LOCAL LAWS

VILLAGE OF MUNNSVILLE

VILLAGE OF MUNNSVILLE

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LOCAL LAW NO. 1 FOR THE YEAR 1977

A LOCAL LAW RELATING TO DOGS RUNNING AT LARGE IN THE VILLAGE OF MUNNSVILLE, MADISON COUNTY, STATE OF NEW YORK.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MUNNSVILLE AS FOLLOWS:

Section 1. The word "owner" shall include any person harboring or keeping a dog, and the parent, guardian or other adult person with whom a minor dog owner resides.

Section 2. No dog shall be permitted to run at large within the corporate limits of the Village of Munnsville. A dog shall be deemed to be at large if elsewhere than on the premises of the owner not accompanied by the owner or his agent having said dog under his control at all times so as not to harm, injure or destroy the person or property of another. Where a dog does not readily obey commands by the owner or his agent, said dog shall be leashed when off the owner's premises.

Section 3. Any dog found off of the premises of the owner in violation of any of the provisions of this local law may be apprehended and impounded by any peace officer, dog warden, enforcement officer, or officer or employee of any humane society. If the dog bears identification of the owner, notice shall be given forthwith to the owner of such seizure. The owner may reclaim such dog upon payment to the enforcement officer, village clerk, or such other person designated by the Board of Trustees of the sum of $7,00, in addition to $2.00, for each day said dog is kept pursuant to the provisions of this local law. Payment of this reclaimation fee shall be in addition to any penalty prescribed for the violation of this local law. If said dog be untagged and unidentified, it shall be dealt with in accordance with the provisions of the Agricultural and Markets Law. If said dog be identified but not be reclaimed by the owner, after notice the to within seventy-two (72) hours after notice of seizure, the dog shall be killed or disposed of by said peace officer, warden, enforcement officer' of humane society officer or employee.

Section 4. Any violation of this local law shall be punishable as follows:

a.) A fine of not to exceed $15.00 or imprisonment not to exceed two (2) days.

b.) Second conviction by fine of not to exceed $25.00 or not to exceed five (5) days imprisonment.

c.) Third or subsequent violations, a fine of not to exceed $50.00 or not to exceed ten (10) days imprisonment.

Section 5: This local law shall take effect pursuant to the provisions of the Municipal Home Rule Law.

Dated: _____, 1977. VILLAGE OF MUNNSVILLE, NY

By _____

Mayor

Frederic N. Rann Attorney At Law Oneida, New York 13421

LOCAL LAW NO. 1 OF THE YEAR 1979

A LOCAL LAW RELATING TO THE CONSTRUCTION OF SIDEWALKS.

BE IT ENACTED BY THE BOARD OF THE TRUSTEES OF THE VILLAGE OF MUNNSVILLE AS FOLLOWS:

SECTION 1. The Board of Trustees may by a two-thirds vote of all of the Trustees authorize or direct the construction and/or reconstruction of public sidewalks anywhere in the Village and the Board of Trustees shall determine the type of materials to be used therein and the specifications therefor. Fifty percent (50%) of the cost of the project shall be borne by the Village as a whole and fifty percent (50%) by the property benefited or the owner or owners thereof. The owner shall be billed for his proportion of the share of said construction at the completion thereof. In the event he shall fail to pay same within thirty (30) days after billing the unpaid amount shall be added to the next general village taxes for said property together with any interest or charges thereon, and collect same in like manner unless the Board of Trustees determines that the costs be paid over a period of years. In the event that said amount is to be paid over a period of years the amount due each year shall be added to the taxes together with any interest and charges thereon, as hereinafter set forth. In the event the Board of Trustees shall bond for such project the rate of interest to be paid by the said landowner shall be the same as that upon the bond. If the Board of Trustees determines that the cost of said improvement be paid over a period exceeding one year without bonding, then the rate of interest to be paid by the owner shall be fixed and determined by the Board of Trustees. The responsibility and

expense of maintainin said sidewalk in a safe condition shall be the responsibility of the abutting property owner or owners.

SECTION 2. This local law shall take effect thirty (30) days after its adoption pursuant to the provisions of Section 24 of the Municipal Home Rule Law.

Fred A Snell

Frederick A. Snell
Mayor, Village of Munnsville

Dated: 9/10, 1979.

LOCAL LAW NO. 1 OF THE YEAR 1980

A LOCAL LAW PROHIBITING OPEN ALCOHOLIC BEVERAGE CONTAINERS.

THE BOARD OF TRUSTEES OF THE VILLAGE OF MUNNSVILLE, NEW YORK, BY VIRTUE OF THE POWER AND AUTHORITY VESTED IN IT BY LAW, DOES HEREBY ENANCT AS FOLLOWS:

SECTION 1. The consumption of any alcoholic beverage by any person within the boundary of any public street in the Village of Munnsville is prohibited.

SECTION 2. The possession by any person of any open bottle, can or other receptacle containing an alcoholic beverage within the boundary of any public street or in an unauthorized outside public place, of the Village of Munnsville is prohibited.

SECTION 3. Any violation of this local law shall be punishable by a fine not exceeding $100.00 or imprisonment not exceeding five days, or both.

SECTION 4. This local law shall take effect immediately.

Approved: Sept 2nd, 1980.

Frederick A. Snell

Frederick A. Snell
Mayor, Village of Munnsville

LOCAL LAW NO. 1 FOR THE YEAR 1981
FOR THE VILLAGE OF MUNNSVILLE, NEW YORK
March 9, 1981 page 158 Minutes
SENIOR CITIZENS REAL PROPERTY TAX EXEMPTION

Be it enacted by the Village Board of Trustees of the Village of Munnsville, New York as follows:

1. Real property owned by one or more persons, each of whom is sixty-five years of age or over, shall be exempt from taxation by the Village of Munnsville to the extent of fifty per centum of the assessed valuation of said real property.

2. No exemption shall be granted

(a) if the income of the owner or the combined income of the owners of the property exceeds the sum of SIX THOUSAND FIVE HUNDRED DOLLARS ($6,500.00) for the twelve consecutive months immediately preceding the date of making application for exemption. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include Social Security and retirement benefits, interest, dividends, rental income, salary or earnings, and income from self-employment, but shall not include gifts or inheritances;

(b) unless the title of the property shall have been vested in the owner or all of the owners of the property for at least sixty consecutive months prior to the date of making application for exemption;

(c) unless the property is used exclusively for residential purposes;

(d) unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property.

3. Application for such exemption must be made by the owner, or all of the owners of the property, on forms to be furnished by the Village treasurer's office and shall furnish the information and be executed in the manner required or prescribed in such forms, and shall be filed in such treasurer's office at least ninety days before the day for filing the final assessment roll.

4. Any conviction of having made any wilful false statement in the application for such exemption, shall be punishable by a fine of not more than ONE HUNDRED DOLLARS ($100.00) and shall disqualify the applicant or applicants from further exemption for a period of five years.

gifts or inheritances;

(b) unless the title of the property shall have been vested in the owner or all of the owners of the property for at least sixty consecutive months prior to the date of making application for exemption;

LOCAL LAW #1, 1983

REVISED 4/28/83

(FOLLOWING COMPLIANT WITH SECTION 60.3d
REGULAR PHASE OF NATIONAL FLOOD INSURANCE PROGRAM)

FLOOD DAMAGE PREVENTION LOCAL LAW

REGULAR PHASE OF THE NATIONAL FLOOD INSURANCE PROGRAM

SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE

1.1 STATUTORY AUTHORIZATION

The People of the State of New York have in The New York State Constitution, Article IX, Section 2, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, be it enacted by the Village Board of Munnsville, New York as follows:

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:

(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, and sewer lines, and 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 insure that potential buyers 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.

1.3 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Local Law includes methods and provisions for:

(1) Restricting or prohibiting 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) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

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 Enforcement Officer interpretation of any provision of this law or a request for a variance.

"Area of shallow flooding" - (Optional if applicable) means a designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

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

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Local Law.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets).

"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 and/or

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

"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 one foot.

"Lowest floor" means lowest level including basement, crawlspace, or garage of lowest enclosed area.

"Mobile home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

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

"New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of this Local Law.

"Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"Structure" means a walled and roofed building, a mobile 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 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 occur 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 health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(2) any alteration of a 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 in 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 Village of Munnsville.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Village of Munnsville of Madison County, New York", dated March 15, 1983, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps and any revision thereto is hereby adopted by reference and declared to be a part of this Local Law. The Flood Insurance Study is on file in the office of the Village clerk.

3.3 INTERPRETATION, CONFLICT WITH OTHER LAWS

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, morals, safety, or the general 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 VALIDITY

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 or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this local law and other applicable regulations. Violation of the provisions of this local law by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $ 1,000 or imprisoned for not more than

15 days or both for each violation and, in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Enforcement Officer from taking such other lawful action as necessary to prevent or remedy a violation.

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 Village of Munnsville any officer or employee thereof or the Federal Insurance Administration, 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 ESTABLISHMENT OF DEVELOPMENT PERMIT

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

4.2 DESIGNATION OF THE Enforcement Officer

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

4.3 DUTIES AND RESPONSIBILITIES OF THE Enforcement Officer

Duties of the Enforcement Officer shall include, but not be limited to:

4.3-1 PERMIT REVIEW

(1) Review all development permits to determine that the permit requirements of this Local Law have been satisfied.

(2) Review all development permits 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 permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.3(1) are met.

4.3-2 USE OF OTHER BASE FLOOD 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 Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

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) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved floodproofed structures:

(i) verify and record the actual elevation (in relation to mean sea level); and

(ii) maintain the floodproofing certifications required in Section 5.2-2(3).

