

# 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 DEERPARK

Local Law No. \_\_\_\_\_ of the year 20<sup>10</sup>

A local law CHANGING THE PENALTIES FOR OFFENSES UNDER CHAPTER 162 OF THE  
(Insert Title)  
DEERPARK CODE REGULATING LITTERING AND DUMPING WITHIN THE TOWN.

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village

(Select one.)

of DEERPARK \_\_\_\_\_ as follows:

SEE ANNEXED PAGES.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**THE TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK**

**LOCAL LAW NO.        OF 2010**

**A LOCAL LAW CHANGING THE PENALTIES FOR  
OFFENSES UNDER CHAPTER 162 OF THE DEERPARK  
CODE REGULATING LITTERING AND DUMPING WITHIN THE TOWN**

1. Purpose – The purpose of this Local Law is to amend Section 162-6 of chapter 162 of the Deerpark Town Code changing the penalties for illegal littering or dumping within the Town.
2. Repeal of Existing Section 162-6 - Section 162-6 of the Code of the Town of Deerpark in its current form is herein and hereby repealed.
3. New Language – The following provisions are herein enacted and adopted as the new Section 162-6 of the Deerpark Town Code:

**§162-6. Penalties for offenses.**

**A. Penal:**

- i. Any person committing or causing to be committed an offense under any provision of this chapter shall be guilty of an unclassified misdemeanor punishable by imprisonment for a term not to exceed 45 days and/or an appropriate term of community service to be determined by the presiding judge. The continuation of an offense under the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.
- ii. Any person who shall commit or who shall cause to be committed an offense under any provision of this chapter, after having been convicted of a violation of the provision of this chapter within the preceding 10 years, shall be guilty of an unclassified misdemeanor punishable by imprisonment for a term not to exceed 1 year and/or an appropriate term of community service to be determined by the presiding judge. The continuation of an offense under the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.
- iii. Establishment of the fact or facts that the individual(s) charged with violation of the sections of this chapter can be identified by evidence discovered in the garbage, litter or rubbish found shall be presumptive evidence against the alleged violator.

**B. Civil:**

- i. Any person committing or causing to be committed an offense under any provision of this chapter shall be guilty of an (unclassified) misdemeanor punishable by a fine not less than \$300 and not to exceed \$1,000 for the first offense. The continuation of an offense

under the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

- ii. Any person who shall commit or who shall cause to be committed an offense under any provision of this chapter, after having been convicted of a violation of the provision of this chapter within the preceding 10 years, shall be guilty of an (unclassified) misdemeanor punishable by a fine not less than \$2,500 and not more than \$5,000. The continuation of an offense under the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.
- iii. Establishment of the fact or facts that the individual(s) charged with violation of the sections of this chapter can be identified by evidence discovered in the garbage, litter or rubbish found shall be presumptive evidence against the alleged violator.

C. Non-Exclusiveness of Penalties:

- i. Nothing in this section shall prevent both a penalty of imprisonment and a fine for a violation of this section.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

**(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. \_\_\_\_\_ of 20<sup>10</sup> of the ~~(County)(City)~~(Town)(Village) of DEERPARK TOWN BOARD was duly passed by the \_\_\_\_\_ on 20<sup>10</sup>, in accordance with the applicable provisions of law.

**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.

**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\_\_\_\_.

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.

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\* 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.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature  
WILLIAM D. BAVOSO, ESQ., TOWN ATTORNEY  
\_\_\_\_\_  
Title

~~XXXX~~  
~~XX~~ of DEERPARK  
Town  
~~XXXX~~

Date: \_\_\_\_\_