

TOWN OF YORKSHIRE LOCAL LAW NO. 1 OF THE YEAR 2015
A LOCAL LAW ENTITLED, SIGN DISTRICT

Be it enacted by the Town board of the Town of
Yorkshire as follows:

Section 1. Authority

This local law is enacted pursuant to the authority of Section 10 of the Municipal Home Rule Law authorizing Towns to adopt a local law which may amend or supercede any provision of State law in relation to the property, affairs or government of the town unless there is a State legislative restriction on such amendment or supercession.

Section 2.

The creation of a sign district within and for the benefit of the Town of Yorkshire requiring all properties to have placed in the road right of way next to any driveway located thereat a numerical sign approximately 6" x 10" for purposes of public safety.

The signs will initially be created and installed by the Town utilizing existing resources. Maintenance and repair of the signs once installed shall be the responsibility of the property owner.

All future signs will be issued by the Yorkshire Building Inspector when issuing a building permit with the cost of said sign being added to the cost of the said permit.

Section 3. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Yorkshire hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repealer

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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.

- ☐ County
☐ City of Yorkshire
☒ Town
☐ Village

Local Law No. 1 of the year 20 15

A local law The creation of a sign district within and for the benefit of the Town of Yorkshire
(Insert Title)
requiring all properties to have placed in the road right of way next to any driveway
located there at a numerical sign approximately 3" x 10" for purposes of
public safety.

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

- ☐ County
☐ City of Yorkshire
☒ Town
☐ Village
- as follows:

The creation of a sign district within and for the benefit of the Town of Yorkshire requiring all properties to have placed in the road right of way next to any driveway located there at a numerical sign approximately 3" x 10" for purposes of public safety.

(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. 1 of 20 15 of the (County)(City)(Town)(Village) of Yorkshire was duly passed by the Yorkshire Town Board on October 19 20 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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (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) (Name of Legislative Body) (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.

* 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 _____, above.

(Seal)



Sign +
date →

M. Fred Clark
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 11-2-2015

(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 ERIE

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 D. Steinhaus, Esq. - Town Attorney

Title

County _____
City of Yorkshire
Town _____
Village _____

Date: October 27, 2015

DiFilippo, Flaherty & Steinhaus, PLLC

Carol A. Flaherty
Robert D. Steinhaus

Anthony DiFilippo, III
(1938-2010)
Thomas P. Flaherty
(1925-2009)
Gerson L. Steinhaus
(1935-1973)

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Legal Assistants:
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Litigation Paralegal:
Renée M. Zaccarine

November 16, 2015

Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, NY 14042

Attn: M. Fred Clark, Town Clerk

RE: Town of Yorkshire, Local Law No. 1 of the year 2015 – The Creation of a
Sign District within and for the benefit of the Town of Yorkshire

Dear Mr. Clark:

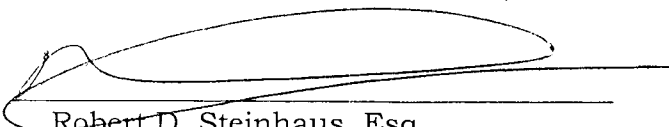
Please be advised that Local Law No. 1 of the year 2015 was filed with the
Department of State on November 10, 2015.

Thank you for your help and cooperation. Should you have any questions
and/or concerns please do not hesitate to contact me.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, PLLC

By:


Robert D. Steinhaus, Esq.

RDS/dme

DiFilippo, Flaherty & Steinhaus, PLLC

Carol A. Flaherty
Robert D. Steinhaus

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Renée M. Zaccarine

Anthony DiFilippo, III
(1938-2010)
Thomas P. Flaherty
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Gerson L. Steinhaus
(1935-1973)

March 1, 2016

Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, NY 14042

Attn: M. Fred Clark, Town Clerk

RE: Town of Yorkshire, Local Law No. 1 of the year 2016 - Proposed Highway
Bonding/Financial Securities Law of Town of Yorkshire

Dear Mr. Clark:

Enclosed herewith please find Local Law No. 1 of the year 2016 regarding the above referenced matter.

Kindly execute same and return to my office for filing with the New York State Department of State.

Thank you for your help and cooperation. Should you have any questions and/or concerns please do not hesitate to contact me.

Very truly yours,

~~DIFILIPPO, FLAHERTY & STEINHAUS, PLLC~~

By: 

Robert D. Steinhaus, Esq.

RDS/dme
Enclosure

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 of Yorkshire
☒ Town
☐ Village

Local Law No. 1 of the year 20 16

A local law Proposed Highway Bonding/Financial Securities Law of Town of Yorkshire.
(Insert Title)

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

- ☐ County
☐ City of Yorkshire as follows:
☒ Town
☐ Village

Proposed Highway Bonding/Financial Securities Law of Town of Yorkshire

(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. 1 of 20 16 of the (County)(City)(Town)(Village) of Yorkshire was duly passed by the Yorkshire Town Board on February 17 20 2016, 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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (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) (Name of Legislative Body) (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.

* 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.

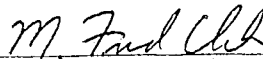
6. (County local law concerning adoption of Charter.)

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 _____ above.

(Seal)


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

Date: 3/7/16

(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 ERIE

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 D. Steinhaus, Esq. - Town Attorney
Title

County _____
City of Yorkshire
Town _____
Village _____

Date: March 2, 2016

THE HIGHWAY BONDING / FINANCIAL SECURITIES LAW OF THE TOWN OF YORKSHIRE

LOCAL LAW 1 OF THE YEAR 2016

Local Law authorizing the Town Highway Superintendent to grant revocable hauling permits on posted roads within the Town of Yorkshire being enacted by the Town Board of the Town of Yorkshire as follows;

Section 1: Purpose and Intent

1. WHEREAS, The Town Highway Superintendent has advised the Town of the necessity of requiring a bond or other financial security in order to hold individuals or corporations whose vehicular traffic causes a disproportional amount of wear and tear on the Town roads; and
2. WHEREAS, The Town Board also has a limited source of funds to pay for repair of roads within the Town of Yorkshire

Section 2: Highway Superintendent Authority

- a. Pursuant to the provisions of Article 7 of the Highway Law, Section 140 (13), the Town Highway Superintendent has the duty to bring an action in the name of the Town, against any person or corporation, sustain the rights of the public, in and to any town highway in the Town, and to enforce the performance of any duty enjoined upon any person or corporation in relation thereto, and to recover any damages sustained or suffered, or expenses incurred by such Town, and consequence of any act or omission of any such person or corporation, in violation of any law or contract in relation to such town highway.
- b. Pursuant to Article 7, Section 140 (17), the Town Highway Superintendent shall perform other duties and have such powers as may be imposed or conferred by law, or the rules and regulations of the Department of Transportation, including the powers and duties heretofore exercised or performed by the highway commissioners;

Section 3: Town Authority

- a. Pursuant to the Vehicle and Traffic Law, Title 8, Article 41, Section 1660 (11), the Town Board has the authority to temporarily exclude any portion of any town or highway, any vehicle of the gross weight of (four) 4 or more tons when in the Town Boards opinion such highway would be materially injured by the operation of any such vehicle thereon

Section 4: Bonds and Financial Security Authorized

- A. The Highway Superintendent shall have the authority to require the posting of a bond or other financial security when the vehicle has a gross weight of 4 tons or more and utilize the roadway in the Town of Yorkshire more than three (3) times in any 30-day period.
- B. The Board gives the Highway Superintendent the authority to issue a permit allowing the use of an excluded vehicle upon the posting of a bond or other financial security.

Article 3: Permit Requirements

A.

1. To be eligible to receive a permit, an individual (whether human person or a corporation) must post a bond or other financial security. Said bond is to be reasonable may be up to \$500,000 but not less than \$10,000. The bond is to be \$10,000 for every one (1) mile of road. This \$10,000 figure may be adjusted annually in accord with inflation by an annual resolution of the Town Board.
2. An individual has the option to post an annual bond in the amount of \$50,000 to cover all Town roads he may use during a one (1) year period. This figure may be adjusted annually in accord with inflation by an annual resolution of the Town Board.
3. BOND REQUIREMENTS:
 - a. All bonds must be provided sealed with the corporate seal of the bond underwriter, and signed by the required corporate or individual authority for the bond holder.
 - 1.) In lieu of a corporate seal upon the bond, a corporate resolution authorizing the bond, which is sealed with the corporate seal and signed by the corporate president, along with a Certification of Authentication (also sealed with corporate seal) by the corporate secretary certifying that the authorizing resolution is full, true and direct copy.
 - b. The bond is to be for a period of one (1) year. If the operation requiring the road use is to be more than one (1) year, the bond must be renewed and written notice is to be provided to the Town Board of the bond applicants intent to use the road for more than one year.
 - c. On all bonds, the Town is to be named as the additional payee.
 - d. All Bonds, with their associated documents are to be kept by the Town Clerk in the Town Office until they are expired
 - e. All bonds must be verified for authenticity by the Town Insurance Agent
 - f. All bonds must be obtained from an insurance carrier who is duly licensed to conduct insurance operations within the State of New York.

Upon completion of these requirements, the bonded corporation or individual will be then call upon the Town Highway Superintendent to sign his permit, which said permit shall state what roads the bonded corporation or individual may use. Upon approval by the Highway Superintendent, the bonded corporation or individual will be granted a permit which will state the amount of the bond (also called a surety bond). The Town Board shall then, upon completion of these requirements, grant the Highway Superintendent the authority to issue a permit providing for the state exemption of such vehicle.

Upon completion of the project and following a reasonable inspection by the Highway Superintendent that determines no damage occurred to the road, the Town may release the bond to the bonded individual or corporation. Where an inspection determines that the bonded individual or corporations permitted activity has caused damage to the roads covered by the permit, the Town Highway Superintendent shall document this damage, and cash the bond. The bond money may only be used for the repairs of damaged roads

If a bonded individual or corporation disputes the Highway Superintendents finding that the bond must be forfeited to the Town, either wholly or partially, in order to pay for road repairs, the bond will not be released until the Town is ordered to do so by a Court of competent jurisdiction.

Section 6: Posting Roads/Publishing Notice

1. The Highway Superintendent must post a sign, on the road in question, stating that such vehicles over such weight or excluded from the roads and notice that such vehicles are excluded shall be published in the official town newspaper, which is where the highway is located. Such publication and posting must take place yearly.

Section 7: Permit

1. When reviewing as to whether a permit shall be granted, it must be asked whether the denial of a permit would create hardship upon the applicant.
2. Every permit granted shall be carried on the vehicle to which it refers and shall be open to inspection of any peace officer acting pursuant to special duties, or police officers.
3. Such permits shall be for the duration of the restriction imposed.
4. Every such permit may designate the route to be traversed and contain other

Section 8: Exemptions

Trucks used for United Parcel Service (UPS), FedEx, food delivery, fuel delivery, fuel oil, septic pumping, utility trucks (excluding utility subcontractors) and medical deliveries and/or services are exempt from the provisions of this law.

Section 9: Penalties

Any person who violates this law shall allow the Town Highway Superintendent under Article 7, Section 140 (13) to bring an action against the individual to perform the enforcement of the obligations under this law in any court of competent jurisdiction.

Any violation of this law shall be liable to a civil penalty or fine of not more than \$500.00 for each day (and a maximum of \$250.00) or part thereof during which time such violation continues. The civil penalties provided by this law shall be recoverable in an action instituted by the Highway Superintendent in the Town of Yorkshire Court, or in any court of Competent Jurisdiction. Failure to pay the court ordered fine shall result in the unpaid fine being relieved on the violator's Town tax bill against any real property the violator may have within the Town or a personal judgment may be entered against the violator for the unpaid fine, and the Town may turn this over to a collection agency.

An Injunctive Relief action on proceeding may be instituted in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of this law in the Supreme Court or in any other court having the requisite jurisdiction.

A. Joint Bank Account or Financial Security

1. Joint Bank Account – In lieu of a bond, an individual or corporation may place an equivalent amount of money into a joint bank account with the Town.

- a. The account is to be an “and” account, not an “or” account, requiring the signature of the Town Supervisor for the second party to withdraw their funds upon completion of a road project that resulted in no damage to the Town roads. The Town will require that on this account the individuals name be on it, along with the Towns name and that nobody will withdraw money from the account without the other parties’ permission
- b. The account is to be at a bank which is the official town depository in the State of New York

Upon completion of these requirements, the joint bank account holder will be then call upon the Town Highway Superintendent to sign his permit, which said permit shall state what roads the bond holder may use. Upon approval by the Highway Superintendent, the joint bank holder will be granted a permit, which will state the amount in the joint bank account or the amount of money in the account. The Town Board shall then, upon the completion of these requirements, grant the Highway Superintendent the authority to issue a permit providing appropriate exemption of such vehicle.

Upon completion of the project and following a reasonable inspection by the Highway Superintendent that determines that no damage occurred to the road, the Town may release the account to the joint account holder. Where an inspection determines that the joint bank account holders permitted activity has caused damage to the roads named in the permit, the Town Highway Superintendent shall document this damage, and cash the account. The account monies may only be used for the repairs of the damaged roads.

Where the joint account holder disputes the Highway Superintendents finding that the account must be forfeited to the Town, either wholly or partially, in order to pay for road repairs, the joint account will not be released until the Town is ordered to do so by a Court of competent jurisdiction.

2. Certified Check- A certified check, made out to the Town in the amount that otherwise would be bonded, will be held by the Town. Validity of the Check shall be verified by the Town's local depository.

Upon completion of these requirements, the certified check provider will be then call upon the Town Highway Superintendent to sign his permit, which said permit shall state what roads the bond holder may use. Upon approval by the Highway Superintendent, the certified check provider will be granted a permit, which will state the amount in the certified check. The Town Board shall then, upon the completion of these requirements, grant the Highway Superintendent the authority to issue a permit providing appropriate exemption of such vehicle.

Upon completion of the project and following a reasonable inspection by the Highway Superintendent that determines that no damage occurred to the road, the individual or corporation may retrieve the check. Where an inspection determines that the certified check holder's permitted activity has caused damage to the roads named in the permit, the Town Highway Superintendent shall document this damage, and cash the check. The check monies may only be used for the repairs of the damaged roads.

Where the certified check provider disputes the Highway Superintendent's finding that the account must be forfeited to the Town, either wholly or partially, in order to pay for road repairs, the check will not be released until the Town is ordered to do so by a Court of competent jurisdiction.

Section 10: Severability Clause

Notwithstanding any provision of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Article 11: Effective Date

This local law shall take place effective on file with the New York Department of State.

Carol A. Flaherty
Robert D. Steinhaus

Anthony DiFilippo, III
(1938-2010)
Thomas P. Flaherty
(1925-2009)
Gerson L. Steinhaus
(1935-1973)

DiFilippo, Flaherty & Steinhaus, PLLC

305 Main Street
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Legal Assistants:
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Wendy K. Francis

Litigation Paralegal:
Renée M. Zaccarine

March 18, 2016

Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, NY 14042

Attn: M. Fred Clark, Town Clerk

Re: Town of Yorkshire – Local Law No. 1 of the year 2016 – Proposed Highway
Bonding/Financial Securities Law of the Town of Yorkshire

Dear Mr. Clark:

Enclosed herewith please find a copy of the filing receipt we received from the Secretary of State relative to the above referenced matter.

Thank you for your help and cooperation. Should you have any questions and/or concerns please do not hesitate to contact me.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, PLLC

By: _____

Robert D. Steinhaus, Esq.

RDS/dme
Enclosure

March 15, 2016

Robert D Steinhaus
DeFilippo, Flaherty & Steinhaus PLLC
305 Main Street
East Aurora NY 14052

RE: Town of Yorkshire, Local Law 1 2016, filed on March 15, 2016

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

Local Law No. 1 of 2010

DOG CONTROL- NEW DOG LICENSING PROGRAM IN THE TOWN OF YORKSHIRE

§ 77-7. Statutory authority.

This Article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, as amended by Chapter 59, Part T, of the laws of 2010, and as may be subsequently amended or revised.

§ 77-8. Purpose.

The purpose of this Article shall be to preserve public peace and good order in the Town of Yorkshire and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Yorkshire.

§ 77-9. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AT LARGE -- Off the premises of the owner.

ANIMAL CONTROL OFFICER-- A person or persons appointed by the Town for the purpose of enforcing this Article.

LEASHED -- Restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

OWNER – The person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost and such loss was promptly reported to the Animal Control Officer, or any peace officer, and a reasonable search has been made. If a dog is not licensed, the term "owner" shall designate and cover any person or persons, firm, association or corporation who or which at any time owns or has custody or control of, harbors or is otherwise responsible for any dog which is kept in, brought into or comes within the Jurisdiction of the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this article shall be held and deemed to be the "owner" of such dog for the purpose of this article. In the event that the "owner or person or persons harboring" any dog is under 18 years of age, any head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this article.

§ 77-10. Prohibited acts.

It shall be unlawful for any owner or person or persons harboring a dog in the Town of Yorkshire to permit or allow such dog to:

A. Run at large, unless the dog is restrained by an adequate leash (as described by above) or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Article, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner. Any leash exception for hunting is only permitted "in season" and when the dog is accompanied by a hunter with the appropriate license.

B. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harbinger of the dog.

C. Cause damage or destruction to public or private property, defecate, urinate or otherwise commit a nuisance upon the property of other than the owner or harbinger of the dog.

D. Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.

E. Chase, leap on or otherwise harass bicycles or motor vehicles.

F. Kill or injure any dog, cat or other household pet.

G. Be unlicensed when four months of age or older.

H. Not have a current and valid Town of Yorkshire identification tag on its collar while at large, whether or not restrained by an adequate leash.

§ 77-11. Female dogs.

All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Animal Control Officer, or any peace officer, and removed to a safe place of confinement.

§ 77-12. Conditions for keeping dogs.

All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises. Upon conviction of the owner or harbinger, the dogs become the property of the Town of Yorkshire to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.

§ 77-13. Licensing of dogs; fees.

A. License required. All dogs in the Town of Yorkshire shall be licensed with the Town Clerk by the age of four months, and any person applying for a dog license shall present a current certificate of rabies vaccination at the time of making application for a license or for the renewal of an existing license.

B. Expiration of license. All dog licenses shall be valid for a period of one year and shall expire at the end of the month one year from the date of issuance.

C. License fees. The fee for a spayed or neutered dog shall be \$9, which fee includes the assessment of a surcharge of \$1 for the purpose of carrying out a program of animal population control. The fee for an unspayed or unneutered dog shall be \$18, which fee includes the assessment of a surcharge of \$3 for the purpose of carrying out a program of animal population control. Replacement tag fees shall be \$2.00. Such fees shall be reviewed by the Town Board periodically and may be changed by resolution of the Town Board, as necessary.

D. Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee of \$5 will be assessed to the owner of any dog found unlicensed or for which the license has not been renewed at the time the enumeration is conducted.

E. Purebred license. The Town of Yorkshire shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated above.

F. Service dogs. The Town of Yorkshire shall require a license for any guide dog, service dog, hearing dog or detection dog, the license fee will be waived as those terms are defined by Article 7 of the Agriculture and Markets Law.

G. Shelters. The Town of Yorkshire does not allow the licensing of dogs by a shelter. The shelter shall send the adoptive dog owners to the Clerk of the town or city in which the dog will be harbored for licensing or to the Town Clerk of the Town of Yorkshire where the shelter is located for the purchase of the license for adoption purposes.

H. All dog licenses shall be purchased in person at the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee shall accompany the forms. There shall be no refund of fees.

I. All fees shall be used in funding the administration of the Dog Control Law of the Town of Yorkshire.

§ 77-14. Seizure of dogs; redemption; disposition; impoundment fee.

