

December 22, 2008

**RESOLUTION ADOPTING LOCAL LAW NO. 3 OF 2008 TO AMEND
LOCAL LAW NO. 1 OF 2003 PROVIDING FOR THE LEVY AND
COLLECTION OF SANITATION FEES IN THE CITY OF ELMIRA**

NO. 2008 - 421

By Councilmember Corsi:

WHEREAS, a proposed Local Law entitled "**Local Law No. 3 of 2008 to Amend Local Law No. 1 of 2003 Providing for the Levy and Collection of Sanitation Fees in the City of Elmira**", was duly presented by Mayor Tonello for a first reading at a Regular Meeting of this Council held on November 10, 2008, and at said meeting of this Council was duly received, ordered printed in the minutes, copies thereof in its final form having been upon the desks of members of the Council for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on December 8, 2008, before the Council upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting;

NOW, THEREFORE, be it

RESOLVED, that said proposed Local Law entitled "**Local Law No. 3 of 2008 to Amend Local Law No. 1 of 2003 Providing for the Levy and Collection of Sanitation Fees in the City of Elmira**" and reading as follows, be and hereby is adopted and enacted, to-wit:

LOCAL LAW NO. 3 of 2008

A LOCAL LAW of the City of Elmira, New York to amend Article XXI, Local Law No. 1 of 1992, as amended by Local Law No. 1 of 1993, Local Law No. 4 of 1994, Local Law No. 2 of 1995, Local Law No. 4 of 1996, and Local Law No. 1 of 2003, providing for the levy and collection of sanitation fees in the City of Elmira

BE IT ENACTED by the Council of the City of Elmira, New York, as follows:

Section 1. Pursuant to Article 2 of the Municipal Home Rule Law, there is hereby established and imposed sanitation fees as a means of funding the municipal expenditures incurred in the operation of a solid waste collection and disposal system in the City of Elmira.

Section 2. As used in this local law, the following terms shall mean and include:

- a. Boarding house - a dwelling or other residential structure in which lodging facilities are supplied for pay, with or without meals. The term "boarding house" shall include "rooming house" or "lodging house" and "tourist house" but shall not include hotel or motel.

- b. Commercial business establishment - any store, office or other commercial or professional business enterprise offering a product for sale or rendering a service, but excluding hospitals and any industrial business engaged in assembly, manufacturing or fabrication.
- c. Dwelling unit - one or more rooms which are arranged, designed or used as living quarters for one family for living and sleeping purposes.
- d. Family - one or more persons living together in one dwelling unit and living as a single household unit in a domestic relationship, including domestic help, if any, and gratuitous guests.
- e. Hazardous waste - waste defined in Article 27-0903 of the New York Environmental Conservation Law, as amended, and the regulations thereunder, and in Section 1004 of the Federal Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. Section 6903, and the regulations thereunder and by the County of Chemung by its local law and through its Administrative Board of the Chemung County Solid Waste Management District (CCSWMD).
- f. Hotel - a building containing thirty or more rooms intended or designed to be used, rented or hired out to be occupied for sleeping purposes by guests and where only a general kitchen and dining room and other customary features are provided within the building or in an accessory building.
- g. Motel - a building or group of buildings, detached or in connected units, designed for or used as individual sleeping units with automobile parking spaces convenient to each unit and including incidental services for transient customers. The term "motel" shall include "tourist center", "automobile court", "motor lodge", and similar terms.
- h. Multi-family dwelling - a building other than a townhouse or condominium, or a portion of a building containing three or more dwelling units and used exclusively for occupancy by three or more families living independently of each other.
- i. Multi-owner - an owner of a parcel of real property in the City of Elmira upon which parcel there are located more than twenty (20) dwelling units.
- j. Not-for-profit establishment - any corporation, limited liability company, partnership, proprietorship or association designated by the Internal Revenue Service as a tax exempt entity, but excluding hospitals and schools.
- k. Recyclable material - any material designated, from time to time, by the Chemung County Solid Waste Management District or by ordinance of the

City of Elmira which is separated from the waste stream and held for its material recycling or reuse value.

