

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 or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
OCT 29 2004

~~XXXXX~~

~~City~~ of CLAY

Town

~~XXXXX~~

MISCELLANEOUS
& STATE RECORDS

Local Law No. 2 of the year 2004

A local law

AMENDING CHAPTER 105 entitled "FEES" , Paragraph A. Fees Derived

(Insert Title)

from Code, Section 105.4 B (1) and Section 105.4 B(3), deletion of Chapters 121
and 182 Fees from the Code of the Town of Clay.

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

~~XXXXX~~

~~City~~ of

Town

~~XXXXX~~

Clay as follows:

SEE ATTACHED LOCAL LAW NO. 2 OF THE YEAR 2004

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

LOCAL LAW NO. 2 OF THE YEAR 2004

TOWN OF CLAY

LOCAL LAW NO. 2 OF THE YEAR 2004, AMENDING CHAPTER 105, ENTITLED "FEES", § 105-4 'Schedule of fees, Paragraph A. Fees derived from Code Sections', Amended §81.12 Building Construction fees by deleting current building permit rates and added classifications "Residential" and "Commercial and Industrial" and set fees for same; increased mobile home court fee to \$50.00; delete fees charged for "Chapter 121, Gasoline Service Stations" and for "Chapter 182, Sewage Disposal Systems, Individual"; amended '**§105.4 B. Additional Fees (1) Town Clerk's Office**' added fees for Zoning Map Small (whole) and Zoning Map Large (whole); **§105.4B (2) Planning and Development Department** added fees for zoning research, Fire safety/Property Maintenance inspections required by NYS Uniform Fire Prevention and Building Code, Administrative Certificate of Occupancy, Administrative Subdivision Fee, Computer Projected Images at public meetings and additional advertising which does not include Town Board Zone Changes and **§105.4B (3) Town Board services for special district improvements fees**, (a) added word **observation** after construction, **§105.4B (3)(b)** increased deposit for single family home and townhouses to \$2,000.00 plus \$250.00 per lot and added "after the preliminary plan for the project is approved by the Town of Clay Planning Board and prior to any additional work being performed on the project" **§105.4B (3)** (c) deleted verbiage in second sentence after 'One half of the of the total deposit shall be required' and added words 'after the preliminary plan or site plan for the project is approved by the Town of Clay Planning Board and prior to any additional work being performed on the project' and **§105.4B (3)** (e) added after the words and/or 'the final certification by the Town Engineers as to the'...."

The purpose of this Local Law No. 2 of the year 2004 is to add and increase certain fees charged for services within Chapter 81 of the Town of Clay Code and to delete fees charged for services no longer provided within Chapter 121 and Chapter 182, to add new fees to be charged for services provided by the Department of Planning and Development and increase fees for zoning map by the Town Clerk's Office and further to increase fees for Town Board Services regarding special district improvements allowing residential/commercial developers a more accurate cost factor for legal, engineering and administrative fees associated with such projects.

Said Local Law to read as follows:

Chapter/Section	Subject	Fee
Chapter 5, Appearance Tickets		
§ 5-6B(3)	Security amount for violation	\$15
Chapter 69, Animals [Amended 8-20-2001 by L.L. No. 1-2001; 3-17-2003 by L.L. No. 2-2003]		
§ 69-5B(3)	Security amount for violation	\$15
§ 69-6F(1)	Impoundment fee	Contractor's rate
§ 69-6F(2)	Boarding fee	Contractor's rate
§ 69-6F(3)	Distemper shot	Contractor's rate
§ 69-6F(4)	Bordetella (kennel cough)	Contractor's rate
§ 69-6F(5)	Rabies (dog or cat)	Contractor's rate
Chapter 81, Building Construction [Amended 11-6-2002 by L.L. No. 2-2002]		
§ 81-12	Building permit fees:	
	Upon filing of permit application, where total valuation of work is:	
Residential:	Up to \$1,000. value of work	\$25
	\$1,001 and over	\$25, plus \$5 for each additional \$1,000 or fraction
Commercial and Industrial:		\$100 plus \$5 per \$1,000 value of work
	Mobile home: installation in a mobile home court	\$50
	Work commenced prior to obtaining a building permit	Double the building permit fee
	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:	

