

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(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 initials or underlining to indicate new matter.

FILED
STATE RECORDS

JAN 25 2010

DEPARTMENT OF STATE

~~County~~
~~City~~ of CLAY
~~Town~~
~~Village~~

Local Law No. 5 of the year 20 09

A local law Amending Chapter 230 entitled 'ZONING', Section 230-11 Terms defined by adding the following words: FIREWOOD, LOT FRONTAGE, OUTDOOR FURNACE, OUTDOOR FURNACE - COMMERCIAL, OUTDOOR FURNACE - RESIDENTIAL, SPECIAL USE, UNTREATED LUMBER, YARD, FRONT and YARD, SIDE to clarify and define each aforesaid word to the Code of the Town of Clay

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

~~County~~
~~City~~ of Clay, New York as follows:
~~Town~~
~~Village~~

SEE ATTACHED LOCAL LAW

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

**(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. 5 of 20 09 of the (County)(City)(Town)(Village) of Clay was duly passed by the Town Board on October 19th 2009, 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.)

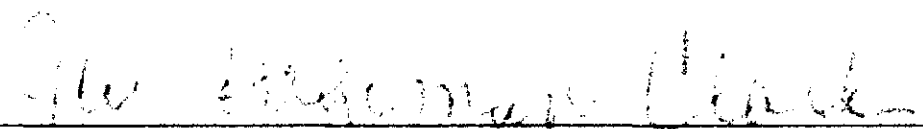
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

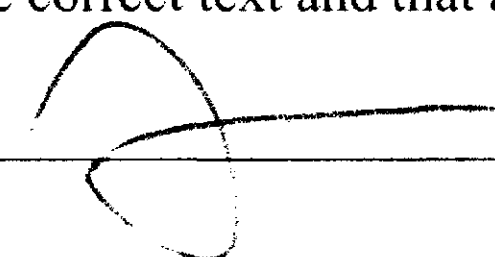

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
JILL HAGEMAN-CLARK
Date: November 9th, 2009

(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

~~XXXX~~
City of Town of Clay
Town
Village

Date: November 9th, 2009

LOCAL LAW NO. 5 OF THE YEAR 2009

TOWN OF CLAY

LOCAL LAW NO. 5 OF THE YEAR 2009 AMENDING CHAPTER 230, entitled “**ZONING**”, **Section 230-11 Terms defined** adding new words and deleting the present definition for the words **YARD, FRONT** and **YARD, SIDE** and replacing same with new definitions therefore to the Code of the Town of Clay.

ITS IS ORDAINED AND ENACTED by the Town Board of the Town of Clay, County of Onondaga, as follows:

SECTION 1. Add new words to **Section 230-11 Terms defined** and delete the present definition for the words **YARD, FRONT** and **YARD, SIDE** and replacing same with new definitions therefore to the Code of the Town of Clay.

The purpose of Local Law No. 5 of the Year 2009 is to add new words to **Section 230-11 Terms defined** and to delete the present definition for **YARD, FRONT** and **YARD, SIDE** and replacing same with new definitions for clarification purposes as to interpretation.

Town Board Meeting August 17th, 2009 called public hearing for September 9th, 2009 at 7:38 P.M., local time.
Public hearing notice published in the Post Standard on August 28th, 2009 calling hearing for September 9th, 2009 at 7:38 P.M.
Town Board opened public hearing on September 9th, 2009, and adjourned said public hearing to October 5th, 2009 at 7:38 P.M.
Public hearing was held on October 5th, 2009 and closed, decision to be made m October 19th, 2009.
Town Board approved Local Law No. 4 of 2009 on October 19th, 2009.
Sent to NYS November 9th, 2009.
Received NYS letter filed on _____
Sent to NYS January 21st. 2010.

Section 230-11 Terms defined

FIREWOOD — Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

LOT FRONTAGE — The length of the front lot line measured at the street right-of-way.

OUTDOOR FURNACE — Any contrivance, apparatus or part thereof, including a boiler, fire box, exchanger, grate, fuel gun, fuel nozzle, chimney, smoke pipe, exhaust conduit and like devices used for the burning of combustible fuels for the creation of heat or energy from an exterior location into an interior location. For the purpose of this definition, outdoor furnaces are considered an accessory structure.

OUTDOOR FURNACE — COMMERCIAL - An outdoor furnace with a thermal output rating greater than 250,000 British thermal units per hour (Btu/h).

OUTDOOR FURNACE — RESIDENTIAL - An outdoor furnace with a thermal output rating greater than 250,000 British thermal units per hour (Btu/h) or less.

SPECIAL USE - An accessory use to a principal use which, because of its unique characteristics, requires special consideration in each case by the Planning Board before a building permit can be issued. This is subject to annual renewal.

UNTREATED LUMBER - Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

YARD, FRONT - The required open space extending across the entire width of the lot between the front property line and the required front setback distance. Permissible intrusions into the front yard may include steps and ramps that are minimally necessary for access, eaves and cornices. (For additional permitted intrusions, see Article IV, Supplemental Regulations.)

YARD, SIDE - An open, unoccupied space on the same lot with the building, situated between the side building line and side lot line, and extending between the required front yard and rear yard. It may be occupied by walks, patios, pavement, fencing, eaves and cornices.

EFFECTIVE DATE - This local law shall take effect immediately upon filing in the Office of the Secretary of State.