- l. Sanitation fee - the charge established and imposed by the City of Elmira for the collection and disposal of solid waste and recyclable material and for debt retirement for debt incurred in the acquisition of facilities and equipment or the rehabilitation thereof necessary for the operation and maintenance of a solid waste disposal program.
- m. Single family dwelling - a building or a portion of a building, a condominium or a townhouse containing one dwelling unit and used for occupancy by one family.
- n. Solid waste - waste as defined in Section 2.2 of local Law No. 2 of the County of Chemung for the year 1989, as such law is and may hereafter be amended from time to time.
- o. Solid waste collection - the collection of solid waste as provided for in this local law and in Chapter 11, Article II of the Code of Ordinances of the City of Elmira.
- p. Two-family dwelling - a building or a portion of a building containing two dwelling units and used for occupancy by two families living independently of each other; or two one family dwellings having a party wall in common.
- q. White goods - household mechanisms including, but not limited to, televisions, air conditioners, refrigerators, washers, dryers, stoves, lawn mowers and other large and/or bulky items.

Section 3. Except as otherwise provided in sections 9 and 10 of this local law, sanitation fees as herein imposed shall be based upon the number of dwelling units situate on a parcel of real property entitled to receive weekly solid waste collection and disposal services from the City of Elmira. For purposes of this local law and of this section, a parcel of real property shall be deemed entitled to receive weekly solid waste collection and disposal services from the City of Elmira if such parcel contains a single family dwelling, a two family dwelling, or a multi-family dwelling except multi-family dwellings owned and operated by a municipal housing authority or if such parcel contains more than twenty (20) dwelling units.

Section 4. To assist in providing for the operation and maintenance of the solid waste and recyclable collection and disposal program of the City of Elmira and to provide for collection and disposal expenses and debt retirement for debt incurred in the acquisition of facilities and equipment or the maintenance, repair or rehabilitation thereof and except as otherwise provided in sections 9 and 10 of this local law, an annual sanitation fee payable in two equal installments for each fiscal year (January 1 through December 31) shall be assessed to each parcel of real property entitled to receive weekly solid waste collection and disposal services from the City of Elmira.

Section 5. The annual sanitation fee shall be one hundred forty dollars (\$140.00) per dwelling unit. Prior to or at the time of its adoption of the annual budget ("estimate") for the City of Elmira, the City Council may by ordinance establish a new amount for the annual fee, which new fee shall be applicable for that fiscal year commencing January 1st.

Section 6. The City Chamberlain shall publish once in the official newspaper of the city the amount of the annual sanitation fee per dwelling unit and except as otherwise provided in section 10 of this local law that a sanitation fee determined in accordance with this local law shall be placed on the real property tax bill for the owner or owners of real property entitled to receive solid waste collection and disposal services from the City of Elmira. The City Chamberlain is authorized to place on each real property tax bill for real property subject to the sanitation fee, one half of said annual fee which fee shall be due on or before May fifteenth of each year and one half of said annual fee which fee shall be due on or before September fifteenth of each year, but said fee shall not become a part of the real property tax and shall not be added thereto; provided, however the total of all taxes and fees may be shown on the real property tax bill. Upon receipt of a payment in an amount less than the total amount of taxes and all other charges and assessments set forth on the tax bill, including the full taxes, sanitation fee and all applicable penalties and interest, unless otherwise directed by the taxpayer, the City Chamberlain shall apply any such payment first against the unpaid sanitation fees with interest then due and owing and the balance thereof, if any, to the unpaid real property taxes, interest, and penalties.

Section 7. A late payment penalty of one percent per month on the unpaid principal balance shall be added to any sanitation fee not paid when due and shall be collected at the time of payment or enforcement of the fee. The City Chamberlain shall collect all sanitation fees and penalties established hereunder, and any unpaid fees and penalties shall be a lien upon the parcel of real property entitled to receive weekly solid waste collection and disposal services from the City of Elmira for which such sanitation fees and penalties remain unpaid.

Section 8. All revenues derived from the sanitation fees herein imposed shall be credited to a sanitation fee fund established by the City of Elmira, and the revenues so credited shall be used exclusively for the payment of the operation including, but not limited to, general administration and maintenance of the solid waste collection, disposal and recyclable materials program and debt retirement for debt incurred in the acquisition of facilities and equipment or the repair and rehabilitation thereof for the City's solid waste and recyclable collection and disposal program and for no other purpose whatsoever.

Section 9.