(3) Maintain for public inspection all records pertaining to the provisions of this local law.

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 Federal Insurance Administration.

(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 FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

(1) The Appeal Board as established by Village of Munnsville shall hear and decide appeals and requests for variances from the requirements of this local law.

(2) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirements, decision, or determination made by the Enforcement Officer in the enforcement or administration of this local law.

(3) Those aggrieved by the decision of the Appeal Board or any taxpayer, may appeal such decision to the Supreme Court as provided in The New York State Constitution, Article VI, Section 2.

(4) In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, standards specified in other section of this local law and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger of life and property due to flooding or erosion damage

(iii) the susceptibility of the proposed facility and 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 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

(xi) the costs of providing governmental services during and after flood conditions, including 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 4.4-1(4) and the purposes of this local law, the Appeal Board, may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.

(6) The Appeal Board shall maintain the records of all appeal actions including technical information and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITION 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-xi) in Section 4.4-1(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 listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

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

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

(5) Variances shall only be issued upon:

(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 as identified in Section 4.41(4), or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Section 5.0
Provisions of 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 mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors.

Special requirements shall be that:

(i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;

(ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable carrying a force of 4,800 pounds; and,

(iv) any additions to the mobile home be similarly anchored.

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) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from the 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; and,

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevations data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in Section 4.3-2, Use of Other Base Flood Data, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

5.2-2 NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 4.2.

5.2-3 MOBILE HOMES

(1) Mobile homes shall be anchored in accordance with Section 5.1-1(2).

(2) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

(i) stands or lots are elevated on compacted fill or on pilings so that the lowest flood of the mobile home will be at or above the base flood level;

(ii) adequate surface drainage and access for a hauler are provided; and,

(iii) in the instance of elevation on pilings, that:

-- lots are large enough to permit steps,

-- piling foundations are placed in stable soil no more than ten feet apart, and

-- reinforcement is provided for pilings more than six feet above the ground level.

(3) No mobile home shall be placed in a floodway, except in an existing mobile home park or an existing mobile home subdivision.

5.3 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

(3) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effects of any proposed development, when confined 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.

Be it enacted this 28th day of September, 1983 by the Village of Munnsville of Madison County, New York to be effective immediately.

Richard W. Snider
Gary T. Eastman
Richard Pitt
Michael R. John

SEAL:

[illegible]

ATTEST. Mildred E. Meeker Clerk

LOCAL LAW 1. OF 1984

OFFENSES AGAINST PUBLIC SENSIBILITIES

Be it enacted by the Board of Trustees of the Village of Munnsville as follows:

SECTION 1. Public Lewdness. A person is guilty of public lewdness when he or she intentionally exposes the private or intimate parts of his or her body in a lewd manner or commits any other lewd act (a) in a public place, or (b) in a private premises under circumstances in which he or she may readily be observed from either a public place or from other private premises, and with the intent that he or she be so observed.

Public lewdness is a Class B Misdemeanor, and upon conviction thereof a person shall be subject to a fine not to exceed FIVE HUNDRED DOLLARS ($500.00) or imprisonment not to exceed three (3) months, or both.

Each occurrence shall constitute a separate offense.

SECTION 2. Exposure of a person. A person is guilty of exposure if he or she appears in a public place in such a manner that the private or intimate parts of his or her body are unclothed or exposed, whether or not such person is entertaining orperforming in a play, exhibition, show, entertainment, or otherwise. For the purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola.

Exposure of a person is a violation and upon conviction thereof a person shall be subject to a fine not to exceed TWO HUNDRED FIFTY DOLLARS ($250.00) or imprisonment for a period not to exceed fifteen (15) days, or both. Each occurrence of exposure of a person shall constitute a separate offense.

SECTION 3. Promoting the exposure of a person.

A person is guilty of promoting the exposure of a person when he or she knowingly conducts, maintains, owns, manages, operates or furnishes any public premises or place where a person in a public place appears in such a manner that the private parts of his or her body are unclothed or exposed, whether or not such person is entertaining or performing in a play, exhibition, show, entertainment, or otherwise. For the purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola.

Promoting the exposure of a person is a violation and upon conviction thereof a person shall be subject to a fine not to exceed TWO HUNDRED FIFTY DOLLARS ($250.00) or a term of imprisonment not to exceed fifteen (15) days, or both. Each occurrence shall constitute a separate offense.

SECTION 4. This local law shall take effect immediately.

Approved.

M Jack Kern

Jack Kern, Mayor
Village of Munnsville

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED APR 3 1985

Secretary of State

286 087
A A

(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~~
~~Town~~
Village of Munnsville

Local Law No. 1 of the year 19 85

A local law for local enforcement of the New York State Uniform Fire and Building Code.
(Insert title)

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

~~County~~
~~City~~
~~Town~~
Village of Munnsville, County of Madison, State of New York as follows:

Local Law No. 1 of 1985 annexed hereto as pages "1" through "21".

ARTICLE 1 IN GENERAL

Sec. 1-85-01: Validity.

If any chapter, section or part of this local law shall, for any reason be held to be invalid, the validity of any other section or the remaining portion thereof, shall not be affected or impaired in any manner.

Sec. 1-85-02: Effective Date.

This local law shall take effect immediately after it's adoption, and the publication, posting and/or filing as required by law.

Sec. 1-85-03: Amendments.

This local law may be amended by a vote of three-fourths of the entire Village Board after discussion at two consecutive regular or special meetings open to the general public, or by a majority vote of the entire Village Board after a public hearing held to discuss the proposed amendment.

Secs. 1-85-04: Designation of Code Enforcement Officer

There is hereby designated in the Village of Munnsville a public official to be known as the Building Code Enforcement Officer, who shall be appointed by a majority vote of the Village Board of Trustees at a compensation to be fixed by it.

Secs. 1-85-05: Acting Building Official

In the absence of the Building Code Enforcement Officer, or in the case of his inability to act for any reason, the Village Mayor shall have the power, with the consent of the Village Board of Trustees to designate a person to act in behalf of the Building Code Enforcement Officer and to exercise all the powers conferred upon him by this Local Law.

Secs. 1-85-06: Appointment of Building Inspectors

The Village Mayor, with the approval of the Village Board of Trustees, may

appoint one building inspector or more, as the need may appear, to act under the supervision and direction of the Building Code Enforcement Officer and to exercise any portion of the powers and duties of the Building Code Enforcement Officer as directed by him. The compensation of such building inspectors shall be fixed by the Village Board of Trustees.

Secs. 1-85-07: Restrictions on Employees

A Building Code Enforcement Officer, and building inspector shall not engage in any activity inconsistent with his duties; nor shall he, during the term of his employment, be engaged directly or indirectly in the furnishing of labor, materials, supplies or appliances for, or the supervision of, the construction, alteration, demolition or maintenance of a building or the preparation of plans or specifications thereof within the Village of Munnsville, excepting that this provision shall not prohibit any such person from engaging in any such activities in connection with the construction of a building or structure owned by him for his own personal use and occupancy or for the use and occupancy of members of his immediate family, not constructed for sale.

Secs. 1-85-08: Records and Reports

(a) The Building Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, and notices and orders issued. All such records shall be public records.

(b) The Building Code Enforcement Officer shall, annually, submit to the Village Board of Trustees a written report and summary of all business conducted by him and those acting on his behalf, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending or concluded.

Secs. 1-85-09: Regional Board of Review

Any applicant or authorized agent seeking a variance or modification, in

whole or in part, from any provision or requirement of the New York State Fire Prevention and Building Code and any applicant or authorized agent seeking an appeal from and review of any order or determination of the Building Code Enforcement Officer, or any building inspector, where enforcement of any provision or requirement of the New York State Uniform Fire Prevention and Building Code results in practical difficulties or unnecessary hardships, must apply to, and comply with the requirements of, those Regional Boards of Review established by the rules and regulations of the Secretary of State of the State of New York, which are authorized to grant such variances.

Secs. 1-85-10 - 1-85-25: Reserved

ARTICLE II: BUILDING CODE ADMINISTRATION

DIVISION I GENERALLY

Sec. 1-85-26: Enforcing Officer Designated.

The village codes enforcement officer or his designated representative(s) is hereby charged with the administration and enforcement of the provisions of this local law.

Sec. 1-85-27: Civil Liability of Village Officers, Employees, etc.

No officer, agent or employee of the village shall be personally liable for any damage resulting from any official determination, order or action required or permitted in the discharge of his duties under this local law. The village shall defend and indemnify the chief officer of the agency or his designated representative specifically designated and authorized by him to make such official determination, order or action in the discharge of their duties under this local law, against any judgments or liability that may arise as a result of any such official determination, order or action made or taken by them in the discharge of their duties under this local law.

Sec. 1-85-28: Duties and Powers of Enforcing Officer.

(a) Execpt as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the enforcing officer shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof.

(b) He shall receive applications for permits for the erection, alteration, removal and demolition of buildings, structures, water systems, sewage systems, heating systems or electrical systems or parts thereof.

(c) He shall make all inspections which are necessary or proper for the carrying out of his duties.

(d) Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, he may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies.

Sec. 1-85-29: Tests.

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform with the requirements of the applicable laws, ordinances or regulations, the enforcing officer may require the same to be subjected to tests in order to furnish proof of such compliance.

Sec. 1-85-30: Stop Orders.

