

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 italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
NOV 21 2008

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

MISCELLANEOUS
& STATE RECORDS

Local Law No. 8 of the year 20 08

A local law Amending Chapter 105 entitled "FEES", Section 105-4, Schedule of Fees, Paragraph A. Fees derived from Code, Sections, Chapter 81 Building and Section and Section 105.4 B. Additional Fees, Subparagraphs (2) and (3) by amending, deleting, increasing and adding fees 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 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. 8 of 20 08 of the (County)(City)(Town)(Village) of Clay was duly passed by the Town Board on October 6th 20 08, 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.)

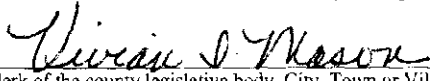
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 one, 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: October 10th, 2008

(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 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
XXXXX
XXX of CLAY
Town
XXXXXX
Village

Date: OCTOBER 10TH, 2008

LOCAL LAW NO. 8 OF THE YEAR 2008

TOWN OF CLAY

LOCAL LAW NO. 8 OF THE YEAR 2008 AMENDING CHAPTER 105 ENTITLED "FEES", 'SECTION 105-4. SCHEDULE OF FEES, PARAGRAPH A. FEES DERIVED FROM CODE AND SECTION 105-4 B. ADDITIONAL FEES, OF THE CODE OF THE TOWN OF CLAY

BE IT ENACTED by the Town Board of the Town of Clay, County of Onondaga as follows:

SECTION 1. AMENDMENT OF CHAPTER 105 ENTITLED "FEES", '§ 105-4. Schedule of fees, Paragraph A. Fees derived from Code Sections, Chapter 81, Building and Section 105.4B. Additional Fees, Subparagraphs (2) and (3) by amending, increasing and adding fees to the Code of the Town of Clay."

The purpose of this local law 2008-08 is to amend **CHAPTER 105** entitled 'FEES', § 105.4 A. Fees derived from Code Sections, Chapter 81, Building Construction, adding After Hours Inspection Fee of \$75 and § 105.4 B. Additional Fees, subparagraph (2) Planning and Development Department by increasing zone application fee to \$400; deleting \$200 fee for Variance and adding fee of \$200 for Residential Variance and \$400 Commercial Variance; increasing Special Permit fee to \$300; deleting Site plans – residential through Over 3 acres; add Site plans and Special Permits requiring site plan review and a fee for 3 acres or less \$900 and Over 3 acres \$1500; increase Amended site plans fee to \$600; Preliminary Plats, delete language and fees from Subdivision of property in two separate.... through Residential subdivision of more than 50 lots" and adding Base fee \$200 + \$50 per lot; increasing Final plats fee to \$300; and further adding/amending the following misc. fees – increase Administrative subdivision fee to \$75 , adding Administrative site plan fee \$75; additional advertising (does not include Town Board zone changes) fee of "As per cost"; and amend Section 105-4B(3) by adding/amending or increasing cost for legal, engineering and administrative fees – add Commercial Site Plan and Residential Subdivision without public utilities an additional \$1500 for review of Stormwater Pollution Prevention Plan, if necessary; Commercial Site Plan with public utilities the fee will be calculated on a case by case basis depending upon the magnitude of project; Residential Subdivision, 7 or less lots (with public utilities) 1st half - \$2,000 plus \$450 per lot; 2nd half at scheduling of Petition hearing \$2,000 plus \$450 per lot; Residential Subdivision 8 lots or more with public utilities – 1st half at time of Preliminary Plat approval - \$2,000. + \$400 per lot; an additional deposit of \$2,000 plus \$450 per lot for each additional section of development thereafter proposed, and when subdivisions have public highways an inspection fee of \$200 per lot to the Code of the Town of Clay

Said Local Law reads as follows:

§ 105-4 Schedule of fees.

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

Chapter/Section	Subject	Fee
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Chapter 81, Building Construction**§ 81-12 Building Permit fees:**

After hours inspection fee	\$75
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B. **Additional fees:** Fees in addition to those enumerated above shall be as follows:

(2) Planning and Development Department

Item/Subject Matter	Fee
Zone change applications	\$400
Variance	
Residential	\$200
Commercial	\$400
After construction	Double the fee
Special permit	\$300
Site plans and Special Permits requiring site plan review*:	
3 acres or less	\$900
Over 3 acres	\$1500
Amended site plans	\$600
Preliminary plats*: then add to remaining fees (Zoning info research through additional advertising, etc., preliminary plats include engineering charges):	
Base fee	\$200 + \$50 per lot
Final plats	\$300
Administrative subdivision fee	\$75
Administrative site plan fee	\$75
Additional advertising (does not include Town Board zone changes)	As per cost
Additional engineering fees incurred by the Town	As per cost

***NOTE:** For a commercial site plan or residential subdivision (with no proposed public utilities) requiring the preparation of a Stormwater Pollution Prevention Plan an additional \$1500 will need to be deposited with the Town to cover engineering fees for the review of the Stormwater Pollution Prevention Plan.

(3) Town Board services for special district improvement fees:

- (a) Engineering, legal and administrative fees associated with petition preparation, reviews of petition plans, public hearings, review of contract drawings, and construction observation shall be based on actual costs incurred. In each case, the project developer shall be required to place deposits with the Town of Clay to cover such costs.
- (b) For single-family homes and/or townhouses, comprised of 7 lots or less, (with proposed public utilities) an initial deposit of \$2,000 plus \$450 per lot, shall be required after the preliminary plat for the project approved by the Town of Clay Planning Board and prior to any additional work being performed on the project. Prior to the time that petition plans are considered for approval, an additional deposit of \$2,000 plus \$450 per lot shall be required for each and every section of the development thereafter proposed.
- (c) For single-family homes and/or townhouses, comprised of 8 lots or more, (with proposed public utilities) an initial deposit of \$2,000 plus \$450 per lot, shall be required after the preliminary plat for the project is approved by the Town of Clay Planning Board and prior to any additional work being performed on the project. Prior to the time that petition plans are considered for approval, an additional deposit of \$2,000 plus \$450 per lot shall be required for each and every section of the development thereafter proposed.
- (d) For commercial and industrial projects with proposed public utilities, fees will be calculated and deposited on a case by case basis depending upon the magnitude of the project.
- (e) If a highway is proposed to be dedicated to the Town as part of the project, an additional fee of \$200 per lot will need to be deposited by the developer prior to the contract documents being approved to pay for highway inspection fees.
- (f) Any pending improvements for which contract drawings have not been approved shall be subject to the same fee provision as set forth in B (3)(a) through (e).
- (g) Prior to acceptance of facilities, a preliminary accounting shall be made to determine whether additional monies are required with any necessary payment being made before the utilities are accepted. Upon written request and completion of all facilities, including overland drainage requirements, a final accounting shall be made to the developer within 90 days of such acceptance of the facilities and/or the final certification by the Town Engineers as to the completion of overland drainage requirements. Any unexpended funds will be returned to the developer without interest.

SECTION 2. Effective Date

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