The Animal Control Officer, or any peace officer, shall seize any unlicensed dog whether on or off the owner's premises and/or any dog not wearing a tag, not identified and not on the owner's premises.

A. If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of no less than five days.

B. If a dog seized is wearing an identification number, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven days; if notified by mail, no less than nine days.

C. The fees for any seizure and impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of Article III of this chapter are as follows:

The Dog Control Officer will first work to the best of the ability to resolve the issue before enforcement of any fines or impoundment.

- a) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provision of Article 7 of the Agriculture and Markets Law and by paying the impoundment fee as determined by the Town Board. (Set at regular meeting _____ the amount of \$25.00. per day not to exceed \$125.00)
- b) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees whether or not such owner chooses to redeem his or her dog.
- c) Any dog not redeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.
- d) Any dog made available for adoption shall have an adoption fee as determined by the Town Board, plus the vaccination for rabies and the purchase of a dog license. Compliance to the Agriculture and Markets Law Article 26 Section 377-a. Spaying and neutering of dogs and cats. 2.b. The person intending to adopt the dog shall deposit with the dog control officer a refundable fee of \$35.00.

D. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

§ 77-15. Record of seizure.

Upon taking custody of any animal, the Animal Control Officer, or any peace officer, shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location or release and name and address of owner, if any.

§ 77-16. Complaints.

Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with a Justice of the Town of Yorkshire or with the authorized Animal Control Officer or any peace officer, specifying the violation, the date of violation, the damage caused and including place(s) violation occurred and the name and address of the dog owner, if known.

§ 77-17. Enforcement.

The Animal Control Officer of the Town of Yorkshire shall, and all peace officers may, administer and enforce the provisions of this article and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off the owner's premises, if witnessed to be in violation of this article.

§ 77-18. Impeding Animal Control Officer run lawful.

No person shall hinder, resist or oppose the Animal Control Officer or peace officer authorized to administer or enforce the provisions of this article in the performance of the officer's duties under this article.

§ 77-19. Disclaimer of liability.

The owner or harbinger of any dog so destroyed under the provisions of this article, whether destroyed by a Animal Control Officer or peace officer or released to an authorized humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

§ 77-20. Penalties for offenses.

Any violation of this article shall be punishable, for each violation, by a fine of not more than \$125.00 or imprisonment for not more than 15 days, or both.

Section 2. Article IV, Dog License Fees, of Chapter 77, Animals, is hereby repealed.

Section 3. Repealer.

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed.

Section 4. Severability.

If any clause, sentence, paragraph, section, article or part of this local law 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 or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. When effective.

This local law shall take effect January 1, 2011, after filing with the Secretary of State of the State of New York.

**(Complete the certification in the paragraph that applies to the filing of this local law and
strikeout 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 2010 of the
~~(County)(City)~~ (Town) ~~(Village)~~ of Yorkshire was duly passed by the
(Name of Legislative Body) Town Board on November 8, 2010,
in accordance with the applicable provisions of law.

**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
(Name of Legislative Body) _____ on _____ 20____, and
was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive
Officer*) _____ and was deemed duly adopted on _____ 20____,
in accordance with the applicable provisions of law.

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
(Name of Legislative Body) _____ on _____ 20____, and
was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive
Officer*) _____ 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.

**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
(Name of Legislative Body) _____ on _____ 20____, and
was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*)
_____ 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 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.)

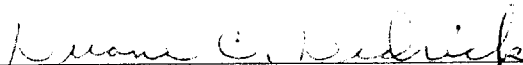
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

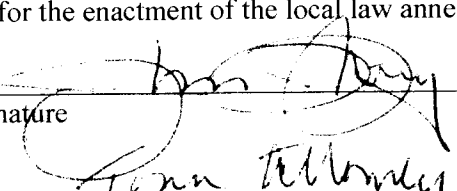
(Seal)

Date: November 8, 2010

(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 Errie

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 

Title Town Attorney

County
City of
Town
Village

Date: 11/22/10



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
35 WASHINGTON AVENUE
ALBANY, NY 12241-0001

DAVID A. PATTERSON
GOVERNOR

RUH NCEMI COLON
GOVERNOR

December 3, 2010

John J. Flanery
DiFilippo & Flanery, PC
352 Main Street
East Aurora, NY 14032

RE: Town of Yorkshire, Local Law # 2010, filed on November 29, 2010

Dear Sir/Madam:

The above referenced matter was filed by this office as a Local Law. Additional local law filing forms can be obtained from our website, www.dps.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2765

LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.

ANTHONY DIFILIPPO, III (1938-2010)

CAROL A. FLAHERTY

JOHN J. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052

(716) 652-9600

FAX: (716) 655-7777

EMAIL: ealaw@Choiceonemail.com

LEGAL ASSISTANTS:

Denise M. Ertl

Wendy K. Francis

Samantha J. Newland

November 22, 2010

Secretary of State
State Records and Law Bureau
Department of State
41 State Street
Albany, New York 12231

Re: Town of Yorkshire - Local Law No. 1, 2010 Dog Control - New
Dog Licensing Program

Dear Secretary of State:

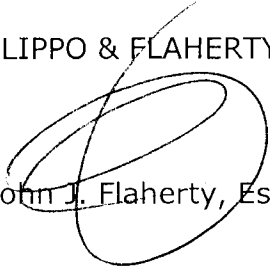
I am enclosing herewith for filing the New York State Department of
State Local Law No. 1 of the year 2010 of the Town of Yorkshire entitled Dog
Control - New Dog Licensing Program.

Thank you very much for your help and cooperation and would you
please confirm the filing.

Thank you very much for your help and cooperation.

Very truly yours,

DIFILIPPO & FLAHERTY, P.C.



John J. Flaherty, Esq.

JJF/dme
Enclosure

Anthony DiFilippo, III
(1938-2010)

Carol A. Flaherty
John J. Flaherty

LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.
382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: ealaw@choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Wendy K. Francis
Samantha J. Newland

November 23, 2010

Duane Dedrick, Court Clerk
Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, New York 14042

RE: Town of Yorkshire – Local Law No. 1, 2010 Dog Control –
New Dog Licensing Program

Dear Mr. Dedrick

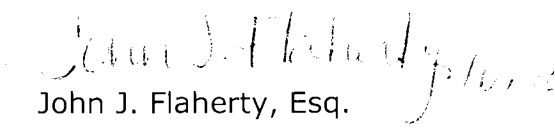
In regard to the above referenced matter I am enclosing two copies of the fully executed Local Law for your files. I filed one with the Secretary of State and we have a copy for our office file.

Please contact me if you have any further questions.

Best regards.

Very truly yours,

DIFILIPPO & FLAHERTY, P.C.


John J. Flaherty, Esq.

JJF/dme
Enclosures

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.

☐ County

☐ City of Yorkshire

☒ Town

☐ Village

Local Law No. 1 of the year 20 11

A local law To override the tax levy limit established in subdivision 5 of General Municipal Law

(Insert Title)

Section 3-C to for the Town of Yorkshire.

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

☐ County

☐ City of Yorkshire

☒ Town

☐ Village

as follows:

To override the tax levy limit established in subdivision 5 of General Municipal Law Section 3-C for the Town of Yorkshire for the Tax year 2012.

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

LOCAL LAW NO. 1 OF 2011

LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN
SUBDIVISION 5 OF GENERAL MUNICIPAL LAW OF 3-C TO OVERRIDE
THE TAX LEVY LIMIT FOR THE TOWN OF YORKSHIRE

Be it enacted by the Town Board of the Town of Yorkshire as follows:

SECTION 1:

The tax levy limit for the Town of Yorkshire shall be Eighty Three Thousand Six Hundred Ninety Three (\$83,693.00) Dollars for the year 2012.

SECTION 2:

This Local Law shall be submitted for approval to the Yorkshire Town Board at the next general Town Board Meeting and Public Hearing on October 17, 2011.

SECTION 3:

Any other Local Law, ordinance or resolution inconsistent herewith is hereby repealed.

SECTION 4:

This Local Law shall take effect immediately upon filing with the New York State Secretary of State after approval by 60% percent of the members of the Yorkshire Town Board in accordance with the requirements of Section 3-C of Subdivision 5 of the General Municipal Law.

DiFilippo, Flaherty & Steinhaus, PLLC

Carol A. Flaherty
John J. Flaherty
Robert D. Steinhaus

382 Main Street
East Aurora, New York 14052
(716) 652-9600
FAX (716) 655-7777
EMAIL: info@dfsllawyers.com

Legal Assistants:
Denise M. Ertl
Wendy K. Francis

Litigation Paralegal:
Renée M. Zaccarine

Anthony DiFilippo, III
(1938-2010)
Thomas P. Flaherty
(1925-2009)
Gerson L. Steinhaus
(1935-1973)

November 1, 2011

Hon. Marcia Spencer, Supervisor
P.O. Box 6
82 Main Street
Delevan, New York 14042

Re: Town of Yorkshire
Local Law No. 1 of 2011

Dear Marcia:

Enclosed please find a copy of the fully executed Local Law and a copy of the filing receipt that we received from the State of New York Department of State.

Thank you for your time and cooperation. Should you have any questions and/or concerns, please do not hesitate to give me a call.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, P.C.

By: _____
Robert D. Steinhaus, Esq.

RDS/dme
Enclosures



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

October 27, 2011

Robert D Steinhaus
DeFilippo Flaherty & Steinhaus
382 Main Street
East Aurora NY 14052

RE: Town of Yorkshire, Local Law 1 2011, filed on October 25, 2011

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

DiFilippo, Flaherty & Steinhaus, PLLC

Carol A. Flaherty
John J. Flaherty
Robert D. Steinhaus

382 Main Street
East Aurora, New York 14052
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November 1, 2011

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Local Law No. 1 of 2011

Dear Marcia:

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Thank you for your time and cooperation. Should you have any questions and/or concerns, please do not hesitate to give me a call.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, P.C.

By: _____
Robert D. Steinhaus, Esq.

RDS/dme
Enclosures



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

October 27, 2011

Robert D Steinhaus
DeFilippo Flaherty & Steinhaus
382 Main Street
East Aurora NY 14052

RE: Town of Yorkshire, Local Law 1 2011, filed on October 25, 2011

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

LOCAL LAW NO. 1 OF 2011

LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN
SUBDIVISION 5 OF GENERAL MUNICIPAL LAW OF 3-C TO OVERRIDE
THE TAX LEVY LIMIT FOR THE TOWN OF YORKSHIRE

Be it enacted by the Town Board of the Town of Yorkshire as follows:

SECTION 1:

The tax levy limit for the Town of Yorkshire shall be Eighty Three Thousand Six Hundred Ninety Three (\$83,693.00) Dollars for the year 2012.

SECTION 2:

This Local Law shall be submitted for approval to the Yorkshire Town Board at the next general Town Board Meeting and Public Hearing on October 17, 2011.

SECTION 3:

Any other Local Law, ordinance or resolution inconsistent herewith is hereby repealed.

SECTION 4:

This Local Law shall take effect immediately upon filing with the New York State Secretary of State after approval by 60% percent of the members of the Yorkshire Town Board in accordance with the requirements of Section 3-C of Subdivision 5 of the General Municipal Law.

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.

- ☐ County
☐ City of Yorkshire
☒ Town
☐ Village

Local Law No. 1 of the year 20 11

A local law To override the tax levy limit established in subdivision 5 of General Municipal Law
(Insert Title)
Section 3-C to for the Town of Yorkshire.

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

- ☐ County
☐ City of Yorkshire as follows:
☒ Town
☐ Village

To override the tax levy limit established in subdivision 5 of General Municipal Law Section 3-C for the Town of Yorkshire for the Tax year 2012.

(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. 1 of 20 11 of the ~~(County)~~(Town)~~(Village)~~ of Yorkshire was duly passed by the Yorkshire Town Board on October 17 20 2011, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 _____, in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(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) *(Name of Legislative Body)* (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.

* 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 _____, above.

Duane C. Dedrick

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

(Seal)

Date: October 18, 2011

(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 ERIE

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 D. Steinhaus, Esq. - Town Attorney

Title

County

City of Yorkshire

Town

Village

Date: October 17, 2011

(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 20 11 of the ~~(County)~~(Town)~~(City)~~ of Yorkshire was duly passed by the Yorkshire Town Board on October 17 20 2011, 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) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

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) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (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) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ Such local (Elective Chief Executive Officer*) 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 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 _____, above.

Duane C. Dedrick

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

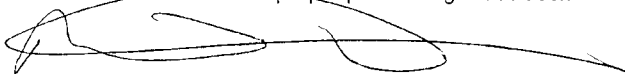
(Seal)

Date: October 18, 2011

(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 ERIE

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 D. Steinhaus, Esq. - Town Attorney

Title

County _____
City of Yorkshire
Town _____
Village _____

Date: October 17, 2011

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.

☐ County

☐ City of Yorkshire

☒ Town

☐ Village

Local Law No. 1 of the year 20 12

A local law to permit Games of Chance
(Insert Title)

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

☐ County

☐ City of Yorkshire

☒ Town

☐ Village

as follows:

To permit games of chance to be run in the Town of Yorkshire

(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. 1 of 20 12 of
the (County)(City)(Town)(Village) of Yorkshire was duly passed by the
Yorkshire Town Board on July 9 20 2012, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

**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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
on _____ 20 _____, in accordance with the applicable provisions of law.

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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____
(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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____. Such local
(Elective Chief Executive Officer*)
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 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 _____, above.

Diane C. Nedrick
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: JULY 23, 2012

(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 ERIE

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 D. Steinhaus, Esq. - Town Attorney
Title

County _____
City of Yorkshire
Town _____
Village _____

Date: October 17, 2011

LOCAL LAW NO. 1 OF 2012

LOCAL LAW AUTHORIZING AND REGULATING GAMES OF CHANCE IN THE TOWN OF YORKSHIRE

- § 2.19.01. Title.
- § 2.19.03. Unauthorized Games of Chance Prohibited.
- § 2.19.05. Definitions.
- § 2.19.07. Games of Chance Authorized.
- § 2.19.09. Restrictions.
- § 2.19.11. Reporting, Additional Fees.
- § 2.19.13. Severability, Conflict, Savings.

§ 2.19.01. Title.

This local law shall be known as "the Games of Chance Law" of the Town of Yorkshire.

§ 2.19.03. Unauthorized Games of Chance Prohibited.

No person, firm, partnership, corporation or organization within the territorial limits of the Town of Yorkshire shall, own, operate, conduct, or permit upon their premises "games of chance" as that term is defined by Article 9-A of the General Municipal Law, except in compliance with the provisions of this local law, Article 9-A of the General Municipal Law and the rules and regulations issued by the New York State Racing and Wagering Board.

§ 2.19.05. Definitions.

a. "Games of chance" shall mean and include only the games known as "merchandise wheels", "coin boards", "merchandise boards", "seal cards", "raffles", and "bell jars" and such other specific games as may be authorized by the board, in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance, but not including games commonly known as "bingo or lotto" which are controlled under Article Fourteen H of the General Municipal Law and also not including "slot machines", "bookmaking", "policy or numbers games" and "lottery" as defined in 210 225.00 of the Penal Law. No game of chance shall involve wagering of money by one player against another player.

b. "Authorized organization" shall mean and include any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer firemen, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in Article 9-A of the General Municipal Law, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as so defined for a period of three years immediately prior to applying for a license.

§ 2.19.07. Games of Chance Authorized.

a. An authorized organization may conduct game(s) of chance within the Town of Yorkshire only upon obtaining a license for such game(s) from the Town Clerk, upon such forms as may be required by the Town Board and/or the New York State Racing and Wagering Board.

- b. A license issued by the Town Clerk shall be effective for no longer than one year from the date of issuance.
- c. A licensing fee of \$35.00 shall be paid by the applicant upon each application or renewal thereof.

§ 2.19.09. Restrictions.

- a. The conduct of games of chance in the Town of Yorkshire shall be subject to the restrictions imposed by § 189 of the General Municipal Law.
- b. Hours of operation. Games of chance shall be conducted only between the hours of noon and midnight on Monday, Tuesday, Wednesday and Thursday, and only between the hours of noon on Friday and two A.M. Saturday, and only between the hours of noon on Saturday and two A.M. Sunday. The two A.M. closing period shall also apply to a legal holiday. Except for the games known as "bell jar" and/or "raffle", no game of chance shall otherwise be held, operated or conducted under any license issued under this law on the first day of the week, commonly known as Sunday.
- c. Notwithstanding the foregoing, no games of chance shall be conducted on Easter Sunday, Christmas Day or New Year's Eve.
- d. No person under the age of eighteen years shall be permitted to play any game or games of chance conducted pursuant to any license issued under this law. Persons under the age of eighteen years may be permitted to attend games of chance at the discretion of the games of chance licensee. No person under the age of eighteen years shall be permitted to operate any game of chance conducted pursuant to any license issued under this law or to assist therein.
- e. No game or games of chance shall be conducted under any license issued under this law more often than twelve times in any calendar year. No particular premises shall be used for the conduct of games of chance on more than twenty-four license periods during any one calendar year. The above restrictions in this sub-paragraph "4" shall not apply when only the games of chance known as "bell jar" and/or raffle are conducted.

§ 2.19.11. Reporting, Additional Fees.

- a. Within seven days after the conclusion of any license period other than a license period for a raffle, or as otherwise prescribed by the New York State Racing and Wagering Board, the authorized organization which conducted the same, and its members who were in charge thereof, shall furnish to the Town Clerk a statement subscribed by the member in charge and affirmed by him as true, under the penalties of perjury, showing the amount of the gross receipts derived therefrom and each item of expense incurred, or paid, and each item of expenditure made or to be made other than prizes, the name and address of each person to whom each such item of expense has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the conduct of games of chance during such license period, and the use to which such proceeds have been or are to be applied and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement. If applicable, the lessor of the premises where such games were held or conducted shall also file such a statement.
- b. Within thirty days after the conclusion of any occasion during which a raffle was

conducted, the authorized organization conducting such raffle and the members in charge of such raffle, and, when applicable, the authorized games of chance lessor which rented its premises therefor, shall each furnish to the clerk or department a statement on a form prescribed by the board, subscribed by the member in charge and affirmed by him as true, under the penalties of perjury, showing the number of tickets printed, the number of tickets sold, the price, and the number of tickets returned to or retained by the authorized organization as unsold, a description and statement of the fair market value for each prize actually awarded, the amount of the gross receipts derived therefrom, each item of expenditure made or to be made other than prizes, the name and address of each person to whom each such item of expense has been paid, or is to be paid, a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the raffle at such occasion, the use to which the proceeds have been or are to be applied and shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement.

(1) Provided, however, that where the cumulative net proceeds or net profits derived from the conduct of a raffle or raffles are less than thirty thousand dollars during any one occasion, in such case, the reporting requirement shall be satisfied by the filing within thirty days of the conclusion of such occasion a verified statement prescribed by the board attesting to the amount of such net proceeds or net profits and the distribution thereof for lawful purposes with the Town Clerk and a copy with the New York State Racing and Wagering Board .

c. Upon the filing of such statement of receipts pursuant to subdivision one or two of this 210, the authorized organization furnishing the same shall pay to the Town Clerk as and for an additional license fee a sum based upon the reported net proceeds, if any, for the license period, or in the case of raffles, for the occasion covered by such statement and determined in accordance with such schedule as shall be established from time to time by the board to defray the actual cost to municipalities or counties of administering the provisions of this article, but such additional license fee shall not exceed five percent of the net proceeds for such license period. The provisions of this subdivision "c" shall not apply to the net proceeds from the sale of bell jar tickets. No fee shall be required where the net proceeds or net profits derived from the conduct of a raffle are less than thirty thousand dollars during any one occasion.

