

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**FILED
STATE RECORDS**

FEB 25 2019

DEPARTMENT OF STATE

County

City

of Williamstown

Town

Village

Local Law No. 2 of the year 20 19

A local law Regulating Recreational Camping Vehicles

(Insert Title)

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

County

City

of Williamstown as follows:

Town

Village

ARTICLE 1 - INTRODUCTION

Section 100 Enacting Clause

Pursuant to the authority conferred by Article 2 and 3 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Williamstown hereby adopts and enacts the following law.

Section 105 Title

This law shall be known and may be cited as the "Recreational Camping Vehicle Law of the Town of Williamstown, New York"

Section 110 Purpose

This law has been enacted for the purpose of promoting the health, safety and general welfare of the inhabitants of the Town of Williamstown through the efficient regulation of recreational camping vehicles and to provide minimum standards for their placement, water supply, sewage disposal, and use.

Section 115 Authority

By the authority of Article 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of Williamstown is authorized and empowered to approve site placement and regulations of use.

ARTICLE 2 – REPEALER

This local law shall replace the prior existing recreational camping vehicle local laws or ordinances of the Town of Williamstown; specifically, Local Law No. 1 of the Year 2016 is hereby repealed as of the effective date of the adoption of this local law, without impairing, however, rights that may have accrued thereunder before the repeal.

ARTICLE 3 - DEFINITIONS

Section 300 General Definitions

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory. As used in this local law:

partnership or joint stock Company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

Recreational Camping Vehicle: Any enclosed motor vehicle or trailer used or designed to be used for recreational travel and temporary living and/or sleeping purposes including, but not limited to, motor homes, truck campers, campers, travel trailers, tent trailers or over-night trailers.

Sanitary Sewage Disposal: An approved septic system with leach field, composting toilet, Porta-John or an approved holding tank.

Vacant Property: A lot that does not contain a dwelling.

ARTICLE 4 - RECREATIONAL CAMPING VEHICLES REGULATIONS

Section 400 Residential Properties

1. A maximum of two (2) recreational camping vehicles may be stored outside (unoccupied and not used for living quarters) when there is a dwelling existing on the same lot, if the recreational camping vehicle is owned by the real property owner or his tenant, or by a family member residing on the same lot.
2. Two (2) recreational camping vehicles may be located on a lot owned by the recreational camping vehicle's owner or by a family member residing on the same lot for occupancy subject to the following conditions:
 - a. On site sanitary sewage disposal is required.
 - b. All other applicable standards of the Oswego County Health Department and the NYS Uniform Fire Prevention and Building Code are met.
 - c. No external modifications or additions may be permanently attached to any recreational vehicle.
 - d. No recreational vehicle shall be used as an addition to a residential or commercial building.
 - e. No recreational vehicle shall be used for any rental purposes.
 - f. No recreational vehicles shall be used for the purpose of housing animals (domestic, wild and/or farm).
 - g. Wood stoves shall not be permitted in any recreational vehicles.

Section 405 Properties Without Dwellings

1. On a lot without a dwelling, up to two (2) recreational camping vehicles may be located for a maximum of thirty (30) days during the period March 1st to December 31st without a Recreational Camping Vehicle Permit. For more than a total of thirty (30) days, a Recreational Camping Vehicle Permit must be obtained. A violation for exceeding the 30-day period will result in a fine of not less than \$200.00.

ARTICLE 5 – PERMITS

Section 500 Permit Conditions

1. A Recreational Camping Vehicle Permit is required to operate a campsite or campground within the Town of Williamstown. Any campground with five (5) or more campsites, occupied 60 hours or more in a calendar year must obtain a health permit from the Oswego County Health Department; campgrounds permitted by the department are exempt from obtaining a recreational camping vehicle permit from the Town of Williamstown.
2. The Code Enforcement Officer may issue a permit upon evidence and verification that the following conditions have been met:
 - a. Sanitary sewage disposal facilities are available.
 - b. All recreational camping vehicles must be set back 40 feet from all lot lines.
 - c. The recreational camping vehicle must remain licensed, registered and inspected for highway use and all times must remain capable of use on public highways.
 - d. No permanent external modifications or additions may be made to any recreational vehicle.
 - e. No more than two occupied recreational camping vehicle shall be located on a single lot outside of a licensed campground.
 - f. No motorized vehicles of any kind shall be occupied unless they are designed and intended for that purpose.
3. The permit shall be for March 1st through December 31st and shall be prominently displayed on the recreational camping vehicle so that it may be seen from the exterior of the vehicle. Failure to remove recreational vehicle and/or comply with the permit will result in a fine of no less than \$100.00.
4. Under no circumstance shall a recreational camping vehicle used for occupancy in excess of thirty (30) days be permitted to be replaced with another recreational camping vehicle without complying with Article 3 of this local law.