- a. The owner of any dwelling unit subject to the sanitation fee may apply to the City Manager for a reduction in the sanitation fee imposed pursuant to this Local Law. Such application shall be in a form to be provided by the City and shall be signed and notarized by the property owner. Such

application must be filed with the City Chamberlain not later than the date on which the first installment of the sanitation fee must be paid. Upon filing, the City Chamberlain shall forward the application to the City Manager who shall investigate the facts of the application, offer in writing the applicant an opportunity to present any material relevant to the application and then make a written determination granting or denying the application, which determination shall be sent to the applicant. The determination of the City Manager shall be final.

Upon final determination, the City Manager shall forward to the City Chamberlain all applications which have been granted, in whole or in part, whereupon the City Chamberlain shall make a refund of the fee in the amount as set forth in the determination or, if the fee has not yet been paid, shall amend the bill setting forth the fee. During the pendency of the application, the applicant shall pay the amount of the fee then due. In the event the application is granted, the applicant shall receive a refund, plus interest computed at the annual rate of six percent (6%).

- b. (1) Any dwelling unit which is vacant as of March 1st of the year (except that for the years 1994 and 1995 the applicable date shall be July 1st of each of said years) and which has been vacant and has not been used as living quarters for one family for living and sleeping purposes for a period of six (6) consecutive months immediately preceding said date, and which unit the owner does not intend to offer for lease or rental at any time during the remainder of the year, shall be exempt from the annual sanitation fee upon the owner of the vacant dwelling unit filing an application for and the City's approval of a vacancy exemption. The application shall be in a form to be provided by the City; shall be signed and notarized by the property owner who shall represent and warrant that said owner shall notify the City upon rental or lease of the dwelling unit and it shall be filed with the City Assessor on or before March 1st of the year, except for the years 1994 and 1995 the application shall be filed on or before the first day of July of each year. Upon filing, the City Assessor shall forward the application to the City Manager who shall investigate the facts of the application and make a written determination granting or denying the application, which determination shall be sent to the applicant. The determination of the City Manager shall be final. For the years 1994 and 1995, upon final determination, the City Manager shall forward to the City Chamberlain all applications which have been granted, in whole or in part, whereupon the City Chamberlain shall make a refund of the fee or any portion thereof which has been paid for 1994 and 1995, and if the fee has not been fully paid, shall amend the 1994 and 1995 tax bills, setting forth the fee. For each year subsequent to 1994, those dwelling units which have been granted a vacancy exemption shall be exempt from the annual sanitation fee for that calendar year and the total sanitation fee applicable to each parcel of real property subject to the fee, pursuant to Section 3 above, shall be based only

on the number of dwelling units which have not been granted a vacancy exemption.

(2) In the event an owner rents or leases a dwelling unit for which a vacancy exemption has been granted, the owner shall immediately notify the City Assessor of the rental or lease commencement date and the City Chamberlain shall issue an invoice to the owner for the pro rata portion of the sanitation fee due for that year. In the event the owner fails to notify the City Chamberlain, upon learning of the rental or lease of the exempted dwelling unit the City Chamberlain shall issue an invoice to the Owner for the full annual amount of the Sanitation fee. Any invoice issued by the City Chamberlain shall be due and payable within thirty (30) days of the date of issuance. Any invoice not paid when due, shall be subject to each of the provisions set forth under Section 7 above and the unpaid fee shall be a lien upon the parcel of real property. Each year the City Chamberlain is authorized to add to the annual City tax bill as a separate item, in addition to the current year's sanitation fee, the amount of any prior unpaid sanitation fees, including penalties applicable to that real property parcel.

- c. (1) Notwithstanding any thing herein contained to the contrary, the owner of any parcel of real property deemed entitled to receive weekly solid waste collection and disposal services pursuant to Section 3 of this local law shall be entitled to an exemption from such services and the sanitation fee imposed by the local law by filing with the City Assessor a request for exemption from the solid waste collection and disposal services provided by the City and from the annual sanitation fees imposed by this local law. The request for exemption shall be on a form provided by the City; shall be signed and notarized by the property owner who shall represent that alternative weekly solid waste collection and disposal services have been arranged for and will be provided to each dwelling unit situate on the parcel for which the exemption is requested and submit with the request written proof of such alternative service. Upon filing of such request with the required proof and upon approval of such request by the City, the owner of the parcel for which the request for exemption is filed and the dwelling units thereon shall be exempt from the sanitation fee imposed by this local law effective beginning the first day of the second month immediately subsequent to the date of approval of the request and for each calendar year thereafter unless and until the owner or successor owner files a written request for removal of such exemption as hereinafter provided, except that for requests for exemptions filed on or before the first day of May, 1995, the request for exemption shall be effective commencing June 1, 1995, provided the owner at the time of filing a request for exemption to be effective for 1995 pays to the City a fee of \$37.92 per dwelling unit, representing the pro rata portion of the 1995 sanitation fee for which each dwelling unit has received solid waste collection and disposal services from the City. The City Chamberlain shall amend the 1995 City tax bill setting forth the sanitation fee for each real property parcel for which a timely