§ 2.19.13. Severability, Conflict, Savings.

a. This local law is being enacted pursuant to Municipal Home Rule Law § 22 and General Municipal Law Article 9-A. In the event that any portion of this law shall be held unenforceable or unconstitutional by a court of law, that shall not effect the remainder of this law which shall nevertheless remain in full force and effect.

b. In the event that the regulations and/or restrictions of this local law are in conflict with those provided in Article 9-A of the General Municipal Law, then it is the intent of the Town Board that the more restrictive provisions shall apply.

TOWN OF YORKSHIRE

COUNCIL
KENNETH FISHER
MICHAEL MILES
TERESA HEWITT

MARCIA SPENCER, Supervisor

P. O. Box 6
Delevan, New York 14042
Phone: (716) 492-1640
Fax: (716) 492-4832

TOWN CLERK
DUANE C. DEDRICK

HIGHWAY SUPERINTENDENT
CHRISTOPHER LEXER

DEPUTY SUPERVISOR
CONSTANCE WALKER

July 23, 2012

DiFilippo, Flaherty & Steinhaus, P.C.
c/o Robert Steinhaus, Esq.
305 Main Street
East Aurora, New York 14052

Dear Mr. Steinhaus:

Enclosed, herewith, please find a signed copy of the Local Law No. 1 of the year 2012 that you prepared and will file with the New York State Department of State.

"Thank You" for taking care of this matter for the town.

If you have any questions, or comments, please do not hesitate to contact me.

Sincerely,

Duane Dedrick
Town Clerk

DiFilippo, Flaherty & Steinhaus, PLLC

Carol A. Flaherty
Robert D. Steinhaus

305 Main Street
East Aurora, New York 14052
(716) 652-9600
FAX (716) 655-7777
EMAIL: info@dfslawyers.com
WEBSITE: www.dfslawyers.com

Legal Assistants:
Denise M. Ertl
Wendy K. Francis

Anthony DiFilippo, III
(1938-2010)
Thomas P. Flaherty
(1925-2009)
Gerson L. Steinhaus
(1935-1973)

Litigation Paralegal:
Renée M. Zaccarine

August 17, 2012

Duane Dedrick, Town Clerk
Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, NY 14042

RE: Local Law to Permit Games of Chance

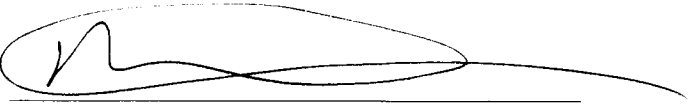
Dear Pat:

Enclosed for your records is a copy of the filing receipt for Local Law 1 of 2012.

Thank you for your help and cooperation. Should you have any further questions and/or concerns please do not hesitate to contact me.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, PLLC

By: 

Robert D. Steinhaus, Esq.

RDS/dme
Enclosure



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

August 13, 2012

Robert D Steinhaus
DiFilippo Flaherty & Steinhaus
305 Main Street
East Aurora NY 14052

RE: Town of Yorkshire, Local Law 1 2012, filed on August 6, 2012

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

DiFilippo, Flaherty & Steinhaus, PLLC

Carol A. Flaherty
Robert D. Steinhaus

Anthony DiFilippo, III
(1938-2010)
Thomas P. Flaherty
(1925-2009)
Gerson L. Steinhaus
(1935-1973)

305 Main Street
East Aurora, New York 14052
(716) 652-9600
FAX (716) 655-7777
EMAIL: info@dfsllawyers.com
WEBSITE: www.dfsllawyers.com

Legal Assistants:
Denise M. Ertl
Wendy K. Francis

Litigation Paralegal:
Renée M. Zaccarine

July 18, 2012

Duane Dedrick, Town Clerk
Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, NY 14042

RE: Local Law to Permit Games of Chance


Dear Pat:

In follow up to our telephone conversation of July 18, 2012, enclosed please find the Local Law filing documentation relative to the Games of Chance Local Law. Please date and sign your name on Page (3) and forward it back to me along with a copy of the approved Local Law so that I may submit same for filing to Albany.

Thank you for your help and cooperation. Should you have any further questions and/or concerns please do not hesitate to contact me.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, PLLC

By: 
Robert D. Steinhaus, Esq.

RDS/dme
Enclosure

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.

☐ County

☐ City of Yorkshire

☒ Town

☐ Village

Local Law No. 1 of the year 20 13

A local law Local Law Repealing Local Law 2 of 1984
(Insert Title)
which eliminated the Veterans alternative exemption

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

☐ County

☐ City of Yorkshire

☒ Town

☐ Village

as follows:

Local Law Repealing Local Law 2 of 1984 which eliminated the veterans alternative exemption.

(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. 1 of 20 13 of the (County)(City)(Town)(Village) of Yorkshire was duly passed by the Yorkshire Town Board on July 8 20 2013, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (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) (Name of Legislative Body) (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.

* 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 _____, above.

Duane C. Dedrick

Duane C. Dedrick

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

(Seal)

Date: July 17, 2013

(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 ERIE

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 D. Steinhaus, Esq. - Town Attorney

Title

County

City of Yorkshire

Town

Village

Date: July 2013

DiFilippo, Flaherty & Steinhaus, PLLC

Carol A. Flaherty
Robert D. Steinhaus

305 Main Street
East Aurora, New York 14052
(716) 652-9600
FAX (716) 655-7777
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Litigation Paralegal:
Renée M. Zaccarine

Anthony DiFilippo, III
(1938-2010)
Thomas P. Flaherty
(1925-2009)
Gerson L. Steinhaus
(1935-1973)

August 9, 2013

Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, NY 14042

Attn: Duane Dedrick, Town Clerk

RE: Town of Yorkshire, Local Law 1-2013 - Eliminated the Veterans
Alternative Exemption.

Dear Pat:

For your records enclosed herewith please find a copy of the filing receipt we received from the Department of State relative to the above referenced matter.

Thank you for your help and cooperation. Should you have any questions and/or concerns please do not hesitate to contact me.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, PLLC

By: 

Robert D. Steinhaus, Esq.

RDS/dme
Enclosure



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

August 5, 2013

Robert D Steinhaus
DeFilippo Flaherty & Steinhaus
305 Main Street
East Aurora NY 14052

RE: Town of Yorkshire, Local Law 1 2013, filed on July 31, 2013

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 474-2755

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.

- ☐ County
☐ City of Yorkshire
☒ Town
☐ Village

Local Law No. 1 of the year 20 14

A local law rescinding local law 1 of 1988 and adopting a new local law regulating
(Insert Title)
pedding and vending and soliciting in the Town of Yorkshire.

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

- ☐ County
☐ City of Yorkshire as follows:
☒ Town
☐ Village

Rescinding local law 1 of 1988 and adopting a new local law 1 of 2014 regulating pedding and vending and soliciting in the Town of Yorkshire.

(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. 1 of 20 14 of the (County)(City)(Town)(Village) of Yorkshire was duly passed by the Yorkshire Town Board on March 17 20 2014, 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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (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) (Name of Legislative Body) (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.

* 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.)

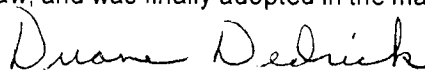
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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



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

(Seal)

Date: March 26, 2014

(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 ERIE

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 D. Steinhaus, Esq. - Town Attorney

Title

County

City of Yorkshire

Town

Village

Date: March 24, 2014

COUNCIL
KENNETH FISHER
TAMMY GEORGE
TERESA HEWITT

DEPUTY SUPERVISOR
CONSTANCE WALKER

TOWN OF YORKSHIRE

MARCIA SPENCER, Supervisor
P. O. Box 6
Delevan, New York 14042
Phone: (716) 492-1640
Fax: (716) 492-4832

TOWN CLERK
DUANE C. DEDRICK

HIGHWAY SUPERINTENDENT
CHRISTOPHER LEXER

March 26, 2014

DiFilippo, Flaherty & Steinhaus, PLLC
c/o Robert Steinhaus, Esq.
305 Main Street
East Aurora, New York 14052

Dear Mr. Steinhaus:

Enclosed, herewith, please find my signature and the town seal on Local Law No. 1 of the year 2014 that you prepared for the Town.

Thank you for filing this local law with the Secretary of State for me.

If you have any questions, or comments, please do not hesitate to contact me.

Sincerely,

Duane Dedrick
Town Clerk

DiFilippo, Flaherty & Steinhaus, PLLC

Carol A. Flaherty
Robert D. Steinhaus

305 Main Street
East Aurora, New York 14052
(716) 652-9600
FAX (716) 655-7777
EMAIL: info@dfslawyers.com
WEBSITE: www.dfslawyers.com

Legal Assistants:
Denise M. Ertl
Wendy K. Francis

Litigation Paralegal:
Renée M. Zaccarine

Anthony DiFilippo, III
(1938-2010)
Thomas P. Flaherty
(1925-2009)
Gerson L. Steinhaus
(1935-1973)

March 24, 2014

Attn: Duane Dedrick, Town Clerk
Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, NY 14042

RE: Town of Yorkshire, Local Law No. 1 of the year 2014 – Rescinding Local Law
No.1 of 1988 and Adopting a new Local Law.

Dear Pat:

Enclosed herewith please find Local Law No.1 of the year 2014 regarding the above
referenced matter.

Kindly execute same and return to my office for filing.

Thank you for your help and cooperation. Should you have any questions and/or
concerns please do not hesitate to contact me.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, PLLC

By: _____

Robert D. Steinhaus, Esq.

RDS/dme
Enclosure

TOWN OF YORKSHIRE

Local Law No 1 of the year 2014

"A local law rescinding Local Law 1 of 1988 and adopting a new local law
REGULATING PEDDLING/VENDING AND SOLICITING IN THE TOWN OF
YORKSHIRE"

Be it enacted by the Town Board of the Town of Yorkshire as follows:

Section 1. LEGISLATIVE INTENT

This Local Law is enacted for the purpose of regulating itinerant merchandising and soliciting in the Town of Yorkshire in order to maintain the peace, health, safety, welfare and good order in the Town and so that its inhabitants shall not be endangered or unduly disturbed.

Section 2. DEFINITIONS

A. Peddler, Vendor and Solicitor. As used in this Local Law shall be deemed to include, unless otherwise provided herein, any person who engages in merchandising any goods, wares, commodities, books, periodicals or services, or solicits contributions of goods or monies, by going from house to house, established place of business to established place of business, or in any public street or public place, or by temporarily occupying a room, building or other premises therefor, or on foot or on any vehicles, standing on any street or highway, sells or barter, offers for sale or barter, or carries or exposes for sale or barter, any goods, wares, or merchandise, except as hereinafter exempted.

B. Seasonal Vendor. As used in this Local Law shall be deemed to include, unless otherwise provided herein, any person who engages in merchandising any goods or wares on a seasonal basis in a fixed location that is owned, leased or rented by the vendor.

C. Person. As used in this Local Law shall be deemed to include any individual, firm, partnership, corporation, unincorporated association and principal or agent thereof.

D. Merchandising. As used in this Local Law refers to the selling, bartering, or trading, or offering to sell, barter or trade any goods, wares, commodities or services.

E. Established place of business. As used in this Local Law means a permanent building, store or depository which or where the person transacts business and deals in the goods, wares or commodities he or she peddles, vends or solicits in the ordinary and regular course of business.

F. Temporary occupancy. Shall mean a store, room, building, tent, enclosure or structure of any kind intended to be occupied for the period of time necessary to peddle, vend or solicit the merchandise or products therein housed initially without the intent to replenish or restock such goods, wares and merchandise sold therein. In all prosecutions for a violation of this Local Law, the intent of the defendant to conduct an established place of business shall be a material fact, and the burden of proving such intent shall be upon the defendant in such prosecution.

Section 3. LICENSE REQUIRED

It shall be unlawful for any person within the jurisdiction of this Local Law to act as a peddler, vendor or solicitor, as herein defined, without first having obtained and paid for, and having in force and effect, a license therefor.

Section 4. EXEMPTIONS

The provisions of this Local Law shall not apply to the following:

A. An honorably discharged soldier, sailor or marine, who is crippled as a result of injuries received while in the naval or military services of the United States, but no such person shall engage in any of the occupations specified in this Local Law without first having been issued a license by the Town Clerk, which shall be issued without fee.

B. Any person soliciting at the express invitation of the person being solicited.

C. A wholesaler selling articles to dealers or merchants who have an established place of business within the Town.

D. A truck gardener, or farmer who himself or through his employees vends, sells or disposes of products from his own farm or garden.

E. A child regularly attending any public or parochial or private school located within the Town of Yorkshire or a representative of any established church maintaining a place of worship within the Town, or a member of a veterans' organization, provided that such organization has and maintains a chapter, post, lodge, or other group within the Town of Yorkshire, or a member of a fraternal organization or civic group maintaining a chapter or local organization within the Town of Yorkshire or one of the Town of Yorkshire Fire Companies; and further provided that any person falling within the provisions of this exemption shall only peddle, vend or solicit in connection with an authorized activity of the organization of which they are a member or the school which they attend.

F. Auction sales held pursuant to law by a sheriff or other officer authorized by law to conduct such sale.

G. This Local Law shall not apply so as to interfere unlawfully with interstate commerce.

Section 5. APPLICATION FOR LICENSE

Every applicant for a license is required to submit to the Town Clerk a written application stating under oath the following information:

A. Name of applicant.

B. Permanent home address.

- C. Name and address of firm represented, if any.
- D. The length of time for which the license is required.
- E. Physical description of the applicant, Social Security number and date of birth.
- F. Copy of driver's license.
- G. A description of the goods, wares or commodities to be offered for sale.
- H. The number and kind of vehicles, if any, to be used by the applicant in carrying' on the business for which a license is requested.
- I. Name and address of all partners, if partnership, and the names and addresses of the principal officers, if a corporation, and the name and address of a person upon whom legal notice of process may be served within the State of New York.
- J. All felonies with which the applicant, its officers or employees, have been convicted of and the description of the charges and the court having jurisdiction thereof.
- K. A letter of authorization must be appended to the application from the firm which the applicant purports to represent.
- L. If the applicant has one or more employees who will work within the Town, the same information as hereinabove set forth must be supplied as to each and every employee before the issuance of a license.
- M. Food sales applicants must supply Cattaraugus County Health Department certificate.

Section 6. GRANTING OF LICENSE

Upon receipt of the application and the license fee, and if reasonably satisfied with the applicant's qualifications, the Town Clerk shall issue a license to the applicant specifying the particular business authorized and the location wherein it may be conducted.

- A. This license shall be nontransferable and shall be in the continuous possession of the licensee while engaged in the business licensed.
- B. The license shall be produced upon the demand of any Town official, prospective buyer, police officer or peace officer.
- C. The granting of this license does not indicate an endorsement of the vendor or product by the Town Board.

- D. There are two classes of licenses: 1) Door-to Door and 2) Seasonal. The Door-to-Door license is valid for one (1) week while the Seasonal is valid for up to eight (8) months.
- E. Upon expiration of either license, it cannot be renewed for a period of ninety (90) days at which time a new license application will be required. Upon permit expiration the vendor must remove all products from the site and public view.

Section 7. RECORDING OF LICENSE

A. The Town Clerk shall keep a record of all applications, the determination made thereon and of all licenses issued in accordance with this Local Law. The record shall contain the name and address of the person licensed the location of the business, the amount of the license fee paid and the date of revocation of any licenses revoked.

B. All licenses hereunder shall expire as set forth in the applicants permit.

Section 8. SCHEDULE OF FEES

The fees for all licenses will be fixed from time to time by the Town Board.

Section 9. RESTRICTIONS

A licensed peddler, vendor or solicitor shall:

- A. Not engaged in such business at any time between the hours of 9:00 p.m. and 9:00 a.m.
- B. Not willfully misstate the quantity or quality of an article offered for sale.
- C. Not willfully offer for sale any article of an unwholesome or defective nature.
- D. Not call attention to his goods by blowing a horn, by ringing a bell other than a house doorbell, by shouting or crying out, or by any loud or unusual noise.
- E. Not frequent any street in an exclusive nature so as to cause a private or public nuisance.
- F. Keep the vehicle and/or receptacles used in the furtherance of the licensed business in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.

G. Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

H. Not stand or permit the vehicle used by him to stand in one place in any public place or street for more than ten (10) minutes nor in front of any premises for any time, if the owner or the lessee of the premises objects.

Section 10. REVOCATION OF LICENSE

A. Licenses issued under the provisions of this Local Law may be revoked by the Town Board of the Town of Yorkshire after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license.

(2) Fraud, misrepresentation or false statement made in the course of carrying on the business as peddler, vendor or solicitor.

(3) Any violation of this Local Law.

(4) Conviction of any crime or violation (as defined under the New York State Penal Law) involving moral turpitude.

(5) Conducting the business of peddling, hawking, vending or soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace or nuisance to the health, safety or general welfare of the public.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his or her last known address at least five (5) days prior to the date set for the hearing.

C. The Town Clerk, upon receiving information giving reasonable cause to believe that the holder of any license issued hereunder has violated any provisions of this Local Law, or has been convicted of any violation referred to in this Section, or indicted or charged with any crime or offense, or has been convicted of any crime or offense, may forthwith temporarily suspend such license until the hearing is held by the Town Board, as herein provided, and the Board shall have issued its determination thereon.

D. If the licensee has one or more employees, the revocation hereunder shall apply to the licensee and to all employees, if either the licensee or any one or more of the employees are determined to be in violation of this Local Law.

Section 11. APPEAL

Any person aggrieved by the actions of the Town Clerk in the denial of an application for a license, as provided in this Local Law, or in the decision of the Town Board with reference to the revocation of a license, as herein provided, shall have the right to appeal to the Town Board. Such appeal shall be taken by filing within ten (10) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth in full the grounds for the appeal. The Town Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be mailed to the applicant at his or her last known address at least five (5) days prior to the date set for the hearing. The decision and order of the Town Board on such appeal shall be final and conclusive.

Section 12. PENALTY

Any person who shall act as a peddler, vendor or solicitor, as herein defined, without a license, or who shall violate any of the provisions of this Local Law, or who shall continue to act as a peddler, vendor or solicitor subsequent to the revocation of a license shall be guilty of a misdemeanor and shall be subject to a fine not to exceed Five Hundred (\$500.00) Dollars for each and every violation. It is expressly set forth that each day the violation continues shall constitute a separate offense and violation. In addition, such person shall be liable for a civil penalty of Fifty (\$50.00) Dollars for each day on which such violation continues.

Section 13. VALIDITY

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be finally adjudged by a court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions not been included.

Section 14. EFFECTIVE DATE

This Local Law shall take effect immediately upon the filing thereof in the office of the Secretary of State.

DiFilippo, Flaherty & Steinhaus, PLLC

Carol A. Flaherty
Robert D. Steinhaus

Anthony DiFilippo, III
(1938-2010)
Thomas P. Flaherty
(1925-2009)
Gerson L. Steinhaus
(1935-1973)

305 Main Street
East Aurora, New York 14052
(716) 652-9600
FAX (716) 655-7777
EMAIL: info@dfslawyers.com
WEBSITE: www.dfslawyers.com

Legal Assistants:
Denise M. Ertl
Wendy K. Francis

Litigation Paralegal:
Renée M. Zaccarine

October 8, 2014

Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, NY 14042

Attn: Duane Dedrick, Town Clerk

RE: Town of Yorkshire, Local Law No. 1 of the year 2014

Dear Pat:

We apologize for any inconvenience and are enclosing herewith a copy of the filing receipt we received from the Department of State relative to the above referenced matter.

Thank you for your help and cooperation. Should you have any questions and/or concerns please do not hesitate to contact me.

