

**LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE COUNTY OF ERIE
LOCAL LAW INTRO. NO. 3-1 - 2025
LOCAL LAW NO. ____ - 2025**

Section 1. Title.

A local law relating to the prohibition of public dumping on County property.

Section 2. Legislative Purpose and Intent.

This Legislature recognizes that our public grounds and park system are vital resources for the promotion of the health and well-being of County residents. This Legislature additionally recognizes that the unauthorized placement of refuse on any County-owned parcel of land contributes to the pollution of County property and has a subsequent negative economic impact for remedying the placement of such refuse. It is the purpose of this Legislature to ensure that County property may be free from the unauthorized dumping or placement of refuse for the protection of County property for generations to come.

Section 3. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

“Corporate Entity” shall mean any business organization or business unit, whether incorporated or unincorporated, including partnerships, limited liability corporations, professional corporations, corporations and other organizations which possess legal rights and responsibilities which are separate from its owners.

“property owned by the County of Erie” shall mean all real property acquired by or under the jurisdiction or control of the County of Erie or which may hereafter be acquired by or under the jurisdiction or control of the County of Erie or come under the jurisdiction or control of the County of Erie by way of a legal instrument, including a leasehold, easement agreement, inter-municipal agreement, license or deed.

“Dump or Dumping” shall mean the illegal dumping, deposit, or other disposal of any material described in Section 4 onto land or water which is not licensed as a transfer station under either the Laws of Erie County or the State of New York and where such dumping, deposit, or other disposal is not otherwise authorized by law.

“Fill” shall mean the material resulting from any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced or spread, and

shall include the conditions resulting therefrom.

Section 4. Prohibitions.

- A. It shall be unlawful for any person or for any business or corporate entity, or their agent or employee, to dump, direct the dumping of, deposit, or dispose of any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings, or commercial or household waste, refuse, ashes, manure, garbage, rubbish, yard and landscaping waste, or debris of any sort, or any other organic or inorganic material, or thing in or upon any sidewalk, street, lot, park, public place, wharf, pier, dock, slip, or other property owned by the County of Erie, except where such disposal conforms to the requirements of state and federal law and is authorized at the specific site in question pursuant to the Laws of Erie County.
- B. It shall be unlawful for any person or for any business or corporate entity, or their agent or employee, to dump, direct the dumping of, deposit, or otherwise dispose of any other solid waste as defined in 6 NYCRR 360 or hazardous waste as defined by Section 37-0103 of the New York Environmental Conservation Law in or upon any sidewalk, street, lot, park, public place, wharf, pier, dock, slip, or other property owned by the County of Erie, except where such disposal conforms to the requirements of state and federal law and is authorized at the specific site in question pursuant to the Laws of Erie County.
- C. No fill of any type or amount shall be placed on County-owned property without the written approval of the Erie County Department of Public Works Commissioner. No fill of any type or amount shall be placed on County Parkland or County Forestland without the written approval of the Erie County Department of Parks, Recreation, and Forestry Commissioner. Fill shall only be placed in accordance with accepted engineering practices and upon the presentation of documentation of the source of the fill to the Erie County Department of Public Works and the prior acceptance of such documentation by such Department.

Section 5. Enforcement and Penalties for Offenses.

- A. Any person, business, or corporate entity who violates any provision of this Law shall be guilty of a violation, punishable by a fine not exceeding \$500 for a first offense, and a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 15 days, or both, for each subsequent offense.
- B. Any person, business, or corporate entity who causes physical damage to real property while violating any provision of this article shall be liable for the payment of restitution in the remediation of such damage, as determined by a court of competent jurisdiction.

C. In addition to the foregoing penalties, the offender shall be required to remediate the area of property owned by Erie County upon which the offender dumped unlawfully within ten days after conviction thereof, or after an administrative determination of liability. In the event that the offender fails to remediate the area within such time, such remediation may be done by the County of Erie, or under their direction by a private contractor, and the cost of same shall be an additional penalty assessed to the offender. In the event that the County of Erie deems it necessary to remediate the area or to cause the area to be remediated by a private contractor prior to the offender's conviction or prior to an administrative finding, the offender shall be responsible for the cost of such remediation. Payment by such offender, when required by this section, shall be made within ten days of demand by the County of Erie.

Section 6. Severability.

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section 7. SEQRA Compliance.

This County Legislature determines that this local law constitutes a "Type II action" pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

Section 8. Effective Date

This local law shall take effect immediately following its filing with the Office of the Secretary of State.

Sponsor

Taisha St. Jean Tard