

Adopted 5/6/76

INTRODUCED BY: SUPERVISOR DONALD WADSWORTH

SECONDED BY: SUPERVISOR JOHN A. ORR, JR.

LOCAL LAW NO. 1 OF 1976

A Local Law to Safeguard the Waters of the County
of Hamilton From Pollution and Providing Penalties
for the Violation Thereof

COUNTY OF HAMILTON, NEW YORK

SECTION 1: Declaration of Policy. It is the declared public policy of the County of Hamilton to maintain the purity of the waters of the County consistent with public health and public enjoyment thereof, the propagation and protection of fish and wildlife, including birds, mammals and other terrestrial and aquatic life, and to that end require the use of known available and reasonable methods to prevent and control the pollution of the waters of the County.

SECTION 2: Definitions. When used in this law the following words and phrases shall have the meaning ascribed to them in this Section;

(a) "A person" or "persons" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, commercial enterprise, co-partnership, association, trust, estate or any other legal entity whatsoever.

(b) "Waters" or "waters of the County" shall be construed to include lakes, bays, ponds, impounding reservoirs, springs, well, rivers, streams, creeks, estuaries, marshes, inlets, within the territorial limits of the County of Hamilton.

(c) "Sewage" shall mean a combination of water-carried waste from residences, business buildings, institutions, and commercial and industrial establishments, together with such ground, surface, and storm waters as may be present.

SECTION 3: Legal Effect.

(a) This law, shall be supplemental to the Environmental Conservation Law, Public Health Law, the State Sanitary Code and other state laws relating to public health and which wherever applicable, shall be deemed to be incorporated herein.

(b) This law shall supersede all local ordinances heretofore or hereafter enacted or promulgated inconsistent therewith.

SECTION 4: Administration-Director of Water Pollution Control.

(a) There shall be a Director of Water Pollution Control who shall be a person appointed at the will of and by the Board of Supervisors of the County of Hamilton and he shall be in charge of safeguarding the waters of Hamilton County from pollution.

(b) The Board of Supervisors shall employ such persons as it deems necessary to monitor the quality of the water throughout the County.

SECTION 5: Prohibition Against Pollution. It shall be unlawful for any person, directly or indirectly, to drain, throw, run or otherwise discharge of any sewage into the waters of Hamilton County.

SECTION 6: Inspections.

(a) Duly authorized employees of Hamilton County bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing.

(b) Duly authorized employees of any town within the County of Hamilton shall, within the town where they are employed, have the same authority as provided for County employees in subdivision (a) of this Section.

SECTION 7: Violations.

(a) Any person found to be violating any provision of this law shall be served with a uniform notice adopted by the Director, stating the

nature of the violation and providing a ten day limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice permanently cease all violations unless the Director shall extend said time.

(b) Any person who shall continue any violation beyond the time limit provided in subdivision (a) shall be guilty of an offense and on conviction shall be fined in an amount not exceeding \$250.00. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Notwithstanding any other penalty provided herein, if the Director, after investigation, shall find that the violation has not been corrected within the period provided or that the violation constitutes a danger to the public health or is prejudicial to the public interest, may issue an order requiring immediate closure of such premises, and thereafter the premises shall not be used for any purpose without the written permission of the Director.

SECTION 8: Notice.

(a) In any case in which the Director shall have taken closure action pursuant to the provisions of Section 7 subdivision (c) he shall conspicuously post a suitable notice at all entrances to said premises with respect to which closure thereof has been ordered.

(b) At the same time the notice of closure is served, the violator shall also be given a notice that if requested, a hearing will be held before the Director or his authorized representative, within ten days after receipt of a request for a hearing.

(c) Service of orders or notices shall be made by personal service or by registered or certified mail.

SECTION 9: Hearings. Based upon the record of such hearing provided for in Section 8 subdivision (b), the Director may make appropriate findings

and determinations and issue an order in accordance therewith and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the person alleged to be in violation of this law by the Director.

SECTION 10: The invalidity of any section, clause, sentence, or provision of this law shall not effect the validity of any other part of this law which can be given effect without such invalid part or parts.

SECTION 11. This law shall take effect 20 days after its adoption.

Adopted by the following voters:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
WILLIAM E. BAKER	X		
GERARD KILLORAN	X		
DONALD WADSWORTH	X		
MAURICE FRULLA	X		
ALFRED G. THIBADO	X		
GUY H. WOOD			X
CHARLES H. FARR	X		
ROBERT G. EASTON	X		
JOHN A. ORR, JR.	X		