

LOCAL LAW NO. 3 OF 2019
Solid Waste Management Code

BE IT ENACTED by the Town Board of the Town of Westerlo, County of Albany as follows:

Title.

This local law shall be known as the Solid Waste Management Code (“SWMC”).

Purpose and Intent.

The purpose of this local law shall be to repeal and replace existing local laws, rules and regulations related to the collection, transportation, disposal, management, and recycling of solid waste within the Town of Westerlo.

The Town Board hereby declares its intent and purpose to be the protection of the general health, safety and welfare of the residents of the Town by providing a clean, wholesome, and attractive environment within the Town.

This local law seeks to facilitate the disposal of solid waste generated within the Town in an economical and environmentally accepted manner and to reduce the total per capita amount of solid waste disposed of in the Town, in conformance with the New York State Solid Waste Management Plan, so that landfill space is saved, waste disposal problems are reduced, and precious natural resources are conserved.

This local law also seeks to manage a source separation and recyclables collection program within the Town to maximize, to the extent feasible, the reuse and recycling of the Town's waste stream.

Authority.

This local law is adopted pursuant to sections 10 and 22 of the Municipal Home Rule Law.

Effective Date.

This SWMC shall take effect immediately upon filing with the New York State Secretary of State's Office.

Repeal of All Previous Local Laws Regarding Solid Waste.

This law repeals and replaces those portions and provisions of Local Law #1 of 1989, Local Law #2 of 1992, Local Law #1 of 2011, and any other local law, rule or regulation that contradicts or conflicts with the provisions of this local law, and replaces it with the following:

**Town of Westerlo
Solid Waste Management**

ARTICLE I

Solid Waste Management

Section:

1. Definitions
2. Prohibited Disposal Within the Town
3. Authorized Solid Waste Disposal
4. Fees
5. Administration
6. Rules and Regulations
7. Prohibited Materials
8. Penalties for Violations
9. Amendments to other Local Laws and Regulations

ARTICLE II

Mandatory Recycling

Section:

1. Recycling Definitions
2. Further Designation of Recyclable Materials
3. Mandatory Recycling Plan
4. Ownership of Recyclables
5. Disposal of Reusable Items
6. Composting
7. Administration
8. Prohibited Activities
9. Disposal of Recyclable Materials by Commercial Waste
Authorized Users
10. Enforcement

ARTICLE I
SOLID WASTE MANAGEMENT

Section 1. Definitions

As used in this SWMC, the following terms shall have these meanings ascribed to them:

COMMERCIAL WASTE: shall mean and include all putrescible and non-putrescible materials or substances generated as a result of the sale, rental or distribution of goods or services, either in retail or wholesale, that are 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, or rubbish. Commercial Waste does not include Hazardous Waste, Household Hazardous Waste, Construction or Demolition Debris, Industrial Waste, or Recyclable Materials.

COMMERCIAL WASTE COLLECTION: The collection, transportation, or delivery of any Solid Waste, Hazardous Waste, Household Hazardous Waste, Construction or Demolition Debris, Industrial Waste, or Recyclable Materials generated within the Town that is collected and transported for a fee.

CONSTRUCTION AND DEMOLITION DEBRIS: Six cubic feet or greater of uncontaminated wastes and debris resulting from home construction, remodeling, repair and demolition, including wood, plaster, non-asbestos shingles and insulations, roofing materials and metals, plumbing fixtures, electrical wiring; but shall not include any Hazardous Wastes or any of said listed material which contain, include, or have been tainted or affected by toxic, hazardous, or otherwise harmful elements, chemicals, or materials.

DISPOSAL: Discharged, deposited, injected, dumped, spilled, leaked, or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water, including being abandoned, burned, or incinerated.

HAZARDOUS WASTE: Any waste or combination of wastes which because of its quantity, concentration, or physical, chemical or biological characteristics possess a substantial present or potential hazard to human or animal health or to the environment as determined by any governmental authority. Such waste shall include, but not be limited to, wastes which are bio concentrative, highly flammable, explosive, highly reactive, toxic or poisonous, irritating, sensitizing, corrosive, or infectious and shall include wastes that are solid, semisolid, liquid, or gaseous. The final determination of whether or not a waste is hazardous shall be made by the Town Board and shall not be limited to those items or materials defined as hazardous by State, Federal law, and DEC Rules and Regulations.