Section 505 Permit Procedures

1. Permit applications shall be obtained from the Code Enforcement Officer.
2. The completed application, along with two copies of the proposed site plan drawn to scale or indicating all dimensions, and a nonrefundable permit fee of \$50 per recreational vehicle, or as set by the Williamstown Town Board, shall be returned to the Code Enforcement Officer. The site plan shall show the current valid registration; dimensions of the lot; the location of all existing buildings; the dimensions and capacities of all existing or proposed sanitary and water facilities; and all natural water courses, ponds or surface drainage patterns.

3. Upon receipt of the application and site plan, the Code Enforcement Officer shall review the application for completeness. The Code Enforcement Officer shall then determine whether requirements of other Town, State, or Federal laws apply and whether applicable permits are necessary.
4. Prior to any site preparation, the Code Enforcement Officer may conduct an on-site inspection. To assist the Code Enforcement Officer on the inspection, the applicant may be required to locate stakes on the site in conformity with information shown on the site plan.
5. Upon a determination by the Code Enforcement Officer that the proposal has met all the requirements of this law, the Code Enforcement Officer may issue the Permit. The Code Enforcement Officer shall file a copy of the permit with the Town Clerk within ten days of the issuance.
6. The cost of any site inspections, tests, or professional consulting needed to comply with the regulations of this law shall be paid by the applicant.
7. All permits shall expire on December 31st.
8. The Williamstown Town Board may set or change fees for permits and/or fines from time to time by resolution.

Section 510 Permit Transferability

A Recreational Camping Vehicle permit shall permit the usage of two (2) recreational camping vehicles per lot per year and may be transferred from the original recreational camping vehicle using the lot to any other recreational camping vehicle subsequently using the same lot. Any subsequent recreational camping vehicle shall comply with all of the conditions and requirements of the original permit.

Section 515 Permit Violations

If it is determined by the Code Enforcement Officer that a recreational camping vehicle has not been sited in accordance with the site plan as shown on the application, or that any of the conditions of the application have been violated, the Code Enforcement Officer shall issue a Notice of Violation allowing 15 days for the violation to be corrected. If the violation or violations have not been corrected to the Code Enforcement Officer's satisfaction after 15 days, then the permit will be revoked and the recreational camping vehicle must be removed within 15 days. Failure to comply will result in an appearance ticket being issued.

Section 520 Exemption / Waiver

Special events will be exempt from the Recreational Camping Vehicle law, but not from the New York State Sanitary Code and may still require additional permits from the Oswego County Health

Department. This involves events that are held for a short period of time, 1 to 2 days, but not to exceed 7 days on residential properties and/or properties with buildings. A special event could be a Ceremonial Gathering (i.e. Weddings, Church Event, Family Reunions); Sports Event (i.e. Race, Fishing Derby's, Bike/Car Rallys); Culture Events (i.e. Concerts). Special Events that have 3 or more recreational camping vehicles on the premises, the property owner must provide a suitable sanitary facility. The property owner shall not charge fees for placing recreational camping vehicles on the property; otherwise they will have to abide by current laws and regulations for operating an approved camp ground. Recreational camping vehicles remaining on the premises beyond 7 days will be subject to a fine of not less than \$100.00. To obtain this Exemption / Waiver, a Special Event permit must be filed with the Williamstown Town Clerk not less than 7 days prior to the event. The Town Clerk will promptly e-mail a copy of the permit to the Town Code Enforcement Officer and to the Councilman Liaison. Failure to file for a permit will result in a fine of not less than \$100.00.

ARTICLE 6 – VARIANCE/INTERPRETATION PROCEDURE

Section 600 Powers and Duties of Board of Appeals

The Board of Appeals as established by the Town of Williamstown shall hear and decide appeals and requests for variances from the requirements of this local law.

