

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 Sherman

Local Law No. 2 of the year 2019

A local law Dumpster
(Insert Title)

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

County City Town Village
(Select one.)

of Sherman as follows:

Section I. Title

The Village Board of the Village of Sherman hereby adopts its Dumpster Local Law, as follows:

Section II. Findings and Rates

Purpose.

No dumpster shall be permitted in the Village of Sherman, subject to the following exceptions and conditions.

A. Exceptions:

(1) Use exceptions. Dumpsters may be placed on the following properties after having obtained a special use permit:

[a] Places of public assembly, including churches, school, and fire hall.

[b] Business properties and/or commercial properties.

(2) Temporary construction dumpsters, for which the property owner and/or contractor shall obtain a temporary dumpster permit from the Code Enforcement Officer (Inspection Officer or Zoning Enforcement Officer). Such permit shall be valid for 60 days from the date of issuance and may be renewed up to two times for the same term upon a showing that work on the project is continuing and a dumpster is required to complete it.

(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. 2 of 2019 of the (County)(City)(Town)(Village) of Sherman was duly passed by the Village Board of Trustees on May 1st 2019, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

~~**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) (repassed after disapproval) by the _____ on _____ 20____.~~
(Name of Legislative Body)
(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) (repassed after disapproval) by the _____ on _____ 20____. Such local 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.)~~

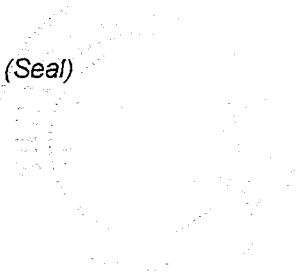
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, 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.

Fawn
~~Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body~~

Date: 5-6-2019



B. Special use permit.

(1) Procedure. The Municipal Board shall consider an application for a dumpster special use permit for temporary purposes up to and including a public hearing for extended or permanent use requests, subject to an annual review for compliance.

(2) General standards. In reviewing an application for a special use permit, the Municipal Board shall take into consideration whether the proposed dumpster meets the following standards:

[a] Location. Dumpsters shall be located to the side and rear of the property to the greatest extent practicable yet so as to still comply with applicable side and rear yard setbacks.

[b] Screening. Dumpsters shall be screened from view of any abutting residence, public street or walkway to the greatest extent practicable with screening that is at least as tall as the dumpster.

[c] Covers. Dumpsters shall be equipped with covers or lids, maintained in working order, that shelter and secure their contents.

(3) Waiver. The Municipal Board may take into account the site conditions at the particular property and waive strict compliance herewith as circumstances warrant and/or impose reasonable conditions to effectuate the intent of this section to minimize the visibility of such dumpster.

C. Preexisting dumpsters.

(1) Dumpsters in place at the time of the enactment of this Chapter 13 and not in compliance herewith shall be brought into compliance by January 1, 2020.

(2) Preexisting dumpsters qualifying for special use permits at the time of the enactment of this subsection shall be exempt from any special use permit fees until January 1, 2020.

Section III. Terms and Conditions

Conflicting Statutes. All local laws or ordinances or parts of local laws or ordinances in conflict herewith are hereby repealed.

Severability. 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 IV.

This Local law shall take effect Saturday, June 1st, 2019. This Local law shall take effect after the passage by the Village Board and filing with the Secretary of State in the manner provided by law.

May 1st, 2019 Resolution RES 2019-05-1.18

Mayor: Colleen Meeder

Trustees: Isaac Gratto, Mary Reyda, Donna Lee Higginbotham, and Kirk Ayers