

**VILLAGE OF SOUTH GLENS FALLS
LOCAL LAW NUMBER 2 OF 2024**

**A LOCAL LAW ADDING TO THE VILLAGE CODE A REVISED
CHAPTER 123 ENTITLED “IMPORTATION, DISPOSAL AND/OR
PROCESSING OF SOLID WASTE PROHIBITED IN THE VILLAGE OF
SOUTH GLENS FALLS”.**

Be it enacted by the Village Board of the Village of South Glens Falls, as follows:

§1. Authority and Applicability.

This local law is adopted pursuant to the authority vested in the Village Board of the Village of South Glens Falls pursuant to Municipal Home Rule §10 of the State of New York. It shall apply to the provisions of the Village of South Glens Falls Code.

§2. Declaration of Policies and Purpose.

The Village Board of the Village of South Glens Falls has reviewed the Code of the Village of South Glens Falls and believes that certain additions to the existing code are reasonable and necessary. The recommended additions shall therefore be enacted and authorized pursuant to the provisions of this local law.

§3. Amendments and Revisions.

A new and revised Chapter 123 entitled “Importation, Disposal and/or Processing of Solid Waste Prohibited in the Village of South Glens Falls ” shall be added to the Village of South Glens Falls Code. The new Chapter 123 shall provide the following:

§ 123-1 Legislative Intent

A. By the adoption of this Chapter, the Board of Trustees of the Village of South Glens Falls (hereinafter the “Village Board”) declares its intent to regulate, control and prohibit the importation, disposal and/or processing of solid waste originating from inside or outside of the boundaries of the Village of South Glens Falls.

B. In view of the environmental damage that the Village of South Glens Falls has experienced by past practices and operations involving the disposal and/or processing of solid waste, both hazardous and nonhazardous, the Village Board finds that restrictions against the importation, disposal and/or processing of solid waste are necessary to be implemented in order to safeguard the public health, safety and general welfare. This Chapter conveys to the Village Board all necessary and proper powers to ban the importation of solid waste generated from outside of the boundaries of the Village of South Glens Falls, and, to prohibit the commencement of any use or operation within the boundaries of South Glens Falls which may include the disposal and/or processing of any solid waste by incineration, landfilling, pyrolysis, or by any other method which may release contaminants into the environment. This Chapter is an exercise of the Village Board's police power, and it shall be liberally construed to effect this purpose.

C. In order to protect the health and safety of the residents of the Village of South Glens Falls, and, to promote the general welfare of the community, the Village Board hereby adopts this revised and new Chapter 123 of the Village of South Glens Falls Code.

§ 123-2 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

SOLID WASTE: Any waste or waste material not originating within the boundaries of the Village of South Glens Falls and generated by or from sources or locations outside the boundaries of the Village of South Glens Falls including but not limited to hazardous and nonhazardous waste as may be defined by the New York State Department of Environmental Conservation and/or the United States Environmental Protection Agency.

§ 123-3 Importation, Disposal and/or Processing of Solid Waste Prohibited

It shall be unlawful for any person, firm, corporation or other entity, including any governmental entity or agency, to import solid waste originating from outside of the boundaries of the Village of South Glens Falls, or, to dispose of, or process, solid waste within the boundaries of the Village of South Glens Falls.

§123-4 Prohibitions Against Any Operation Which May Release Contaminants into the Environment

It shall be unlawful for any person, firm, corporation or other entity, including any governmental entity or agency, to commence or maintain any use or operation which includes the disposal or processing of solid waste by incineration, landfilling, pyrolysis, or any other method which may release contaminants into the environment.

§123-5 Waivers.

(a) Should any owner of property affected by this local law suffer an unnecessary hardship in the way of carrying out the strict letter of this local law, then the owner of said property may apply to the Village Board in writing for relief from strict compliance with this local law upon submission of proof of such unnecessary hardship. For the purposes of this local law, the definition of unnecessary hardship shall be determined in the sole discretion of the Village Board

(b) Substantive requirements: No relief shall be granted hereunder unless the Village Board shall specifically find and determine, in its sole and unqualified discretion, and shall set forth in its resolution granting such waiver, that:

1. Failure to grant a waiver to the petitioner will cause the petitioner substantial, irrevocable and unnecessary hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of the waiver; and
2. The grant of the waiver will clearly have no adverse effects upon any of the Village's goals or objectives in adopting this local law.

