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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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 29 2001

MISCELLANEOUS
& STATE RECORDS

~~XXXXXX~~~~XXX~~

Town

of Clay

~~Village~~

Local Law No. 1 of the year 2001

A local law to provide for the codification of the local laws, ordinances and certain resolutions of the Town of Clay into a Municipal Code to be designated the "Code of the Town of Clay"

Be it enacted by the Town Board of the

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Town

of Clay, County of Onondaga, New York as follows:

~~Village~~

ARTICLE I Adoption of Code

Be it enacted by the Town Board of the Town of Clay, County of Onondaga, New York, as follows:

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Clay, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 230, together with an Appendix, shall be known collectively as the "Code of the Town of Clay," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Town of Clay" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Clay, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

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

§ 1-3. Inconsistent local laws and ordinances repealed.

All local laws and ordinances or parts thereof inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Clay which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Clay prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.

B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Clay or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Clay.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Clay.

E. Any local law or ordinance of the Town of Clay providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Clay or any portion thereof.

F. Any local law or ordinance of the Town of Clay appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Clay or other instruments or evidence of the town's indebtedness.

G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.

H. The levy or imposition of special assessments or charges.

I. The annexation or dedication of property.

J. Any local law or ordinance relating to salaries and compensation.

K. Any local law or ordinance amending the Zoning Map.

L. Any local law or ordinance relating to or establishing a pension plan or pension fund for town employees.

M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the town.

N. Any local law adopted subsequent to 9-18-2000.

O. All traffic and vehicles legislation of the Town of Clay.

P. All legislation regarding the Fire Prevention Board and Fire Prevention Code of the Town of Clay.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Clay and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Clay by impressing thereon the Seal of the town, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Clay" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Clay required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Clay or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Clay to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Clay, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

C. Nomenclature.

(1) Throughout the Code:

(a) References to the "Police Department" or "Police Chief" are revised to read "Division of Police."

(b) References to the "Board of Appeals" are revised to read "Zoning Board of Appeals."

(c) References to the "Superintendent of Highways" are revised to read "Highway Superintendent."

(2) Throughout Chapter 81, Article I, Building Code Enforcement, references to the "State Building Construction Code" are updated to read "State Uniform Fire Prevention and Building Code," except in § 81-3, which refers to the town's original acceptance of the State Building Construction Code in 1954.

(3) Throughout Chapter 191, Snowmobiles, references to the "Parks and Recreation Law" and the "Office of Parks and Recreation" are updated to read "Parks, Recreation and Historic Preservation Law" and the "Office of Parks, Recreation and Historic Preservation," respectively.

(4) Throughout Chapter 200, Subdivision of Land, references to the "Master Plan" are updated to read "Comprehensive Plan."

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Clay, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Schedule A
(As referenced in § 1-11B)

The following sections are amended to remove the specific fees therefrom and provide that fees shall be as provided in Chapter 105, Fees: §§ 5-6B(3), 69-5B(3), 69-6F, 81-12, 100-9, 112-11B, 118-9C and D, 121-4C, 144-11B, 167-5, 167-12, 182-7A, 200-3A(2)(a), 223-9B, 230-7B(6), 230-8B(6), 230-9B(6), 230-10B(6) and 230-38A(19)(c)[3].

Chapter 1, General Provisions.

In Article II, Use and Construction, § 1-14A:

- (1) The former definitions of "Board or Town Board," "Clerk or Town Clerk" and "Justice of the Peace or Town Justice" are deleted.
- (2) The definition of "Zoning Enforcement Officer" is amended to change the defined term to "Code Enforcement Officer."

Chapter 14, Departments.

- (1) In Article II, Department of Recreation and Human Resources, § 14-14 is amended to read as follows:

§ 14-14. Advisory committee.

