

TOWN OF WALES LOCAL

LAW NO. 1-2016

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WALES AS

FOLLOWS:

SECTION 1. TITLE.

This Local Law shall be known as Local Law No.  
of the Town of Wales.

SECTION 2. PURPOSE AND INTENT.

The purpose of this Local Law is to provide for a prohibition of the storage, use and disposal of sludge, sewage sludge and septage, or materials derived from these substances in the Town of Wales. Matters pertaining to the storage, use and disposal of sludge, sewage sludge and septage, or materials derived from these substances within the Town requires the need for suitable regulation in an effort to protect the health, safety and well-being of the citizens of and the environment in the Town of Wales. The Town Board of the Town of Wales has made the determination that the prohibitions contained herein are necessary to protect the health, safety and well-being of the citizens of and the environment in the Town of Wales. The Town of Wales is unique in that it is the only town within Erie County solely dependent on groundwater as its sole source of water for its residents and businesses. Out of concern for the sustainability and continued healthfulness of our water resources the Town Board commissioned a water study. Findings from this water study recommend action on both private and governmental levels. Based on this and additional scientific evidence from academic studies, and in the interest of ensuring that the water supply of the Town of Wales is neither compromised nor destroyed, the Wales Town Board finds it prudent and necessary to prohibit the storage, use and disposal of sludge and septage as defined herein, as well as materials derived from these substances.

Therefore, the Town Board of the Town of Wales finds it prudent and necessary to prohibit the storage, use and disposal of sludge, sewage sludge and septage as defined herein, as well as materials derived from these substances.

### SECTION 3. DEFINITIONS

a. Person. The term person as used in this local law shall mean any individual, firm, partnership, company, corporation, association, society, or group.

b. Pathogenic organisms. The term pathogenic organisms as used in this local law shall mean any disease-causing organisms, including, but not limited to, bacteria, viruses, protozoa, and parasitic worms and/or their ova.

c. Septage. The term septage as used in this local law shall mean the contents of a septic tank, cesspool or other individual sewage treatment facility which received domestic sewage wastes. Septage shall not be deemed to include wastes resulting from ordinary residential use within the Town of Wales, or farming operations as defined in the Town Zoning Codes and other applicable codes of the Town of Wales, including but not limited to dairying, beef, egg or chicken production when such are conducted within the Town of Wales, and such wastes as are generated within the Town of Wales or in surrounding towns due to the course of normal farming operations.

d. Sewage Sludge. The term sewage sludge as used in this local law shall mean the accumulated semi-solid suspension of solids deposited from waste waters from municipal or private sewage treatment plants.

e. Sludge. The term sludge as used in this local law means the accumulated semi-solid suspension of settled solids deposited from waste waters or other fluids. Sludge shall not be deemed to include the accumulated semi-solid suspension of settled solids deposited or resulting from farming operations, as defined in the Town Zoning Codes and other applicable codes of the Town of Wales, including but not limited to dairying, beef, egg or chicken production when such are conducted within the Town of Wales and such wastes are generated within the Town of Wales or in surrounding towns due to the course of normal farming operations.

### SECTION 4. AUTHORITY.

This Local Law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law of the State of New York and the inherent right and obligation of the Town Board to protect the health, safety and welfare of its citizens.

### SECTION 5. APPLICATION.

This law shall apply to any and all storage, use and disposal of sludge, sewage sludge and septage, or materials derived from these substances, within the Town of Wales, however the provisions contained herein shall not apply to private septic systems located in the Town of Wales or the sale or storage of lawn and garden fertilizer packaged for retail sale or the application of lawn and garden fertilizer packaged for retail sale.

### SECTION 6. SCOPE.

Except as provided elsewhere within this article, no person shall collect, accept, store, process, treat, handle, generate, apply to the land or dispose of or allow to be disposed of or otherwise cause to be disposed of within the Town of Wales any sludge, sewage sludge or septage as defined herein or any other liquid, solid or semi-solid waste, any of which contains human waste or any pathogenic organisms deriving from human waste, or which are derived from materials containing human waste, pathogenic organisms deriving from human waste and/or municipal wastewater, at any location within the Town of Wales.

#### SECTION 7. EXISTING ACTIVITIES.

Any or all projects already duly approved or for which permits have been issued for the processing of solid waste and recycling or the disposal of sewage, sewage sludge, septage, or materials derived from these substances may be continued and shall not be affected by the terms and provisions of this Local Law.

#### SECTION 8. SEVERABILITY.

The invalidity of any word, section, clause, paragraph, sentence or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be in effect.

#### SECTION 9. EFFECTIVE DATE.

This Local Law shall take effect immediately upon adoption by the Town Board of the Town of Wales and filing with the Secretary of State.