request for exemption is filed and the pro rata portion of the 1995 sanitation fee has been paid. In the event the owner has paid in full all or the first installment of the 1995 City tax and sanitation fee, the City Chamberlain shall refund that portion of the unused sanitation fee attributable to that portion of the remainder of the year in which the exemption first becomes effective. If the effective date of this exemption occurs prior to the issuance of the city tax bill for the calendar year in which the exemption request is filed, the owner shall pay to the City Chamberlain the pro rata portion of the annual sanitation fee then in effect for the portion of that year from January first to the effective date of the exemption. If the effective date of the exemption occurs subsequent to the issuance of the city tax bill for the calendar year in which the exemption request is filed, and if the owner has paid all or a portion of the annual sanitation fee such that the amount paid exceeds the pro rata portion of said fee applicable to the period from January first to the effective date of the exemption, the City Chamberlain shall refund that portion of the unused sanitation fee attributable to that portion of the remainder of the year in which the exemption first becomes effective.

(2) The owner or successor owner of a parcel of real property for which an exemption has been obtained pursuant to paragraph (c) 1, may file a written request with the City Assessor for removal of the exemption. Upon such filing the exemption shall be removed effective on the first day of the second month following receipt of such written request and the provisions of this local law shall thereafter apply to each dwelling unit situate on said real property and the delivery of the solid waste collection and disposal services of the City shall commence for such parcel as of the effective date of removal of such exemption. At the time of filing the request for removal, the then owner shall pay to the City the pro rata portion of the then established annual sanitation fee for the remaining months in the first calendar year in which the solid waste collection and disposal services of the City are to be received.

Section 10.

(a) (1) The owner of any commercial-business establishment or not-for-profit establishment may receive weekly solid waste collection and disposal services from the City of Elmira in accordance with the provisions of this local law provided the owner or an authorized representative first requests such services. The request for such services shall be on a form provided by the City; it shall be signed by the owner or authorized officer or representative who shall agree to pay for said services in accordance with the fee set forth in subparagraph (b)(1) of this section, and it shall be filed with the City Chamberlain. At the time of filing the request the owner shall pay to the City the pro rata portion of the then established annual sanitation fee for the remaining months in the first calendar year in which the services are to be received. Upon filing, the City Manager shall approve or disapprove the request in accordance with the provisions of this local law and the determination shall be sent to the person submitting the request. The City

manager shall have the right to disapprove a request if the City Manager determines that the request would not be in the City=s best interest with respect to the City=s operation of its solid waste collection and disposal system. The determination of the City Manager shall be final. If the request is approved, the City shall commence to provide weekly solid waste collection and disposal services to the establishment effective on the first day of the second month immediately subsequent to the date of approval of the request. If the request is denied, any pro rata payment submitted with the request shall be returned to the owner.

(2) Except as otherwise provided in subparagraph (b)(3) of this section, in the event a commercial-business or not-for-profit establishment which is receiving weekly solid waste collection and disposal services from the City desires to terminate such services, it shall file with the City Chamberlain a notice of election to terminate. Upon such a filing, the City shall cease providing weekly solid waste collection and disposal services to the establishment effective the first day of the second month immediately subsequent to the date of filing the notice to terminate. If the effective date of termination is prior to the City Chamberlain=s issuance of an annual invoice pursuant to subparagraph (b)(2) of this section, the commercial business or not-for-profit establishment shall pay to the City Chamberlain the pro rata portion of the annual sanitation fee then in effect for the portion of that year from January first to the effective date of the termination. If the effective date of termination occurs subsequent to the issuance and payment of the annual invoice, the City Chamberlain shall refund that portion of the unused annual sanitation fee attributable to that portion of the remainder of the year in which the termination becomes effective.

(b) (1) The annual sanitation fee for a commercial-business or not-for-profit establishment shall be as follows: one (1) to six (6) bags and one (1) recyclable bin - one hundred forty dollars (\$140.00) per year; seven (7) to twelve (12) bags and two (2) recyclable bins - two hundred eighty dollars (\$280.00) per year. Prior to or at the time of its adoption of the annual budget for the City of Elmira, the City Council may establish by ordinance a new fee schedule which shall be applicable for that fiscal year commencing January first.