The following advisory committee is hereby established within the Department of Recreation and Human Resources to advise the Commissioner on pertinent matters and to perform such other duties as may be assigned by the Commissioner:

- A. Senior Citizens Advisory Committee. There is hereby created a five-person uncompensated committee to be known as the "Senior Citizens Advisory Committee." Said Committee shall be responsible for developing and establishing policy and programs on activities for the elderly within the Town of Clay and shall assist the Commissioner in the discharge of his duties regarding said programs and activities. The members of said Committee shall be appointed annually by the Town Board.

Chapter 22, Ethics.

Sections 22-2 and 22-6C are amended to delete any references to accepting or receiving gifts.

Chapter 48, Records.

In Article I, Public Access:

- (1) Section 48-1 is amended to update the reference to the "Committee on Public Access to Records established pursuant to Chapters 578, 579 and 580 of the Laws of 1974" to the "Committee on Open Government established pursuant to the Public Officers Law."
- (2) Section 48-7 is amended to increase the time limit for filing appeals from seven days to 30 days; to increase the time limit for the Supervisor's determination from seven days to 10 days; and to add the following sentence to the end of said section: "A final denial of access to a requested record by the Supervisor shall be subject to court review as provided in Article 78 of the Civil Practice Law and Rules."
- (3) Section 48-13 is amended to clarify the reference to the "new law" to read "the Freedom of Information Law."

Chapter 64, Zoning Board of Appeals.

In Article I, Compensation of Board, § 64-4 is amended to read as follows:

§ 64-4. Payment for services.

Members of the Zoning Board of Appeals will be compensated as provided in the current calendar year budget.

Chapter 69, Animals.

In Article I, Dog Control, § 69-8 is amended to delete the terms of imprisonment for first and second violations, and to increase the maximum fine from \$75 to \$100 for third and subsequent violations.

Chapter 74, Bingo.

In § 74-3:

- (1) Subsection C is amended to revise the phrase "purchase or receive" to read "purchase, lease or receive."
- (2) Subsection E is amended to change the prize limit from \$250 to \$1,000.
- (3) Subsection F is amended to change the prize limit from \$1,000 to \$3,000.
- (4) Subsection J is added to read as follows:

J. No person licensed to sell bingo supplies or equipment, or their agents, shall conduct, participate in or assist in the conduct of bingo. Nothing herein shall prohibit a licensed distributor from selling, offering for sale or explaining a product to an authorized organization or installing or servicing bingo equipment upon the premises of a bingo game licensee.
- (5) Subsection K is amended to update the reference to the "State Bingo Control Commission" to read "State Racing and Wagering Board."

Chapter 81, Building Construction.

In Article II, Building Code Enforcement:

- (1) Section 81-9F is added to read as follows:
 - F. The applicant shall submit proof of workers' compensation insurance and disability benefits coverage or an affidavit that the applicant has not engaged an employer or any employees to perform work relating to the building permit.
- (2) In § 81-26:
 - (a) Subsection A is amended to revise the phrase "an approved building or certificate of occupancy" to read "an approved building permit or certificate of occupancy" in the last line thereof.
 - (b) Subsection B is amended to increase the penalty from not more than \$250 or imprisonment for 15 days, or both, to a penalty of not more than \$1,000 per day or imprisonment not exceeding one year, or both.
 - (c) Subsection D is amended to update the Executive Law reference from § 385 to § 382.

Chapter 86, Buildings, Unsafe.

Section 86-20 is amended to add a fifteen-day term of imprisonment.

Chapter 97, Environmental Quality Review.

- (1) Section 97-2B is amended to delete the definitions of "action," "exempt action," "excluded action," "Type II action," "unlisted action," "Type I action" and "lead agency."
- (2) Section 97-3 is amended to delete the asterisked note referring to 6 NYCRR 617.2.
- (3) Original § 132.6, Type I action, is deleted.
- (4) Section 97-6 is amended to update the reference from 617.12 to 617.5 in the first line, and to update the references from 617.12 and 617.12(6) to 617.4 in Subsection A.
- (5) Section 97-8B is amended to update the reference from 617.6(d) to 617.6(b).
- (6) Section 97-9B(2) is amended to update the reference from 617.10(c) to 617.12(c).
- (7) Section 97-10A is amended to update the references from 617.10(b), 617.7(e)(2) and 617.7 to 617.12.
- (8) Section 97-11A and C are amended to update the references from 617.8, 617.9 and 617.10 to 617.9, 617.11 and 617.12, respectively.