HOUSEHOLD WASTE: shall mean and include all putrescible and non-putrescible materials or substances generated by households that are 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, rubbish, or other residential waste. Household Waste does not include Hazardous Waste, Construction or Demolition Debris, Commercial Waste, Industrial Waste, or Recyclable Materials.

HOUSEHOLD HAZARDOUS WASTE: Household wastes which, but for its point of generation, would be hazardous waste as defined by this article, including pesticides as defined in the New York State Environmental Conservation Law.

INDUSTRIAL WASTE: Solid waste generated by mining, manufacturing, or industrial processes such as electric power generation; fertilizer; leather products; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; textiles; manufactured goods; transportation equipment; and water treatment. Industrial Waste does not include Hazardous Waste, Household Hazardous Waste, Construction or Demolition Debris, Commercial Waste, Industrial Non-Process Waste, or Recyclable Materials.

INDUSTRIAL NON-PROCESS WASTE: Putrescible and non-putrescible materials or substances generated at a mining,

manufacturing, or industrial facility but not in the course of industrial processes (for example, garbage or refuse generated in office areas or employee breakrooms such as waste paper, food items, or other common office waste), so long as such waste has not been co-mingled with industrial process waste. Industrial Non-Process Waste does not include Hazardous Waste, Household Hazardous Waste, Construction or Demolition Debris, Commercial Waste, or Recyclable Materials.

RECYCLABLE MATERIALS: Those materials specified by the Town or the State of New York by law, ordinance, rule, or regulation, which are to be separated from the waste stream and held for reuse or which have, or may have in the future, market or other value. These materials shall include, but not be limited to: glass containers, plastic containers, corrugated cardboard, paperboard cardboard, newspapers, metal cans, paper, magazines, cloth and clothing, telephone books, vehicle tires and casings, batteries, white goods, electronic waste and scrap metal, and biodegradable material as herein defined.

RECYCLING/MANDATORY RECYCLING: Waste minimization strategy in which reusable materials are recovered from a waste stream and put to the original or different use. The intervention of MANDATORY RECYCLING is meant to lessen the content of a waste stream as it moves down the line.

RESIDENT: Any person residing on property located within the Town of Westerlo.

SOLID WASTE: shall mean and include all putrescible and non-putrescible materials or substances that are 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: Commercial Waste, Household Waste, Hazardous Waste, Household Hazardous Waste, Construction or Demolition Debris, Industrial Waste or other garbage, refuse, rubbish, tires, contained gaseous material, incinerator residue, auto parts drained of all fluids, and offal. The term shall **not** include solid or dissolved matter in domestic sewage or substances, materials in non-containerized gaseous form, or other such

items or material excluded from the definition of Solid Waste pursuant to the regulations of the DEC.

WASTE TRANSFER FACILITY: the Transfer Station facility within the Town of Westerlo where authorized and permitted Solid Waste is received and briefly held for transport to landfills, or treatment facility, or disposal facilities in order to be recycled, which shall be designated as such by any law, rule, or regulation set by the Town.

Section 2. Prohibited Collection and Disposals Within the Town

A. No land within the Town shall be used for the Disposal of Solid Waste or Recyclable Materials unless permitted and in strict accordance with this law and all other applicable local, county, state, or federal laws or regulations.

B. No person(s) shall engage in Disposal of any Solid Waste or Recyclable Materials on any land or at any location, site, or area in the Town unless permitted and in strict accordance with this law and all other applicable local, county, state, or federal laws or regulations.

C. No person(s) shall engage in Commercial Waste Collection of any Solid Waste or Recyclable Materials on any land or at any location, site, or area in the Town unless permitted and in strict accordance with this law and all other applicable local, county, state, or federal laws or regulations.

D. No person shall throw or deposit any garbage, rubbish, yard and garden waste, or Solid Waste in or upon any street, highway, walk, park, parking area, or other public place within the Town, except in labeled public receptacles; provided that no items listed above shall at any time be thrown or deposited in public receptacles unless such receptacles are specifically designated and marked for reception of such materials.

Section 3. Authorized Solid Waste Collection And Disposal

Solid Waste may only be collected and disposed in strict accordance with the rules set forth herein.

Solid Waste Disposal at the Waste Transfer Facility is only authorized with a valid permit. Commercial Waste Collection and transportation of Solid Waste within the Town is only authorized with a valid permit.

A. WASTE COLLECTION AND DISPOSAL PERMITS

1) Residential Waste.