Chapter/Section	Subject	Fee
Chapter 112, Flood Damage Prevention		
§ 112-11B	Deposit to cover additional application costs	No more than \$500
Chapter 118, Games of Chance		
§ 118-9C	License fee for conduct of games	\$25 for each license period
§ 118-9D	License fee for leasing of premises to conduct games	\$50
Chapter 144, Mobile Home Courts		
§ 144-11B	Annual license fee	\$100, plus \$2 per mobile home
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
§ 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 200, Subdivision of Land [Added 10-7-2002 by L.L. No. 3-2002]		
§ 200-5A	Monuments and lot Corner markers	\$450 each
Chapter 223, Water		
§ 223-9B	Restoration of water service	
	During regular business hours	\$5
	During other than regular business hours	\$7.50

§ 105-4**FEES****§ 105-4****Chapter/Section****Subject****Fee****Chapter 230, Zoning**

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

Fee in lieu of park and recreation area

\$500 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

B. Additional fees. Fees in addition to those enumerated above shall be as follows:

(1) Town Clerk's office.

Item/Subject Matter	Fee
Town maps	\$3
Zoning Ordinance (copy)	\$20
Zoning Map (whole)	\$20
Zoning Map (half)	\$10
Zoning Map Small (whole)	\$10
Zoning Map Large (whole)	\$20
Drainage and sewer standards	\$5
Copies (per page)	
Letter/Legal	\$0.25
Ledger (11x17)	\$0.50
Wide format (exceeds 11x17)	\$3
Certification	\$1

(2) Planning and Development Department.

Item/Subject Matter	Fee
Zone change applications	\$250
Variance	\$200
Special permit	\$200

Item/Subject Matter	Fee
Site plans - residential*	
3 acres or less	\$500
Over 3 acres	\$1,200
Site plans - commercial/industrial*	
3 acres or less	\$700
Over 3 acres	\$1,300
Amended site plans. Amendment of site plans which are proposed within five years of the original site plan approval, which, in the opinion of the Commissioner of Planning and Development, would not involve changes that could adversely impact adjacent properties:	
Residential	\$400
Commercial and industrial	\$500
Preliminary plats*	
Subdivision of a property into two separate parcels, noninclusive of new public streets, public sanitary sewers or water lines	\$200
Subdivision of a property into three or more lots noninclusive of new public streets, public sanitary sewers or water lines	\$700
Subdivision of less than 50 lots, commercial subdivisions or industrial subdivisions inclusive of new public streets and/or public sanitary sewers or water lines	\$1,900
Residential subdivision of more than 50 lots	\$2,500
Final plats	\$200

NOTE:

* Fees for site plans and preliminary plats include engineering charges.

Item/Subject Matter

Fee

Zoning Information Research

\$30 per parcel

Fire Safety/Property Maintenance
Inspections required by New York
State Uniform Fire Prevention and
Building Code:

Buildings and/or leased spaces not
Exceeding 5,000 square feet

\$50 per inspection

Building and/or leased spaces 5,001
20,000 square feet

\$75 per inspection

Building and/or leased spaces
over 20,000 square feet

\$100 per inspection

Administrative Certificate of
Occupancy

\$25 each

Administrative Subdivision Fee

\$50 each

Computer Projected Images at
Public meetings:

One image per project application

\$25.00

Each added image per project
application

\$10.00

Additional Advertising (does not
include Town Board Zone Changes)

\$50 per
advertisement

(Cont'd on page 10507)

(3)¹ Town Board services for special district improvement fees.

- (a) Engineering, legal and administrative charges 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 townhouses, an initial deposit of \$2,000 plus \$250 per lot, shall be required after the preliminary plan 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 \$250 per lot shall be required for each and every section of the development thereafter proposed
- (c) For commercial, industrial, and multifamily residential projects, deposits shall be based on a percentage of the estimated construction cost in accordance with the Town engineering agreement for work in special districts on file with the Town Clerk. One-half of the total deposit shall be required after the preliminary plan or site plan for the project is approved by the Town of Clay Planning Board and prior to any additional work being performed on the project. The balance of said amount shall be deposited before the petition plans can be considered for approval.
- (d) Any pending improvement for which contract drawings have not been approved shall be subject to the same fee provision as set forth in Subsection B(3)(b) above.
- (e) 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 interest².

SECTION 2. Effective Date

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

**(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. 2 of 20 04 of the ~~(County)(City)(Town)(Village)~~ of Clay was duly passed by the Town Board of the Town of Clay on September 8 2004, 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.

Vivian I. Mason

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

VIVIAN I. MASON, TOWN CLERK

Date: Sept. 9, 2004

(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.

Robert M. Germain
Signature ROBERT M. GERMAIN

TOWN ATTORNEY

Title

~~County~~

~~City~~ of CLAY

Town

~~Village~~

Date: Sept. 9, 2004