1. The Board of Appeals shall upon appeal from a decision of the Code Enforcement Officer, decide questions involving interpretations of any provision of this local law.
2. The Board of Appeals shall have the authority to vary strict applications of the requirements of this local law when there is unnecessary hardship in the way of carrying out the strict letter of this local law. The Board of Appeals shall have the authority to vary or modify the application of any of the regulations or provisions of this local law so that its spirit shall be observed.

Section 605 Conditions for Variances

Variance: Where there is unnecessary hardship in the way of carrying out the strict letter of this local law, the Zoning Board of Appeals shall have the authority to vary or modify the application of any of the regulations or provisions of this Local Law so that its spirit shall be observed. No variance shall be granted, however, unless the Zoning Board of Appeals finds:

- a. That the granting of the variance will be in harmony with the general purpose and intent of this Local Law and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- b. That the hardship claimed is not self-created.
- c. That there is no practical way for the applicant to accomplish the intended objective by observing the regulations specified in this Local Law.
- d. That the variance requested is not self-created and is the minimum necessary to grant relief.

In granting any variance, the Board of Appeals shall prescribe any conditions that it deems necessary or desirable.

All other subsections shall remain in full force and effect.

Section 610 Procedure for Interpretation or Variance

1. Board of Appeals shall act in strict accordance with the procedure specified by the Town Law, by this Local Law and Local Law 2 of 2016 A Local Law Forming and Empowering a Board of Appeals for the Town of Williamstown. All applications made shall be in writing, on forms prescribed by the Board. Every application shall refer to the specific provision of the Local Law involved, and shall set forth the interpretation claimed, use for which the interpretations sought, or details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
2. Every decision of the Board of Appeals shall occur after public hearing and be by resolution, which shall contain a full statement of their findings of fact in the case and shall be recorded in their minutes.

Section 615 Required Plan for Variances

An application for a variance shall be accompanied by one set of preliminary plans and other descriptive matter to portray clearly the intentions of the applicant. A copy of the deed for the premises, and a copy of any restrictive covenants applying to the premises shall be provided upon request. These documents shall become part of the record. Such plans shall show location of all buildings, parking access and circulation, open space, landscaping, septic and drainage and all other information necessary to determine if the proposed variance meets the requirements of this Local Law.

Section 620 Compliance for Conditions of a Variance

The Board of Appeals may condition the granting of a variance upon compliance for certain conditions specified by the Board of Appeals, compliance with said conditions shall be mandatory throughout the duration of the variance, and failure to conform to said condition, shall be grounds for revocation of the variance. Upon revocation of the variance, the Code Enforcement Officer may institute legal action.

ARTICLE 7 – ACTION TO TERMINATE VARIANCE UPON FAILURE TO COMPLY WITH CONDITIONS IMPOSED

Section 700 Procedure to Terminate

At any time subsequent to the granting of a variance, the Board of Appeals may commence a proceeding to terminate said variance based upon a failure of the applicant to comply with any condition imposed at the time of the granting of such permit or variance. Such proceeding to terminate shall be brought before the Board which initially granted the variance and shall be an evidentiary hearing.

The chairman of the Board shall rule on all evidentiary matters, and the burden of proof shall be on the Board of Appeals to prove, by a preponderance of the evidence that the conditions

previously imposed have been violated.

After the hearing is completed, the Board shall determine whether such conditions have been violated. To make a finding that such violations have occurred, there must be a concurring vote of a majority of the members of the Board.

Upon a finding of such violations or violation, the Board must take one or more of the following actions:

1. Declare the variance terminated and instruct the Board of Appeals to commence any enforcement proceedings permissible under Section 13 of the Local Law, as if the original permit had not been granted.
2. Continue the variance under the same terms and conditions previously imposed.
3. Impose a civil penalty of up to \$1,000.00.
4. Impose new or other conditions or revoke prior conditions placed upon the variance; however such new conditions shall not take effect, nor shall any existing conditions be revoked until after a public hearing is held at which time all members of the public may be heard. During the interim period between the date of the determination of the Board and the date of the public hearing, all conditions of the initial permit or variance shall be continued in effect.