Very truly yours,

DIFILIPPO, FLAHERTY & STEINHAUS, PLLC

By: 

Robert D. Steinhaus, Esq.

RDS/dme
Enclosure



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

October 8, 2014

Town Clerk

RE: Town of Yorkshire, Local Law 1 2014, filed on April 2, 2014

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

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.

~~County~~

~~City~~ of Yorkshire

Town

~~Village~~

Local Law No. 1 of the year 20 05

A local law of the Town of Yorkshire providing a partial Real
(Insert Title)
Property Tax Exemption for certified members of a
volunteer fire company, fire department or ambulance
service as provided under Section 466-C of the New
York State Real Property Law.

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

~~County~~

~~City~~ of Yorkshire

Town

~~Village~~

as follows:

See attached 3 pages containing Local Law #1 of 2005

(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. 1 of 20 05 of the ~~(County)(City)~~(Town)(Village) of Yorkshire was duly passed by the Town Board on July 11 20 05, 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.

Duane C. Dedrick
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: July 12, 2005

(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 Cattaraugus

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

Attorney for the Town

Title

~~County~~

~~City~~ of Yorkshire

Town

~~Village~~

Date: July 12, 2005

**LOCAL LAW NO. 1
OF 2005
OF THE TOWN OF YORKSHIRE**

A LOCAL LAW OF THE TOWN OF YORKSHIRE PROVIDING A PARTIAL REAL PROPERTY TAX EXEMPTION FOR CERTIFIED MEMBERS OF A VOLUNTEER FIRE COMPANY, FIRE DEPARTMENT OR AMBULANCE SERVICE AS PROVIDED UNDER SECTION 466-C OF THE NEW YORK STATE REAL PROPERTY LAW.

SECTION 1 - TITLE

This local law shall be known and cited as "a local law of the Town of Yorkshire providing a partial real property tax exemption to certified members of an incorporated volunteer fire company, fire department or ambulance service pursuant to the provisions of Section 466-C of the New York State Real Property Tax Law."

SECTION 2 - OWNERSHIP REQUIREMENTS

The real property must be owned by an enrolled and certified member of an incorporated volunteer fire company, fire department or ambulance service and must be used exclusively for residential purposes. The property must also be the primary residence of the applicant. In the event that a portion of the property is not used exclusively for residential purposes, that portion is not entitled to an exemption. In such case, the assessor may apportion the assessed value and apply the exemption only to the residential portion of the property.

SECTION 3 - PROPERTY LOCATION REQUIREMENT

The residential real property must also be located in the Town of Yorkshire that is served by the incorporated volunteer fire company, fire department or ambulance



RECEIVED
AUG 01 2005

STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

July 29, 2005

RANDY A. DANIELS
SECRETARY OF STATE

Difilippo & Flaherty, PC
Attorneys at Law
382 Main Street
East Aurora, NY 14052

RE: Town of Yorkshire, Local Law 1, 2005, filed on 7/19/2005

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb

114
LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: dealaw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Samantha J. Newland
Sandra A. Roemer
Judith A. Ross, Paraiegal

August 1, 2005

Hon. Duane C. Dedrick, Town Clerk
Town of Yorkshire
PO Box 6
82 Main Street
Delevan, New York 14042

RE: Town of Yorkshire Local Law #1 for the year 2005

Dear Duane:

I have received and I am enclosing the State of New York Department of State letter of July 29, 2005 acknowledging the filing of Local Law #1 on July 19, 2005. The Local Law is therefore effective as of July 19, 2005.

Thank you very much for your help and cooperation.

Very truly yours,

DIFILIPPO & FLAHERTY, P.C.

Anthony DiFilippo, III

ADIII/ms

Enclosure

cc: Richard Fuller, Supervisor
cc: Members of the Town Board
Town of Yorkshire
cc: Robin Pearl-Lamphier, Assessor

LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.

ANTHONY DIFILIPPO, III

CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052

(716) 652-9600

FAX: (716) 655-7777

EMAIL: eadlaw@Choiceonemail.com

LEGAL ASSISTANTS:

Denise M. Ertl

Samantha J. Newland

Sandra A. Roemer

Judith A. Ross, Paralegal

August 1, 2005

Hon. Duane C. Dedrick, Town Clerk
Town of Yorkshire
PO Box 6
82 Main Street
Delevan, New York 14042

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Very truly yours,

DIFILIPPO & FLAHERTY, P.C.

Anthony DiFilippo, III

ADIII/ms

Enclosure

cc: Richard Fuller, Supervisor
cc: Members of the Town Board
Town of Yorkshire
cc: Robin Pearl-Lamphier, Assessor

**LOCAL LAW NO. 1
OF 2005
OF THE TOWN OF YORKSHIRE**

A LOCAL LAW OF THE TOWN OF YORKSHIRE PROVIDING A PARTIAL REAL PROPERTY TAX EXEMPTION FOR CERTIFIED MEMBERS OF A VOLUNTEER FIRE COMPANY, FIRE DEPARTMENT OR AMBULANCE SERVICE AS PROVIDED UNDER SECTION 466-C OF THE NEW YORK STATE REAL PROPERTY LAW.

SECTION 1 - TITLE

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SECTION 2 - OWNERSHIP REQUIREMENTS

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SECTION 3 - PROPERTY LOCATION REQUIREMENT

The residential real property must also be located in the Town of Yorkshire that is served by the incorporated volunteer fire company, fire department or ambulance

service of which the application is an enrolled member.

SECTION 4 - ELIGIBILITY REQUIREMENT

The applicant shall be an enrolled member of an incorporated volunteer fire company, fire department or ambulance service situate in the Town of Yorkshire for a period of at least five (5) years. The exemption as hereinafter set forth shall be granted for the life of an enrolled member who has accrued at least twenty (*20) years of active service as an enrolled member of an incorporated volunteer fire company, fire department or ambulance service, situate in the Town of Yorkshire.

SECTION 5 - EXEMPTION PROVIDED

The partial exemption provided shall cover general municipal taxes and special ad valorem levies and shall be in an amount limited to ten (10) percent of the assessed value of the residential property up to a maximum of three thousand dollars (\$3,000) multiplied by the latest State equalization rate.

SECTION 6 - APPLICATION FOR EXEMPTION AND CERTIFICATION

An application for such a real property exemption must be made annually by the owner or all of the owners of the property on a form to be furnished by the Town Assessor's Office. The incorporated volunteer fire company, fire department or ambulance service shall provide annually a list of eligible members to the assessor.

SECTION 7 - SEPARABILITY

Should any section, paragraph, clause or phrase of this local law be declared unconstitutional or unjust for any reason by a court of competent jurisdiction, the remainder of this local law shall not be affected thereby.

SECTION 8 - INCONSISTENCY

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION 9 - EFFECTIVE DATE

This local law shall take effect immediately.



RECEIVED
AUG 01 2005

STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

July 29, 2005

RANDY A. DANIELS
SECRETARY OF STATE

Difilippo & Flaherty, PC
Attorneys at Law
382 Main Street
East Aurora, NY 14052

RE: Town of Yorkshire, Local Law 1, 2005, filed on 7/19/2005

To Whom It May Concern:

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Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb

LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.

ANTHONY DIFILIPPO, III

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July 13, 2005

Duane C. Dedrick, Town Clerk
Town of Yorkshire
PO Box 6
82 Main Street
Delevan, New York 14042

Re: Proposed Local Law No. 1 of 2005

Dear Duane:

Pursuant to our telephone conference, I am enclosing the Local Law filing for your review and execution where indicated on page 3.

Please sign and return both copies to me and I shall in turn file them with the Secretary of State and forward a copy of the filing to you for the Town's records.

Thank you very much for your help and cooperation.

Very truly yours,

DIFILIPPO & FLAHERTY, P.C.

Anthony DiFilippo, III

ADIII/ms

Enclosure

cc: Hon. Richard P. Fuller, Supervisor

Members of the Town Board, Town of Yorkshire

TOWN OF YORKSHIRE

COUNCIL

~~DANNY LAIRD~~

MARCIA SPENCER

CONSTANCE WALKER

DEPUTY SUPERVISOR

KENNETH FISHER

RICHARD FULLER, Supervisor

P. O. Box 6

Delevan, New York 14042

Phone: (716) 492-1640

Fax: (716) 492-4832

TOWN CLERK

DUANE C. DEDRICK

HIGHWAY SUPERINTENDENT

CHRISTOPHER LEXER

July 14, 2005

Anthony DiFilippo, Esq.
382 Main Street
East Aurora, New York 14052

Dear Mr. DiFilippo:

Enclosed please find two copies of Local Law No. 1 of 2005 that I have signed, per our telephone conversation, for you to file with the Secretary of State.

Thank you for taking care of this matter for the town.

Very truly yours,

Duane Dedrick
Town Clerk

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~~ of

Yorkshire

Town

~~Village~~

Local Law No. 1 of the year 20 06

A local law Providing for the Administration and
(Insert Title)
Enforcement of the New York State Uniform
Fire Prevention and Building Code

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

~~County~~

~~City~~ of

Yorkshire

Town

~~Village~~

as follows:

See attached 17 pages containing Local Law No. 1 of 2006

(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. 1 of 20 06 of the ~~(County)(City)(Town)(Village)~~ of Yorkshire was duly passed by the Town Board on November 13 06, 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

(Seal)

Date: November 15, 2006

(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 CATTARAUGUS

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

Attorney for the Town of Yorkshire
Title

XXXX

XXXX
of

Yorkshire

Town

Village

Date: November 15, 2006

LOCAL LAW # 1 OF 2006
A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

Be it enacted by the Town Board of the Town of Yorkshire, in the County of Cattaraugus, as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law:

“Building Permit” shall mean a permit issued pursuant to section 4 of this local law. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

“Certificate of Occupancy” / “Certificate of Compliance” shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Compliance Order” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

“Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term

“Operating Permit” shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Temporary Certificate” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Town” shall mean the Town of Yorkshire.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

- (6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;
- (7) to maintain records;
- (8) to collect fees as set by the Town Board of this Town;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and
- (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of this Town.

SECTION 4. BUILDING PERMITS

- (a) Building Permits Required. Except as otherwise provided in subdivision (b) of this

section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

- (1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);
- (2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (4) installation of fences which are not part of an enclosure surrounding a swimming pool;
- (5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (6) construction of temporary motion picture, television and theater stage sets and scenery;
- (7) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (8) installation of partitions or movable cases less than 5'-9" in height;
- (9) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam

or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the street address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the

Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within [6] months following the date of issuance. Building Permits shall expire [12] months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed

until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and

without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy / Certificates of Compliance required. A Certificate of Occupancy / Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall

be granted only by issuance of a Certificate of Occupancy / Certificate of Compliance.

(b) Issuance of Certificates of Occupancy / Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy / Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy / Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections, and
- (2) flood hazard certifications.

(c) Contents of Certificates of Occupancy / Certificates of Compliance. A Certificate of Occupancy / Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy / Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) the signature of the Code Enforcement Officer issuing the Certificate of

Occupancy / Certificate of Compliance and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed [6] months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy / Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy / Certificate of Compliance or for Temporary Certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION

The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

SECTION 9. UNSAFE BUILDING AND STRUCTURES

Unsafe structures and equipment in this Town shall be identified and addressed pursuant to the provisions of the Property Maintenance Code of the State of New York.

SECTION 10. OPERATING PERMITS

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding

those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled “Fire Code of New York State” and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

ALTERNATIVE 1: (e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

ALTERNATIVE 2: (e) Duration of Operating Permits. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every [specify interval consistent with local conditions, not to exceed thirty-six (36) months].

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably

believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b. [INCLUDE THE FOLLOWING PROVISIONS IF THE CITY / TOWN / VILLAGE WISHES TO RELY ON THE INSPECTIONS PERFORMED BY OFPC, AND DOES NOT WISH TO HAVE THE CODE ENFORCEMENT OFFICER INSPECT BUILDINGS THAT ARE INSPECTED BY OFPC: Notwithstanding any other provision of this section to the contrary:

(1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and

(4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law [, ordinance] or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. RECORD KEEPING

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, [Certificates of Occupancy / Certificates of Compliance], Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and
- (9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances

thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 14. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Town Board of Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

SECTION 15: VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the [specify executive officer or body] of this Town.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

SECTION 16: FEES

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be

charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of occupancy / Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 17. INTERMUNICIPAL AGREEMENTS

The Town Board of this Town may, by resolution, authorize the Town Board of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 18. REPEAL OF PREVIOUS LOCAL LAW

The adoption of this Local Law shall repeal and replace Local Law No. 1 of 1986, which had been adopted by the Town Board of the Town of Yorkshire on August 18, 1986, and filed with the New York State Department of State on August 28, 1986.

SECTION 19. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 20. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

RECEIVED
DEC 19 2006

GEORGE E. PATAKI
GOVERNOR

CHRISTOPHER L. JACOBS
SECRETARY OF STATE

December 19, 2006

DiFilippo & Flaherty, PC
Anthony DiFilippo, III
382 Main Street
East Aurora, NY 14052

RE: Town of Yorkshire, Local Law 1, 2006, filed on 11/22/2006

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb

05

LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: eaalaw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Samantha J. Newland
Sandra A. Roemer

December 26, 2006

Hon. Duane C. Dedrick, Town Clerk
Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, New York 14042

Re: Town of Yorkshire Local Law No. 1 for the year 2006

Dear Pat:

I have received and I am enclosing the letter of the New York State Department of State dated December 19, 2006 confirming that the Town of Yorkshire Local Law No.: 1 of 2006 was filed on November 22, 2006.

Thank you very much for your help and cooperation and best wishes for the New Year.

Very truly yours,

DIFILIPPO & FLAHERTY, P.C.

Anthony DiFilippo, III

ADIII/dme

cc: Hon. Richard Fuller, Supervisor
Town of Yorkshire
& Member of the Town Board,
Town of Yorkshire

Enclosure

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.

☐ County

☐ City of Yorkshire

☒ Town

☐ Village

Local Law No. 1 of the year 20 07

A local law A Local Law of the Town of Yorkshire Providing a Partial Exemption From Taxation to
(Insert Title)
Persons Sixty-Five (65) Years of Age or Older Pursuant to the Provisions of Section 467
of the Real Property Tax Law of the State of New York

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

☐ County

☐ City of Yorkshire

☒ Town

☐ Village

as follows:

See attached

(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. 1 of 20 07 of the (County)(City)(Town)(Village) of Yorkshire was duly passed by the Town Board on October 15, 20 07, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (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) (Name of Legislative Body) (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.

* 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.)

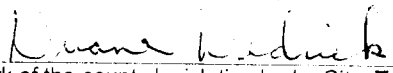
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

(Seal)

Date: October 15, 2007

(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 CATTARAUGUS

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 Anthony DiFilippo, Attorney
Title

County _____
City of Yorkshire
Town _____
Village _____

Date: October 15, 2007

**LOCAL LAW NO. 1
OF 2007
OF THE TOWN OF YORKSHIRE**

A LOCAL LAW OF THE TOWN OF YORKSHIRE PROVIDING A PARTIAL EXEMPTION FROM TAXATION TO PERSONS SIXTY-FIVE (65) YEARS OF AGE OR OLDER PURSUANT TO THE PROVISIONS OF SECTION 467 OF THE REAL PROPERTY TAX LAW OF THE STATE OF NEW YORK.

SECTION 1 - TITLE

This Local Law shall be known and cited as "A Local Law of the Town of Yorkshire Providing a Partial Exemption from Taxation to Persons Sixty-Five (65) Years of Age or Older Pursuant to the Provisions of Section 467 of the Real Property Tax Law of the State of New York."

SECTION 2 - EXEMPTION PROVIDED

a. Real property situate within the bounds of the Town of Yorkshire, Cattaraugus County, New York, owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or siblings (i.e., a brother or sister whether related through half blood, whole blood or adoption), one of whom is 65 years of age or over, shall be exempt from taxation for real estate taxes to be levied by the Town of Yorkshire for the year 2008, and thereafter by a fifty percent (50%) exemption if the income of the owner or combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption does not exceed the sum of Eighteen Thousand Five Hundred Dollars (\$18,500.00). Such exemption shall be based upon the

assessed valuation of the exempt real property and shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed.

b. Annual income shall include the income of the owner or the combined income of the owners of the property for the income year immediately preceding the date of making an application for exemption. Income tax year shall mean the twelve (12) month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum.

c. The title to the property must be vested in the owner or all of the owners of the property, pursuant to the requirements of Section 467 of the New York State Real Property Tax Law prior to the date of making application for exemption.

d. The property must be used exclusively for residential purposes, be occupied in whole or in part by the owners and constitute the legal residence of the owners. Upon determination by the assessor that the requirements of the statute have been met, the exemption to the extent as provided herein shall be allowed, provided that the property so qualifies. The exemption does not apply to special ad valorem levies or special assessments.

SECTION 3 - APPLICATION FOR EXEMPTION

An application for such a real property exemption must be made annually by

the owner or all of the owners of the property on a form to be furnished by the Town Assessor's Office.

SECTION 4 - AMENDMENTS

The annual income ranges and the exemption percentage may, from time to time, by resolution of the Town Board of the Town of Yorkshire, be increased pursuant to the extent allowed by Section 467 of the New York Real Property Tax Law.

SECTION 5 - SEPARABILITY

Should any section, paragraph, clause or phrase of this Local Law be declared unconstitutional or unjust for any reason by a court of competent jurisdiction, the remainder of this Local Law shall not be affected thereby.

SECTION 6 - INCONSISTENCY

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed, and specifically Local Law No. 1 of 1978 and Local Law No. 2 of 2003 of the Town of Yorkshire.

SECTION 7 - EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State as required by Law.



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

RECEIVED

OCT 25 2007

ELIOT SPITZER
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

October 24, 2007

Anthony DiFilippo, III
DiFilippo & Flaherty PC
382 Main Street
East Aurora NY 14052

RE: Town of Yorkshire, Local Law No. 1, 2007, filed on October 18, 2007

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us/corp/misc.html.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

LAW OFFICES OF
DIFILIPPO & FLAHERTY P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: ealaw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Wendy Francis
Yvonne M. Harling
Samantha J. Newland
Sandra A. Roemer

October 16, 2007

State Records and Law Bureau
Department of State
41 State Street
Albany, NY 12231

RE: Town of Yorkshire - Local Law No. 1 of 2007 - Senior
Citizens Partial Exemption Real Property Taxation

Dear Secretary of State:

The Town Board of the Town of Yorkshire adopted Local Law No. 1 of 2007 on October 15, 2007 and we are therefore enclosing herewith the required Local Law filing.

Would you please acknowledge receipt of the same and advise as to the date of filing.

Thank you very much for your help and cooperation.

Very truly yours,

DIFILIPPO & FLAHERTY, P.C.

Anthony DiFilippo, III

LAW OFFICES OF
DIFILIPPO & FLAHERTY, P.C.

ANTHONY DIFILIPPO, III
CAROL A. FLAHERTY

382 MAIN STREET
EAST AURORA, NEW YORK 14052
(716) 652-9600
FAX: (716) 655-7777
EMAIL: eaalaw@Choiceonemail.com

LEGAL ASSISTANTS:
Denise M. Ertl
Wendy Francis
Yvonne M. Harling
Samantha J. Newland
Sandra A. Roemer

October 29, 2007

Richard Fuller, Supervisor &
Members of the Town Board
Town of Yorkshire
P.O. Box 6
82 Main Street
Delevan, New York 14042

Re: Town of Yorkshire - Local Law No. 1 of 2007 - Senior Citizens Partial
Exemption Real Property Taxation

Dear Supervisor Fuller & Board Members:

The Secretary of State has received and filed the Local Law as required by
Law and I am enclosing for your review, information and file the Secretary of
State's letter of October 24, 2007 confirming the filing on October 18, 2007.

