

Local Law Filing

(Use this form to file a 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 Town Village
(Select one.)

of _____

FILED
STATE RECORDS
MAY 04 2016

DEPARTMENT OF STATE

Local Law No. 1 of the year 2016

A local law to protect Winebrook Hills Water District Well.
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Newcomb as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the (County)(City)(Town)(Village) of Newcomb was duly passed by the Town Board on April 26, 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____; in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

May Paul *Tom Clark*
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: April 26, 2014

(Seal)

TOWN OF NEWCOMB

Local Law No. 1 of 2016

**A LOCAL LAW TO PROTECT
WINEBROOK HILLS WATER DISTRICT WELL**

BE IT ENACTED AS FOLLOWS:

1. Legislative Intent – The Town has developed a water supply well for the Winebrook Hills Water District and wishes to regulate use of the property surrounding the well in order to protect the quality of the water as required by the New York State Sanitary Code. It is the intent of this Local Law to provide legally enforceable controls over land use activities surrounding the Winebrook Hills Water District water supply well.

2. Authority – This Local Law is adopted pursuant to Municipal Home Rule Law.

3. Restrictions on Land Use Activities –

A. The following activities shall be prohibited within 300 feet from the Winebrook Hills Water District water supply well:

- i. Chemical storage sites not protected from the elements (e.g., salt and sand/salt storage);
- ii. Landfill waste disposal area, or hazardous or radiological waste disposal area;
- iii. Land surface application or subsurface injection of effluent or digested sludge from a Municipal or public wastewater treatment facility; and
- iv. Land surface application or subsurface injection of septage waste.

B. The following activities shall be prohibited within 200 feet from the Winebrook Hills Water District water supply well:

- i. Chemical storage sites not protected from the elements (e.g., salt and sand/salt storage);
- ii. Landfill waste disposal area, or hazardous or radiological waste disposal area;

- iii. Land surface application or subsurface injection of effluent or digested sludge from a Municipal or public wastewater treatment facility;
- iv. Land surface application or subsurface injection of septage waste;
- v. Land surface spreading or subsurface injection of liquid or solid manure;
- vi. Storage areas for manure piles;
- vii. Barnyard, silo, barn gutters and animal pens;
- viii. Cesspools (i.e. pits with no septic tank pretreatment);
- ix. Wastewater treatment absorption systems located in coarse gravel or in the direct path of drainage to a well;
- x. Fertilizer and/or pesticide mixing and/or clean up areas;
- xi. Seepage pit (following septic tank);
- xii. Underground single walled chemical or petroleum storage vessels;
- xiii. Absorption field or bed;
- xiv. Contained chemical storage sites protected from the elements (e.g., salt and sand/salt storage within covered structures);
- xv. Septic system components (non-watertight);
- xvi. Intermittent sand filter without a watertight liner;
- xvii. Sanitary privy pit;
- xviii. Surface wastewater recharge absorption system for storm water from parking lots, roadways or driveways;
- xix. Cemeteries;
- xx. Sanitary privy with a watertight vault; and
- xxi. All known sources of contamination otherwise not shown above and not required to have a minimum separation other than 200' pursuant to Appendix 5-D of Subpart 5-1 of the State Sanitary Code - Special Requirements for Wells Serving Public Water Systems.

[Chemical storage sites as used in this paragraph do not include properly maintained storage areas of chemicals used for water treatment.]

4. Applicability – The provisions of this Local Law shall apply in addition to the provisions of any other applicable law, rule or regulation. [Where there is a conflict, the more restrictive provisions shall apply.]

5. Penalties for offenses

- A. Any person who commits or permits any acts in violation of this Local Law shall be deemed to have committed an offense against the Local Law and shall be given written notice of the violation and allowed a period of fifteen (15) days from receipt of the notice to correct the violation. Each day the violation continues after the fifteen (15) day period has expired shall constitute a separate violation.
- B. For every violation of any provision of this Local Law, the person violating shall be subject to fine of not more than two hundred fifty dollars (\$250) or imprisonment not exceeding fifteen (15) days or both.
- C. Any person violating this Local Law shall be subject to civil penalty enforceable and collectible by the Town in the amount of one hundred dollars (\$100) for each offense. This penalty shall be collectible by and in the name of the Town for each day that such violation shall continue.
- D. In addition to the penalties and punishment provided above, the Town Board may also maintain an action or proceeding in the name of the Town in a Court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this Local Law.

6. Severability – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

7. Repealer – All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local law are hereby repealed.

8. Effective date – This Local Law shall take effect immediately upon filing by the Secretary of State.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the Town of Newcomb was duly passed by the Newcomb Town Board on April 26, 2016, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one, above.

Mary Paul

Town Clerk, Town of Newcomb

Date: April 26, 2016

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title

County _____
City of _____
Town _____
Village _____

Date: _____

NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW TO PROTECT WINEBROOK
HILLS WATER DISTRICT WELL

NOTICE IS HEREBY GIVEN that the Newcomb Town Board will hold a public hearing on 26th day of April, 2016, beginning at 6:30 p.m. at the Town Hall, Newcomb, New York, concerning proposed Local Law No. 1 of 2016. Proposed Local Law No. 1 regulates use of the property surrounding the Winebrook Hills Water District well in order to protect the quality of the water as required by the New York State Sanitary Code. It is the intent of this Local Law to provide legally enforceable controls over land use activities surrounding the Winebrook Hills Water District water supply well.