Whenever the enforcing officer has reasonable grounds to believe that work on any building, structure, water, sewage, heating or electrical system is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations, or not in conformity with the provision of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent or the person performing the work, to suspend all work, and any such persons shall forthwith stop such work and suspend all related activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of

the building under construction and sending a copy of the same by registered mail.

Sec. 1-85-31: Enforcing Officer's Right of Entry.

The enforcing officer in the discharge of his duties may enter any building, structure or premises at any reasonable hour and no person shall interfere with or prevent such entry.

Sec. 1-85-32: Violations.

(a) It shall be unlawful for any person to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of this local law or to fail in any manner to comply with a notice, directive or order of the enforcing officer, or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

(b) It shall be unlawful for any person to construct, alter, repair, move, remove, demolish, equip,use or maintain any water or sewage system or portion thereof in violation of a provision of this local law or fail in any manner to comply with a notice, directive or order of the enforcing officer, or to construct, alter, or use any water or sewage system or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

(c) It shall be unlawful for any person to construct, alter, repair, move, remove, demolish, equip, use or maintain any heating or electrical system or portion thereof in violation of any provision of this local law or fail in any manner to comply with a notice, directive or order of the enforcing officer, or to construct, alter or use any heating or electrical system or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

(d) It shall be unlawful for any person to excavate, alter, move, remove or fill any land or portion thereof in violation of any provision of this local law or fail in any manner to comply with a notice or directive or order of the enforcing officer, or to excavate, alter, move, remove or fill any land or portion thereof in a manner not permitted by an approved building permit.

(e) Any person who shall fail to comply with a written order of the enforcing officer within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building or system who shall knowingly violate any of the applicable provisions of this local law or any lawful order, notice, directive, permit or certificate of the enforcing officer made thereunder, shall be punishable by a fine not to exceed five hundred dollars ($500.00) or thirty (30) days in jail, or both. Each day that a violation continues shall be deemed a separate offense.

(f) Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed thereof shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon, or affect or impair the credibility as a witness, or otherwise of any person convicted thereof.

(g) This section shall not apply to violation of the provisions of the New York State Uniform Fire and Building Code, punishable under Section 385 or other applicable sections of the Executive Law of the State of New York; nor to the provisions of the Multiple Residence Law, punishable under Section 304 of the Multiple Residence Law of the State of New York.

(h) Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a

violation or to prevent illegal occupancy of a building, structure or premises; or to prevent illegal acts, conduct or business in or about any premises; and these remedies shall be in addition to the penalties prescribed above.

Secs. 1-85-33 - 1-85-43 Reserved.

DIVISION 2 - BUILDING PERMITS

Sec. 1-85-44: Required.

(a) No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure or cause the same to be done, without first obtaining a separate building permit from the enforcing officer for such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

(b) No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion, or change in any water, sewage, heating or electrical system, or cause the same to be done without first obtaining a separate building permit from the enforcing officer for such work; except that no building permit shall be required for the performance of ordinary maintenance or repair, the value of which does not exceed two-hundred and fifty dollars ($250.00) in materials and services.

(c) No person shall commence the excavation, filling or alteration of land, or cause the same to be done without first obtaining a separate building permit from the enforcing officer for such work; except that no permit shall be required for the performance of any work which is agricultural or horticultural in nature.

Sec. 1-85-45: Application.

(a) An application for a building permit shall be made through the village clerk's office to the enforcing officer on forms provided by the village clerk and/or the enforcing officer.

(b) Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, the distance from lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys, and where required by the enforcement officer, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. Where a municipal water supply is not available, an applicant for new construction shall furnish proof that a satisfactory water supply is available.

Plans and specifications shall bear the signature of the person responsible for the design and drawings.

The enforcing officer may waive the requirement for filing plans.

Sec. 1-85-46: Issuance.

The enforcing officer shall examine all building permit applications and accompanying papers and approve or disapprove the application within a reasonable time. Upon approval of the application by the enforcing officer, the village clerk shall issue a building permit to the applicant and affix his signature and official seal thereto. One (1) set of the plans and specifications accompanying the application shall be retained by the enforcing officer and the other set returned to the applicant.

Sec. 1-85-47: Performance of Work Under Building Permit.

(a) A building permit shall be effective to authorize the commencing and completion of work in accordance with the application plans and

specifications on which it is based for a period of six (6) months after the date of it's issuance. For good cause the enforcing officer may allow such extension of time as he may deem reasonable.

(b) Where the work described in the application, plans and specifications is not completed within the period allowed by the permit and any extension thereof, the enforcing officer may order the owner of the premises to remove any structure and fill any excavation which he shall deem detrimental to the public health, safety or welfare.

Sec 1-85-48: Fees.

(a) Upon the filing of an application for a building permit, the following fees shall be paid to the village treasurer:

TOTAL VALUATION OF WORK	FEE
$1000.00 or less	$5.00
Over $1000.00 up to and including $15,000.00	$7.00
Over $15,000.00 up to and including $40,000.00	$10.00
For each additional $1000.00 or fraction thereof exceeding $40,000.00	$ .75

Plumbing, heating, stand pipe, sprinkler, elevator or electrical work, etc. shall be included in estimated value of construction.

(b) The village board shall review and update the building permit fees periodically by resolution without prior public notice.

Sec. 1-85-49: Revocation.

The enforcing officer may revoke a building permit heretofore issued and approved in the following instances:

(a) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;

(b) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law;

(c) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications; or,

(d) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the enforcing officer.

Secs. 1-85-50 - 1-85-60: Reserved.

DIVISION 3 - CERTIFICATE OF OCCUPANCY

Sec. 1-85-61: Required.

(a) No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the enforcing officer.

(b) No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit, shall continue to be occupied or used for more than thirty (30) days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the enforcing officer.

(c) No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy shall have been issued by the enforcing officer.

(d) No building which has been damaged by fire, flood, or other man-made or natural disaster causing more than five hundred dollars ($500.00) damage; or which is suspected of being a danger to the health, safety or welfare of the occupants or to the general public by the fire chief, health officer, or other applicable official shall be occupied for more than seven (7) days unless a certificate of occupancy shall have been issued by the enforcing officer.

Sec. 1-85-62: Inspection Prior to Issuance.

Before issuing a certificate of occupancy, the enforcing officer shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued. The owner shall notify the enforcing officer for the purposes of inspection at the time of each of the following:

(a) Completion of footings and sewer and water connections.

(b) Completion of cellar walls or foundation walls.

(c) Completion of framing of building and/or roughing in of plumbing, wiring, duct work and chimney(s).

(d) Completion of structure or work.

Sec. 1-85-63: Issuance.

(a) When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws, ordinances and regulations; and also in accordance with the application, plans and specificatins filed in connection with the issuance of the building permit, the enforcing officer shall issue a certificate of occupancy upon the form provided by him. If it is found that the proposed work has not been properly completed, the enforcing officer shall refuse to issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

(b) A certificate of occupancy shall be issued, where appropriate, within thirty (30) days after application therefore is made. Failure to act upon such application within thirty (30) days shall constitute approval of application and the building or portion thereof may thereafter be occupied as though a certificate of occupancy had been issued.

(c) The certificate of occupancy shall certify that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances and regulations, and shall specify the use or uses and the extent thereof to which the building or structure or it's several parts may be put.

Sec. 1-85-64: Temporary Certificate of Occupancy.

Upon request, the enforcing officer may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed, provided such portion or portions as have been completed may be occupied safely without endangering life or the public welfare.

Secs. 1-85-65 - 1-85-80: Reserved.

ARTICLE III: ABANDONED BUILDINGS

Sec. 1-85-81: Definitions.

As used in this article the following terms shall have the meanings ascribed to them below:

ABANDONED BUILDING: A non-residential or residential structure which has remained unoccupied or unused for more than one (1) year or for a six-month period as measured below, whichever is sooner. Said six-month period shall be measured from the date of service, as provided herein, of notice of such non-use or non-occupancy to the owner.

NON-RESIDENTIAL STRUCTURE: A structure which contains non-residential occupancies.

RESIDENTIAL STRUCTURE: A structure which contains residential occupancies.

Sec. 1-85-82: Inspections and Entry Powers of Village Officials.

(a) The codes enforcement officer of the village shall be authorized to make, or cause to be made, inspections to determine the condition of premises in order to safeguard the health, safety and welfare of the public. The codes enforcement officer or his designated representative(s) shall be authorized to enter any premises at any reasonable time during the business hours or at such other time as may be necessary in any emergency, for the purpose of performing his duties under this local law. Inspections herein authorized shall be limited to the provisions of this local law.

(b) Inspectors and authorized personnel of the Code Enforcement Office shall be supplied with official identification, and upon request, shall exhibit such identification when entering any premises and all parts thereof.

(c) Access to all parts of any non-residential structure or premises shall be provided by the owner, operator, agent, or occupant thereof to personnel herein for the purpose of making such inspections at any reasonable

time during business hours or at such other times as may be necessary in an emergency. Whenever the codes enforcement officer or his duly authorized representative shall be unable to obtain access to premises for the purpose of making an inspection as herein provided, a demand for access to such premises shall be served upon the owner and/or occupants thereof at least three (3) days before the time for such inspection. In the event the codes enforcement officer finds that immediate action is or may be necessary to abate a hazard or remove a danger, he may demand immediate access from the owner, operator, agent or occupant and prior notice shall not be required.