ARTICLE 8 - MISCELLANEOUS PROVISIONS

Section 800 Enforcement, Violations, and Penalties

1. The Town Board and its Enforcement Officer are hereby authorized to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this law.
2. Any person who shall violate any provision of this law shall be guilty of a violation as defined in Article 10 of the Penal Law and shall, upon conviction, be subject to a fine of not more than \$500 or to imprisonment for not more than 15 days or to both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.
3. Compliance with this law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this law shall also be subject to a civil penalty of not more than \$500, to be recovered by the Town in a civil action and each week's continued violation shall be for this purpose a separate and distinct violation.
4. In addition to any other penalties imposed or other available remedies available to the Town, the Town Board may conduct a hearing to determine whether such violation

constitutes a significant public health or safety issue. Such hearing shall be on a minimum of 10 days notice to the owner, which notice may be served personally or by certified mail, return receipt requested, to the last known address of the owner as shown on the last completed tax roll.

- a. Such notice shall specify the date, time and place of the hearing, the purpose of the hearing, the nature of the alleged violation, the owner may be present and participate in the hearing individually and/or through counsel, the fact that if the Town does determine that there is a significant health, safety or welfare issue, that it may enter the property to remove the violation, and that all costs so incurred, including legal expenses, which will be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.
 - b. The Town Board shall conduct a hearing on the date and time indicated in the notice and shall make findings of fact. Based on such findings, the Town Board shall determine whether any remedial action is required.
 - c. The Town Board shall notify the owner of its decision in the same manner as the notice of hearing. If no corrective action is taken within 10 days of such notice being either mailed or personally served upon the owner, then the Town Board may authorize entry onto the property to do such remediation work or removal of the building and may charge all costs so incurred, including legal expenses, as a tax against the land.
5. In addition to all other penalties and remedies available to the Town under this section, the Town shall have the authority, upon resolution, to make an application at a special term of the Supreme Court in the judicial district in which such property is located for an order determining the violation to be a public nuisance, directing that it shall be removed by either the owner or the Town and imposing a fine of \$100 per day for each day the property remains in violation. In the event the Town is authorized to remove the violation, the costs so incurred, including legal expenses, shall be a tax against the land on which such building is located in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.
 6. The hearing process outlined in Subdivision 4 of Article 5 is not an administrative remedy that must be exhausted before proceeding to Supreme Court. The Town Board for the Town of Williamstown shall have the discretion to determine which enforcement alternative is appropriate under the circumstances of each case and shall have the discretion to determine whether to pursue more than one enforcement alternatives.

Section 805 Abandonment of Variances

A variance shall continue until such time as it is voluntarily terminated, terminated by action of the appropriate issuing agency, or is terminated by abandonment. For the purposes of this section, a variance shall be considered to be abandoned when it has been abandoned or discontinued for a period of 12 consecutive month's or for a total of 18 months in any three year period. A determination may be entered that said variance has been abandoned after a hearing in accordance with the procedures set forth in Section 10, unless said business is seasonal which shall consist of being open at least two months a year for purposes seasonally related.

Section 810 Severability

The provisions of this law are severable, and the invalidity of a particular provision shall not invalidate any other provision.

Section 815 Conflicts

A conflict between the requirements of this law and the requirements of any other ordinance, local law, rule or regulation, statute, or other provision of law shall be resolved by giving effect to the provision imposing the more restrictive requirement or higher standard.

Section 820 Effective Date

This local law shall be effective upon filing in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 20 19 of the ~~(County)~~(City) (Town) (Village) of Williamstown was duly passed by the Town Board on February 13, 2019, in accordance with the applicable provisions of law.

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)~~(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ on _____ 20____, in accordance with the applicable provisions of law.

3. ~~(Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)~~(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such ~~(Elective Chief Executive Officer*)~~ local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)~~(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such ~~(Elective Chief Executive Officer*)~~ local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provision of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors of the General Election of November ____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Faith Baker
FAITH BAKER, Town Clerk

(Seal)

Date: 2/15/19

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

STATE OF NEW YORK
COUNTY OF OSWEGO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Rebekah S. Prosachik
Signature
Town Attorney REBEKAH S. PROSACHIK
Title

County _____
City _____
Town _____ of Williamstown
Village _____

Date: 2/19/19