Thank you very much for your help and cooperation.

Very truly yours,

DIFILIPPO & FLAHERTY, PC



Anthony DiFilippo, III

ADIII/dme

cc: Hon. Duane C. Dedrick, Town Clerk
Town of Yorkshire

Enclosure

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.

☐ County

☐ City of Yorkshire

☒ Town

☐ Village

Local Law No. 1 of the year 20 09

A local law Granting a Partial Exemption From Town Real Property Taxes For Cold War Veterans
(Insert Title)

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

☐ County

☐ City of Yorkshire

☒ Town

☐ Village

as follows:

(Delete this line of text and enter text of local law here)

See attached

(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. 1 of 20 09 of the ~~(County)(City)(Town)(Village)~~ of Yorkshire was duly passed by the Town Board on January 12, 20 09, 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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (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) (Name of Legislative Body) (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.

* 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.)

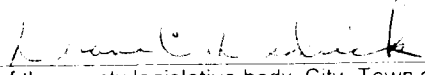
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 09 ____ 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

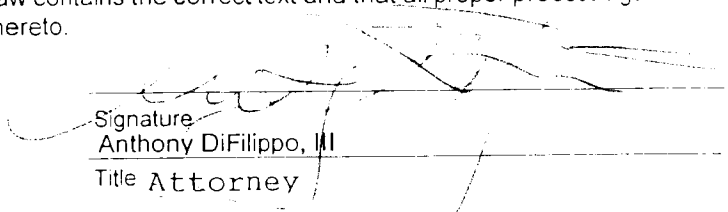
(Seal)

Date: January 14, 2009

(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 Cattaraugus

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
Anthony DiFilippo, III

Title Attorney

County
City of Yorkshire
Town
Village

Date: January 14, 2009

LOCAL LAW NO. 1 - 2009
TOWN OF YORKSHIRE

A LOCAL LAW GRANTING A PARTIAL EXEMPTION FROM
TOWN REAL PROPERTY TAXES FOR COLD WAR VETERANS

BE IT ENACTED by the Town Board of the Town of Yorkshire, as follows:

SECTION 1. Legislative Intent. It is the intent of this legislation to grant an exemption of 15 percent of the assessed value of qualified residential property, as defined in New York Real Property Tax Law Section 458-b(2) (a) (i) to Cold War Veterans, as defined in New York Real Property Tax Law Section 458-b (1) (a).

SECTION 2. Cold War Veterans Property Exemption. The Town of Yorkshire hereby provides that qualifying residential real property shall be exempt from Town taxation to the extent of 15 percent of the assessed value of such property; provided, however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate of the assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less, for Cold War Veterans as described in New York State Real Property Tax Law Section 458-b.

SECTION 3. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective Date. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law upon filing of the same with the Secretary of State.



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

February 4, 2009

Duane Dedrick
Town Clerk
PO Box 6
Delevan NY 14042

RE: Town of Yorkshire, Local Law No. 1, 2009, filed on January 22, 2009

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us/corp/misc.html.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

LOCAL LAW NO. 1 - 2009
TOWN OF YORKSHIRE

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TOWN REAL PROPERTY TAXES FOR COLD WAR VETERANS

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SECTION 3. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective Date. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law upon filing of the same with the Secretary of State.

(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.

~~XXXXXX~~

~~XXX~~

Town

of YORKSHIRE

~~XXXXXX~~

Local Law No. 1 of the year 1996

"A local law AMENDING LOCAL LAW NO. 2-1991 KNOWN AS THE SOLID WASTE DISPOSAL LAW (Insert Title) OF THE TOWN OF YORKSHIRE"

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~XXXXXX~~

~~XXX~~

Town

of YORKSHIRE

~~XXXXXX~~

(SEE ATTACHED SHEETS)

Section 1. Article III. DEFINITIONS, subdivision C is hereby amended as follows:

C. SOLID WASTE - all putrescible and non-putrescible materials or substances that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial, commercial and household wastes, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, large household furnishings, major appliances and junk.

Section 2. Article III. DEFINITIONS is further amended by adding the following subdivisions:

P. LARGE HOUSEHOLD FURNISHINGS - all large and/or bulky articles, excluding major appliances, actually used in the home and which equip it for living such as chairs, sofas, tables, beds, sinks, and bathtubs.

Q. MAJOR APPLIANCES - large and/or bulky household mechanisms such as refrigerators, washers, dryers, and stoves ordinarily operated by gas or electric current.

R. JUNK - includes, but is not limited to, discarded motor vehicles or parts thereof, batteries, including vehicle batteries, parts of refrigerators, stoves, freezers, washers, dryers, bed springs, vehicle frame parts, crank cases, transmissions, engines, lawnmowers, snow blowers, bicycles, file cabinets, air conditioners, hot water heaters, water softeners, furnaces, oil storage tanks, water storage tanks, metal furniture and any part or parts of the

foregoing.

Section 3. Article V. PROHIBITED ACTIVITY is hereby amended by adding the following subdivision:

C. It shall be unlawful for any person to dump, throw, deposit, place or cause or allow to be dumped, thrown, deposited or placed in any location within the Town of Yorkshire any solid waste or any noxious material, except at a solid waste disposal facility, transfer station or recycling center established, licensed or contracted with by the County of Cattaraugus or the New York State Department of Environmental Conservation.

Section 4. The provisions of Local Law No. 2-1991, as amended shall remain in full force and effect.

Section 5. This local law shall take effect immediately upon the filing thereof in the office of 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. 1 of 1996 of the ~~(County)(City)(Town)(Village)~~ of YORKSHIRE ~~TOWN BOARD~~ was duly passed by the ~~(Name of Legislative Body)~~ on AUGUST 12 1996, in accordance with the applicable provisions of law.

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

*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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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

Town Clerk

Date: August 12, 1996

(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 Cattaraugus

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 _____

Town Attorney

Title _____

~~XXXX~~

~~XX~~

Town

of Yorkshire

~~XXXX~~

Date: August 15, 1996

MORIARTY & SWANZ
ATTORNEYS AT LAW
FOUR SOUTH MAIN STREET
FRANKLINVILLE, NEW YORK 14737

TO Hon. Duane Dedrick
Town Clerk
P.O. Box 6
Delevan, New York 14042-0006

DATE September 3, 1996

SUBJECT

Dear Pat:

Enclosed please find copies of letters received from the Department of State stating that Local Law No. 1-1996 and Local Law No. 2-1996 were both filed on August 21, 1996, making that the effective date for those two laws.

With personal regards, I am

Sincerely,

Jeremiah J. Moriarty III
Jeremiah J. Moriarty III

JJM III:pg
Enclosures



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

August 27, 1996

JEREMIAH J. MORIARTY III
ATTORNEY AT LAW
FOUR SOUTH MAIN STREET
FRANKLINVILLE, NY 14737

RE: Town of Yorkshire, Local Law 1, 1996, filed 08/21/96

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Please be advised only 1 original local law is required to be filed in our office.

Sincerely,

A handwritten signature in cursive script that reads "Janice G. Durfee".

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml

RECEIVED

SEP 3 1996

MORIARTY & SWANZ

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.

~~County~~

~~City~~

~~Town~~

~~Village~~

YORKSHIRE

Local Law No. 1 of the year 2003

"A local law FOR "FLOOD DAMAGE PREVENTION" AS AUTHORIZED BY THE
(Insert Title)
NEW YORK STATE CONSTITUTION, ARTICLE IX, SECTION 2,
AND ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36"

Be It enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

YORKSHIRE

as follows:

(see attached)

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

FLOOD DAMAGE PREVENTION LOCAL LAW

Section 1.0 Statutory Authorization and Purpose

1.1 Findings

The Town Board of the Town of Yorkshire finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Yorkshire and that the damages may include: destruction or less of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 Statement of Purpose

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase in erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (6) qualify and maintain participation in the National Flood Insurance Program.

1.3 Objectives

The objectives of this local law are:

- (1) to protect human life and health;

- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 2.0 Definitions

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

“Appeal” means a request for a review of the Local Administrator’s interpretation of any provision of this Local Law or a request for a variance.

“Area of Shallow Flooding” means a designated AO or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” is the land in the floodplain within a community subject to a one percent or greater change of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-99, V, VO, VE or V1-30. It is also commonly referred to as the base floodplain or 100-year floodplain.

“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Basement” means that portion of a building having its floor subgrade (below ground level) on all sides.

“Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

“Building” means any structure built for support, shelter or enclosure for occupancy or storage.

“Cellar” has the same meaning as “Basement”.

“Coastal High Hazard Area” means the area subject to high velocity waters including, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE, VO or V.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

“Elevated Building” means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers) or shear walls.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of the Community published by the Federal Emergency Management Agency as part of a riverine Community’s Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special food hazard have been defined but not water surface elevation data is provided.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study” is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as Flood Boundary Floodway map and the water surface elevations of the base flood.

“Flood Proofing” means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” has the same meaning as “Regulatory Floodway”.

“Floor” means the top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction.

“Functionally Dependent Use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

“Highest Adjacent Grade” means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

“Lowest Floor” means lowest level including basement or cellar of the lowest enclosed area. An unfinished or flood resistant enclosure, an area other than a basement or cellar is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportation structures placed on a site for 180 consecutive days or longer and intended to be improved property.

“Mean Sea Level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“Mobile Home” has the same meaning as “Manufactured Home”.

“National Geodetic Vertical Datum (NGVD)” as corrected in 1929 is a vertical control used as a reference for establishing elevations within the flood plain.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of this Local Law.

“Principally Above Ground” means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

“100-year Flood” has the same meaning as “Base Flood”.

“Regulatory Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.3-2 of this Law.

“Sand Dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“Start of Construction” means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds) storage trailers and building materials.

“Structure” means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

“Substantial Improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, excluding land values, either:

- (1) before the improvement or repair is started; or
- (2) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition “substantial improvement” is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

- (2) any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this local law which permits construction or use on a manner that would otherwise be prohibited by this local law.

Section 3.0 General Provisions

3.1 Lands to which this Local Law Applies

This local law shall apply to all areas of special flood hazards within the jurisdiction of the Town of Yorkshire.

3.2 Basis for Establishing the Areas of Special Flood Hazard

- (1) The areas of special flood hazard have been identified by the Federal Emergency Management Agency on Flood Insurance Rate Maps enumerated on Map Index No. 361104 0001-0004 dated May 25, 1984.

The above documents are, hereby, adopted and declared to be part of this Local Law and are filed in the office of the Town Clerk, Town Hall, Delevan, New York.

3.3 Interpretation, Conflict with Other Laws

This local law is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986 and shall supersede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 Severability

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 Penalties for non-compliance

No structure shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the

provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town Board from taking such other lawful action necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

3.6 Warning and Disclaimer of Liability

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Yorkshire, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made thereunder.

Section 4.0 Administration

4.1 Designation of the Local Administrator

The Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this local law by granting or denying development permit applications in accordance with its provisions.

4.2 Establishment of Development Permit

A Development Permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in Section 3.2. Application for Development Permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage or materials, drainage facilities, and the location of the foregoing.

4.2-1 Application Stage

The following information is required where applicable:

- (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in Section 5.1-3(1);
- (d) Certificate from a licensed professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Section 5.2-2; and
- (e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2-2 Construction Stage

Upon placement of the lowest floor, or flood-proofing by whatever means, it shall be the duty of the permit holder to submit to the Local Administrator a certificate of the as-built elevation of the lowest floor, or flood-proofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, the flood proofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certificate shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

4.3 Duties and Responsibilities of the Local Administrator

Duties of the Local Administrator shall include, but not be limited to:

4.3-1 Permit Application Review

- (1) Review all development permit application to determine that the requirements of this local law have been satisfied.

- (2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this local law, “adversely affects” means physical damage to adjacent properties. A hydraulic engineering study may be required of the applicant for this purpose.
 - (i) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this local law.
 - (ii) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of Section 5.1-5, Encroachments.

4.3-2 Use of Other Base Flood and Floodway Data

When base flood elevation data has not been provided in accordance with Section 3.2, Basis for Establishing the Areas of Special Flood Hazard, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 5.1-4(4) in order to administer Section 5.2, Specific Standards and Section 5.3 Floodways.

4.3-3 Information to be Obtained and Maintained

- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor including basement or cellar of all new or substantially improved structures, and whether or not the structure contains a basement or cellar.
- (2) For all new or substantially improved floodproofed structures;
 - (i) Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed; and

(ii) Maintain the floodproofing certifications required in Sections 5.1 and 5.2.

(3) Maintain for public inspection all records pertaining to the provisions of this local law including variances, when granted, and Certificates of Compliance.

4.3-4 Alteration of Watercourses

(1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, NY 10278.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 Interpretation of FHRM, FIRM or FBFM Boundaries

The Local Administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area hazard and actual field conditions.

Base flood elevation data established pursuant to Section 3.2 and/or Section 4.3-2, when available, shall be used to accurately delineate the area of special flood hazards.

The Local Administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.

4.3-6 Stop Work Order

(1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop work order by the Local Administrator. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this local law.

(2) All floodplain development found non-compliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop work order by the Local Administrator. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this local law.

4.3-7 Inspections

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of this local law.

4.3-8 Certificate of Compliance

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Local Administrator stating that the building or lands conforms to the requirements of either the Development Permit or the approved variance.
- (2) All other development occurring within the area of special flood hazard will have upon completion a Certificate of Compliance issued by the Local Administrator.

All certificates shall be based upon the inspections conducted subject to Section 4.3-7 and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

Section 5.0 Provisions for Flood Hazard Reduction

5.1 General Standards

In all areas of special flood hazards the following standards are required:

5.1-1 Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground

anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.1-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 Utilities

- (1) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designated and/or so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including

proposals for manufactured home parks and subdivisions) greater than either 50 lots or 5 acres.

5.1-5 Encroachments

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered zones) shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazards set forth in section 4.3-1(3), Permit Review. This may require the submission of additional technical data to assist in the determination.
- (2) In all area of special flood hazard in which base flood elevation data is available pursuant to Section 4.3-2 or Section 5.1-4(4) and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
- (3) In all areas of the special flood hazard where floodway data is provided or available pursuant to Section 4.3-2, the requirements of Section 5.3 Floodways, shall apply.

5.2 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2(1) Basis for Establishing the Areas of Special Flood Hazard and Section 4.3-2, Use of Other Base Flood Data, the following standards are required:

5.2-1 Residential Construction

New construction and substantial improvements of any resident structure shall:

- (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.
- (2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
- (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
- (iii) openings may be required with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

5.2-2 Nonresidential Construction

New construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities, shall either: have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or be floodproofed to the base flood level.

- (1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
 - (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (2) If the structure is to be floodproofed:
 - (i) a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability

of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- (ii) a licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is floodproofed.

The Local Administrator shall maintain on record a copy of all such certifications noted in this section.

5.2-3 Construction Standards for Areas of Special Flood Hazards Without Base Flood Elevations

- (1) New construction or substantial improvements of structures including manufactured homes shall have the lowest floor (including basement) elevated at least 2 feet above the highest adjacent grade next to the proposed foundation of the structure.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
 - (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

5.3 Floodways

Located within areas of special flood hazard are areas designed as floodways (see definition, Section 2.0). The floodway is an extremely hazardous area due to high velocity flood waters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by Section 4.3-2, all encroachments including fill, new construction, substantial improvements, and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Section 6.0
Variance Procedure

6.1 Appeals Board

- (1) The Zoning Board of Appeals as established by the Town Board shall be the Appeals Board and shall herein decide appeals and requests for variances from the requirements of this local law.
- (2) The Appeals Board shall herein decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by a decision of the Appeals Board may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Appeals Board shall consider all technical evaluation, all relevant factors, standards specified in other sections of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;

- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeals actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 Conditions for Variances

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this local law.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (i) criteria of subparagraphs 1, 4, 5 and 6 of this Section are met;

(ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances shall only be issued upon receiving written justification:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk.

7.0 Local Law 1-1983, Local Law 1-1987 and Local Law 2-1989 are hereby repealed and replaced by this Local Law.

8.0 This Local Law will be effective upon the filing thereof in the office of 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. _____ 1 of 2003 of the ~~(County)(City)~~(Town)(~~Village~~) of Yorkshire was duly passed by the Town Board on March 10, 2003, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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.)

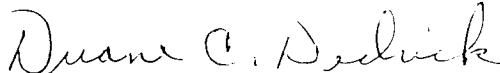
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, 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 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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

(Seal)

Date: 03-11-03

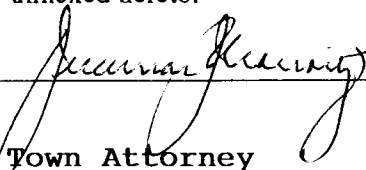
(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Cattaraugus

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

Title


Town Attorney

~~County~~

~~City~~

~~Town~~

~~Village~~

of Yorkshire

Date: MARCH 12 2003

5. (City local law concerning Charter revision proposed by petition.)

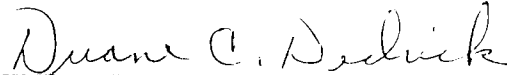
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, 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 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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

(Seal)

Date: 03-11-03

(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 Cattaraugus

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

Town Attorney

Title

~~County~~
~~City~~ of Yorkshire
~~Town~~
~~Village~~

Date: _____

MORIARTY & SWANZ
ATTORNEYS AT LAW
FOUR SOUTH MAIN STREET
POST OFFICE BOX 126
FRANKLINVILLE, NEW YORK 14737-0126

(716) 676-5524
FAX (716) 676-3541

DONALD J. SWANZ
JEREMIAH J. MORIARTY III

March 12, 2003

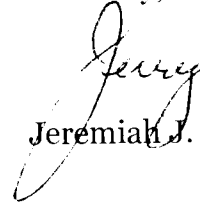
Hon. Duane C. Dedrick
Town Clerk
Town of Yorkshire
P. O. Box 6
Delevan, NY 14042

Dear Pat:

Enclosed please find for your records Page 3 which I have signed for Local Law
No. 1-2003.

With personal regards, I am

Sincerely,



Jeremiah J. Moriarty III

JJM III:elb
Enclosure

MORIARTY & SWANZ
ATTORNEYS AT LAW
FOUR SOUTH MAIN STREET
POST OFFICE BOX 126
FRANKLINVILLE, NEW YORK 14737-0126

(716) 676-5524
FAX (716) 676-3541

DONALD J. SWANZ
JEREMIAH J. MORIARTY III

March 31, 2003

Hon. Duane C. Dedrick
Town Clerk
Town of Yorkshire
P. O. Box 6
Delevan, NY 14042

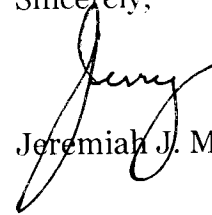
Re: Local Law No. 1-2003

Dear Pat:

Enclosed please find a photocopy of a letter received today from the Department of State showing the subject local law was filed on March 14, 2003, making this the effective date for this local law.

With personal regards, I am

Sincerely,



Jeremiah J. Moriarty III

JJM III:elb
Enclosure



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 24, 2003

JEREMIAH J. MORIARTY III
MORIARTY & SWANZ
FOUR SOUTH MAIN STREET, PO BOX 126
FRANKLINVILLE, NY 14737

RE: Town of Yorkshire, Local Law 1, 2003, filed 03/14/2003

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in black ink that reads "Linda Lasch".

Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

31 MAR 2003

(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~~

of YORKSHIRE

Local Law No. 1 of the year 2004

"A local law ESTABLISHING THE FIRST WEDNESDAY FOLLOWING THE
(Insert Title)
FOURTH TUESDAY OF MAY AS THE DATE FOR THE MEETING OF THE
BOARD OF ASSESSMENT REVIEW IN THE TOWN OF YORKSHIRE,
NEW YORK"

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~COUNTY~~

~~CITY~~

Town

~~Village~~

of YORKSHIRE as follows:

SECTION 1. Pursuant to Real Property Tax Law Section 512 (1-a), the date for the meeting of the Board of Assessment Review in the Town of Yorkshire shall be changed from the fourth Tuesday in May to the first Wednesday following the fourth Tuesday in May.

SECTION 2. This Local Law shall take effect immediately upon the filing with the Secretary of State of the State of New York.

(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. 1 of 2004 of the ~~(County)(City)~~(Town)(~~Village~~) of Yorkshire was duly passed by the Town Board on April 12, 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.
(Elective Chief Executive Officer*)
(Name of Legislative Body)

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____. 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*)
(Name of Legislative Body)

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

* 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.)

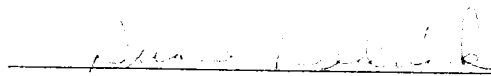
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

(Seal)

Date: April 13, 2004

(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 CATTARAUGUS

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

Title

TOWN ATTORNEY

~~XXXXX~~

~~City~~

Town

~~Village~~

of YORKSHIRE

Date: April 15, 2004

MORIARTY & SWANZ
ATTORNEYS AT LAW
FOUR SOUTH MAIN STREET
POST OFFICE BOX 126
FRANKLINVILLE, NEW YORK 14737-0126
(716) 676-5524
FAX (716) 676-3541

DONALD J. SWANZ
JEREMIAH J. MORIARTY III

May 12, 2004

Hon. Duane C. Dedrick
Town Clerk
Town of Yorkshire
P. O. Box 6
Delevan, NY 14042

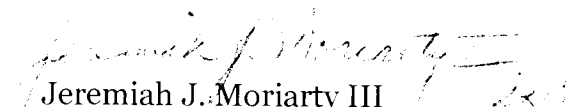
RE: Local Law No. 1 - 2004

Dear Pat:

Enclosed please find a copy of a letter received today from the Department of State showing the subject local law was filed on April 19, 2004, making this the effective date for this local law.

With personal regards, I am

Sincerely,


Jeremiah J. Moriarty III

JJM III:elb
Enclosure

12 MAY 2004



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

May 4, 2004

RANDY A. DANIELS
SECRETARY OF STATE

Moriarty & Swanz
Attorneys at Law
Four South Main Street
PO Box 126
Franklinville, NY 14737-0126

RE: Town of Yorkshire, Local Law 1, 2004, filed on 4/19/2004

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb

(Please Use this Form for Filing your 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~~x

~~City~~

Town

~~Village~~

of Yorkshire

Local Law No. 1 of the year 1979

A local law AMENDING THE TRAFFIC ORDINANCE OF THE TOWN OF YORKSHIRE TO
PROVIDE FOR PARKING (Insert title) REGULATIONS

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

~~County~~

~~City~~

Town

~~Village~~

of Yorkshire as follows:

WHEREAS, the Town Board of the Town of Yorkshire has heretofore adopted a Traffic Ordinance commonly known and designated as the Traffic Ordinance of the Town of Yorkshire, and

WHEREAS, the Town Board desires to amend the Traffic Ordinance of the Town of Yorkshire to provide for parking regulations on County and Town roads,

NOW, THEREFORE, pursuant to the authority conferred by §1660(a)(18) of the Vehicle & Traffic Law and Article II of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Yorkshire does hereby enact the following Local Law amending the Traffic Ordinance of the Town of Yorkshire to establish parking regulations as follows:

ARTICLE IV-A

PARKING REGULATIONS

Section 1: Parking Prohibited in Designated Locations.

A. The parking of vehicles is hereby prohibited in any of the following locations:

1. On the east side of County Road 54 (Yorkshire Corners Road) from the north edge of the pavement of New York State Route 39 to a point 225 feet northerly of the north edge of the pavement of New York State Route 39.

Section 2: This Local Law shall take effect immediately upon the filing thereof in the office of the Secretary of State.

(If additional space is needed, please attach sheets of the same size as this and number each)

(Please Use this Form for Filing your 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~~ of YORKSHIRE
~~Town~~
~~Village~~

Local Law No. 1 of the year 19 80

A local law REGULATING THE SALE, LOAN OR DISPLAY OF OBSCENE MATERIALS
(Insert title)
TO MINORS

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

~~County~~
~~City~~ of Yorkshire as follows:
~~Town~~
~~Village~~

Section 1. Definitions.

(A) "Minor" means a person less than seventeen years of age.

(B) "Sexually explicit nudity" means a state of undress so as to expose the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered or uncovered male genitals in a discernibly turgid state.

(C) "Sexual conduct" means actual or explicitly simulated acts of masturbation, homosexuality, sexual intercourse or physical contact in an act of apparent sexual stimulation or gratification with a person's clothed or unclothed genitals, pubic area, buttocks or, if such be female, breast.

(D) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(E) "Sadomasochistic abuse" means actual or explicitly simulated flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(F) "Harmful to minors" means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, when it:

(1) Predominantly appeals to the prurient, shameful or morbid interest of minors;

(2) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

(3) Is, when taken as a whole, lacking in serious literary, artistic, political or scientific value for minors.

(G) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both of:

(1) The character and content of any material described herein which is reasonably susceptible of examination by the defendant; and

(2) The age of the minor provided, however, that an honest

(If additional space is needed, please attach sheets of the same size as this and number each)

mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bonafide attempt to ascertain the true age of such minor.

Section 2. Unlawful Acts.

(A) It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:

(1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts sexually explicit nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors; or

(2) Any book, pamphlet, magazine, printed matter however reproduced or sound recording which contains any matter enumerated in subparagraph (1) of this paragraph or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

(B) It shall be unlawful for any person knowingly to sell to a minor an admission ticket or pass, or knowingly admit a minor to premises whereon there is exhibited a motion picture, show or other presentation which, in whole or in part, depicts sexually explicit nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors or to exhibit any such motion picture at any such premises which are not designated to prevent viewing from any public way of such motion picture by minors not admitted to any such premises.

(C) It shall be unlawful for any minor falsely to represent to any person mentioned in paragraph (A) or paragraph (B) hereof, or to his agent, that such minor is seventeen years of age or older, with the intent to procure any material set forth in paragraph (A), or with the intent to procure such minor's admission to any motion picture, show or other presentation, as set forth in paragraph (B).

(D) It shall be unlawful for any person knowingly to make a false representation to any person mentioned in paragraph (B) hereof, or to his agent, that he is the parent or guardian of any minor, or that any minor is seventeen years of age or older with the intent to procure any material set forth in paragraph (A), or with the intent to procure such minor's admission to any motion picture, show or other presentation as set forth in paragraph (B).

(E) It shall be unlawful for any person knowingly to exhibit, expose or display in public at newsstands or any other business or commercial establishment frequented by minors or where minors are or may be invited as part of the general public:

(1) Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts sexually explicit nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors; or

(2) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in subparagraph (1) of this paragraph, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

Section 3. Exceptions to Application of this Law.

(A) Nothing contained in this section shall be construed to apply to:

(1) The purchase, distribution, exhibition or loan of any work of art, book, magazine or other printed or manuscript material by any accredited museum, library, school or institution of higher learning;

(2) The exhibition or performance of any play, drama, tableau or motion picture by any theatre, museum, school or institution

of higher learning, either supported by public appropriation or which is an accredited institution supported by private funds; or

(3) Persons who may possess or distribute obscene matter or participate in conduct otherwise prescribed by this section when such possession, participation, distribution or conduct occurs in the course of law enforcement activities, or in the course of bonafide scientific, educational or comparable research or study, or like circumstances of justification.

Section 5. Separability. If any part of this section shall be judged by any Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder thereof.

Section 6. Effective Date. This Law shall take effect upon the filing thereof in the office of the Secretary of State of the State of New York.

Section 4. Penalties. A violation of this law is hereby declared to be a misdemeanor, and any person or corporation violating the same may, upon conviction thereof, be punished by a fine not exceeding One Thousand (\$1,000.00) for an individual or Five Thousand (\$5,000.00) Dollars for a corporation or by imprisonment not exceeding one (1) year or by both such fines and imprisonment.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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.

~~County~~

~~City~~

Town

of YORKSHIRE

~~XXXXX~~

Local Law No. 1 of the year 1991

A local law ENTITLED "A LOCAL LAW REGULATING MOBILE HOMES AND MOBILE HOME COURTS IN(Insert Title) THE TOWN OF YORKSHIRE"

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~XXXXX~~

~~City~~

Town

of YORKSHIRE

as follows:

~~XXXXX~~

(SEE ATTACHED SHEETS)

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

Section 1. PURPOSE

The purpose of this local law is to promote the health, safety, morale and general welfare of the inhabitants of the Town of Yorkshire by the more efficient regulation of mobile homes and mobile home courts.

Section 2. DEFINITIONS

Certain words and terms in this local law are defined as follows:

(a) ENFORCEMENT OFFICER.

The Enforcement Officer for the provisions of this local law shall be the Building Inspector duly appointed by the Town Board.

(b) MOBILE HOME.

The term mobile home as used in this local law means a transportable living unit used or designed to be used as a yearround residence and containing similar types of water supply, waste disposal and electrical systems as other residential housing, but does not include recreational vehicles designed to be driven or towed by a motor vehicle, units designed for use principally or towed by a motor vehicle, units designed for use principally as a temporary residence, or pre-fabricated, modular or sectionalized houses transported to and completed and permanently affixed on the site.

(c) MOBILE HOME COURT.

The term Mobile Home Court as used in this local law means any court, park, place, plot or parcel which is improved for the placement of two or more mobile homes to be used as permanent residences.

(d) MOBILE HOME LOT.

An area of land in a Mobile Home Court leased or rented for the placement of a single mobile home and any accessory structures incident thereto, including any open space required in connection with the placement of such mobile home. The area of such lot is to be measured from the right of way line or property line of a public street and from the pavement line of a private street. The width of mobile home lot shall mean the distance between the two side lot lines when measured perpendicular to the Center line of the lot, as aforesaid.

(e) PERMANENT RESIDENCE.

Residence for a period of ninety (90) days or more.

(f) TEMPORARY RESIDENCE.
Residence for any period less than ninety (90) days.

(g) SITE PLAN.
A drawing or drawings submitted to the Enforcement Officer as part of an application for a permit for a Mobile Home Court or for a single mobile home not located in a Mobile Home Court.

Section 3. INDIVIDUAL MOBILE HOMES NOT LOCATED IN A MOBILE HOME COURT.

(a) SIZE AND AGE OF MOBILE HOME.
Home to have no less than 600 square feet of floor space which must be part of the original manufactured unit, exclusive of additions and appurtenances.

1. In the event a home was manufactured prior to 1974, an application for a special exemption permit must be filed.

2. Applications for special exemption permits shall contain the size, copy of Bill of Sale, serial number and description to confirm year and ownership, plus a photograph of the home.

3. If all other conditions set forth in this local law are met together with the requirements of Local Law 1-1986 providing for the Administration and Enforcement of the New York State Fire Prevention and Building Code, the special exemption permit will be reviewed by the Building Inspector and Town Board, or other body appointed by the Town Board for approval or denial.

(b) SEWAGE DISPOSAL.
Each individual mobile home shall be connected to a complete sewage disposal system designed and approved by the Cattaraugus County Health Department and in accordance with the rules and regulations approved by the New York State Department of Health.

(c) MOVING OR REPLACING MOBILE HOMES.

1. An existing mobile home may be replaced by one of equal size or better quality provided it conforms with the regulations set forth in this local law.

2. If a site containing a mobile home is vacated for a period of longer than six (6) months, the owner of such site shall not permit a mobile home to be placed thereon unless the provisions of this local law have been complied with.

- (d) No mobile home shall become occupied until the Enforcement Officer has made an inspection and certified to the Town Board that all conditions, laws, rules and regulations have been complied with. No occupancy shall be permitted until the Enforcement Officer issues a Certificate of Occupancy.

Section 4. MOBILE HOME COURTS.

- (a) It shall be unlawful to establish a Mobile Home Court without first securing a written permit from the Enforcement Officer after review by the Planning Board and after complying with the provisions of this local law and Local Law 1-1986.

1. The application for a permit shall be made on forms prescribed by the Town Board and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by the person that the applicant is authorized by him or her to construct or maintain the Mobile Home Court shall accompany the application together with a verified statement indicating the name and address of the person or persons who will be responsible for the management of the Mobile Home Court). Any applicant for a Mobile Home Court permit shall state that he or she, as agent or owner, shall be responsible for the proper maintenance and upkeep of the proposed Court, and shall furnish the following information:

Boundaries of the plot area, entrances, exits, and walkways, mobile home sites or lots, method and plan of garbage disposal, water supply, electric lighting, and the owners and operators name and address.

2. The initial application shall be accompanied by two sets of plans and specifications drawn to scale showing the layout of the Court, the location, the size and arrangement of each lot, location of streets and location of water and sewage services. The plan shall comply with all existing local laws and the rules and regulations of the Cattaraugus County Health Department and New York State Department of Health.

3. It will be the responsibility of the Planning Board to inform the Town Board in writing of proposed plans for a Mobile Home Court. The application for a Building Permit will be reviewed at the next regularly scheduled Board meeting. The Board will review the application for a proposed Mobile Home Court and will determine by vote if a public hearing shall be held. The applicant must advertise notice of the public hearing in the official Town newspaper once each week for two (2) consecutive weeks prior to the date of the hearing and the notice shall state when and where the Town Board shall consider the application, the name of the applicant and the proposed location of the Mobile Home Court.

(b) MOBILE HOME COURT PLAN

1. A Mobile Home Court shall have an area of not less than (10) acres and no mobile home lot or office or service building shall be closer to the center line of road than one hundred (100) feet and shall be twenty (20) feet from property lines.

2. A Mobile Home Court shall be located on a well drained site suitable for the purpose with an adequate entrance road with at least a fifty (50) foot right-of-way leading to the mobile home lots.

3. Individual mobile home lots shall have an area of not less than 6000 square feet, with a minimum width of 60 feet and a minimum depth of 100 feet.

4. No mobile home or portion thereof shall be placed closer than five (5) feet from any adjoining lot line. This includes its awning, and addition to the home or utility building.

5. No mobile home shall have less than 600 square feet of floor space which must be part of the original manufactured unit, exclusive of additions and appurtenances.

a. In the event a home was manufactured prior to 1974, an application for a special exemption permit must be filed.

b. Applications for special exemption permits shall contain the size, copy of Bill of Sale, serial number and description to confirm year and ownership, plus a photograph of the home.

c. If all other conditions set forth in this local law are met together with the requirements of Local Law 1-1986 providing for the Administration and Enforcement of the New York State Fire Prevention and Building Code, the special exemption permit will be reviewed by the Building Inspector and Town Board, or other body appointed by the Town Board for approval or denial.

6. The total number of mobile home lots shall not exceed seven (7) per acre - $6,000 \times 7 =$ one (1) acre.

7. Site and sound protective landscaping may be required along property lines and the determination of the necessity therefor shall be left to the discretion of the Town Board. Such requirements shall depend upon the location of the site and the nature of adjoining properties.

8. Changes in the Mobile Home Court plan shall be submitted to the Enforcement Officer for his approval, the Planning Board for their review and the Town Board for final approval.

(c) WATER SUPPLY

Water and water service shall be provided in accordance with the requirements of the New York State Department of Health and the Cattaraugus County Department of Health or such other Department of Health as shall have jurisdiction.

(d) SEWAGE DISPOSAL

The sewage disposal system shall be subject to the approval of the New York State Department of Health and the Cattaraugus County Department of Health or such other department of health as shall have jurisdiction.

(e) GARBAGE AND TRASH DISPOSAL

Individual trash will be included in rental at a minimum of one pick up per site per week. Weekly trash will be kept in fly and animal proof containers. Refuse will also be part of said service weekly.

(f) SKIRTS

Each mobile home in the court shall be skirted in an attractive manner with fire resistant material. Skirting, banking or insulating with highly combustible materials prohibited.

(g) ADDITIONS

No addition to a mobile home shall be constructed which would increase the liveable floor space of that mobile home without Court owners consent and application for a Building Permit. Additions intended to provide storage space, shade or protection from weather may be made only with the approval of the Court owner.

- (1) A Building Permit is required if the structure costs over one thousand (\$1,000.00) dollars to construct,
- (2) All additions must be in compliance with the State Building Codes.

(h) REGISTRATION OF OCCUPANTS

(1) The owner or operator of each Mobile Home Court shall keep a record in writing of all persons occupying or using the facilities of the Court. Such records shall be available for inspection at any time by the Enforcement Officer or person authorized by the Town Board. Records shall be kept on file in the office of the manager of the Court.

(2) Name and permanent identifying address of the occupant, manufacturer's serial number, description and identification number is required on each mobile home. Each mobile home lot shall carry an identification number visible from the access driveway. Streets or roads within the Mobile Home Court shall be named or otherwise designated for identification with standard street signs erected. Non-conforming Mobile Home Courts shall comply with this section within ninety (90) days from the effective date of this local law.

(i) INSPECTION

(1) Any peace officer, enforcement officer, health officer or other authorized representative of the Town of Yorkshire shall have the right, at all reasonable times, to enter any Mobile Home Court and shall have the right to inspect all parts of said court, with the exception of the individual mobile homes located therein, and to inspect the records required to be kept in any Mobile Home Court in compliance with this local law.

(2) No new Mobile Home Court shall become occupied until the Enforcement Officer has made an inspection and certified to the Town Board that all conditions, laws, rules and regulations have been complied with. No occupancy shall be permitted until the enforcement officer issues a Certificate of Occupancy.

(j) FIRE PROTECTION

Every Mobile Home Court shall have a fire protection plan approved by the Fire Department having local jurisdiction.

Section 5. EXCEPTIONS

1. MOBILE HOME SALES

None of the provisions of this local law shall be applicable to the business of storage and display of unoccupied mobile homes or travel trailers which are available for sale to the general public

2. MOBILE HOMES USED ON CONSTRUCTION, INDUSTRIAL OR COMMERCIAL SITE.

None of the provisions of this local law shall be applicable to any mobile home or travel trailer located on the site of a construction project, survey project or other similar work project and used solely as a field office or work or tool house in connection with such project, provided such mobile home or travel trailer is removed from said site within sixty (60) days after completion of such project.

Section 6. VARIANCE PROCEDURE

(a) The Board of Appeals as established by the Town Board shall hear and decide appeals and requests for variances from the requirements of this local law;

(b) The Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Inspector in the enforcement or the administration of this local law;

- (c) Those aggrieved by the decision of the Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules;
- (d) In passing upon such application, the Board of Appeals shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this local law.
- (e) Upon consideration of the factors outlined above and the purposes of this local law, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law; and
- (f) The Building Inspector shall maintain the records of all appeals actions including technical information and report any variances to the Town Board.

Section 7. VALIDITY

If any section, sub-section, sentence, clause or phrase of this local law is for any reason held to be unconstitutional or invalid, such decision shall not effect the remaining portions of this local law.

Section 8. ENFORCEMENT AND PENALTIES

- (a) Any person, firm or corporation violating, disobeying, neglecting or refusing to comply with any of the provisions of this local law shall be guilty of an offense, and upon conviction thereof shall be subject to a fine of not less than fifty (\$50.00) dollars nor more than two hundred fifty (\$250.00) dollars or imprisonment of not more than six (6) months or both, for each offense. Each day such violation exists shall constitute a separate offense and shall be punishable as provided hereunder. The imposition of any penalty for a violation of this local law shall not excuse the violation nor permit the same to continue. In addition to the foregoing penalties, the Town shall also have the right to maintain a civil action against the perpetrators of any violations of this local law.

