinct offense.

In addition, any person violating any of the provisions of this Local Law shall incur the cost of clean-up and any damages resulting from the disposal or storage, the cost of litigation, and any costs to the Town Board for reasonable consultation fees or extraordinary expenses in connection with a review.

SECTION IX: SEPARABILITY

If any clause, sentence, subdivision, paragraph, section or part of this Local Law be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION X: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the office of the Secretary of State.