Local Law # 4 of the Town of Thurston, County of Steuben
Filed with the State of New York this 23rd day of April, 2026

TOWN OF THURSTON

COUNTY OF STEUBEN

LOCAL LAW # 4 OF THE YEAR 2026

A local law ESTABLISHING A PROHIBITION ON THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY

Be it enacted by the TOWN BOARD of the TOWN OF THURSTON as follows:

I. Title.

This Local Law shall be known as the "Solid Waste Management Facility Prohibition Act."

II. Authorization.

This Local Law is adopted under the authority of the New York State Constitution, Article I, Section 19 and Article IX, Section 2(c); Section 10 of the New York Municipal Home Rule Law; Section 130 of the New York Town Law; Section 10 of the New York State Statute of Local Governments; and Section 27-0711 of the New York Environmental Conservation Law, which together authorize towns to advance residents' rights to clean air, clean water, and a healthful environment; act when public health and safety are threatened; and adopt local laws to govern the handling, storage, and disposal of solid waste.

III. Legislative findings and declaration of policy.

The Town Board of the Town of Thurston finds that:

A. The Town of Thurston's needs for solid waste disposal are more than adequately met by existing landfill operations, which accept all appropriate waste types and offer fair and competitive disposal rates.

Furthermore, solid waste management facilities have the potential to cause a variety of negative effects for public health and the environment, including, without limitation, degradation of air quality, degradation of water quality, and truck traffic.

A. Solid waste management facilities may emit harmful air pollution, including volatile organic compounds, particulate matter, methane, and nitrous oxide, some of which contribute to noxious odors and may be hazardous or bothersome to the inhabitants of the Town, threatening residents' rights to clean air.

B. Solid waste management facilities may discharge dangerous contaminants, including toxic chemicals, which can contaminate local ground and surface waters. This water pollution may be hazardous and bothersome to public health and threaten residents' rights to clean water.

C. Truck traffic associated with solid waste management facilities may be hazardous or bothersome to the inhabitants of the Town, potentially resulting in dangerous accidents, traffic congestion, costly road maintenance, and increases in air pollution and noise.

Given these findings, the Town Board has determined that the operation or maintenance of a solid waste management facility within the Town of Thurston poses a significant risk to the safety, health, and general welfare of the inhabitants of the Town of Thurston as well as their constitutional rights to clean air, clean water, and a healthful environment. It is therefore the intent of this Local Law to prohibit the construction, operation, and maintenance of solid waste management facilities in the Town of Thurston.

IV. Definitions.

As used in this Local Law, these terms shall be defined as follows:

Solid waste management facility means a location and associated devices employed in the management of solid or liquid waste beyond the initial collection process, including but not limited to landfills, transfer facilities, processing stations, or any other facility of any kind requiring a permit pursuant to Title 6, Subpart B of the New York Codes, Rules, and Regulations.

Person means any individual natural person, partnership, firm, association, business, industry, enterprise, public or private corporation, political subdivision of the state, government agency, municipality, estate, trust or any other legal entity whatsoever.

V. Construction, operation, or maintenance of a solid waste management facility prohibited.

The construction, operation, or maintenance of a solid waste management facility, as defined herein, is hereby prohibited in the Town of Thurston.

VI. Penalties for offenses.

A person who violates any of the provisions of this Local Law shall be liable for civil penalties of not less than five thousand dollars nor more than ten thousand dollars for the first offense and not less than ten thousand dollars nor more than twenty-five thousand dollars for the second and each subsequent offense. Each day or part thereof during which a person constructs, operates, or maintains a solid waste management facility in the Town of Thurston shall constitute an offense. The Town Board shall also have the power to bring a civil action to restrain any violation of this Local Law in a court of competent jurisdiction. When a violation of this Local Law is continuous, each 24 hours thereof shall constitute a separate and distinct offense.

VII. Severability.

If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant, or portion of this Local Law is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations, or decision, the remainder of this Local Law shall not be affected thereby but shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant, and portion of this chapter shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules, or regulations preempt a provision or limit the enforceability of a provision of this Local Law, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or state law, rule, or regulation is subsequently repealed, rescinded, amended, or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the Town.

VIII. Effective Date.

This Local Law shall take effect upon the date it is filed in the Office of the Secretary of State of the State of New York.