- (9) Section 97-15 is amended to update the reference from 617.4(j) to 617.14(g).
- (10) Section 97-16 is amended to update the reference from 617.16 to 617.15.

Chapter 100, Excavations.

Sections 100-12A(1) and 100-14A are amended to change the penalty from a fine of not more than \$50 or imprisonment not exceeding 14 days, or both, to a fine of not more than \$250 or imprisonment not exceeding 15 days, or both.

Chapter 105, Fees.

- (1) Section 105-4A is amended to read as follows:

- A. Fees derived from Code sections. Fees for the specific Code sections enumerated below shall be as follows:

Chapter/Section	Subject	Fee
Chapter 5, Appearance Tickets		
§ 5-6B(3)	Security amount for violation	\$15
Chapter 69, Animals		
§ 69-5B(3)	Security amount for violation	\$15
§ 69-6F(1)	Impoundment fee	\$15
§ 69-6F(2)	Boarding fee	\$7.50 per day
§ 69-6F(3)	Distemper shot	\$4
Chapter 81, Building Construction		
§ 81-12	Building permit fees: Upon filing of permit application, where total valuation of work is:	
	Up to \$200	\$15
	\$201 to \$1,000	\$25
	\$1,001 to \$25,000 for the first \$1,000	\$25, plus \$4 for each additional \$1,000 or fraction
	\$25,000 to \$50,000	\$121, plus \$4 for each additional \$1,000 or fraction over

	\$25,000
Over \$50,000	\$221, plus \$4 for each \$1,000 or fraction over \$50,000
Mobile home: installation in a mobile home court	\$25
For renewal of expired permits within 2 years of expiration	The larger of \$10 or 10% of original fee
The foregoing fees shall include the certificate of occupancy, except that:	
Fee for each re-inspection following a scheduled final inspection when work is complete	\$50
Chapter 100, Excavations	
§ 100-9 Initial permit fee	\$500, plus \$1 per acre for each acre of land proposed to be used for or in connection with operations to be conducted thereunder (excluding unimproved setbacks from roadways and including areas previously used but not yet rehabilitated in accordance with an approved plan)
Annual renewal fee	\$100, plus the acreage charge outlined above
Renewal fee if public hearing required	Same as initial fee

Chapter 112, Flood Damage Prevention

§ 112-11B	Deposit to cover additional application costs	No more than \$500
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Chapter 118, Games of Chance

§ 118-9C	License fee for conduct of games	\$25 for each license period
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§ 118-9D	License fee for leasing of premises to conduct games	\$50
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Chapter 121, Gasoline Service Stations

§ 121-4C	Initial installation fee	\$250 per gasoline service facility
	Fee for yearly fire inspections	\$10 per station

Chapter 144, Mobile Home Courts

§ 144-11B	Annual license fee	\$100, plus \$2 per mobile home
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Chapter 167, Peddling and Soliciting

§ 167-5	Additional deposit/bond amount for a license as a solicitor who demands, accepts or receives payment or deposit of money in advance of final delivery	\$5,000
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§ 167-12	License fee for each person licensed as a hawker, peddler or solicitor for a period of:	
	One month or less	\$15
	Six months or less	\$25
	In excess of six months but for not more than one year	\$50

Chapter 182, Sewage Disposal Systems, Individual

§ 182-7A	Issuance of a permit to locate and construct an individual sewage disposal system	\$25
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Chapter 223, Water

§ 223-9B

Restoration of water service

During regular business hours \$5

During other than regular business hours \$7.50

Chapter 230, Zoning

§§ 230-7B(6), 230-8B(6), 230-9B(6) and 230-10B(6)

Fee in lieu of park and recreation area

\$100 per lot

§ 230-38A(19)(c)[3]

Application fee for exterior promotional signs

\$5 for each service station or sales outlet for a period of 30 days and an additional sum of \$5 for each additional period of 30 days not to exceed a total of 90 days

- (2) Original § 101.05, Amendments, is deleted.