A Residential Waste Transfer Facility Permit ("Residential Waste Permit") is available only to Town Residents. A Residential Waste Permit shall only be valid for the Disposal of Household Waste and Household Hazardous Waste generated in the Town by the permit holder or her/his immediate household. Residents may apply for a Residential Waste Permit at the Office of the Town Clerk and pay the required fee, as established by the Town Board. Residency is established by submitting proof of identity, and property ownership or a valid and enforceable lease or rental agreement. The Residential Waste Permit becomes void and must be surrendered to the Town Clerk if the user no longer resides in the Town.

2) Commercial Waste.

A Commercial Waste Transfer Facility Permit ("Commercial Waste Permit") is available to persons that own, maintain, or operate a business or other commercial use in the Town. A Commercial Waste Permit shall only be valid for the Disposal of Commercial, Household Waste, or Industrial Non-Process Waste generated in the Town by the permit holder. Commercial users must submit proof of identity and property ownership or a valid and enforceable lease / rental agreement, along with proof that the commercial use is authorized and applicant has all required local, state, or federal permits. The Commercial Permit becomes void and must be surrendered to the Town Clerk if the user no longer does business in the Town.

3) Commercial Collector.

A permit is required for all Commercial Waste Collection and Disposal at the Waste Transfer Facility ("Commercial Collection and Disposal Permit"). A Commercial Collection and Disposal Permit shall only be valid for Commercial Waste or Household Waste generated within the Town. Each applicant for a Commercial Collection and Disposal Permit is required to submit an application form to the Town Clerk and provide proof of identity, vehicle registration, insurance, customer names and addresses, customer Town Permit Tag numbers, other permits or approvals required by any other governmental authority, and any other information required in the form application. Upon submitting a complete application and payment of any fee as set by the Town Board, the Town Clerk shall issue a Commercial Collection and Disposal Permit within thirty-five (35) days to be affixed to the commercial collector's vehicle. A Commercial Collection and Disposal permit is required for each vehicle to be used for authorized Disposal. Such permit shall be valid for one calendar year and is not transferable.

4) Other Waste.

Other than the wastes expressly authorized under a Residential Waste Permit, Commercial Waste Permit, or Commercial Collection and Disposal Permit, no other wastes shall be Disposed at the Waste Transfer Facility.

B. PERMIT APPLICATIONS

- 1) Applications for Waste Transfer Facility Permits are available at the Town Clerk's office or on the Town website.
- 2) Permit renewal applications are available from October 1 thru December 15 for the following year.

- 3) Authorized users must present the documentation specified for each type of permit application.
- 4) Permits are valid for one year and automatically expire on December 31.
- 5) Replacement Permits may be issued by submitting an application for a replacement Permit and an affidavit of lost permit.

C. DENIAL OF APPLICATION OR REVOCATION OF PERMIT

Notwithstanding any other provision of this local law, a permit application may be denied or an issued permit may be suspended or revoked if it is deemed likely to cause an undue burden on the Waste Transfer Facility or may otherwise interfere with the orderly operation and maintenance of the Waste Transfer Facility, the health and safety of persons or property, or where the applicant or permit holder has violated any applicable rule or requirement under this SWMC or any Waste Transfer Facility rules, regulations, or protocols.

The decision to deny an application shall be made by the Town Supervisor, upon recommendation by the Town Clerk or Waste Transfer Facility personnel. The decision to revoke an already issued permit shall be made by the Town Supervisor, upon recommendation by the Town Clerk or Waste Transfer Facility personnel. The aggrieved party may appeal such decision to the Town Board within 30 days of such denial or revocation.

D. PERMIT TAGS ARE NON-TRANSFERABLE

Permits issued under this SWMC are non-transferrable and shall become automatically void when the permit holder ceases to meet any required permit condition.

E. PERMIT TAGS MUST BE VISIBLE UPON ENTERING TRANSFER STATION

Transfer Station Operators at the Waste Transfer Facility may deny the use of the Facility to any person failing to exhibit a properly issued Permit.

F. MISUSE OF PERMIT TAG

Any permit holder found sharing their permit tag with another person or persons not otherwise authorized by this SWMC will be subject to enforcement up to and including fines, permit suspension, or permit revocation.

Section 4. Fees

A. Residential Waste Transfer Facility Permit: The Town Board may adopt, by resolution, a schedule of fees for the Disposal of Household Waste and Household Hazardous Waste authorized under a Residential Waste Permit.

