

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 Town of German, Chenango County, New York

FILED
STATE RECORDS
JUL 14 9AM
DEPARTMENT OF STATE

Local Law No. 1 of the year 2015

A local law Limiting the Construction of Permanent or Year Round Residences on Seasonal Town
(Insert Title)
of German Roads

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of German, Chenango County, New York

as follows:

Section 1 - Title

This Law shall be known as the "Local Law Limiting the Construction of Permanent or Year Round Residences on Seasonal Town of German Roads."

Section 2 - Legislative Authority

This Local Law is enacted pursuant to Section 10, Subdivision 1, (ii) a. of the Municipal Home Rule Law of the State of New York and is intended, to the extent inconsistent therewith, to supplement and/or supersede the provisions of the New York State General Municipal Law.

Section 3 - Purpose

The purpose of this Local Law is to control and limit the issuance of building permits for and the construction of permanent residences on Town roads which are, or which have in the preceding year, been designated as a seasonal road, so as to enable the Town to better control the Town's cost and obligation to open a specific portion of an existing road for only one or for a few residences.

SEE ATTACHED FOR REMAINDER OF LOCAL LAW TOWN OF GERMAN No. 1-2015

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

Section 4 - Limitation on Issuance of Permit

A. No permit shall be issued to construct, modify, upgrade or otherwise create any structure intended to be, or suitable as, a permanent or year round residence on any Town Road which is, or during the preceding year has been, designated as a seasonal road unless a variance to the provisions of this law is allowed by the Town Board or the driveway or other means of access to the parcel upon which the said structure is to be constructed or modified intersects the seasonal road upon which it is situated, no more than 200 feet distant from that section or portion of the road which is year round (i.e. non-seasonal) road.

Request for a variance to this law, as mentioned above, is to be made to the Town Clerk in writing. A decision will be made by the Town Board and notice made to the applicant within 45 days of the application. Should a variance be granted for construction of a permanent residence on a seasonal road, applicant must adhere to all permitting and inspection requirements of the Town and Chenango County Code Enforcement.

B. In the event a residence on a designated Seasonal Town Road is built or improved so as to enable it to be used as a permanent or year round residence, subsequent to the Town Board allowing a variance, permits being secured and inspections completed, the Town upon written request of the applicant property owner shall improve or otherwise open the seasonal road a minimum of two hundred (200) feet per year so as to eventually enable year round access to the permanent year round residence. The applicant or their agent must agree to give an easement for a turnaround of a size and at a location to be determined by the Town Highway Superintendent. Such easement shall be in recordable form. Applicant shall pay all costs of obtaining and recording the easement. Form and content of the easement shall be acceptable to the Town.

Section 5 - Savings Provision and Acknowledgement of Liability

A. Notwithstanding the foregoing provisions, nothing herein shall prohibit an individual from constructing or improving a structure upon a seasonal road or residing upon a seasonal road, so long as said individual is willing to acknowledge in writing and accept the limited, underdeveloped, un-maintained seasonal nature of the road and accept the responsibility and liability for providing and maintaining their own, as well as emergency vehicle, ingress and egress to and from their property and structure including winter snow plowing. They must acknowledge in writing that they understand and accept that ambulance and fire fighting vehicles may not be able to reach their home in an emergency.

B. If any section, paragraph, subdivision or provision of this local law shall be judge invalid or held unconstitutional, the same shall not affect the validity of

this local law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 6 - Effective Date

This law will take effect after approval by the German Town Board and filing with the State of New York. This Town of German Local Law number 1 of 2015 is adopted by resolution Number 1 of the Town Board of the Town of German, Chenango County, New York, on the Ninth (9th) day of June 2015.

(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. 1 of 2015 of the ~~(County)~~(City)(Town)(Village) of German was duly passed by the Town Board on June 9 2015, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**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.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.

Ellen J. Maroney
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body.

Date: 6-9-2015

(Seal)

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TOWN OF GERMAN

LOCAL LAW LIMITING THE CONSTRUCTION OF PERMANENT OR YEAR ROUND RESIDENCES ON SEASONAL TOWN OF GERMAN ROADS

*[Adopted by the Town Board of the Town of German as L.L. No. 1-2015.
Filed with NYS DOS: . Amendments noted where applicable.]*

Section 1 - Title

This Law shall be known as the "Local Law Limiting the Construction of Permanent or Year Round Residences on Seasonal Town of German Roads."

Section 2 - Legislative Authority

This Local Law is enacted pursuant to Section 10, Subdivision 1. (ii) a. of the Municipal Home Rule Law of the State of New York and is intended, to the extent inconsistent therewith, to supplement and/or supersede the provisions of the New York State General Municipal Law.

Section 3 - Purpose

The purpose of this Local Law is to control and limit the issuance of building permits for and the construction of permanent residences on Town roads which are, or which have in the preceding year, been designated as a seasonal road, so as to enable the Town to better control the Town's cost and obligation to open a specific portion of an existing road for only one or for a few residences.

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Superintendent. Such easement shall be in recordable form. Applicant shall pay all costs of obtaining and recording the easement. Form and content of the easement shall be acceptable to the Town.

Section 5 - Savings Provision and Acknowledgement of Liability

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- B. If any section, paragraph, subdivision or provision of this local law shall be judge invalid or held unconstitutional, the same shall not affect the validity of this local law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 6 - Effective Date

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Moved by: Stella (Penny) Lum Seconded by: DONALD NOGVA

Votes of Councilpersons:

Lum: AYE
 Nogva: AYE
 Pittsley: AYE
 Turshman: AYE

Ellen J. Maroney
Town Clerk:

JUN 10 2015