

(Please Use this Form for Filing your 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~~ of BROOKFIELD
Town
~~VILLAGE~~
Local Law No. 1 of the year 19 88

A local law PROHIBITING THE OPERATION OF DUMPS AND DUMPING
(Insert title)

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

~~County~~
~~CITY~~ of BROOKFIELD, MADISON COUNTY, NEW YORK as follows:
Town
~~VILLAGE~~

SECTION I: DECLARATION OF POLICY: It is hereby determined by the Town Board that the operation of dumps for the disposal of garbage and rubbish, and the dumping of garbage and rubbish, is likely to constitute a hazard and menace to the health and safety of the residents of the Town of Brookfield; and it is therefore the intent of this Local Law to prohibit dumping, and the operation of dumps, in the Town of Brookfield, pursuant to Section 130 subdivisions (6) and (15) of the Town Law of the State of New York.

SECTION II: DEFINITIONS: The term "person", as used in this Local Law, shall include an individual, firm, partnership, corporation (not including municipal corporation), or association of people.

The term "dump", as used in this Local Law, shall mean a place used for the disposal and leaving of paper, garbage, rubbish and waste materials of any nature, by the public or by any person, and shall include all public roads.

SECTION III: RESTRICTIONS: The operation or maintenance of a dump for the disposal of garbage, rubbish and waste materials, or disposal along the public roads, is hereby prohibited in the Town of Brookfield.

SECTION IV: EXCEPTIONS: Nothing herein contained shall be deemed to prohibit any person residing in the Town of Brookfield from disposing of non-commercial or industrial rubbish, or waste material, on property within the Town; provided such rubbish or waste material is generated within the Town.

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION V: ENFORCEMENT: This Local Law may be enforced by the County Codes Enforcement Officer, Local constables, Local Codes Enforcement Officer, State Police, Sheriff's Department, Environmental Conservation Officers, or any other peace Officer, as well as by a citizen's complaint. Any individual has the prerogative to file a signed written complaint with any of the abovementioned enforcement agencies.

SECTION VI: PENALTIES: Any person violating any of the provisions of this Local Law shall be guilty of a misdemeanor, and upon conviction thereof, 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.

SECTION VII: 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 judgment 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 VIII: EFFECTIVE DATE: This Local Law shall take effect immediately upon filing with the office of the Secretary of State.