B. Commercial Waste Transfer Facility Permit: The Town Board may adopt, by resolution, a schedule of fees for the Disposal of Commercial Waste and Household Waste authorized under a Commercial Waste Permit. Said schedule may further provide for deposits or other security to be posted by the Commercial Waste Permit holder, including liability insurance of a nature and in an amount which shall be acceptable to the Town Board.

C. Commercial Waste Collection and Disposal Permit: The Town Board may adopt, by resolution, a schedule of fees for the Disposal of Commercial Waste or Household Waste Commercial Collection authorized under a Commercial Waste Permit. Said schedule may further provide for deposits or other security to be posted by the Commercial Waste Permit holder, including liability insurance of a nature and in an amount which shall be acceptable to the Town Board.

D. Individual items requiring additional fee for disposal:
The Town Board may adopt, by resolution, a schedule of fees for:

- 1) Appliances such as refrigerators, freezers, air conditioners, washers, dryers, stoves, etc.;
- 2) Car tires or other large truck tires;
- 3) Small propane tanks (25 lb. or less) or large propane tanks;
- 4) Televisions or other electronic waste; or
- 5) Other items as determined by the Town Board, which will be listed on the fee schedule.

THIS LIST AND FEES MAY CHANGE AS DEEMED NECESSARY BY THE TOWN BOARD

Payment for individual items may be made to the Transfer Station Operators by check only. Payment by cash or check may also be made at the Town Clerks office prior to disposal.

Section 5. Administration

The Town Board may, by resolution:

- A. Establish the days and hours of operation of all facilities.
- B. Establish Rules and Regulations governing the operation, maintenance, and use of the Waste Transfer Facility within the Town and the collection, transportation, or disposal of Solid Wastes within the Town, and provide for enforcement of this SWMC and Rules and Regulations thereunder.
- C. Hear appeals for the denial, suspension or revocation of any permit issued under this SWMC.

Section 6. Rules And Regulations

A. Only Solid Wastes lawfully generated and collected within the Town and authorized under a valid Residential Waste Permit, Commercial Waste Permit, or Commercial Collection and Disposal Permit will be accepted at the designated Waste Transfer Facility.

B. Any persons violating any provision of this SWMC or any other rules or regulations governing the operation, maintenance, and use of the Waste Transfer Facility shall be subject to the penalties and sanctions set forth herein in addition to all other applicable local, state, or federal laws or regulations.

C. The Town may contract with another municipality or person to accept Solid Waste and such waste may be accepted at the Waste Transfer Facility in accordance with such a contract (i.e. Hazardous Waste Day).

D. Any individual engaged in the collection, transportation, or disposal of waste for profit or as a commercial enterprise in the Town must, in addition to obtaining the proper Town permit, also hold all other permits or approvals that may be required by law, rule, or regulation of the State of New York, County of Albany, Town, the DEC, or other governmental entity.

E. Access to the Waste Transfer Facility shall be limited to those times posted, when Transfer Station Operators are on duty, as designated by the Town Board. Therefore, items may only be disposed at the Waste Transfer Facility site only during scheduled hours of operation.

F. No authorized user shall throw, dump, deposit, or place in their rubbish or garbage for collection, nor shall any authorized user throw, dump, deposit, or place in the Waste Transfer Facility any items designated by the Town as Recyclable Material.

G. All vehicles collecting Solid Waste shall be properly and adequately equipped to contain and carry the material collected without effluent or debris spilling onto public streets, highways, or other places.

H. The Town Board may, by resolution, establish additional or further rules, requirements and procedures concerning the collection, transportation or disposal of Solid Waste within the Town.

Section 7. Prohibited Materials

Disposal of any of the following materials at the Waste Transfer Facility within the Town is prohibited:

A. Hazardous Waste, Construction or Demolition Debris, and Industrial Waste;

B. Any other toxic, industrial or hazardous wastes, except Household Hazardous Waste;

C. Dead animals and carcasses, including rendering products, hides, and residues from meat processing;

D. Stumps, large piles of brush, or large trees;

E. Any Solid Waste generated or collected outside the Town;
or

F. Any other materials or waste, hazardous or not, which the Town Board finds would require special handling and disposal to protect and conserve the environment, municipal employees, and equipment.