(d) If after due demand the person entitled to possession of any dwelling or dwelling unit refuses admittance thereto of the code enforcement officer or his duly authorized representative, for the purpose of making an examination or inspection of the premises, the code enforcement officer shall seek authorization, by promp legal means, from a court of competent jurisdiction. The moving papers shall include an affidavit from the code enforcement officer or his duly authorized representative(s) that he seeks access to the premises designated so that he can carry out a regularly scheduled inspection pursuant to this local law, or because he has probable cause to believe that an inspection of such premises will reveal the existence of violations of this local law and, further, that such access has been denied. On presentation of such an affidavit and an ex parte application for relief, the judge shall issue a warrant or order authorizing the code enforcement officer to inspect the premises named in the affidavit.

Sec. 1-85-83: Notice of Violations and Correction Orders.

(a) Whenever the codes enforcement officer or his duly authorized representative(s) determines that there has been a violation, or that

there are reasonable grounds to believe that there has been a violation, of any provision of this article or any rules or regulations adopted pursuant hereto, he shall give written notice of such violation or alleged violation to the owner of the property. Such notice may contain an outline of remedial action which, if taken, shall effect compliance with the provisions of this local law and the rules and regulations adopted pursuant thereto. Such notice shall specify the alleged violations, provide thirty (30) days for compliance, and inform the person to whom it is directed of his right to apply for a hearing within ten (10) days before the codes enforcement officer or the village board.

(b) Upon the expiration of thirty (30) days after service of such notice as herein provided, the enforcement officer may issue a final order. A copy of the final order shall be served in the same manner as provided for herein. Such order shall allow ten (10) days from the date of service of said order within which to comply. Upon failure of the owner to comply, the codes enforcement officer or the village board shall act to obtain compliance as provided by this local law.

(c) Nothing herein shall authorize the enforcement officer or his duly authorized representative(s) to issue any orders with respect to the use of materials, size of structural members or design, except that the codes enforcement officer may prohibit the use of any items which conflict with the provisions of this local law, or conflict with the provisions of any other applicable law ordinance or regulation.

(d) The codes enforcement officer may, for good cause shown in his direction, extend the compliance time specified in any notice or order issued under the provisions of this local law.

(e) Whenever the codes enforcement officer finds that a violation of this local law exists which, in his opinion, requires immediate action to abate a hazard, or constitutes an immediate danger to the health, safety or welfare of the occupants of a building or the public, he may, without prior notice of hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. Notwithstanding any other provisions of this local law, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided in the order.

(f) It shall be sufficient service of a notice or order of the code enforcement officer if said notice is mailed by certified or registered mail to the person to whom it is directed to his last known address or place of residence and shall be posted in a conspicuous place upon the premises affected.

Sec. 1-85-84: Vacant Structures.

Any vacant structure shall be secured against unlawful entry, and the structure and adjoining yards shall be maintained in a clean and sanitary condition and shall not present a hazard to adjoining property or the public. All vehicular entrances to the property shall be closed to prevent unlawful parking or storage of vehicles upon the premises.

Sec. 1-85-85: Abandoned Structures.

(a) Whenever the codes enforcement officer or his duly authorized representative finds that a non-residential or residential structure is not used or occupied, he shall serve notice of such finding upon the owner.

(b) Whenever the codes enforcement officer or the village board finds that a non-residential or residential structure has been abandoned, the codes enforcement officer or the village board may order the owner to

demolish such structure or part thereof, upon notice as prescribed in Section 1-85-83. In making the determination to order such demolition, the codes enforcement officer or the village board must consider the following factors:

1) Period of time of non-occupancy or non-use; occasional and intermittent use shall not be a bar to determination that a building has been abandoned;

2) Whether the abandoned structure constitutes or may constitute a hazard or threat to the public health, safety or welfare;

3) Whether the abandoned structure hinders or may hinder the conservation of property values or the use and enjoyment of nearby property;

4) Whether the structure is in any way illegal and the owner or beneficial user cannot with reasonable diligence be located.

Sec. 1-85-86: Dangerous Structures.

Whenever the codes enforcement officer or his duly authorized representatives finds that any building under construction, or any existing building or structure is weakened from any cause or constitutes a hazard or threat to the health, safety or welfare of the occupants or the public, he may order said structure to be strengthened, repaired, secured, vacated or demolished, as he may judge, upon notice as prescribed in Section 1-85-83.

Sec. 1-85-87: Demolition, Repair, etc. by Village.

(a) Whenever a final order to remove a violation, secure, vacate or demolish a building has not been complied with, the codes enforcement officer or the village board may proceed to cause the structure to be demolished, repaired, altered, secured or vacated, or to take such other legal action as is necessary provided however, that nothing herein shall

authorize the codes enforcement officer or the village board to cause any structure to be demolished unless and until an appropriate order of the court has been obtained, as specified in sub-section (c).

(b) The expense incurred by the village hereunder shall be charged to and paid by the person responsible for such violation. The codes enforcement officer shall file with the village treasurer a statement of the items of expense and the date of execution of actions authorized thereunder. The village treasurer shall proceed to collect said sums owing the village in the manner provided by law.

(c) Whenever the village board shall determine pursuant to notice and order as provided herein that a dangerous or abandoned structure or a part thereof shall be demolished, and the owner has failed to comply with a final order of demolition within ten (10) days after service upon him of said order, the village attorney shall, upon eight (8) days notice to the property owner, mortgagees, tenants and lienors, present said order to demolish, and the records and papers of all prior proceedings upon which said order is based before a justice holding a special term of the Supreme Court for the county for review of said determination and confirmation thereof at which time the court may either confirm or annul wholly or in part, or modify the determination reviewed.

Secs. 1-85-88 - 1-85-100: Reserved.

ARTICLE IV: UNSAFE BUILDINGS AND COLLAPSED STRUCTURES

Sec. 1-85-101: Repair or Removal by Owner Required.

The owner or person having any interest in any wall, building structure or foundation in the village which for any reason shall have become unsafe, dangerous, unsightly or in any way endangers the health, safety or welfare of the public shall, upon being directed thereto by the village board, forthwith repair or remove the same.

Sec. 1-85-102: Determination by Village Board of Unsafe, etc. Status; Service of Notice of Hearing and Notice to Remove Upon Owner.

(a) Whenever any wall, building or other structure has in any manner become unfit for occupancy or shall be unsafe, detrimental or dangerous to the public health, safety or general welfare, upon inspection and report by the office of the enforcing officer or health officer or fire chief of the Village to the Village Board and hearing held thereon as hereinafter set forth, the Village Board may declare the premises a public nuisance and order the owner or person or persons having an interest therein, to repair or remove the said wall, building, structure or foundation and to clear away any and all debris caused thereby and to fill in the excavation to the lot level, requiring same to be made safe and secure. After having received and placed on file the report of the codes enforcement officer, health officer or fire chief, the Village Board, if it appears that a nuisance exists, shall hold a hearing thereon and shall serve notice upon the owner and all others having an interest therein, of the unsafe condition and the times and place of said hearing.

(b) The service of said notice shall be either by personal service or by registered mail, addressed to the last known address as shown by the records of the Village Assessor's Office. Said notice shall contain a description of the premises and a clear and concise statement of the particulars in which the building or structure is unsafe or dangerous, shall set forth the date, time and

place for a hearing thereon before the Village Board and shall be served at least ten (10) days prior to said hearing. If such service be by registered mail, a copy of said notice shall also be posted by firmly affixing a copy thereof on said premises.

(c) If it appears upon said hearing that an unsafe condition does in fact exist then the Village Baord shall declare it to be a nuisance and order the repair or removal thereof at or before a time to be fixed by the Board. Notice of said determination and the order of the Village Board shall be served upon the owner and other persons having an interest therein in the same manner as the original notice hereinbefore set forth.

(d) Where the identity and/or whereabouts of the owner of said building is unknown, then the notice shall be published in two (2) newspapers, at least one in the English language, designated by the Village Board as most likely to give notice to the person to be served, at least once in each of four (4) successive weeks. Service shall be complete on the twenty-eighth day after the day of first publication and the hearing shall be held not less than ten (10) days after service is complete, nor later than thirty (30) days thereafter. Proof of said publication shall be filed with the Village Clerk.

Sec. 1-85-103: Filing of Notice of Hearing with County Clerk; Effect of Same

A copy of the original notice shall be filed in the Office of the County Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise provided in this section. A notice so filed shall be effective for a period of one year from the date of filing, provided, however, that it may be vacated on the order of the Judge or Justice of a Court of record or upon the consent of the corporation counsel.

Sec. 1-85-104: Repair or Removal by Village

In the event such owner or other interested person fails or refuses to repair or remove said building or structure within the time provided, the Village Board may cause the repair or removal of said building, wall or structure and fill in the excavation and level the property and assess the cost thereof against the said property, and said cost shall thereupon become a lien against the property, and be collectible in the same manner as taxes levied thereon or by civil action.

Sec. 1-85-105: Violations

Any person who shall neglect or refuse to comply with the directions of the Village Board shall upon conviction be guilty of a misdemeanor. In addition to the remedies herein set forth, an action or proceeding may be maintained in a Court of competent jurisdiction to compel compliance with or to restrain by injunction any

violation of this local law and any order or finding made hereunder.

Secs. 1-85-106 - 1-85-125: Reserved.

45.

LOCAL LAW NO. 2-1985

SANITARY REGULATIONS

ARTICLE I. IN GENERAL

Sec. 2-85-01. Validity.

If any chapter, section or part of this local law shall, for any reason, be held to be invalid, the validity of any other section or the remaining portion thereof shall not be affected or impaired in any manner.

Sec 2-85-02 Effective date

This local law shall take effect immediatly after it's addoption, and the publication, posting, and/or filing as required by law.