Chapter 118, Games of Chance.

- (1) Section 118-3 is amended to correct the reference from the "New York State Wagering Board" to the "New York State Racing and Wagering Board."
- (2) Section 118-4A is amended to delete the term "prize" and add the terms "single prize" and "series of prizes."
- (3) Section 118-8 is amended to read as follows:

§ 118-8. Restrictions on conduct of games of chance.

The conduct of games of chance authorized by this chapter shall be subject to the restrictions contained in General Municipal Law § 189, as amended.

- (4) Section 118-9E is amended to change the phrase "the town in which the licensed property is located" to read simply "the town."
- (5) Section 118-12A is amended to read as follows:
- A. The Officer shall have and exercise rigid control and close supervision over all games of chance conducted under such license, to the end that the same are fairly conducted in accordance with the provisions of such license, the provisions of the rules and regulations promulgated by the State Board, and the provisions of this chapter. Such Officer and the State Board shall have the power and the authority

to temporarily suspend any license issued by the Clerk and/or impose fines for violations not to exceed \$1,000. Temporary suspension of licenses shall be promptly followed by a hearing, and after notice and hearing, the Clerk or State Board may suspend or revoke the same and declare the violator ineligible to apply for a license for a period not exceeding 12 months thereafter. Any fines tendered to the Clerk or State Board shall not be paid from funds derived from the conduct of games of chance. The Officer or the State Board shall additionally have the right of entry, by their respective officers and agents, at all times into any premises where any game of chance is being conducted or where it is intended that any such game shall be conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same. Upon suspension or revocation of any license or upon declaration of ineligibility to apply for a license, the State Board may suspend or revoke the identification number issued pursuant to General Municipal Law § 188-a. An agent of the appropriate officer shall make an on-site inspection during the conduct of all games of chance licensed pursuant to this chapter.

Chapter 121, Gasoline Service Stations.

Section 121-5 is added to read as follows:

§ 121-5. Penalties for offenses.

Violations of this chapter shall be punishable as provided in § 1-18 of this Code.

Chapter 126, Green Areas.

- (1) Section 126-3 is amended to add the definition of "intent to consume" as follows:

INTENT TO CONSUME — Drinking from the container, with alcohol on the breath of the possessor and/or any circumstances evidencing an intent to ultimately consume on any public lands.

- (2) Section 126-6 is amended to add the phrase "with intent to consume" following the first occurrence of the word "possession."

Chapter 144, Mobile Home Courts.

- (1) Section 144-6H is amended to change the reference to the "State Building Construction Code" to read "State Uniform Fire Prevention and Building Code."
- (2) Section 144-6N is amended to revise the phrase "Commissioner of Recreation and Human Development" to read "Commissioner of Recreation and Human Resources."

Chapter 152, Noise.

Section 152-4E is amended to add the words "in excess" before the phrase "of the ambient noise level."

Chapter 163, Parks and Recreation.

- (1) Section 163-11 is amended to revise the phrase "these privileges with respect to intoxication" to read "these privileges with respect to intoxicants."
- (2) Section 163-16 is amended to read as follows:

§ 163-16. Penalties for offenses.

A violation of any provision of this chapter shall be deemed an offense punishable by a fine not exceeding \$250 or imprisonment for a term not exceeding 15 days, or both.

Chapter 167, Peddling and Soliciting.

Section 167-17 is amended to change the term of imprisonment from six months to 15 days.

Chapter 172, Poles and Wires.