Section 8. Penalties For Violations

In addition to the penalties set forth in SWMC Article I § 3(C), any person violating any SWMC provision or requirement shall be subject to the following:

A. The Town may order compliance and issue a written notice of violation, to be served personally or by certified mail on the violator;

B. A civil penalty not to exceed \$250.00 per day of violation or noncompliance for the first violation or \$500.00 per day for each additional or subsequent violation or noncompliance. Each day's continued violation shall constitute a separate additional violation(s); and/or

C. Any other civil or criminal penalty, fine, or sanction available under any other applicable law, rule, regulation, code, or ordinance relating to the collection, handling, hauling, or disposal of Solid Waste and/or recyclables.

Section 9. Amendments To Other Local Laws And Regulations

All applications for building permits required under the Town Zoning Ordinance shall be accompanied by a plan and any necessary permits for the proper and lawful disposal of construction and demolition materials if such material will be generated by the activities described in the application for a building permit. No permit will be granted without the submission and approval of such a disposal plan.

ARTICLE II **MANDATORY RECYCLING**

Section 1. Recycling Definitions

In addition to the terms defined in Article I of this law, the following additional terms for recycling shall have the meanings indicated.

BATTERIES, DRY-CELL: Household batteries for flashlights, watches, toys, penlights, calculators, hearing aids, etc.

BATTERIES, LEAD-ACID: A cell or group of cells which provide electric current, such as automobile batteries.

BIODEGRADABLE: That segment of the solid waste stream which, under controlled conditions, can be biologically

decomposed into a humus product that may be used as a soil amendment or mulch.

CLOTH AND CLOTHING: Textiles woven of natural or synthetic fibers, and the garments made of these materials.

CARDBOARD, PAPERBOARD: All cardboard used in packaging of foods, personal care, and clothing items, such as cereal or shoe boxes. This excludes corrugated cardboard and all items which have been coated with wax, plastic, foil, or Styrofoam.

COMPOSTING: Controlled biological decomposition of organic waste materials into a humus product that may be used as a soil amendment or mulch.

GLASS CONTAINERS: Clear, green, and amber (brown) glass jars, bottles, and containers with lids, caps, and closures removed.

MAGAZINES: Booklets or stapled catalogues made of slick and/or glossy paper, this excluded bound catalogues and telephone books.

METAL CANS: Tin, aluminum, or other ferrous, non-ferrous or composite cans and containers.

NEWSPAPERS: Newsprint and all newspapers and newspaper advertisements, supplements, comics, and enclosures.

PAPER: All bond paper including computer paper, stationary, photocopy, and ledger-free commercial waste paper, junk mail, school paper, or other paper as designated by the Town Board; but shall not include soiled paper or cardboard, wax paper, plastic or foil-coated paper, Styrofoam, wax-coated food and beverage containers, carbon paper, or blueprint paper.

PLASTIC CONTAINERS: Containers composed of high-density polyethylene, polyethylene terephthalate or other plastics as designated by the Town Board.

RECYCLABLE MATERIALS: Those materials specified by the Town, or the State of New York, by law, ordinance, rule, or

regulation, which are to be separated from the waste stream and held for reuse or which have, or may have in the future, market or other value. These materials shall include, but not be limited to: glass containers, plastic containers, corrugated cardboard, paperboard cardboard, newspapers, metal cans, paper, magazines, cloth and clothing, telephone books, vehicle tires and casings, batteries, white goods, electronic waste and scrap metal, and biodegradable material as herein defined.

REUSABLE ITEMS: Those materials and items specified by Town law, ordinance, or resolution, that are functional and can be reused in their present condition, including but not limited to toys, furniture, wheelchairs, walkers, exercise equipment, tools, building components, computers and computer components, and accessories, fixtures, machinery and other personal property, but specifically excluding those items defined herein as "Scrap Metal" or "Recyclable Materials".

SCRAP METAL: Ferrous and nonferrous metal items such as iron, steel, aluminum, copper, and other metals.

TELEPHONE BOOKS: Telephone books and heavy bound catalogues printed on non-glossy paper.

VEHICLE TIRES AND CASING: Tires or casings used on any self-propelled vehicle or on any vehicle intended to be towed by a self-propelled vehicle.

Section 2. Further Designation of Recyclable Materials

The Town Board may, by resolution, add or delete items or materials which must be separated pursuant to this SWMC upon thirty (30) days public notice by posting notices, publication in the official Town newspaper, and publication on the Official Town Website.

Section 3. Mandatory Recycling Plan

It shall be the responsibility of all persons to separate recyclable and all other designated materials from all solid waste and prepare them for reuse, recycling, or

proper disposal in accordance with the rules established by the Town Board.