Sec 2-85-03 Ammendments

This local law may be ammended by a vote of three fourths of the entire village board after discussion at two consecutive regular or special meetings open to the general public or by a majority vote of the entire village board after a public hearing held to discuss the proposed ammendment.

Secs. 2-85-04 - 2-85-10 Reserved.

ARTICLE 2. SEWAGE SYSTEMS

Sec. 2-85-11 Permit

No person shall commence any construction, instalation, or alteration, or cause the same to be done, of any private or public sewage disposal system without first having an approved building permit pursuant to section 1-85-44 of local law no 1 of 1985.

Sec. 2-85-12 Approval

Before any private or public sewage disposal facility is constructed installed or altered, it must recieve approval by the codes enforcment officer or the sanitary inspector appointed by the village.

Sec. 2-85-13 Required

Any sewage disposal installation shall be designed and built according to the requirements of this local law and current requirements as described in the New York State Department of Health publications "Rural Water Supply" and the New York State Department of Health, waste treatment handbook "Individual Household Systems". Existing installations in the village must function properly or shall be rebuilt to conform to the minimum requirements of this local law.

Sec 2-85-14 Review and Approval by NYS-DOH.

In addition to the approval of the Village, a review and approval by the New York State Department of Health or the New York State Department of Environmental Conservation, whichever is appropriate shall be required for the following conditions.

(a) Subdivision of land into 5 or more residential parcels since April 24, 1933.

(b) A temporary residence as defined in Part 7.1 of the New York State Sanitary Code.

(c) Any commercial sewage disposal system or system with effluent in excess of 1,000 gallons per day.

Sec 2-85-15 Connection to a comunity system

Where a public or community sewage disposal system is available or where such a system is in close proximity of 100 feet or less the village may refuse to grant a permit for an individual system and may require connection to the public or community system.

Sec 2-85-16 Design by licensed Engineer.

Design and supervision of construction by a licensed professional engineer shall be required where percolation rate is found to be greater than 60 minutes, where proposed installation is less than 10 feet above solid bedrock, where the lowest point of the proposed instalation is less than two feet above the seasonal high ground water table, and where steep slopes, poor soil or surface drainage or other unsuitable conditions for private sewage disposal ar in existence. Services of a licensed professional engineer shall also be required for installations not covered by requirements of this local law, such as sand filters, seepage pits, surface or underground drains. All sanitary installations which are subject to review by the New York State Department of Health require the design service of a licensed professional engineer.

Sec 2-85-17 Percolation testing

A minimum of two percolation tests, at different sites, shall be made for each sewage disposal area. Additional tests may be required where the soil structure varies, where large disposal areas are proposed or where other natural or manmade conditions so require. Percolation tests shall be conducted under the supervision of the sanitary inspector or the codes enforcment officer. At least 24 hours notice is required to the inspector prior to the test. Percolation tests shall follow the procedure outlined in the New York State Department of Health Standards.

Sec 2-85-18 Subsurface conditions

Minimum depth between bottom of the Tile field and the highest level of seasonal or permanent water table shall be twenty four (24) inches or more; minimum distance to the top of the bedrock shall be five (5) feet. Tile field installation shall be in an area which provides good drainage of storm water.

Sec 2-85-19 Percolation requirements.

A stabilized percolation rate greater than 60 minutes per one inch drop of water shall indicate that the land is not suitable for subsurface disposal; percolation rate of less than 60 minutes but more than 30 minutes shall indicate borderline suitability for a sanitary installation. Percolation of less than 30 minutes shall indicate areas where design can be based on requirements of this law.

Sec 2-85-20 Areas of severe limitation.

In areas which may present severe limitation to individual household sewage disposal systems it is recommended but not required that a licensed professional engineer perform design construction and supervise instalation of sewage disposal systems; except that the requirements for a design engineer, as set forth in section 2-85-16 hereof shall not be ammended, waived or modified by this section.

Sec 2-85-21 Areas of high water table.

In areas of high seasonal or permanent water table soil percolation tests shall be made during the high water level, between March 1 and May 15 of each year; percolation tests may be made at other times of the year within 24 hours after a rainfall of one inch or more(the amount of rainfall accumulated in the 24 hours preceeding the test); percolation tests at other times shall require pre-wetting of the test holes, each 12 hours, starting at least 48 hours prior to the test.

Sec 2-85-22 Wetlands and streams

Sewage disposal facilities shall not be installed on or within 100 feet of wetlands, swamps, bogs and flood plains as outlined in the special Flood Hazard Area maps of the Village of Munnsville or within 100 feet from surface water or from any stream.

Sec. 2-85-23 Minimum design capacity.

Design of private sewage disposal systems shall be based on a minimum occupancy per dwelling unit equivalent to a three bedroom house. A smaller design capacity may be permitted provided such design is approved by the village or its duly authorized representatives, and such restriction is noted and made part of the record map which is filed in the County Land Records, or noted on the deed in the case of filing of single lots.

Sec. 2-85-24 Sewage drainage; three or more units.

The means of sewage disposal for a multiple dwelling shall be a public sanitary or combined sewer system, whin it is within 500 feet of the premises on which the building is located and a connection may lawfully be made thereto.

Sec 2-85-25 Existing facilities.

The sanitary inspector, on the direction of the village board or the codes enforcment officer shall have the authority to inspect existing sewage disposal facilities to determine that they function properly. Where an existing sewage disposal facility has been found to be deficient, the inspector shall notify the owner in writing of such deficiency and a copy of the notice shall be filed with the village clerk. Upon reciept of such notice, it shall be the duty of the owner , within ten days, to make an application for a permit to reconstruct or alter such disposal system, an to complete such reconstruction or alteration within thirty days from the approval of the permit.

Sec. 2-85-26 Maintenance and Protection

All existing and new sanitary facilities shall be maintained in good working order at all times. It is prohibited to install paving, planting of trees and shrubs, re-grading or filling, crossing by vehicles or installation of driveways over sanitary disposal fields, and owners or persons in control of sanitary disposal fields where such conditions exist, shall be required to remove the same. There shall be no other activities or conditions permitted which would interfere with proper operation of any sewage disposal facilities.

Sec. 2-85-27 Detriments to general welfare

Proposals for sewage disposal which have an adverse effect, or contribute to an adverse effect on the public health, safety, or general welfare shall not recieve favorable consideration even though meeting other requirements of this law.

Sec. 2-85-28 System required

No vehicle, trailer, mobile home, motor home or other temporary accomidation, shall be used as a dwelling unit for more than seven (7) days within the village without a sewage disposal system approved by the village board. No perminent structure shall be used as a dwelling unit for more than one day within the village without a sewage disposal system approved by the village.

Sec. 2-85-29 Inspection

Completed instalation of the sanitary system shall be inspected and approved by the sanitary inspector or the codes enforcment officer prior to covering or backfilling of the installation. At least 24 hours notice is required for final inspection.

Secs. 2-85-30 - 2-85-40 Reserved

ARTICLE III. WATER SYSTEMS

Sec. 2-85 41 Permit

No person shall commence any construction, instalation, or alteration, or cause the same to be done, of any private or public water system or part thereof, or attachment thereto without first having an approved building permit pursuant to section 1-85-44 of local law no 1 of 1985.

Sec. 2-85- 42 Approval

Before any private or public water system is constructed, installed or altered, it must have the approval of the codes enforcement officer or the sanitary inspector appointed by the village, and, where appropriate, the Town of Stockbridge water superintendent.

Sec. 2-85-43 Connection to community system

Where a public or community water system is available, or where such a system is in close proximity, the village may refuse to grant a permit for an individual system and may require connection to the public or community system.

Sec. 2-85-44 New drinking water systems

New installations of drinking water supply systems shall be reviewed and approved by the codes enforcment officer and/or the sanitary inspector. New installations of private drinking water systems shall conform to the New York State Department of Health standards for rural water supply. New systems attached to the Town of Stockbridge Water District distribution system shall comply with the regulations set forth by the Town of Stockbridge for the same.

Secs 2-85-45 - 2-85-50 Reserved

Sec. 2-85-51 Lot areas

Where private water supply and private sewage disposal are used, the minimum lot area shall be no less than 40,000 square feet, the lot must have at least 4 measureable sides and no side or lot line shall be less than 100feet.

Secs 2-85-52 - 2-85-70 Reserved

Sec. 2-85-71 Conflict with other provisions

In any case where a provision of this local law is found to be in conflict with a provision of any zoning, building, fire, safety, health or other applicable law, ordinance or regulation of the state , county, town or village, the provision which establishes the higher standard for the promotion of health and saftey of the people shall prevail.

Sec. 2-85-72 Violation and penalties.

Any person who violates any provision of this local law shall be punished by a fine not to exceed the sum of $500.00 or by imprisonment of not more than 30 days, or both. Each day such violation continues after notification to the person in violation shall constitute a seperate violation.

Sec. 2-85-73Appeals

If the sanitary inspector or the codes enforcement officer delines to approve any proposed instalation of a water or sewage disposal system, the applicant may appeal to the village board, whose approval or rejection shall be final and conclusive at the local level. Any person or persons aggrieved by any decision of the board may apply to the Supreme Court for review by a proceeding under article seventy eight of the Civil Practice Law and Rules. Such proceeding shall be instituted within 30 days after the filing of a decision in the office of the village clerk.

