

Local Law No. __ of 2025
(Moratorium on the Sale or Use of Biosolids)

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF GUILDERLAND:

Section 1. Purpose.

Pursuant to the statutory powers vested in the Town Board of the Town of Guilderland to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a six-month moratorium on the sale and use of biosolids.

The Town Board finds that biosolids are known to contain PFAS (Per- and Polyfluoroalkyl Substances) compounds and other hazardous materials. The Town Board further finds that exposure to PFAS compounds at certain levels are known to cause significant health risks to residents, including but not limited to, cancer, reproductive, and other health risks. The Town Board also finds that the spreading of PFAS contaminated biosolids may lead to runoff, causing contamination of drinking wells, water reservoirs, and water supply sources. The Town Board has determined that communities in the Albany County are dealing with the damaging consequences of the use of biosolids. The Town Board also recognizes that the Albany County Executive has issued a moratorium on biosolids.

Section 2. Authority.

This moratorium is enacted by the Town Board pursuant to its authority under the New York State Constitution Article IX and NYS Municipal Home Rule Law §10.

Section 3. Enactment of Temporary Moratorium.

For a period of six (6) months, starting with the filing of this Local Law with the NYS Secretary of State, and subject to any other Local Law adopted by the Town Board during this six (6) month period, the following moratorium is enacted:

- (a) No person or entity shall sell, offer for sale, apply, offer to apply, use, offer to use biosolids, or compost derived from wastewater treatment for residential, agricultural, or commercial purposes and land in the Town;
- (b) Any person or entity that violates this Local Law shall be subject to a civil penalty of a fine not to exceed more than two thousand dollars (\$2,000) per day; and

- (c) The Town Board may, in its sole discretion, extend this moratorium for six months in whole or in two three-month segments.

Section 4. Superseding.

To the extent that any provision of this Local Law is in conflict or inconsistent with the provisions of the Town Code, this Local Law supersedes, amends, and takes precedence pursuant to the Town's municipal home rule powers under NYS Municipal Home Rule Law §10(1)(ii)(d)(3), 10(1)(ii)(a)(14), and 22.

Section 5. Severability.

If any part or provision of this Local Law is found by a court to be invalid or unconstitutional, such decision shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or provision.

Section 6. Effective Date.

This Local Law shall take effect immediately upon its filing with the NYS Secretary of State.