

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 Thurston

FILED
STATE RECORDS

FEB 21 2023

DEPARTMENT OF STATE

Local Law No. 1 of the year 2023

A local law ESTABLISHING A SOLID WASTE MANAGEMENT FACILITIES ONE (1) YEAR

(Insert Title)

MORATORIUM

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

County City Town Village
(Select one.)

of _____ 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 2023 of the (County)(City)(Town)(Village) of Thurston was duly passed by the Thurston Town Board on 02 - 15 2023, 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.

Dolores A Crookes
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 2-17-23

(Seal)

**LOCAL LAW # _____ – Town of Thurston, County of Steuben
Filed with the State of New York this _____ of _____, 2023**

TOWN OF THURSTON

COUNTY OF STEUBEN

LOCAL LAW # 1 OF THE YEAR 2023

**A local law – ESTABLISHING A SOLID WASTE MANAGEMENT
FACILITIES ONE (1) YEAR MORATORIUM**

Be it enacted by the TOWN BOARD of the TOWN OF THURSTON as follows:

Section 1. Title

This Local Law shall be known as the "Solid Waste Management Facilities Moratorium Law."

Section 2. Legislative Findings and Purpose

The Town Board of the Town of Thurston hereby finds and determines that it is in the best interest of the residents of the Town of Thurston to protect air quality, drinking water sources, watersheds and aquifers in the Town from possible contamination and damage from adverse effects caused by locating Solid Waste Management Facilities, as defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York, including, but not limited to landfills, transfer stations and waste processing facilities that accept, process, dispose of, combust, gasify, or transfer solid waste in the Town of Thurston. These threats would be presented by the construction and operation of new or expanded Solid Waste Management Facilities currently proposed in the Town.

The purpose of this local law is to protect public health and safety, as well as the environment, in the Town of Thurston, by requiring a one (1) year moratorium, from the effective date of this Local Law, on the local and/or state approval of, or local and/or state permitting of, or expansion of, any Solid Waste Management Facilities, as defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York, including, but not limited to landfills, transfer stations and waste processing facilities that accept, process, dispose of, combust, gasify, or transfer solid waste in the Town of Thurston.

Section 3. Moratorium

The Town Board of the Town of Thurston hereby prohibits, for a period of one (1) year from the effective date of this Local Law, the local and/or state approval of permits, or expansion of, or opening of any Solid Waste Management

Facility, as defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York, including, but not limited to landfills, transfer stations and waste processing facilities that accept, process, dispose of, combust, gasify, or transfer solid waste in the Town of Thurston.

Section 4. Public Hearings

The Town Board of the Town of Thurston shall conduct public hearings and gather information on what further safeguards, if any, need to be put in place to assure that the public health and environment of the Town of Thurston are not put in jeopardy from the operation of, or expansion of, any Solid Waste Management Facilities, as defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York, including, but not limited to landfills, transfer stations and waste processing facilities that accept, process, dispose of: combust, gasify, or transfer solid waste in the Town of Thurston.

Section 5. State Environmental Quality Review Act Compliance

The Town Board of the Town of Thurston determines that the adoption of this Local Law constitutes a "Type II action" as said term is defined in the State Environmental Quality Review Act ("SEQRA"), and that no further action with respect to same is required under SEQRA.

Section 6. Severability

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law, which shall remain in full force and effect except as limited by such order or judgment.

Section 7. Effective Date

This Local Law shall take effect upon the date it is filed in the Office of the Secretary of State of the State of New York.