Secs. 2-85-74 - 2-85-80 Reserved

(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~~
~~Town~~
Village of Munnsville

Local Law No. 1 of the year 19 87

A local law for FLOOD DAMAGE PREVENTION
(Insert title)

as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

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

~~County~~
~~City~~
~~Town~~
Village of Munnsville County, N.Y. as follows:

(FOLLOWING COMPLIES WITH NATIONAL FLOOD INSURANCE PROGRAM FLOOD PLAIN MANAGEMENT CRITERIA FOR FLOOD-PRONE AREAS (44 CFD 60.3(d)) AS REVISED 10/1/86)

FLOOD DAMAGE PREVENTION LOCAL LAW

SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The Village Board of the Village of Munnsville finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Munnsville and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publically 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 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 for 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 chance 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 equalled 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

"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 flood hazard have been defined but no water surface elevation 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 the 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

"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, usable solely for parking of vehicles, building access, or storage in an area other than a basement 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 transportable 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 varying 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. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

"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 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 in 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 Village of Munnsville.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Village of Munnsville, of Madison County, New York", dated _____, 19___, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and maps are on file at Munnsville Village Clerk, Munnsville, 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 supercede 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 conditionsof 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 Village of Munnsville from taking such other lawful action as 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 Village of Munnsville, 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 Codes 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 a 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 of materials, drainage facilities, and the location

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; 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 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 floodproofing 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 certification 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 applications 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. An 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 FIRM 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 of special flood 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 ORDERS

(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 noncompliant 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 either the Development Permit or the approved variance.

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 land conforms to the requirements of this Local Law.

(2) All other development occurring within the designated flood hazard area will have upon completion a Certificate of Compliance issued by the Local Administrator.

All certifications 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. Manufactured homes shall be elevated to or above the base flood elevation or 2 feet above the highest adjacent grade when no base flood elevation has been determined. 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 designed and/or located 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; and,

(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; and,

(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 A 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 areas 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 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARDS 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 bttom 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.

5.2-2 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 so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(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

(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 certificates noted in this section.

5.2-3 CONSTRUCTION STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARDS WITHOUT BASE FLOOD ELEVATIONS

New construction or substantial improvements of structures including manufactured homes shall have the lowest floor including basement elevated to or above the base flood elevation as may be determined in Section 4.3-(2) or 2 feet above the highest adjacent grade where no elevation data is available.

(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

(iii) openings may be equipped with louvers, valves, screens or other coverings or openings provided they permit the automatic entry and exit of floodwaters.

5.3 FLOODWAYS

Located within areas of special flood hazard are areas designated 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 3.2 and 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 occurance of the base flood discharge.

SECTION 6.0
VARIANCE PROCEDURE

6.1 APPEALS BOARD

(1) The Village Board as established by the Village Board shall hear and decide appeals and requests for variances from the requirements of this local law.

(2) The Village Board shall hear and 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 the decision of the Village 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 Village Board, shall consider all technical evaluations, 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 th...

(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 Village 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 appeal 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 contributing structures procedures set forth in the remainder of this section.

(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) the 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 threat 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 resulting from lowest floor elevation.

Be it enacted this 30th day of March, 1987 by the Village Board of Munnsville of Madison County, New York, to be effective March 31, 1987.

Maine Jack Kern Mayor

Alice D. Palmiter

Gary T. Eastman

Richard W. Snider

Dec 14, '87
July 13, '87

VILLAGE OF MUNNSVILLE, NEW YORK hearing 6/10/87 pg 197 min.

LOCAL LAW NO. 2 OF THE YEAR 1987

July 13, 1987 page 198 minutes

A LOCAL LAW ADOPTING A HOUSING CODE FOR THE VILLAGE OF MUNNSVILLE.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MUNNSVILLE, COUNTY OF MADISON, STATE OF NEW YORK, AS FOLLOWS:

RESOLVED, that the Village of Munnsville hereby adopts the following as its Housing Code:

Section 1. Statutory Authorization and Purpose.

1.1. Statutory Authorization. The People of the State of New York have in the New York State Constitution, Article IX, Section 2, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of it citizenry. Therefore, be it enacted by the Village Board of the Village of Munnsville, New York as follows:

1.2. Statement of Purpose. It is the purpose of this local law to promote the public health, safety, and general welfare, and to protect the residents of the Village by ensuring that certain standards of safety are maintained in housing located within the Village.

Section 2. Housing Code.

The Village Board hereby incorporates by reference the Housing Code of the City of Oneida, State of New York, adopted on December 7, 1976 and all subsequent amendments. Any reference to the City of Oneida shall be deemed a reference to the Village of Munnsville, any reference to the Common Council shall be deemed a reference to the Village Board, any reference to the Commissioner of Finance shall be deemed a reference to

the Mayor, any reference to the Corporation counsel shall be deemed a reference to the Village attorney.

A copy of the City of Oneida Housing Code of 1976 and subsequent amendments is filed with the Village Clerk.

Section 3. Effective Date.

This law shall take effect immediately.

Dated: July 13, 1987

Mayor, Village of Munnsville

ATTEST

Judith Calclough
Village Clerk

LOCAL LAW NO. 1 FOR THE YEAR 1988

VILLAGE OF MUNNSVILLE

A LOCAL LAW REGULATING JUNK, GARBAGE, AND STORAGE OF VEHICLES, MOTOR VEHICLES AND THEIR PARTS

SECTION 1.0

STATUTORY AUTHORIZATION AND PURPOSE

1.1 STATUTORY AUTHORIZATION

The People of the State of New York have in The New York State Constitution, Article IX, Section 2, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and the general welfare of its citizenry. Therefore, be it enacted by the Village Board of the Village of Munnsville of Madison County, New York as folows:

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to prevent new pollution and eliminate existing pollution, by control over the open storage of vehicles and motor vehicles and the parts thereof. The within provisions of the Local Law are designed:

(1) To protect human life and health;

(2) To prevent conditions which constitute a blight on the Village's landscape;

(3) To prevent conditions that destroy the aesthetic qualities of the Village;

(4) To prevent conditions which tend to depreciate not only the property on which such conditions are located, but also the property of other persons in the neighborhood and Village generally; and

(5) To prevent conditions that cause the Village to be less safe and less pleasant a place in which to live and to do business.

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 in the Vehicle & Traffic Law of the State of New York so as to give this Local Law its most reasonable application.

"Dumpster" shall mean any large container for garbage junk or other refuse.

"Farm Equipment" shall mean equipment used in agriculture and for the purposes of this Local Law is included within the definition of motor vehicle or vehicle, as the case may be.

"Garbage" shall mean any material accepted by any landfill sight including but not limited to the Madison County Landfill.

"Historical Motor Vehicle" shall mean a motor vehicle manufactured more than twenty-five (25) years prior to the current calendar year, which is owned and operated as an exhibition piece or collector's item, and is used for participation in club exhibits, tours, parades, and similar functions, and also for occasional transportation, but not used for general transportation.

"Inoperative Motor Vehicle" shall mean a motor vehicle which is neither licensed nor operative, whatever its vintage.

"Inoperative Vehicle" shall mean a vehicle, other than a motor vehicle which is neither licensed nor operative, whatever its vintage.

"Junk" shall mean recyclable materials no longer in condition to be used for the original intended purpose not including motor vehicles. "Junk" shall include but not be limited to inoperative appliances or tools such as lawn mowers, glass, batteries, and paper.

"Licensed Motor Vehicle" shall mean a vehicle currently licensed pursuant to New York State Law or the laws of any other State or the United States.

"Limited Use Vehicle" shall mean a motor vehicle as is defined in the Vehicle & Traffic Law of the State of New York at Section 121-C.

"Motor Vehicle" shall mean every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven invalid chairs being operated or driven by an invalid, (b) vehicles which run only upon rails or tracks, and (c) snowmobiles as is herinafter defined.

"Offender" shall mean an owner or a person to whom exlusive possession of property has been demised by the owner who violates or permits violation of the provisions of this Local Law on property owned by him or over which he has the legal right to exclusive possession and control.

"Open Storage" shall mean parking or leaving, or knowingly permitting to be parked or left on private property, other than inside a building, one or more vehicles or motor vehicles for a period in excess of three days in continuous repose, or for a period in excess of seven days where the same parcel of private property is used primarily for overnight storage.

"Operative", a motor vehicle, snowmobile or vehicle, as the case may be, shall be presumptively operative, if it is mechanically operable without repair or modification, and there has been issued for same a valid New York State certificate of inspection which (1) is in force, or (2) although not in force, less than six (6) months has elapsed since its expiration.

"Operative But Unlicensed Motor Vehicle" shall mean a motor vehicle which is unlicensed, but operative.

"Operative But Unlicensed Vehicle" shall mean a vehicle which is unlicensed, but operative.

"Owner" shall mean any individual, firm, company, association, society, corporation or group having title to real or personal property.

"Person" shall mean any individual, firm, company, association, society, corporation or group.

"Shall" is mandatory, "May" is permissive.

"Snowmobile" shall mean any self propelled vehicle designed for travel on snow or ice, steered by skis on runners and supported in whole or in part by one or more skis, belts or cleats.

"Specialty Motor Vehicle" shall mean a motor vehicle, the principal use for which is dictated by a purpose other than transportation or people, such as Historical Motor Vehicles and Racing Motor Vehicles.

"State" shall mean the State of New York.

"Village Board" shall mean the duly elected Village Board of the Village of Munnsville.

"Village" shall mean the Village of Munnsville, New York.

"Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exlusively upon stationary rails or tracks.

SECTION 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This Local Law shall apply to all areas within the jurisdiction of the Village of Munnsville.

3.2 GARBAGE AND JUNK

The outdoor storage and accumulation of junk for more than thirty days shall be prohibited.