It shall be the responsibility of all commercial waste authorized users, collecting trash to be deposited at the Westerlo Transfer Facility, to require all Westerlo Residential or Commercial authorized users to separate recyclable and other designated material from all other solid waste, and to keep them separate during the collection process.

Solid waste will not be accepted by the Town Solid Waste Facility if it contains recyclable or other designated materials which are mixed or commingled with other solid waste.

Section 4. Ownership Of Recyclables

All Recyclable Materials or Scrap Metals shall become the Town property from the time such materials are placed, deposited, or received by the Solid Waste Facility.

It shall be a violation for any person to collect, pick up, or remove any Town property, including Recyclable Materials or Scrap Metal from the Solid Waste Facility without authority from the Town or the Solid Waste Facility Manager (SWF Manager).

The SWF Manager, however, may place Reusable Items in a designated area for reuse, when such items have reusable parts, features, or qualities in the discretion of the SWF Manager.

Section 5. Disposal Of Reusable Items

The SWF Manager may designate an area located within the Solid Waste Facility property for placement of Reusable Items. Authorized users may place Reusable Items in the designated area subject to the SWF Manager's consent, or the consent of any other authorized SWF employee. Authorized users may to take reusable items from the designated area for personal use.

The SWF Manager may dispose any items from the designated Reusable Items area that the SWF Manager determines not to be functional or usable.

Section 6. Composting

Nothing in this law shall be construed to prevent any person from composting or mulching for agricultural, horticultural, silvicultural, gardening, or landscaping purposes, on their own property.

Section 7. Administration

The Town Board shall be responsible for administering the mandatory recycling requirements of the Town and for the issuance of Rules or Regulations implementing this SWMC and for the enforcement of all violations of this SWMC or the Rules and Regulations issued thereunder.

Section 8. Prohibited Activities

It shall be a violation for Any authorized users to place or cause to be placed any material other than designated recyclable materials in or near the solid waste facility recycling collection area.

Section 9. Disposals Of Recyclable Materials By Commercial Waste Collectors

Commercial Waste Collector permit holders engaged in the collection of recyclables generated in the Town shall keep recyclables separated from other Solid Waste and shall handle recyclables in such a manner that they are not contaminated or destroyed.

With respect to only Commercial Waste, it shall be a violation of the SWMC for any Commercial Waste Collector permit holder to knowingly collect, handle or dispose of recyclables other than as provided by this subsection. Recyclables must be separated from Solid Waste before delivering any materials to the Solid Waste Facility. Failure to comply with the separation requirement shall

subject the Commercial Waste Collector permit holder to suspension or revocation of its Waste Transfer Facility permit or other enforcement.

Section 10. Enforcement

Town Solid Waste Facility Operators are hereby authorized to:

A. Inspect incoming loads of solid waste to determine if unseparated recyclable materials are contained therein.

B. Turn away and deny access to any person delivering a load that contains unseparated recyclable materials.

C. Turn away any authorized user who is not following the requirements of the SWMC, or any other applicable rules and regulations, or who fails to deposit recyclable materials or other solid waste in designated areas or containers.

-----end-----

SEQRA Determination.

The Town Board hereby determines that the adoption of this local law is an unlisted action that will not have the potential for at least one significant adverse environmental impact and that no Environmental Impact Statement will be prepared, and no other determination or procedure under the NYS Environmental Quality Review Act (SEQRA) is required.

Severability.

Each separate part of this local law or the amendments herein shall be deemed independent of all other provisions, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Effective Date.

This local law shall become effective upon its filing with the NYS Secretary of State.

Supervisor William Bichteman Jr. (Acting)	Non-voting
Councilwoman Amie L. Burnside	Aye – Nay – Abstain
Councilman Richard Filkins	Aye – Nay – Abstain
Councilman Joseph J. Boone	Aye – Nay – Abstain
Councilman Anthony W. Sherman	Aye – Nay – Abstain

Adopted this ____ day of _____ 2019.

By Order of the Westerlo Town Board

Kathleen Spinnato, Town Clerk

I, KATHLEEN SPINNATO, Town Clerk of the Town of Westerlo, Albany County, New York, **DO HEREBY CERTIFY** that the foregoing local law was approved by the Town Board of the Town of Westerlo on _____, 2019 and that the foregoing is a true and correct transcript of the original local law and of the whole thereof and that said original local law is on file in the Town Clerk’s office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Westerlo this ____ day of _____, 2019.

Kathleen Spinnato, Town Clerk

TOWN SEAL