Section 172-2C is added to read as follows:

- C. Failure to locate and construct poles, cross-arms, wires, equipment and underground cables in the manner approved by the Highway Superintendent and the Town Board shall be punishable as provided in § 1-18 of this Code.

Chapter 182, Sewage Disposal Systems, Individual.

- (1) Section 182-11A is amended to update the reference to the "State Building Construction Code" to read "State Uniform Fire Prevention and Building Code."
- (2) Section 182-24A is amended to read as follows:
 - A. A violation of this chapter is hereby declared to be a misdemeanor, punishable by a fine not exceeding \$1,000 or imprisonment for a period not exceeding one year, or both.

Chapter 185, Sewers.

- (1) In Part 1, Sewer Use:
 - (a) Section 185-6 is amended to update the reference to the State Building Construction Code to read "State Uniform Fire Prevention and Building Code."
 - (b) Section 185-33C is amended to add a fifteen-day term of imprisonment.
- (2) In Part 2, Sewer Rents, § 185-37B(1) is amended to replace the unit value of \$5.50 per month with the phrase "as set in the current calendar-year budget."

Chapter 191, Snowmobiles.

Section 191-5A is amended to change the reference to Subdivision 2 of § 25.13 of the state law to read "Subdivision 1 of § 25.13"; and to revise the phrase "the operation of such snowmobile by any such snowmobile by any such owner or operator" to read "the operation of such snowmobile by any such snowmobile owner or operator" in the last sentence thereof.

Chapter 200, Subdivision of Land.

(1) In § 200-2:

- (a) The definition of "preliminary plat approval or preliminary plan approval" is amended to revise the reference to Subdivision 7 of § 276 of the Town Law to read Subdivision 6 of § 276 of the Town Law.
- (b) The definition of "subdivision" is amended to read as follows:

SUBDIVISION — The division of any parcel of land into two or more lots, plots, sites or other divisions of land with or without streets or highways for immediate or future sale or for building development.

(2) Section 200-3B(1) and (2) are amended to read as follows:

- (1) On reaching conclusions regarding his general program and objectives, the owner shall submit a preliminary plat, together with other supplementary material as specified in § 200-6. Three copies of the preliminary plat and required supplementary material shall be submitted to the Planning Board, with written application for conditional approval. This preliminary plat shall then be cleared with public agencies and officials concerning features of the proposed subdivision which are within their jurisdiction. Such a preliminary plat shall be clearly marked "preliminary plat" and shall conform to the definition provided in these regulations.
 - (2) The Planning Board shall follow the procedures of Town Law § 276, Subdivisions 5, 8 and 10, to approve, approve with conditions or disapprove the preliminary plat.
- (3) Original Section 3, Subsections C3, 4 and 5, are deleted, and a new § 200-3C(3) is added to read as follows:
- (3) The Planning Board shall follow the procedures of Town Law § 276, Subdivisions 6 through 10, to approve, approve with conditions or disapprove the final plat.
- (4) Section 200-3C(4) is amended to revise "60 days" to "62 days" and "sixty-day period" to "sixty-two-day period."
- (5) Section 200-5B(1)(b) and (c) are amended to revise the references to § 197 of the Town Law to read § 197-a.

Chapter 205, Taxation.

(1) In Article II, Senior Citizen Exemption:

- (a) In § 205-3A, the first sentence thereof is amended to read as follows: "If the income of the owner or the combined income of the owners of the property exceeds, for the income tax year immediately preceding the date of making application for exemption, the sum established by resolution of the Town Board."
 - (b) Section 205-3A(1) and (2) are added to read as follows:
 - (1) All out-of-pocket medical and prescription drug expenses actually paid which were not paid for by another party or reimbursed by insurance shall be excluded from the definition of "income," for the purpose of determining eligibility for the senior citizen partial real property tax exemption. Proper application for partial tax exemption for real property of senior citizens must be made with the Assessor of the Town of Clay. Said exclusion shall take effect as of January 1, 1997.
 - (2) Veterans disability compensation, as defined under Title 38 of the United States Code, shall be excluded from the definition of "income," for the purpose of determining eligibility for the senior citizen partial real property tax exemption, pursuant to § 467 of New York State Real Property Tax Law. Proper application for partial tax exemption for real property of senior citizens must be made with the Assessor of the Town of Clay. Said exclusion shall take effect January 1, 1998.
 - (c) Section 205-3B is amended to change all occurrences of "24 months" to "12 months."
- (2) In Article III, Veterans Proportional Exemption, § 205-10 is amended to delete the reference to § 307 of the Real Property Tax Law.
- (3) In Article VI, Exemption for Persons With Disabilities and Limited Incomes, § 205-27 is amended to read as follows:

§ 205-27. Granting of exemption.

The combined annual incomes of the owners with disabilities of real property for the income tax year immediately preceding the date of application for exemption shall be as defined in § 459-c, subject to revisions made by resolution of the Town Board.

Chapter 223, Water.

- (1) In Part 1, Water Service, original § 45.24E, regarding fees for testing meters, is deleted.
- (2) In Part 2, Public Water Facilities, § 223-16 is added to read as follows:

§ 223-16. Penalties for offenses.

Violations of this Part 2 shall be punishable as provided in § 1-18 of this Code.

Chapter 230, Zoning.

- (1) Section 230-2A is amended to add the following sentence to the end thereof:
"Terms not defined in this chapter shall have the meanings provided in the New York State Uniform Fire Prevention and Building Code, and/or will carry their customary meanings per Webster's Dictionary."
- (2) Section 230-2B is amended to read as follows:
 - B. Rules of interpretation. For the purpose of this chapter, certain terms or words herein shall be interpreted or defined as follows:
 - (1) Words used in the present tense include the future tense.
 - (2) The singular includes the plural and the plural includes the singular, unless the context indicates otherwise, and the masculine includes the feminine and neuter.
 - (3) The word "person" includes an individual person, a firm, a corporation, a copartnership and any other agency of voluntary action.
 - (4) The term "shall" is always mandatory, and the term "may" is permissive.
 - (5) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
 - (6) The word "lot" includes the word "plot" or "parcel."
 - (7) The word "building" or "structure" includes any part thereof.
- (3) In § 230-2C:
 - (a) The following definitions are deleted: "abandoned gasoline service station"; "basement"; "boardinghouse"; "cellar"; "clubhouse"; "hospital, animal"; "park lands"; "principal building"; "rental parking area"; "trade school"; and "trailer court."
 - (b) The definition of "construction sign located in commercial and industrial zones" is amended to delete the phrase "located in commercial and industrial zones."
 - (c) The definition of "corner lots" is amended to add Subsection (1) as follows:
 - (1) A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angle of intersection does not exceed 135°.
 - (d) The definition of "day care" is added to read as follows:

DAY CARE — The following terms, derived from the Official Compilation of Codes, Rules and Regulations (NYCRR) Part 416, 417 and 418, shall apply:

 - (1) CERTIFICATE — A document issued by an authorized child care agency, in accordance with the regulations of the Department of Social Services (DSS),

authorizing a person to provide day care in a family home for children received from such agency.

- (2) **DAY CARE CENTER** — A place, person, association, corporation, institution or agency which provides day care for three or more children away from their own homes, excluding those receiving family day care or group family day care, for more than three hours and less than 24 hours, with or without payment or compensation. The name, description or form of the entity which operates a day care center shall not affect its status as a day care center.
- (3) **DAY CARE OF CHILDREN** — Care provided for three or more children away from their own homes for less than 24 hours per day for compensation or otherwise.
- (4) **FAMILY DAY CARE HOME** — The primary residence of a provider of day care for not more than six children away from their homes for more than five hours per week.
- (5) **GROUP FAMILY DAY CARE HOME** — The primary residence of a provider of day care for not more than 14 children away from their own homes for more than three hours per day.
- (6) **PERMIT** — A document issued by the State Department of Social Services (DSS) authorizing a place, person, association, corporation, institution or agency to provide day care in accordance with the regulations of the department.
- (e) The defined term "facing of a sign" is amended to read "face (when referring to a sign)."
- (f) The definition of "gross leasable area" is added to read as follows:

GROSS LEASABLE AREA — The total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines or upper floors, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

- (g) The definition of "high-pressure natural gas transmission line" is added to read as follows:

HIGH-PRESSURE NATURAL GAS TRANSMISSION LINE — One whose normal operating pressure is equal to or in excess of 250 pounds per square inch.

- (h) The defined term "mobile home park" is amended to read "mobile home court."

- (i) The definition of "retail propane sales" is added to read as follows:

RETAIL PROPANE SALES — The sale of propane or any other liquefied petroleum gas (LPG) involving the refilling of portable containers. Specifically excluded is the sale of prefilled LPG containers weighing less than 16.5 ounces.

- (4) Section 230-3 is amended to delete the "FP Floodplain District" and "ACC Arterial Commercial Control Districts" from the list of districts.

- (5) Section 230-6E is amended to add the phrase "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor" following the phrase "to avoid undue concentration of population."
- (6) Section 230-16C is amended to change all references to "Planned Unit Residential Development District" to read "Planned Unit Development District"; Subsection C(9)(a) is amended to change the reference to the "Bureau of Environmental Sanitation" to read "Division of Environmental Health"; and Subsection C(9)(f) is amended to change the reference to the "Underground Facilities Protective Organization of Onondaga County" to read "Underground Facilities Protective Organization."
- (7) Section 230-26A(4) is amended to add the word "public" before the words "swimming pools."
- (8) Section 230-26A(10) is amended to add the word "public" before the word "marinas."
- (9) Section 230-36 is amended to delete the last sentence thereof of Subsection D(1) and to delete former Subsections H(1) and I(1).
- (10) Section 230-38B(1)(a) is amended to replace the phrase "Subsection A, Paragraph 6, of this section" with the phrase "§ 230-2."
- (11) Section 230-40B(10) is amended to delete the last sentence thereof.
- (12) Section 230-42A(3) is amended to add the words "or amendment" following the phrase "prior to the effective date of adoption."
- (13) Section 230-44C is amended to read as follows:

C. Variances.

- (1) Orders, requirements, decisions, interpretations, determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Commissioner charged with the enforcement of this chapter and to that end shall have all the powers of the Commissioner from whose order, requirement, decision, interpretation or determination the appeal is taken.
- (2) Use variances. The Zoning Board of Appeals, on appeal from the decision or determination of the Commissioner, shall have the power to grant use variances, as defined herein in accordance with § 267-b of the Town Law.
- (3) Area variances. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Commissioner, to grant area variances as defined herein, in accordance with § 267-b of the Town Law.
- (4) Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and

incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2001, the ~~(County)(City)(Town)(Village)~~ of Clay was duly passed by the Town Board on August 20, 2001, in accordance with the applicable provisions of law.
(Name of Legislative Body)

(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____, the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not disapproved)(repassed after approval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

(Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not disapproved)(repassed after approval) 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.
(Elective Chief Executive Officer*)

(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____, the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not disapproved)(repassed after approval) 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.
(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 chairman 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.)

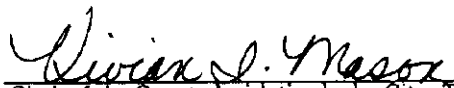
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 of 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
VIVIAN I. MASON, TOWN CLERK
Date: AUGUST 27, 2001

(Seal)

(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 ONONDAGA

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 ROBERT M. GERMAIN

TOWN ATTORNEY
Title

XXXXXX
XXXX of CLAY
Town
XXXXXX

Date: AUGUST 27, 2001