Accumulation of recyclable materials to raise funds for a charitable institution shall be permitted if the Village Board is notified in writing more than thirty days prior to the beginning of collection of said materials and the accumulation shall not exceed ninety (90) days.

Accumulation or storage of garbage on any property public or private for a period of more than fifteen (15) days shall be prohibited.

Accumulation or storage of garbage in any building or structure for more than fifteen (15) days shall be prohibited.

Accumulation of garbage or junk on any property used for business, multiple dwelling, or mixed use limited to eight (8) days.

The owner of any business, mulitple dwelling or mixed use property shall provide dumpsters or other storage facilities large enough to store all of the garbage produced on said property in seven days and said owner shall assure the removal of said garbage, either personally or by contract, at least once every eight (8) days.

3.3 ABANDONED VEHICLES

Storage of one or more cast-off, unusable, or abandoned motor vehicles, including limited use and specialty vehicles, or any other cast-off, unusable or abondoned vehicles or parts thereof on the open grounds outside of enclosed structures, or approved enclosures, shall be regarded as use of property for a dump or junk yard.

Use of property for a dump or a junk yard is prohibited.

3.4 AGRICULTURAL USE STORAGE EXCEPTION

Storage of inoperative farm equipment on the open grounds outside of enclosed structures or approved enclosures used for an agricultural use is permitted, provided the same are stored for the use of the owner or operator of the farm upon which they are situate. The aforementioned storage shall not be regarded as use of property for a dump or junk yard.

3.5 MEMBERS OF THE U.S. ARMED FORCES, ACTIVE DUTY EXEMPTION

Section 4.1-2, 4.1-3, 4.2-1 and 4.2-2 of the within Local Law shall not be applicable where a motor vehicle and/or vehicle is owned by a member of the United State Armed Forces while on active duty.

3.6 INTERPRETATION, CONFLICT WITH OTHER LAWS

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, morals, safety, or the general

welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted law, rules, regulations or ordinances, the most restrictive or that imposing the higher standards, shall govern.

3.7 VALIDITY

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

3.8 PROHIBITED AND UNLAWFUL ACTS

It shall be unlawful to violate any provision of this Local Law.

3.9 PENALTIES FOR NON-COMPLIANCE

Penalties for violation of the provisions of this Local Law by failure to comply with any of its requirements are as follows:

(1) Any offender found to be violating any provision of this Local Law shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any offender who fails to comply with the provisions of this Local Law shall be guilty of disorderly conduct or other applicable provisions of the law and shall be subject to fine not exceeding $250.00 for each offense or the maximum fine allowable for a violation of the Penal Law, whichever is greater. The continuted violation of any provision of any section of this Local Law shall constitute a separate offense for each and every day such violations of any provision hereof shall continue.

(3) As an alternative, upon violation of this Local Law, the proper authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, to restrain, correct or abate such violation and to prevent the occupancy of any building, structure or land where said violations of this Local Law are found.

(4) Any offender violating any of the provisions of this Local Law shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation, and the Village may initiate an action in a court of competent jurisdiction to recover such damages.

SECTION 4.0

RESTRICTIONS ON OPEN STORAGE OF VEHICLES

4.1 OPEN STORAGE OF MOTOR VEHICLES

Open storage of motor vehicles shall be permitted on any one parcel of private property shown on the tax map for the Village, consonate with the following restrictions:

4.1-1 LICENSED MOTOR VEHICLES

Unrestricted open storage of licensed motor vehicles is permitted unless violative of one or more provisions of any other law, rule, regulation or ordinance of the Village or of the State.

4.1-2 OPERATIVE BUT UNLICENSED MOTOR, LIMITED USE OR SPECIALTY VEHICLES

Open storage for a period of up to six (6) months duration, of a maximum of one operative but unlicensed motor vehicles, limited use vehicles or specialty motor vehicles per tax map parcel is permitted within the Village except as otherwise specifically provided by applicable local law, unless violative of one or more provisions of any other law, rule, regulation or ordinance of the Village or of the State. An increase in the permitted number or permitted duration of time may be approved by the Village Board upon application by the owner of the parcel and the showing of special circumstances at a public hearing.

4.1-3 INOPERATIVE MOTOR, LIMITED USE OR SPECIALTY VEHICLES

Except as otherwise specifically provided by applicable local law, no open storage of inoperative motor vehicles, limited use vehicles or specialty motor vehicles is permitted. Open storage of one such vehicle may be permitted if approved by the Village Board, upon application by the owner of the parcel and the showing of special circumstance at a regular meeting of the Village Board.

4.2 OPEN STORAGE OF VEHICLES

Open storage of vehicles other than motor vehicles shall be permitted on any one parcel of private property shown on the tax map for the Village, consonant with the following restrictions:

4.2-1 INOPERATIVE VEHICLES

Except as otherwise specifically provided by applicable local law, no open storage of inoperative vehicles is permitted beyond a period of three (3) months for one such vehicle. Open storage of one such vehicle may be permitted beyond such three (3) month period, for an additional six (6) month period, if approved by the Village Board upon application by the owner of the parcel and the showing of special circumstances at a regular meeting of the Village Board.

4.3 OPEN STORAGE OF MOTOR VEHICLE AND VEHICLE PARTS PROHIBITED

There shall be no outside storage of motor vehicle parts or vehicle parts at any time within the Village, except where permitted by the Village Board.

SECTION 5.0

POWERS AND AUTHORITY OF INSPECTORS

5.1 INSPECTION

The Village Enforcement Officer, Engineer and other duly authorized officers of the Village, bearing proper creditials and indentifications, shall be permitted to enter upon all properties for the purpose of inspection, to implement the provisions of this Local Law, as permitted by the laws of the State of New York in such cases made and provided.

5.2 BUILDING AND OCCUPANCY PERMITS

No building permit or occupancy permit, as the case may be, shall be issued to any owner of a parcel of land found to be in violation of any provision of this Local Law, in addition to any other applicable law in such cases made and provided for.

5.3 ENFORCEMENT

This Local Law shall be enforced by the Village, through the Village Enforcement Officer and Village Attorney.

SECTION 6.0

EFFECTIVE DATE

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

Dated: 3/14/88

Mayor, Village of Munnsville

ATTEST

Village Clerk

LOCAL LAW NO. 1 FOR THE YEAR 1989

VILLAGE OF MUNNSVILLE

A LOCAL LAW ABOLISHING THE POSITION OF VILLAGE ASSESSOR

Section 1. Legislative intent. The intent of the Board of Trustees of the Village of Munnsville is to implement section 1402(3) of the Real Property Tax Law providing for the voluntary termination of the Village's status as an assessing unit, as provided in the Village Law and the Real Property Tax Law. It is also the intent of this local law to abolish the position of Assessor and to terminate any and all responsibility as provided by law for the review of the assessments of real property located within the Village of Munnsville.

Section 2. On or after the effective date of this local law, the Village of Munnsville shall cease to be an assessing unit.

Section 3. The position of Assessor in the Village of Munnsville is hereby abolished.

Section 4. The Board of Assessment Review in the Village of Munnsville is hereby abolished.

Section 5. On or after the effective date of this local law, taxes in the Village of Munnsville shall be levied on a copy of the applicable part of the assessment roll of the Town of Stockbridge with the taxable status date of such Town controlling for village purposes.

Section 6. Within five days of the effective date of this local law, the Board of Trustees of the Village of Munnsville shall file a copy of such local law with the Clerk and Assessor of the Town of Stockbridge and with the State Board of Equalization and Assessment.

Section 7. This local law shall take effect immediately upon filing with the Secretary of State, provided, however, that such local law is subject to a permissive referendum and the village clerk shall forthwith proceed to notice such fact and conduct referendum if required by petition.

Dated:

9/1/89

Richard W. Snyder
Mayor, Village of Munnsville

ATTEST

Judith A. Colclough
Village Clerk

Village of Munnsville
Local Law No. 2 of the year 1989.

A local lawa Authorizing and Regulating the Conduct of Games of Chance in the Village of Munnsville.

Be it enacted by the Village Board of the Village of Munnsville as follows:

SECTION 1 AUTHORITY: Title. This law is enacted pursuant to the authority of Article Nine-A of the General Municipal Law of the State of New York, and shall be known as the Games of Chance Law of the Village of Munnsville.

SECTION 2: DEFINITIONS: The words and terms used in this Local Law shall have the same meaning as such words and terms used in Article Nine-A of the General Municipal Law of the State of New York.

SECTION 3: GAMES OF CHANCE AUTHORIZED: RESTRICTIONS: Games of Chance may be conducted in the Village by an authorized organization, after obtaining a license therefor, in accordance with the provisions, requirements and limitations of Article Nine-A of the General Municipal Law, the rules and regulations of the New York State Racing and Wagering Board and this Local Law.

The conduct of games of chance on Sundays is authorized, except as otherwise restricted in Article Nine-A of the General Municipal Law.

SECTION 4: The powers and duties set forth in Subdivision One of Section 194 of the General Municipal Law shall be exercised by the Chief Law Enforcement Office of the County of Madison.

SECTION 5: EFFECTIVE DATE: This Local Law shall take effect immediately upon filing with the Secretary of State after approval thereof by the voters of the Village voting thereon at a Special Election to be held pursuant to the provisions of the Municipal Home Rule Law.

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1989 of the Village of Munnsville was duly passed by the Munnsville Village Board on NOVEMBER 13 1989 and was approved by the Mayor on NOVEMBER 13 1989. Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the special election held on October 10, 1989, in accordance with the applicalbe provisions of law.

