

TOWN OF MAYFIELD LOCAL LAW NO. 4 OF THE YEAR 1998

A local law ENACTING A MORATORIUM ON SOLID WASTE MANAGEMENT FACILITIES IN THE TOWN OF MAYFIELD

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

TOWN OF MAYFIELD
LOCAL LAW NO. 4 OF 1998

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ON SOLID WASTE MANAGEMENT FACILITIES
IN THE TOWN OF MAYFIELD

TOWN OF MAYFIELD
MORATORIUM ON SOLID WASTE MANAGEMENT FACILITIES LAW

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I. TITLE

This local law shall be known as and may be cited as the “Moratorium on Solid Waste Management Facilities Law of the Town of Mayfield”.

II. FINDINGS

- A. The Town Board of the Town of Mayfield has identified a number of issues with its existing laws regulating the construction and operation of solid waste management facilities in the Town; and
- B. The Town Board is authorized by Town Law §§ 130(6) and 136, Environmental Construction Law § 27-0711, and the Municipal Home Rule Law to regulate the collection, processing, and disposal of waste in the Town; and
- C. The Town of Mayfield wishes to consider substantial overhaul of its local laws relating to these issues

III. PURPOSE

- A. It is the intent of this law to promote the public health, safety and welfare of the Town by providing for a period during which the Town Board may consider the means to properly regulate the construction and operation of solid waste management facilities in the Town.

- B. By enacting this Local Law, the Town intends to exercise its police powers granted by the Municipal Home Rule Law and Sections 130 and 136 of the Town Law for the physical and mental well-being and safety of its citizens and to restrict waste disposal operations within the Town that might otherwise be permitted under the ECL. Section 27-0711 of the ECL specifically recognizes and authorizes the right and authority of a Town to legislate stricter controls on solid waste management operations than state law requires.

IV. APPLICABILITY

This law shall be applicable to all areas within the Town of Mayfield, except within the incorporated Village of Mayfield.

V. IMPOSITION OF MORATORIUM

There is hereby imposed for a period of six months a moratorium on the construction of new solid waste management facilities as that term is defined in 6 N.Y.C.R.R. Part 360.

VI. REPEALER; EFFECT ON OTHER LAWS

All other ordinances and local laws or parts thereof in conflict herewith are superseded by this Local Law; provided, however, that the provisions of this Law shall not be interpreted as obviating any requirements or restrictions wherever it is possible to conform to the provisions of both this law and any other law or ordinance.

VII. SEVERABILITY

If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional, or unenforceable, all unaffected provisions hereof shall survive such declaration, and this Local Law shall remain in full force and effect as if the invalidated portions had not been enacted.

VIII. EFFECTIVE DATE

This Local Law shall become effective when it is filed with the Secretary of State pursuant to the Municipal Home Rule Law.