(c) Procedure: Upon submission of a written application to the Village Clerk by the property owner seeking relief from this local law, the Village Board shall, within 30 days of receipt of said application, schedule a public hearing on said application upon ten (10) days written public notice. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard. The Village Board shall, within 30 days of the close of said public hearing, render its decision either granting or denying the application for relief from the strict requirements of this local law, or, it may impose any conditions on any waiver grant that it may deem appropriate.

(d) An application for relief from the prohibitions of this local law shall be accompanied by the applicant's written undertaking, in a form to be approved by the Village's attorney, to pay all expenses of the Village Board, including the fees of any attorney or consultant retained by the Village Board to evaluate and consider the merits of such application.

§123-6. Violations and Permits Issued in Violation of this Local Law.

(a) Any person violating or attempting to violate this Local Law shall be guilty of a violation pursuant to the Penal Law of the State of New York and be punishable by a fine not exceeding \$1,000.00 or by imprisonment for a term not exceeding 15 days or by both such fine and imprisonment. For each twenty-four hour period such violation continues, every such person shall be deemed guilty of a separate offense and shall be considered a continuing violation until the violation is corrected or ceased. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agency or manager may be considered to be the "person" for the purpose of this section.

(b) Alternative remedy:

In the case of any violation or threatened violation of any of the provisions of this Local law, in addition to other remedies herein provided, the Village Board may institute any appropriate action or proceeding, or combination thereof, either judicial or equitable, to prevent or enjoin such violation or threatened violation and to collect penalties or fines assessed hereunder. No remedy or penalty specified herein shall be the exclusive remedy available to address any violation described in this Local Law. Each remedy or penalty specified herein shall be in addition to, and not in substitution or limitation of, any other remedies or penalties specified in this Code or in any other applicable law.

(c) Stop-work order:

(1) The Village Board herein grants the Code Enforcement Officer the administrative responsibility of determining in the first instance whether a violation has occurred or threatened violation is about to occur and to immediately terminate or prevent such violation or threatened violation by posting a stop-work order, or cease and desist order, on the premises wherein the violation has occurred or threatened violation is about to occur.

(2) The stop-work order or cease and desist order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on or using the premises that all such actions specified in the order must be terminated immediately.

(d) In the event the Village Board is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Village relative thereto, including but not limited to attorney's fees, and such amounts as may be determined and assessed by the Court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Village on which the violation occurred, by including such expense in the next annual Village tax levy against such property, and such expense shall be a lien upon such property until paid.

§123-7 Conflict with State Statutes and Authority to Supersede.

To the extent that any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of any local law of the Village of South Glens Falls, or any laws of the State of New York, this Local Law supersedes, amends and takes precedence over any inconsistent authority in accordance with the Municipal Home Rule Law. This Local Law specifically supercedes Village Law and any other New York State or local laws, rules or regulations pertaining to the granting of any variance authority to the Zoning Board of Appeals, it being the intention of this Local Law that any authority to grant variances or waivers by any boards or bodies other than the Village Board is hereby superceded by this Local Law so as to vest any authority to approve a variance or waiver from this Local Law solely in the Village Board of South Glens Falls.

§123-8 Severability.

If any clause, sentence, phrase, paragraph or any part of this Local Law or the application thereof to any person or circumstance shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the provisions of this Local Law or the application thereof to any persons or circumstance, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the

remainder of this Local Law would have been duly adopted had any such invalid application or provisions been excluded.

§123-9 Effective Date.

This Local Law shall become effective upon filing in the Office of the NYS Secretary of State in accordance with Section 27 of the Municipal Home Rule Law

Dated: May , 2024

BY ORDER OF THE VILLAGE BOARD OF
THE VILLAGE OF SOUTH GLENS FALLS