DATED: 11/13/89

Judith Catchpaugh
Village Clerk

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 Munnsville
Village

Local Law No. 1 of the year 19 95

A local law establishing a Curfew Law in the Village of Munnsville.
(Insert Title)

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

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

As attached hereto.

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

VILLAGE OF MUNNSVILLE, NEW YORK
LOCAL LAW NO. ONE OF THE YEAR 1995

A Local Law establishing a Curfew Law for the Village of Munnsville.

Be it enacted by the Board of Trustees of the Village of Munnsville, County of Madison, State of New York, as follows:

Section 1. Definitions:

For the purpose of this local law, the following terms, phrases, words and their derivatives shall have the meaning given herein:

a. **Curfew Hours** means:

(1) 10:00 p.m. on any such Sunday, Monday, Tuesday, Wednesday, or Thursday night until 6:00 a.m. of the following day; and

(2) 10:00 p.m. on any Friday or Saturday until 6:00 a.m. of the following day.

b. **Establishment** means any privately-owned place of business or facility to which the public is invited, including but not limited to any place of amusement or entertainment.

c. **Public Place** means any place to which the public had access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, condominiums, town houses, office buildings, transport facilities, shops and store fronts.

d. **Minor** means any person under the age of 16 years.

e. **Parent** means a person who is:

(1) a natural parent, adoptive parent or step-parent of the minor, or

(2) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

f. **Remain** means to:

(1) linger, stay, wander, idle, stroll or

(2) fail to leave any premises when requested to do so by a police office, owner or other person in control of the premises.

8. **Operator** means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officer of a corporation.

Section 2. Commision of Offense

(1) A minor commits an offense if she/he remains in any public place or on the premises of any establishment within the Village of Munnsville during curfew hours or refuses the lawful order of the New York State and or Madison County police department during such curfew hours.

(2) A parent or guardian of such minor commits an offense if he or she knowingly permits, or has constructive knowledge, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Village of Munnsville during curfew hours.

(3) The owner or operator, or any employee of any establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of an establishment during curfew hours.

Section 3. Defenses

(a) It is a defense to prosecution that the minor was:

1. accompanied by the minor's parent or legal guardian;

2. on an errand at the direction of the minor's parent or legal guardian, without any detour or stop;

3. in a motor vehicle involved in interstate travel;

4. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

5. involved in an emergency;

6. on the sidewalk abutting the minor's residence or the residence of a next door neighbor did not complain to the police department about the minor's presence;

7. attending an official school, religious or other recreational activity supervised by adults and sponsored by the Village of Munnsville, a civic organization, or another similar entity that takes responsibility for the minor; or

8. has been emancipated from his or her parent under New York State law.

(b) It is a defense to prosecution that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Section 4. Enforcement

This local law shall be enforced by any police officer who has jurisdiction within the Village of Munnsville.

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place, or for allowing such minor to remain on the premises.

The police officer, upon finding such minor is in apparent violation of this local law, shall direct such minor to proceed at once to his or her home or usual place of abode.

The police office shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense is present.

All citations issued hereunder, shall be returnable in the Village of Munnsville Court, Munnsville, New York.

Section 5. Prosecution and Penalties

(a) Any person committing an offense against this local law shall be guilty of disorderly conduct punishable by a fine not to exceed one hundred fifty ($150.00) dollars or seven days imprisonment, or both; or they may be sentenced to community service, as determined by the court. A person who violates a provision of this local law is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

(b) Violations may be prosecuted by the Village Attorney.

Section 6. Review of the local law

Within six (6) months after the initial enforcement of this local law, the police department shall review this local law and report and make recommendations to the Village Board concerning the effectiveness of and the continuing need for the local law. The report of the police department shall specifically include the following information:

(a) the practicality of enforcing the local law and any problems with enforcement identified by the police department;

(b) the impact of the local law on crime statistics;

(c) the number of persons successfully prosecuted for a violation of the local law; and

(d) the Village of Munnsville's net cost of enforcing the local law.

Section 7. 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 affect the remainder of said local law, which shall remain in full force and effect.

Section 8. Effective Date

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

Mildred E. Meeker
Mayor
Village of Munnsville

ATTEST:

Village Clerk

VILLAGE OF MUNNSVILLE
VILLAGE BOARD RESOLUTION

April 12, 2021

VILLAGE OF MUNNSVILLE LOCAL LAW NO. A OF 2021
("A Local Law Imposing a Twelve (12) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Village of Munnsville")

The following resolution was offered by Trustee Robert Stevens, who moved its adoption, seconded by Trustee Howie Love, Jr., to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law No. A-2021, titled "A Local Law Imposing a Twelve (12) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems Within the Village of Munnsville," was presented and introduced at a regular meeting of the Village Board of Trustees of the Village of Munnsville held on March ~~8~~ 15, 2021; and

WHEREAS, a public hearing was held on such proposed local law on ~~March~~ April 12, 8, 2021, by the Village Board and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Village Board in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on March ~~8~~ 15, 2021, the Village Board declared itself lead agency and determined that the enactment of proposed Local Law No. A-2021 was a Type II action and therefore would have no significant effect on the environment, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, the Village Board of the Village of Munnsville has now determined that it is in the public interest to enact said Proposed Local Law No. A-2021.

NOW, THEREFORE, it is

RESOLVED that the Village Board of the Village of Munnsville, Madison County, New York, does hereby enact Proposed Local Law No. A-2021 as Local Law No. A -2021 as follows:

"VILLAGE OF MUNNSVILLE
LOCAL LAW NO. A OF 2021

A LOCAL LAW IMPOSING A TWELVE (12) MONTH MORATORIUM ON COMMERCIAL FREE-STANDING SOLAR PHOTOVOLTAIC (PV) SYSTEMS WITHIN THE VILLAGE OF MUNNSVILLE

Be it enacted by the Village of Munnsville Board of Trustees, as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. INTENT.

It is the intent of the Village Board of Trustees of the Village of Munnsville to impose a twelve (12) month moratorium on commercial free-standing solar photovoltaic (PV) systems within the Village of Munnsville.

SECTION 3. LEGISLATIVE PURPOSE.

In recent months, the Village has become aware of increasing interest by developers of larger scale solar energy system applications in the Village and surrounding areas, such that the potential for solar energy uses are becoming increasingly prevalent in the Village of Munnsville at a commercial scale. Based upon this, the Village Board is of the opinion that a period of time is necessary to determine whether regulation of commercial freestanding solar power energy systems is necessary in order to preserve and protect the health, safety and welfare of its residents. Commercial free-standing solar power energy are generally larger, more obtrusive and can pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations may pose a risk. This moratorium will enable Village officials to review and comprehensively address the various issues involved with these commercial level systems.

The Village recognizes the potential benefits and desirability of solar power and renewable energy sources but determines that time and study is necessary in order to determine if and how to properly regulate such installations. The Village Board deems this moratorium emergent and immediately necessary for the Village.

SECTION 4. DEFINITIONS.

COMMERCIAL FREE STANDING SOLAR PHOTOVOLTAIC (PV) SYSTEMS

A free standing solar photovoltaic (PV) system, including appurtenances, battery systems and associated equipment, and an area of land principally used to convert solar energy to electricity with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

SECTION 5. MORATORIUM.

A. The Village Board hereby enacts a moratorium which shall prohibit the placement, construction or erection of a commercial free standing solar photovoltaic (PV) system within the Village of Munnsville and/or the processing or further processing of such applications.

B. This moratorium shall be in effect for a period of twelve (12) months from the effective date of this local law and shall expire on the earlier of: (i) the date twelve (12 months from said effective date of this local law, unless renewed; or (ii) the enactment by the Village Board of a resolution indicating the Village Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Village.

D. Commercial free-standing solar photovoltaic (PV) systems which have previously been approved or are located on Village-owned property are hereby expressly excluded from this moratorium. Those applications for such uses which have not received appropriate approvals from the Village's Zoning or Planning Boards are included in the moratorium.

SECTION 6. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

A. The Village Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Village Code Enforcement Officer together with a filing fee of $500.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the Village, shall be reimbursed to the Village by the Applicant. The Village Board shall apply Use Variance criteria as set forth in the New York State Village Law Section 7-712-B in reviewing any application for relief.

C. The Village Board may refer any applications for relief herein to the Village Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Village Board after determining whether or not the requested relief is compatible with the Village's land use policy and Village character. Unless completely satisfied that the proposed relief is compatible, the Village Board shall deny the application.

D. The Village Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Village Code Enforcement Officer and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 7. PENALTIES.

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a commercial free-standing solar photovoltaic system in violation of the provisions of this local law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars ($1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the Village to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

SECTION 8. ENFORCEMENT.

This local law shall be enforced by the Code Enforcement Office of the Village of Munnsville or such other zoning enforcement individual(s) as designated by the Village Board. It shall be the duty of the enforcement individual(s) to advise the Village Board of all matters pertaining to the enforcement of this local law.

SECTION 9. VALIDITY & SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this local law.

SECTION 10. EFFECTIVE DATE.

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of twelve (12) months from the date of passage."

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Robert Stevens	**Trustee**	**Voted**	**(Yes)/No**
Howard Love, Jr.	**Trustee**	**Voted**	**(Yes)/No**
Pamela Mitchell	**Trustee**	**Voted**	**(Yes)/No**
~~Richard Snider~~ Michael LaLonde	**Mayor**	**~~Voted~~**	**~~Yes/No~~**

The foregoing resolution was thereupon declared duly adopted.

DATED: April 12, 2021