Section 9. EFFECTIVE DATE

This local law shall take effect immediately upon the filing thereof in the office of the Secretary of State.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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.

~~County~~

~~City~~

Town

of YORKSHIRE

~~XXXXX~~

Local Law No. 1 of the year 19 93

"A local law ESTABLISHING LAND DIVISION REGULATIONS FOR THE TOWN OF
YORKSHIRE" (Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~XXXXX~~

~~City~~

Town

of YORKSHIRE

as follows:

~~XXXXX~~

(SEE ATTACHED SHEETS)

LAND DIVISION REGULATIONS

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LAND DIVISION REGULATIONS

FOR THE

TOWN OF YORKSHIRE

ARTICLE I - GENERAL PROVISIONS

SECTION 1 AUTHORITY

By authority of the Resolution adopted by the Yorkshire Town Board on the 9th day of July 1990, pursuant to the provisions of Section 276 of the Town Law, the Yorkshire Town Planning Board is empowered and authorized to approve or disapprove plats for the subdivision of land within the area of the Town of Yorkshire, County of Cattaraugus, State of New York. The Planning Board may also make any reasonable change in the zoning regulations in connection with new roads and highways as shown on the approved plats in accordance with Town Law Section 281.

SECTION 2 PURPOSE

The purpose of the regulations as herein adopted shall be to provide for the orderly growth and development of the Town with adequate provision for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.

SECTION 3 SCOPE

These regulations are not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by deed, covenant or other private agreement except that where these regulations impose a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these regulations shall control. These regulations specifically supercede any Town of Yorkshire Subdivision Regulations approved or in use prior to the 11th day January, 1991.

SECTION 4 DEFINITIONS

For the purpose of these regulations, certain words used herein are defined as follows:

- A. County - means the County of Cattaraugus, State of New York.
- B. Health Department - means the Department of Health of the County of Cattaraugus, State of New York.
- C. Highway Department - means the Department of Highways of the County of Cattaraugus, or the Town of Yorkshire, or State of New York, whichever department exercises jurisdiction over the roadways involved.
- D. Lot - any parcel of land in a subdivision, whether it be a lot, plot, site, or other division.
- E. Letter of Intent - an initial presentation in writing submitted to the Planning Board for its consideration in classifying the subdivision as a major or minor subdivision.
- F. Official Map - means the map established by the Town Board pursuant to Section 270 of Town Law, showing streets, highways and parks and drainage, both existing and proposed.
- G. Planning Board - means the Planning Board of the Town of Yorkshire, New York.
- H. Plat - means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Board for approval, and which, if fully approved, shall be submitted by the subdivider to the County Clerk for recording.
- I. Preliminary Plat - means the preliminary drawings indicating the proposed layout of the subdivision required to be submitted to the Planning Board in conformance with the requirements of Article II, Section 3 of these regulations.
- J. Registered Engineer - an engineer properly licensed and registered in the State of New York.
- K. Registered Land Surveyor - a land surveyor properly licensed and registered in the State of New York.

- L. Residential Lot or Residential Building Lot - shall mean any parcel of land of less than five acres, any point on the boundary line of which is less than one-half mile from any point on the boundary line of another such lot in the same tract, unless any such lot may not legally be used for residential purposes. Without limiting the generality of the foregoing, the term "residential" shall include temporary, seasonal and permanent residential use.
- M. Street - means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, place or however otherwise designated.
- N. Subdivider - means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.
- O. Subdivision - the division of any parcel ^{or tract} of land into two or more lots or other division of land by deed, land contract or other conveyance for the purpose, whether immediate or future, of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. However, none of the following shall be considered a subdivision for the purposes of these regulations: A) the division of land into lots or parcels of five acres or more and not involving a new street; B) a transfer of ownership for the purpose of enlarging an adjoining lot or parcel without creating a new street or a separate building lot; C) the division of land upon court order; D) the division of land to carry out the terms of a decedent's will to his devisees; and E) the division of land by gift from the landowner to members of his or her immediate family. This definition shall be deemed to include townhouse or condominium developments where the lands are held in common and no transfer of ownership is involved.

However, for the purpose of these regulations there shall be two classifications of land subdivisions.

1. Major Subdivision - any subdivision not classified as a minor subdivision, including, but not limited to subdivisions of five or more lots or any size subdivision requiring any new street or extension of municipal facilities.
2. Minor Subdivision - any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any Town Master Plan, Official Town Map or Zoning Ordinance, if such exist.

- P. Town - means the Town of Yorkshire, Cattaraugus County, New York.
- Q. Tract - means any body of land, including contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.
- R. Unit - a building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.

ARTICLE II - PROCEDURE FOR FILING SUBDIVISION APPLICATIONS

SECTION 1 GENERAL

Whenever any subdivision is proposed, before the transfer of any lot or other interest therein and before the execution of any contract providing for such transfer, and before any permit shall be granted, the subdivider or his authorized agent shall apply for and secure the final approval of the Planning Board for such proposed subdivision, and shall record the approved plat in the office of the Cattaraugus County Clerk in accordance with the procedures set forth herein.

SECTION 2 LETTER OF INTENT

- A. Filing Requirement - Should the subdivider interpret these regulations as defining his proposal as a minor subdivision, he must submit a Letter of Intent to the Planning Board on the standard form available from the Town Clerk of the Town. Attached to the Letter of Intent shall be a scale drawing of the proposed subdivision.
- B. Submission Requirement - The Letter of Intent shall be submitted in duplicate to the Town Clerk who shall forward the submittal to the Chairman of the Planning Board; such letter shall be submitted at least fourteen (14) days prior to the meeting of the Planning Board at which the matter is to be considered and the Town Clerk shall give notice of such meeting to the subdivider, who may attend but is not required to do so.
- C. Planning Board Review - The Planning Board shall review and respond to the Letter of Intent within 45 days of the date that the Letter of Intent is received by the Town Clerk.

1. If the Planning Board determines that the proposal does not meet the criteria established for a minor subdivision, it shall return one copy of the Letter of Intent to the subdivider and require that the subdivider submit a preliminary plat as outlined in Article II, Section 3 of these regulations.
2. If the Planning Board determines that the proposal does meet the criteria established for a minor subdivision, but further determines that the proposed subdivision will have a potentially major impact on the orderly growth or development of the Town, it shall return one copy of the Letter of Intent to the subdivider and require that the subdivider submit a preliminary plat as outlined in Article II, Section 3 of these regulations.
3. If the Planning Board determines that the proposal does meet the criteria established for a minor subdivision and further determines that the proposed subdivision will not have a major impact on the orderly growth or development of the Town, it shall return one copy of the Letter of Intent to the subdivider marked as approved, dated and signed by the Chairman of the Planning Board or his designee. The Planning Board Chairman may also be authorized by the Planning Board to sign a plat for filing in the Cattaraugus County Clerk's office if the requirements of this paragraph have been met.

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SECTION 3 PRELIMINARY PLAT - SUBMISSION REQUIREMENTS

- A. General - Prior to the preparation of the preliminary plat, the subdivider should seek the assistance of the Planning Board in order that he may become familiar with the requirements for subdivision and with other plans, proposals or regulations which might affect the geographic area in which the proposed subdivision is located.

On reaching conclusions regarding his general program and objectives, the subdivider shall make application in writing to the Planning Board for preliminary approval of the proposed subdivision. Included in this submission shall be ten (10) copies of the preliminary plat and all other exhibits required in Article II, Section 3 and Article II, Section 4 of these regulations.

Preliminary approval applications shall be submitted to the Town Clerk, who shall forward the application to the Chairman of the Planning Board; said application shall be submitted at least fourteen (14) days prior to the meeting of the Planning Board at which the matter is to be considered. Applications shall be accompanied by a fee as set forth in Article V, Section 1, payable to the General Fund of the Town of Yorkshire.

- B. Public Hearing - As required by Section 276 of the Town Law, the Planning Board shall hold a public hearing within forty-five (45) days after receipt of the complete submission. The hearing must be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before it is held. The Town Clerk shall notify the subdivider in writing of the date of the Public Hearing.
- C. Review of Preliminary Plat - The subdivider or his agent shall attend the next scheduled meeting of the Planning Board after the Public Hearing to discuss the Preliminary Plat.

The Planning Board shall carefully study the proposed layout, taking into consideration the requirements of the community, and the best use of the land being subdivided. Particular attention shall be given to the following areas:

1. Arrangement, location, and width of streets and parking.
2. Relation of proposed street and lot layout to the topography of the land.
3. Domestic water supply.
4. Sanitary sewage disposal.
5. Storm drainage.
6. Lot sizes and arrangement.
7. Future development of adjacent lands.
8. The requirements of the Town Zoning Ordinance, the Official Map, and any applicable Town Master Plan.
9. Set back distance from the main roadway.
10. Emergency vehicle accessibility to residences in case of emergency (review by local fire department and letter of comment from head of department).
11. Affect on traffic flow at access to main roadway.
12. Proposed commercial sites.

- D. Approval - Within forty-five (45) days after the Public Hearing, the Planning Board shall advise the applicant in writing of its decision. Time can be extended by mutual agreement. In its written decision, the Planning Board shall, if granting preliminary approval, state the specific changes, if any, which it will require, the character and extent of any required improvements and reservations which it will require, and any special conditions applicable as a prerequisite to the approval of a final Subdivision Plat.

One copy of the Preliminary Plat shall be returned with the written decision having an attached notation stating that it has received preliminary approval, the date of the preliminary approval, and that the preliminary approval is revocable pending compliance with the final approval requirements.

If the Preliminary Plat is disapproved, the Planning Board shall clearly state the reasons for its disapproval.

SECTION 4 PRELIMINARY PLAT CONTENTS AND SUPPLEMENTARY INFORMATION

- A. Form - The Preliminary Plat shall be clearly and legibly drawn. The map shall be on one or more sheets twenty (20) inches by twenty (20) or forty (40) inches. All maps of subdivisions containing less than fifty (50) acres shall be drawn at a scale no smaller than one inch equals one hundred feet (1" = 100'); larger subdivisions may be drawn at a scale of one inch equals two hundred feet (1" = 200').
- B. Coverage - The Preliminary Plat shall include all land intended for ultimate development even though only a portion of the tract is to be initially recorded.
- C. Data and Maps Required for Preliminary Plat Submission -
1. Data and maps shall be provided, including the following information describing the existing conditions at the site, except when otherwise specified by the Planning Board:
 - a. Location of tract, including name of Town or Towns, and Range, Township and Lots per the Holland Land Company's survey and recording information of the deed, including the liber and page numbers.
 - b. Existing property lines, easements, streets, and rights-of-way.
 - c. Existing utility lines on or adjacent to the tract, including location, size and invert elevations.

- d. Existing ground elevation contours on the tract at intervals of not more than five (5) vertical feet; other conditions on the tract, including watercourses, wetlands, floodplains, wooded areas, houses, other buildings and other significant features; zoning on and adjacent to the tract; and land title and survey (if any) by deed description and map survey.
2. The Preliminary Plat map shall include the following information, except when otherwise specified by the Planning Board:
- a. Proposed streets information, including names, rights-of-way and roadway widths; approximate grades and gradients.
 - b. Other proposed rights-of-way or easements and their location, width and purpose.
 - c. Locations of proposed and existing utilities.
 - d. Lot lines, lot numbers and block letters.
 - e. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
 - f. Sites, if any, for multi-family dwellings, stores or shops, shopping centers, churches, industry or restaurants or other uses exclusive of single-family dwellings.
 - g. Minimum building setback lines.
 - h. A table of site data including number of residential lots, individual lot areas, areas of parks, or other specified non-residential use.
 - i. Subdivision name or title under which it will eventually be recorded. Also, the scale of the plat, north point, date, name and address of the subdivider, and the name, address, and license number of designer or engineer.
3. Additional data and maps shall be provided, further detailing the proposed improvements, including the following, except when otherwise specified by the Planning Board:

- a. Profiles along the centerline of proposed streets showing existing ground surface, and proposed finished street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivisions.
- b. Typical cross sections of the proposed street rights-of-way showing grading, streets, sidewalks (if applicable), and utility locations.
- c. Preliminary plans of water supply conforming to Health Department standards.
- d. Preliminary plans for sanitary sewage collection and treatment or disposal conforming to Health Department standards.
- e. Preliminary drainage and erosion control plan, including proposed individual lot drainage and proposed method of collection and discharging of storm drainage and control of erosion.

- f. If the water supply proposed involves an extension to an existing water system, a letter of approval shall be provided from the governing body of the concerned water district stating that they are able and willing to provide safe and reliable water service to all lots in the proposed subdivision, that sufficient water is available for adequate fire protection, and that they approve the preliminary water system plan accompanying the application.
 - g. If the sewage collection system is an extension to an existing sewage collection system, a letter of approval shall be provided from the governing body of the concerned sewage district stating that they are able and willing to accept the flows generated by the proposed subdivision and that they approve the preliminary sewage system plan accompanying the application. A letter from the governing body of the ultimate treatment facility stating that they have sufficient capacity to accept the expected flow shall be provided.
 - h. All plans for public improvements shall be prepared by a professional engineer registered to practice in the State of New York, pursuant to the applicable provisions of the New York State Education law, and shall adhere to all ordinances and laws for public improvements imposed by the local governing body.
4. A draft of protective covenants or restrictions whereby the subdivider proposes to regulate land use in the subdivision shall be provided, if applicable. This shall include deed restrictions and homeowners associations. The Planning Board may require inclusion of certain restrictions or covenants or the formulation of mandatory homeowners associations as a prerequisite to the approval of the final Plat.

SECTION 5 FINAL PLAT - SUBMISSION REQUIREMENTS

- A. General - Within six months of the tentative approval of the Preliminary Plat, the applicant shall file a final application with the Planning Board for approval of the Subdivision Plat. The time allotment may be extended by mutual agreement between the subdivider and the Planning Board. The application shall include four (4) copies of the plat and other exhibits required for approval as specified in Article II, Section 5 and Article II, Section 6 of these regulations.

Applications shall be submitted to the Town Clerk, together with the fee as set forth in Article V, Section 1, who shall forward the application to the Chairman of the Planning Board.

- B. Public Hearing - As required by Section 276 of the Town Law, the Planning Board shall hold a public hearing within forty-five (45) days after the receipt of the plat in final form. The hearing must be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before it is held. If the Planning Board deems the final plat to be in "substantial agreement" with the approved preliminary plat, the hearing may be waived.

The Town Clerk shall notify the subdivider in writing of the date of the Public Hearing.

- C. Review Process - The subdivider or his agent shall attend the meeting of the Planning Board when his application is considered to present the final application for Plat approval.

Within forty-five (45) days after the public hearing, or forty-five (45) days after the final plat submission, if the hearing has been waived, the Planning Board must approve, conditionally approve, with or without modification, or disapprove the final plat.

If a plat receives conditional approval, the owner shall have 180 days to meet the conditions of the approval and may have up to an additional 180 days, if needed, when approved by the Planning Board. Once the conditions are met, the plat must be signed and stamped by the Chairman or his designee of the Planning Board before it may be filed with the County Clerk. If a plat is disapproved, the Planning Board shall clearly state the reasons for its disapproval in writing.

The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or imply the acceptance by the Town or by the Town Special Improvement Districts of any street, park, playground, open space, water facilities, sewage facilities, drainage facilities, or other areas and improvements shown on the Plat. All improvements shall meet the applicable standards of the Town.

- D. Filing - After the satisfactory completion of the foregoing procedures and of the requirements outlined elsewhere herein and the notation to that effect upon the plat, it shall be deemed to have final approval and within sixty (60) days thereafter the subdivider must file the Plat with the County Clerk. Otherwise, such approval will expire as provided in Section 276 of the Town Law.

SECTION 6 FINAL PLAT CONTENT AND SUPPLEMENTARY INFORMATION

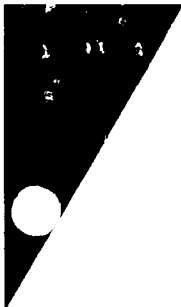
- A. Form - The final subdivision plat shall be clearly and legibly drawn or reproduced in such a manner as to be acceptable for filing in the office of the Cattaraugus County Clerk.

Where necessary, the plat may be submitted on several sheets accompanied by an index sheet showing the entire subdivision. The final plat, for large subdivisions, may be submitted for approval in progressive phases. The phases shall be in contiguous sections satisfactory to the Board.

- B. Content - The final plat, which must be prepared and certified by a registered engineer or land surveyor, shall show, in addition to information approved in the preliminary application the following:

1. Primary control points, approved by the Town Planning Board, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
2. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of lots; with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves.
3. Purpose for which lots are dedicated or reserved.
4. Location and description of monuments (shown thus "X") and lot corner markers (shown thus "O").
5. Adjoining properties shall be clearly indicated and shall include owner's name and recording data of relevant deeds.

6. Certification of title showing the state of title of the parcel proposed to be subdivided and that the applicant has authority to act in the capacity of subdivider.
 7. Water supply and sewage disposal facilities, together with locations and other necessary details with certification of approval by the Cattaraugus County Health Department. Where any water or sewer line, water plant or sewage treatment plant is to be installed by the subdivider and/or municipality outside existing districts, the establishment or enlargement of a water district and/or a sewer district may be required at the expense of the subdivider. The formation of private utility companies, if any, shall be in accordance with the Transportation Corporations Law in New York State. Water and sewer lines, facilities, and appurtenances will be conveyed to the Town if required by the Planning Board.
 8. Offers of cession by owner dedicating streets, rights-of-way and any sites proposed for public uses; and final agreements covering the improvement and maintenance of uncaded public spaces and areas designated for common use and/or ownership and the conditions and time limits, if any, applying to site reservations.
 9. Title or name under which the subdivision will be filed, scale, north point and date.
 10. Assurance from each public utility company whose facilities are proposed to be installed, in writing, addressed to the Planning Board, stating that such public utility company has made or shall make the installations necessary for the furnishing of its services in accordance with the approved construction detail sheets. This letter shall specify the time when service will be available. Locations of such public utilities are subject to the review and approval of the Planning Board.
- C. Supplementary Information - The final submission shall include the following data and supplementary information:
1. Certification that the subdivider has complied with one of the following alternatives:
 - a. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Board giving conditional approval of the preliminary layout, or,

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- b. A bond or certified check, approved by the Town Board, has been posted which is available to the Town and in the judgement of the Planning Board is sufficient in amount to assure such completion of all required improvements within a period of time to be set by the Planning Board.
 - 2. Other data - such other certificates, affidavits, endorsements, protective covenants or other agreements as may be required by the Planning Board or the Town Attorney in the enforcement of these regulations.
 - 3. Certification that the subdivider has complied with one of the following alternatives:
 - a. Drawings clearly and legibly drawn or reproduced on tracing cloth or mylar on sheets twenty-four (24) by thirty-six (36) inches showing all public improvements "as-built", or,
 - b. A bond or certified check, approved by the Town Board, has been posted which is available to the Town and in the judgement of the Planning Board is sufficient in amount to assure the completion of all required improvements within a period of time to be set by the Planning Board, of all "as-built" drawings.

ARTICLE III - DESIGN STANDARDS

SECTION 1 LOTS

A. Design Requirements -

- 1. Land subject to flooding shall not be platted for residential occupancy nor for such other uses as may increase danger to life or property or aggravate the flood hazard in accordance with Flood Insurance Requirements adopted by the Town.
- 2. Lot dimensions shall conform to the requirements of the Zoning Law (if any).

3. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities and shall meet all requirements and restrictions as provided in the Town Zoning Law.
4. Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.
5. The subdividing of the land shall be such as to provide each lot with satisfactory access to an existing or proposed public street. When said street leads directly into a main arterial, the Board may require special conditions be met to ensure safety.
6. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages to topography and orientation.
7. Side lot lines shall be substantially at right angles or radial to street lines.
8. In case a tract is subdivided into parcels substantially larger than the minimum required by the Zoning Law for building lots, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with these regulations.
9. Lot arrangement shall be such that there will be no foreseeable difficulties in securing building permits to build on all lots in compliance with the Zoning Law, or in providing access to buildings on such lots from an approved street.
10. Driveways shall be made accessible to emergency vehicles; maximum grades shall not exceed 13 percent.

SECTION 2 - STREETS

A. Design Requirements -

1. The arrangement of streets in a subdivision shall:
 - a. Provide for the continuation or approximate projection of existing principle streets in surrounding areas.
 - b. Provide for the continuation of proposed streets into the adjacent property. If the adjacent property is undeveloped, and the street must be dead-ended temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround of a minimum of fifty (50) feet in radius shall be provided on all temporary dead-end streets.
2. Streets shall comply with Town regulations for dedicating local roads, or shall be approved by the Town Board upon the recommendation of the Town Highway Superintendent and/or a registered engineer.

ARTICLE IV - REQUIRED IMPROVEMENTS

SECTION 1 - MONUMENTS AND LOT CORNER MARKERS

A. Requirements -

1. Lot corner markers shall be located in the ground at final grade at all lot corners. Such markers shall be steel rods three feet (3') long and at least 3/4" diameter.

SECTION 2 - UTILITY IMPROVEMENTS

A. Schedule of Required Improvements -

1. Utility and street improvements shall be provided in each new subdivision in accordance with the standards and requirements described as follows:
 - a. Water supply system as per plans approved by the Cattaraugus County Health Department and in accordance with any Town of Yorkshire regulations for public water facility improvements.
 - b. Sewage disposal system as per plans approved by the Cattaraugus County Health Department and in accordance with any Town of Yorkshire regulations for public sanitary sewer systems. Such systems shall be approved by the Town Planning Board.
 - c. Grading and centerline gradients per plans and profiles approved by the Highway Superintendent, following consultation with appropriate fire department personnel regarding accessibility for emergency vehicles.
 - d. Storm drainage facilities designed by a registered engineer and approved by the Planning Board.
 - e. Provision for installation of public utilities, including telephone, cable television, gas and electricity, if available, in accordance with the New York State Law, local ordinances or laws and all other pertinent law, rules and regulations.
 - f. No such improvements shall be finally approved or accepted until the subdivider furnishes to the Town Planning Board a certification signed by a registered engineer that the improvements have been constructed according to the approved plans and specifications.

SECTION 3 PARKS, PLAYGROUNDS OR OPEN SPACES

The Board may require as a condition to approval of any such plat, a payment to the Town of a sum of \$50.00 per lot or unit, said sum shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground or recreational purposes, including the acquisition of property (Section 277 of Town Law).

ARTICLE V - FEES

SECTION 1 GENERAL REQUIREMENTS

At the time of submitting a preliminary plat, the subdivider shall pay to the Town Clerk an application fee in the amount of \$250.00 or \$25.00 per lot or unit, whichever is more. No portion of the application fee shall be returned to the subdivider except where a plat is withdrawn before initial study by the Planning Board. However, in the event that an application is disapproved, the subdivider will be exempted from the payment of an application fee on the refiling of the same or an amended plat containing the same number or fewer lots, providing the refiling is done within a period of one year from the date of disapproval. At the time of submitting a final plat for approval, the subdivider shall pay to the Town Clerk an application fee in the amount of \$400.00 or \$40.00 per lot or unit, whichever is more.

ARTICLE VI - VARIANCES

SECTION 1 HARDSHIP

Where the Planning Board finds that, because of unusual circumstances of shape, topography or other physical features of the subdivision tract or because of the nature of adjacent developments, extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that no such variation shall be granted which will have the effect of nullifying the intent and purpose of the Town Master Plan, the Cattaraugus County Sanitary Code, these regulations or the Town's Zoning Law.

ARTICLE VII - ENFORCEMENT

SECTION 1 RECORDING

The subdivider shall have sole responsibility for the filing or recording of any such map or plat. Pursuant to Section 276 of Town Law, no subdivision plat or any land which is subject to control under the provisions of these regulations shall be filed or recorded in the office of the County Clerk of the County of Cattaraugus, State of New York, unless it shall have been approved by the Yorkshire Planning Board. In testimony of that fact the plat map shall bear the official seal and the signature of the Planning Board Chairman.

In the event any such unapproved plat is recorded, it shall be considered invalid and the Planning Board shall institute proceedings to have the plat stricken from the records of the County of Cattaraugus, State of New York.

SECTION 2 PENALTIES

A violation of these regulations is an offense, punishable by a fine not exceeding \$250.00 or by imprisonment for a period not to exceed fifteen (15) days, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, all such violations shall be deemed misdemeanors and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations, except that the penalties set forth herein shall apply. Each week's continued violation shall constitute a separate additional violation.

The description of any lot, parcel or tract by metes and bounds in the deed or instrument of transfer shall not serve to exempt the seller from the provisions of these regulations. The provisions of this Article shall not limit the available procedures for enforcement and remedies provided for under the Town Law in the State of New York or any other law including, without limitation, the right to compel compliance with or to restrain by injunction the violation of such regulations.

ARTICLE VIII - SEPARABILITY

If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or void, such decisions shall not affect the validity of the remaining portions of these regulations.

ARTICLE IX - EFFECTIVE DATE

These regulations shall take effect upon filing with the office of the Secretary of State.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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.

~~County~~~~City~~

Town of YORKSHIRE

~~Village~~

Local Law No. 1 of the year 1995

"A local law IMPOSING A CURFEW ON PERSONS SEVENTEEN YEARS OF AGE OR YOUNGER"
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~~~City~~

Town of YORKSHIRE as follows:

~~XXXXX~~

(SEE ATTACHED SHEETS)

SECTION 1. STATEMENT OF AUTHORITY

The Town Board of the Town of Yorkshire pursuant to the authority granted under Section 130 (15) of the Town Law and Section 10 of the Municipal Home Rule Law of the State of New York, hereby enacts the following local law imposing a curfew on persons seventeen (17) years of age or younger.

SECTION 2. STATEMENT OF PURPOSE AND FINDING

The Town Board of the Town of Yorkshire has determined that large numbers of children have been congregating in the Town after dark causing general disturbances to residents, vandalism and juvenile criminal activity. In order to reduce juvenile crime, protect the children of this community, and to reinforce parental authority, it is necessary that a curfew be established to keep children out of public areas after dark.

SECTION 3. RESTRICTIONS

It shall be unlawful for any child under sixteen (16) years of age to remain in or upon any public street, park, playground, building, vacant lot, parking lot or any other public place in the Town of Yorkshire between the hours of 9:00 p.m. and 6:00 a.m. and it shall be unlawful for any child between sixteen (16) and seventeen (17) years of age to remain in or upon any public street, park, playground, building, vacant lot, parking lot or any other public place in the Town of Yorkshire between the hours of 11:00 p.m. and 6:00 a.m.

SECTION 4. EXEMPTIONS

The following shall constitute valid exceptions to the operation of the curfew:

- a. At any time, if the child is accompanied by his or her parent, legal guardian or other responsible person who is over the age of twenty-one (21) years and approved by the child's parent or legal guardian;
- b. In the case of an emergency involving a threat to life or property;
- c. If the child is legally employed, for the period from one-half (1/2) hour before to one-half (1/2) hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the child is in a public place during curfew hours in the course of his or her employment. To come under this exception, the child must be carrying a written statement from the employer attesting to the place and hours of employment;

- d. Until the hour of 12:30 a.m. if the child is on the property of or the sidewalk directly adjacent to the building to which he or she resides or the buildings immediately adjacent thereto if the owner of the adjacent building does not object;
- e. If the child is returning directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception will apply for one-half (1/2) hour after the completion of such event, but in no case beyond 12:30 a.m. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the Town Clerk at least twenty-four (24) hours in advance, informing him of the time such event is scheduled to begin, the place at which it shall be held, the time at which shall end, and the name of the sponsoring organization;
- f. If the child is exercising First Amendment rights protected by the Constitution, such as the free exercise of religion, speech, or assembly, provided that the child first has given notice to the Town Clerk by delivering a written communication signed by the child and countersigned by a parent or guardian of the child which specifies when, where, in what manner, and for what First Amendment purpose the child will be on the street at night during the curfew period.

SECTION 5. VIOLATIONS

- a. Any child violating this law shall be subject to a fine of not more than TWO HUNDRED FIFTY (\$250.00) DOLLARS and the penalty may also include a period of confinement of not more than fifteen (15) days in jail for each offense and/or not more than 100 hours of community service.
- b. Any child who violates this curfew law more than two (2) times shall be reported by the police to the juvenile authorities.

SECTION 6. SEVERABILITY

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not effect the remainder of said law which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE

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

Local Law Filing

(Motion #87-1998)

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12242

(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.

~~XXXXX~~

~~XXX~~

Town

~~XXXXX~~

of **YORKSHIRE**

Local Law No. 1 of the year 19 98

"A local law **AMENDING LOCAL LAW NO. 1-1993 ESTABLISHING LAND DIVISION REGULATIONS FOR** (Insert Title) **THE TOWN OF YORKSHIRE"**

Be it enacted by the **TOWN BOARD** of the
(Name of Legislative Body)

~~XXXXX~~

~~XXX~~

Town

~~XXXXX~~

of **YORKSHIRE** as follows:

(SEE ATTACHED)

A LOCAL LAW NO. 1-1998 ENTITLED "A LOCAL LAW AMENDING LOCAL LAW NO. 1-1993 ESTABLISHING LAND DIVISION REGULATIONS FOR THE TOWN OF YORKSHIRE"

Section 1. ARTICLE I - GENERAL PROVISIONS, Section 4 - Definitions is hereby amended as follows:

0. Subdivision - the division of any parcel or tract or land, over a three year period, into three or more lots or other division of land by deed, land contract or other conveyance for the purpose, whether immediate or future, or transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. However, none of the following shall be considered a subdivision for the purposes of these regulations: A) the division of land into lots or parcels of five acres or more and not involving a new street; B) a transfer of ownership for the purpose of enlarging an adjoining lot or parcel without creating a new street or a separate building lot; C) the division of land upon court order; D) the division of land to carry out the terms of a decedent's Will to his or her devisees; and E) the division of land by gift from the landowner to members of his or her immediate family. This definition shall be deemed to include townhouse or condominium developments where the lands are held in common and no transfer of ownership is involved.

However, for the purpose of these regulations there shall be two classifications of land subdivisions.

1. Major Subdivision - any subdivision not classified as a minor subdivision, including, but limited to subdivisions of six or more lots or any size subdivision requiring any new street or extension of municipal facilities.

2. Minor Subdivision - any subdivision containing not more than five lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any Town Master Plan, Official Town Map or Zoning Law, if such exists.

Section 2. ARTICLE V - FEES, Section 1 - General Requirements is hereby amended as follows:

At the time of submitting a preliminary plat, the subdivider shall pay to the Town Clerk an application fee in the amount of \$100.00 or \$10.00 per lot or unit whichever is more. No portion of the application fee shall be returned to the subdivider except where a plat is withdrawn before initial study by the Planning Board. However, in the event that an application is disapproved, the subdivider will be exempt from the payment of an application fee on the re-filing of the same or an amended plat containing the same number or fewer lots, providing the re-filing is done within a period of one year from the date of disapproval. At the time of submitting a final plat for approval, the subdivider shall pay the Town Clerk an application fee in the amount of \$200.00 or \$20.00 per lot or unit whichever is more.

Section 3. The provisions of Local Law No. 1 - 1993 are hereby ratified and confirmed and shall remain in full force and effect except as amended herein.

Section 4. This local law shall take effect immediately upon the filing thereof 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. 1 of 19 98 of the ~~(County)(City)~~(Town)(~~Village~~) of Yorkshire was duly passed by the Town Board on July 13, 19 98, 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 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.~~

*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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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.

Duane Dedrick

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

TOWN CLERK

Date: July 13, 1998

(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 CATTARAUGUS

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 _____

TOWN ATTORNEY

Title _____

~~XXXXXX~~

~~XXX~~

Town

~~XXXXXX~~

of YORKSHIRE

Date: July, 1998



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

July 28, 1998

JEREMIAH J. MORIARTY III
MORIARTY & SWANZ
FOUR SOUTH MAIN STREET
FRANKLINVILLE, NY 14737

RE: Town of Yorkshire, Local Law 1, 1998, filed 07/21/98

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in cursive script that reads "Janice G. Durfee".

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml

RECEIVED

AUG 03 1998

MORIARTY & SWANZ

MORIARTY & SWANZ
ATTORNEYS AT LAW
FOUR SOUTH MAIN STREET
FRANKLINVILLE, NEW YORK 14737

TO Hon. Duane Dedrick
Town Clerk
P. O. Box 6
Delevan, New York 14042-0006

DATE August 3, 1998

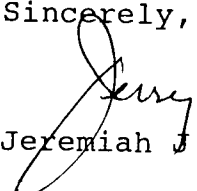
SUBJECT

Dear Pat:

Enclosed please find a copy of the letter received from the Department of State stating that Local Law No. 1-1998 was filed July 21, 1998, making this the effective date for this law.

With personal regards, I am

Sincerely,


Jeremiah J. Moriarty III

JJM III:elb
Enclosure

Local Law Filing

Motion #16

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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.

~~County~~

~~City~~

Town

of

YORKSHIRE

~~Village~~

Local Law No. 1 of the year 1995

"A local law IMPOSING A CURFEW ON PERSONS SEVENTEEN YEARS OF AGE OR YOUNGER"
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~

~~City~~

Town

of

YORKSHIRE

as follows:

~~XXXXX~~

(SEE ATTACHED SHEETS)

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

SECTION 1. STATEMENT OF AUTHORITY

The Town Board of the Town of Yorkshire pursuant to the authority granted under Section 130 (15) of the Town Law and Section 10 of the Municipal Home Rule Law of the State of New York, hereby enacts the following local law imposing a curfew on persons seventeen (17) years of age or younger.

SECTION 2. STATEMENT OF PURPOSE AND FINDING

The Town Board of the Town of Yorkshire has determined that large numbers of children have been congregating in the Town after dark causing general disturbances to residents, vandalism and juvenile criminal activity. In order to reduce juvenile crime, protect the children of this community, and to reinforce parental authority, it is necessary that a curfew be established to keep children out of public areas after dark.

SECTION 3. RESTRICTIONS

It shall be unlawful for any child under sixteen (16) years of age to remain in or upon any public street, park, playground, building, vacant lot, parking lot or any other public place in the Town of Yorkshire between the hours of 9:00 p.m. and 6:00 a.m. and it shall be unlawful for any child between sixteen (16) and seventeen (17) years of age to remain in or upon any public street, park, playground, building, vacant lot, parking lot or any other public place in the Town of Yorkshire between the hours of 11:00 p.m. and 6:00 a.m.

SECTION 4. EXEMPTIONS

The following shall constitute valid exceptions to the operation of the curfew:

- a. At any time, if the child is accompanied by his or her parent, legal guardian or other responsible person who is over the age of twenty-one (21) years and approved by the child's parent or legal guardian;
- b. In the case of an emergency involving a threat to life or property;
- c. If the child is legally employed, for the period from one-half (1/2) hour before to one-half (1/2) hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the child is in a public place during curfew hours in the course of his or her employment. To come under this exception, the child must be carrying a written statement from the employer attesting to the place and hours of employment;

- d. Until the hour of 12:30 a.m. if the child is on the property of or the sidewalk directly adjacent to the building to which he or she resides or the buildings immediately adjacent thereto if the owner of the adjacent building does not object;
- e. If the child is returning directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception will apply for one-half (1/2) hour after the completion of such event, but in no case beyond 12:30 a.m. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the Town Clerk at least twenty-four (24) hours in advance, informing him of the time such event is scheduled to begin, the place at which it shall be held, the time at which shall end, and the name of the sponsoring organization;
- f. If the child is exercising First Amendment rights protected by the Constitution, such as the free exercise of religion, speech, or assembly, provided that the child first has given notice to the Town Clerk by delivering a written communication signed by the child and countersigned by a parent or guardian of the child which specifies when, where, in what manner, and for what First Amendment purpose the child will be on the street at night during the curfew period.

SECTION 5. VIOLATIONS

- a. Any child violating this law shall be subject to a fine of not more than TWO HUNDRED FIFTY (\$250.00) DOLLARS and the penalty may also include a period of confinement of not more than fifteen (15) days in jail for each offense and/or not more than 100 hours of community service.
- b. Any child who violates this curfew law more than two (2) times shall be reported by the police to the juvenile authorities.

SECTION 6. SEVERABILITY

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not effect the remainder of said law which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE

This local shall take effect upon the filing thereof 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. 1 of 19 95 of the ~~(County)(City)(Town)(Village)~~ of YORKSHIRE TOWN BOARD was duly passed by the (Name of Legislative Body) on FEBRUARY 13 1995, in accordance with the applicable provisions of law.

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

*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.)~~

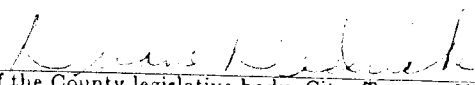
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6. ~~(County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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
Town Clerk

Date: February 13, 1995

(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 Cattaraugus

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

Town Attorney

Title

~~County~~

~~City~~

Town

of

Yorkshire

~~Village~~

Date: February 15, 1995

NYS DEPARTMENT OF STATE
BUREAU OF STATE RECORDS
162 Washington Avenue
Albany, NY 12231-0001

DATE: 2/24/95

MUNICIPALITY Town of Yorkshire		
LOCAL LAW(S) NO. 1 & 2	YEAR 1995	FILING DATE 2/23/95

RECEIVED

MAR 2 1995

Local Law Acknowledgment

JEREMIAH J. MORIARTY
MORIARTY & SWANZ
FOUR SOUTH MAIN STREET
FRANKLINVILLE NY 14747

The above-referenced material was received
and filed by this office as indicated.

Additional local law filing forms will be
forwarded upon request.

DOS-236 (Rev. 6/90)

AMENDMENT TO LOCAL LAW 1 OF 2007

Town of Yorkshire providing a partial exemption from taxation to persons 65 years of age or older pursuant to the provision of section 467 of the Real Property Tax Law of the State of New York

RESOLUTION #73-16

On a Motion of Supv Spencer, seconded by Coun Walker, the following Resolution was resolved, that Local Law 1 – 2007 of the Town of Yorkshire providing a partial exemption from taxation to persons 65 years of age or older pursuant to the provision of section 467 of the Real Property Tax Law of the State of New York, where current local law allows for an exemption of 50% of assessed value if income is \$18,500 or less to resolve to amend the Annual Income and allowed exemption scale as follows

Annual Income	Exemption
\$18,500 or less	50% of assessed value exempt
\$18,501 but less than \$19,500	45% of assessed value exempt
\$19,500 but less than \$20,500	40% of assessed value exempt
\$20,500 but less than \$21,500	35% of assessed value exempt
\$21,500 but less than \$22,400	30% of assessed value exempt
\$22,400 but less than \$23,300	25% of assessed value exempt
\$22,300 but less than \$24,200	20% of assessed value exempt
\$24,200 but less than \$25,100	15% of assessed value exempt
\$25,100 but less than \$26,000	10% of assessed value exempt

Spencer, Aye; Fisher, Aye; George, Aye; Hewitt, Absent; Walker, Aye.

Ayes 4 – Absent -1 Nays 0 – Adopted