

July 10 1954

BE IT RESOLVED AND ORDAINED by the Town Board of the Town of Allegany, Cattaraugus County, New York as follows:

Sec. 1. Definitions. The term "person" shall include an individual, society, club, firm, partnership, corporation, or association of persons, and the singular number shall include the plural number.

The term "rubbish" as used in this ordinance shall include waste metal, tin cans, ashes, cinders, glass, pottery, and all discarded substances of a solid and incombustible nature.

The term "garbage" as used in this ordinance shall include waste food, offal, papers, dead animals or parts thereof, and all waste or discarded wood, lumber, or vegetable matter of any kind, or any other matter which shall be inflammable or capable of fermentation or decay.

The term "public" as used in this ordinance in connection with the prohibition of any "public" dump or dumping ground, or incinerator or any other device or means for the disposal of rubbish or garbage, shall mean and include any dump contemplated for a public use or purpose whether to be used by the public at large or to be operated and/or maintained by a person (as defined herein) for the disposal of garbage or rubbish for the public, or for any community, municipality or part thereof.

Sec. 2. No person shall keep, maintain, or suffer to be kept or maintained, within the limits of the Town of Allegany, any public dump or place for the deposit of garbage or rubbish, and no incinerator or other device or method for the disposal of garbage or rubbish shall be kept or maintained or suffered to be kept or maintained within the limits of said Town unless the owner or lessee of the premises concerned

shall make application to the Town Board and the Town Board shall, in the proper exercise of its powers and discretion, find such application reasonable, and find further that such public dump or dumping ground or other means for the disposal of rubbish or garbage as shall be sought in such application, is necessary, then the Town Board shall cause to be issued a permit for such purpose.

Sec. 3. Applications for such purpose as contemplated hereunder shall be accompanied by a fee to be prescribed by the Town Board and it shall be a condition to the approval of any such application and the issuance of a permit for the purpose sought therein that the applicant provide an undertaking in an amount to be determined by the Town Board as adequate to save harmless the Town of Allegany from any claim or action arising directly or indirectly from the operation of such dump, dumping ground, or other means of disposal of garbage or rubbish.

Sec. 4. The Town Board ~~may in its discretion~~ ^{shall} order a public hearing on ~~any~~ ^{every} application submitted hereunder.

Sec. 5. This ordinance shall be prospective in effect, and shall not affect any dump or dumping ground heretofore permitted or allowed, except that renewals of contracts heretofore in effect shall be governed by the provisions of this ordinance, and except further that this ordinance shall be considered as in no way limiting the powers of the Town Board to act under the provisions of the Town Law and Public Health Law of the State of New York.

Sec. 6. Any person violating any of the provisions of this ordinance shall be thereupon deemed to have committed an offense, and shall be required to pay a fine of a maximum of \$100.00, and every day that such violation is continued shall

constitute a separate offense for each day of such continued violation.

Sec. 7. This ordinance shall take effect immediately.

Dated: July 16, 1954

James F. Hartman, Jr., Supervisor

Robert F. [unclear]

[unclear]

Members of the Town Board of the
Town of Allegany, Cattaraugus
County, New York.