(2) Each year subsequent to the year in which the City commences the services, the City Chamberlain shall issue to the establishment an invoice for the annual sanitation fee on or before April first of the year and the owner shall pay the invoice in full by April thirtieth of that year. The provisions of section 7 of this local law shall apply to the sanitation fee established pursuant to subparagraph (b)(1) of this section.

(3) If a commercial-business or not-for-profit establishment which is receiving weekly solid waste collection and disposal services goes out of business or relocates outside of the City of Elmira during a year for which it has paid a sanitation fee, it may apply for a pro-rata refund of the sanitation fee paid for that year. Upon receipt of the request, on a form to be provided by the City, the City Chamberlain shall refund to the establishment the unused portion of the sanitation fee.

c. (1) The owner of a multi-family dwelling containing more than twenty (20) dwelling units may receive weekly solid waste collection and disposal services of the type hereinafter specified from the City of Elmira in accordance with the provisions of this local law provided the owner first requests such services. The request for such services shall be in a form provided by the City; it shall be signed by the owner or authorized officer or representative who shall agree to pay for said services in accordance with the fee set forth in subparagraph (c)(3) of this section; and it shall be filed with the City Chamberlain. At the time of filing of the request, the owner shall pay to the City a pro rata portion of the then established annual sanitation fee for the remaining months in the first calendar year in which the services are to be received. Upon filing, the City Manager shall approve or disapprove the request in accordance with the provisions of this local law and the determination shall be sent to the person submitting the request. The City Manager shall have the right to disapprove a request if the City Manager determines that approval of the request would not be in the City=s best interest with respect to the City=s operation of its solid waste collection and disposal system. The determination of the City Manager shall be final. If the request is approved, the City shall commence to provide weekly solid waste and collection disposal services of the kind set forth in subparagraph (c)(2) of this section effective the first week of the second month immediately subsequent to the date of approval of the request. If the request is denied, any pro rata payment submitted with the request shall be returned to the owner.

(2) The solid waste collection and disposal services to be provided by the City to a parcel owned by a multi-owner shall consist of the City providing one six cubic yard dumpster and one or more fifty-five (55) gallon solid waste disposal containers, together with weekly collection by the City on a day determined by the City.

(3) The annual sanitation fee for the multi-owner for the services provided pursuant to subparagraph (c)(2) of this section shall be one thousand two hundred dollars \$1,200.00. Prior to the time of its adoption of the annual budget of the City of Elmira, the City Council may establish by ordinance a new annual fee for these services, which fee shall be applicable for that fiscal year commencing January first.

(4) Each year subsequent to the year in which the City commences the services provided in this subparagraph, the City Chamberlain shall issue to the multi-owner an invoice for the sanitation fee on or before April first of the year and the owner shall pay the invoice in full by April thirtieth of that year.

(5) The provisions of section 7 of this local law shall apply to the sanitation fee established pursuant to subparagraph (c)(3) of this section.

(6) If a multi-owner desires to terminate the services provided by the City, the owner shall file with the City Chamberlain a notice of election to terminate. Upon such a filing, the City shall cease providing weekly solid waste collection and disposal services to the establishment effective the first day of the second month immediately subsequent to the date of filing of the notice to terminate. If the effective date of termination is prior to the City Chamberlain=s issuance of an annual invoice pursuant to subparagraph (c)(4) of this section, the multi-owner shall pay to the City

Chamberlain the pro rata portion of the annual sanitation fee then in effect for the portion of that year from January first to the effective date of the termination. If the effective date of termination occurs subsequent to the issuance and payment of the annual invoice, the City Chamberlain shall refund that portion of the unused annual sanitation fee attributable to that portion of the remainder of the year in which the termination becomes effective.