A copy of the proposed Local Law is on file in the Town Clerk's Office.

PLEASE TAKE FURTHER NOTICE that all interested parties will be heard at this time and place.

Dated: April 18, 2016

Mary Pound

Town Clerk, Town of Newcomb

**RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 1 OF 2016 ENTITLED
"A LOCAL LAW TO PROTECT WINEBROOK HILLS WATER DISTRICT WELL"**

The following resolution was offered by Councilman Bott, who moved its adoption

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

WHEREAS, by Resolution No. 1 duly adopted on April 26, 2016, the Town of Newcomb introduced Local Law NO. 1 for 2016, entitled "A Local Law to Protect Winebrook Hills Water District Well" pursuant to Municipal Home Rule Law; and

BE IT RESOLVED, that a Public Hearing was duly held on the 26th day of April 2016 at 6:30 pm to hear any and all persons concerning the adoption of said local law, and

BE IT FURTHER RESOLVED, that the Town of Newcomb Town Board hereby adopts proposed Local Law No. 1 of 2016 entitled "Local Law No. 1 – A Local Law to Protect Winebrook Hills Water District Well pursuant to Municipal Home Rule Law, reading and providing as follows:

"TOWN OF NEWCOMB LOCAL LAW NO. 1 OF 2016"

A Local Law to protect Winebrook Hills Water District Well pursuant to Municipal Home Rule Law.

BE IT ENACTED, by the Town of Newcomb Town Board as follows:

Section 1. Legislative Intent.

The Town of Newcomb has developed a water supply well for the Winebrook Hills Water District and wishes to regulate use of the property surrounding the well in order to protect the quality of the water as required by the New York State Sanitary Code. It is the intent of the Local Law to provide legally enforceable controls over land use activities surrounding the Winebrook Hills Water District water supply well.

Section 2. Authority.

This Local Law is adopted pursuant to Municipal Home Rule Law.

Section 3. Restrictions on Land Use Activities.

- A. The following activities shall be prohibited within 300 feet from the Winebrook Hills Water District water supply well:
- i. Chemical storage sites not protected from the elements (e.g., salt and sand/salt storage);
 - ii. Landfill waste disposal area, or hazardous or radiological waste disposal area;

- iii. Land surface application or subsurface injection of effluent or digested sludge from a Municipal or public wastewater treatment facility; and
 - iv. Land surface application or subsurface injection of septage waste.
- B. The following activities shall be prohibited within 200 feet from the Winebrook Hills Water District water supply well:
- i. Chemical storage sites not protected from the elements (e.g., salt and sand/salt storage);
 - ii. Landfill waste disposal area, or hazardous or radiological waste disposal area;
 - iii. Land surface application or subsurface injection of effluent or digested sludge from a Municipal or public wastewater treatment facility;
 - iv. Land surface application or subsurface injection of septage waste;
 - v. Land surface spreading or subsurface injection of liquid or solid manure;
 - vi. Storage areas for manure piles;
 - vii. Barnyard, silo, barn gutters and animal pens;
 - viii. Cesspools (i.e. pits with no septic tank pretreatment);
 - ix. Wastewater treatment absorption systems located in coarse gravel or in the direct path of drainage to a well;
 - x. Fertilizer and/or pesticide mixing and/or clean up areas;
 - xi. Seepage pit (following septic tank);
 - xii. Underground single walled chemical or petroleum storage vessels;
 - xiii. Absorption field or bed;
 - xiv. Contained chemical storage sites protected from the elements (e.g., salt and sand/salt storage within covered structures);
 - xv. Septic system components (non-watertight);
 - xvi. Intermittent sand filter without a watertight liner;
 - xvii. Sanitary privy pit;
 - xviii. Surface wastewater recharge absorption system for storm water from parking lots, roadways or driveways;
 - xix. Cemeteries;
 - xx. Sanitary privy with watertight vault; and
 - xxi. All known sources of contamination otherwise not shown above and not required to have a minimum separation other than 200' pursuant to Appendix 5-D of Subpart 5-1 of the State Sanitary Code – Special Requirements for Wells Serving Public Water Systems.

(Chemical storage sites as used in this paragraph do not include properly maintained storage areas of chemicals used for water treatment.)

Section 4. Applicability

The provisions of this Local Law shall apply in addition to the provision of any other applicable law, rule or regulation. (Where there is a conflict, the more restrictive provisions shall apply.)

Section 5. Penalties for Offenses

- A. Any person who commits or permits any acts in violation of this Local Law shall be deemed to have committed an offense against the Local Law and shall be given written notice of the violation and allowed a period of fifteen (15) days from receipt of the notice to correct the violation. Each day the violation continues after the fifteen (15) day period has expired shall constitute a separate violation.
- B. For every violation of any provision of this Local Law, the person violation shall be subject to fine of not more than two hundred fifty dollars (\$250) or imprisonment not exceeding fifteen (15) days or both.
- C. Any person violating this Local Law shall be subject to civil penalty enforceable and collectible by the Town in the amount of one hundred dollars (\$100) for each offense. This penalty shall be collectible by and in the name of the Town for each day that such violation shall continue.
- D. In addition to the penalties and punishment provided above, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this Local Law.

Section 6. Severability

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 7. Repealer

All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.

Section 8. Effective date

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

This resolution was duly seconded by Councilman Hai and adopted upon a Sixty Percent roll call vote as follows:

AYES: 4 votes

NOES: 0 votes

ABSENT: -1 vote