Section 11. No person shall place, throw or deposit or cause to be placed, thrown or deposited any solid waste, recyclable material, hazardous waste or white goods upon any public sidewalk, street, alley, parkway, lane, gutter, park or any other public place of the City of Elmira or upon the banks of any waterway running through or adjacent to the City of Elmira; provided, however, (i) a person or entity actually receiving solid waste collection and disposal services by the City of Elmira may place upon the front yard or side yard of a corner lot or at curbside in front of the parcel of real property wherein such person resides or conducts a commercial business or not-for-profit enterprise, solid waste as defined herein in the manner and in containers designated by the County of Chemung by its local laws, as amended, and through its Administrative Board of the Chemung County Solid Waste Management District for collection by the City of Elmira not more than twelve (12) hours prior to the scheduled time for the collection of said solid waste by the City of Elmira; and (ii) a person or entity not receiving the City=s solid waste collection and disposal services may place upon the front yard or side yard of a corner lot or at curbside in front of the parcel of real property wherein such person resides or conducts a business or not-for-profit enterprise, subject to the limitation hereinafter set forth, solid waste as defined herein in the manner and in containers designated by the County of Chemung by its local laws, as amended, and through its Administrative Board of the Chemung County Solid Waste Management District for collection by private solid waste haulers, but such placement shall be made only on the same day on which the City=s solid waste collection services would be available to such person or entity even though such services are not used by such person or entity. A person or entity not receiving the City=s solid waste collection services shall not allow any solid waste recyclable material, hazardous waste or white goods to remain upon the front yard or side yard of a corner lot or at curbside in front of the parcel wherein such person resides or conducts a commercial business or not-for-profit enterprise beyond the day on which the solid waste and other materials were placed at curbside or in the front or side yard.

Section 12. No person shall place, throw, deposit or cause to be placed, thrown or deposited any solid waste, recyclable material, hazardous waste or white goods upon the private property of another, with or without the consent of the owner or occupant of such private property, provided however, that a person residing in a dwelling unit situate upon a parcel of real property owned by another or a person engaged in the operation of a commercial-business or not-for-profit establishment may place at curbside in front of the parcel of such real property wherein such person resides or operates, solid waste as defined herein for pick-up by the City of Elmira or an alternative collection and disposal

service not more than twelve (12) hours prior to the appointed time of pick-up of such solid waste by the City of Elmira or alternative collection and disposal service.

Section 13. No person shall place, throw, deposit or cause to be placed, thrown or deposited any solid waste, recyclable material, hazardous waste, white goods, shrubs, grass clippings, tree branches or tires into any receptacle, dumpster or other like or similar container designed for and utilized for the receipt of solid waste unless such solid waste was generated at the location of such solid waste receptacle, dumpster or other like or similar container, unless otherwise permitted by the City of Elmira.

Section 14. In the event the owner of a parcel of real property who has received an exemption pursuant to paragraph (c)(1) of Section 9 of this local law fails to provide for alternative weekly solid waste collection and disposal services and the City of Elmira provides such services in order to protect the public health and the public appearance of real property in the City, the City Chamberlain shall issue an invoice to the owner of the real property in the amount of fifty dollars (\$50.00) or such other amount as the City Council shall establish by ordinance for each collection stop. The invoice shall be due and payable within thirty days of the date of issuance. Any overdue invoice shall be subject to a late payment penalty of one percent per month on the unpaid principal amount. Any overdue invoice amount, together with the late payment penalty, shall be a lien upon the parcel of real property which received the City service.

Section 15. Any person convicted of violating any of the provisions of Sections 11, 12, 13 or 14 of this local law shall be guilty of a violation within the meaning of Section 55.10(3) of the Penal Law of the State of New York as from time to time amended, and shall be fined not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) for the first conviction, and not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) for the second such conviction, and not less than one thousand dollars (\$1,000.00) for each subsequent conviction, or upon the first or subsequent convictions, imprisonment for up to fifteen (15) days. Any fines, penalties, or damages levied or recovered under this local law shall be in addition to any other remedies available under federal, state or local law, and may include in addition to such fines, penalties or damages, a provision to the effect that the violator pay the actual cost to rectify the problem created by the aforesaid violation or improper disposal of inappropriate wastes.

Section 16. All local laws or ordinances or parts of local laws or ordinances in conflict herewith are hereby repealed.

Section 17. Should any clause, sentence, paragraph, subdivision, section or other part of this local law be adjudicated by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof,

but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and to this end, the provisions of each section of this local law are hereby declared to be severable.

Section 18. This local law shall take effect immediately upon adoption, publication and filing in accordance with law.

ADOPTED BY UNANIMOUS VOTE

AYES		NAYS
	Councilmember Bailey	
	Councilmember Skidmore	
	Councilmember Hare	
	Councilmember Hitchcock	
	Councilmember Corsi	
	Councilmember Mechalke	
	Mayor Tonello	
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