

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. 1 of the year 2019

A local law Regulating Boarding Houses and Rooming Houses in the Town of Williamstown
(Insert Title)

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

County

City

of Williamstown as follows:

Town

Village

SECTION 1 – TITLE

This local law shall be known as Local Law No. 1 of 2019, a Local Law regulating boarding houses and rooming houses in the Town of Williamstown.

SECTION 2 – 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 boarding houses and rooming houses and to provide minimum standards for their placement and use.

SECTION 3 – REPEALER

This local law shall replace the prior existing boarding house and rooming house local laws or ordinances of the Town of Williamstown; specifically, Local Law No. 2 of the Year 2017 is hereby repealed as of the effective date of the adoption of this local law, without impairing, however, rights that may have accrued thereunder before the repeal.

SECTION 4 – DEFINITIONS

Boarding House/Rooming House – A building or structure, other than a hotel, motel or multiple family dwelling, in which the proprietor, or their agents or assigns, provides sleeping accommodations for three (3) persons or more, with or without board in exchange for compensation, and such services which are incidental thereto. The proprietor and members of the proprietor's immediate family are excluded.

Multiple family dwelling – A building or portion thereof containing three or more dwelling units and designed for occupancy by three or more families living independently of each other.

SECTION 5 – REQUIREMENTS

Boarding houses and rooming houses are subject to the following requirements:

- 1) No rooming house or boarding house which furnishes rooming or boarding accommodations within the same shall exist or be maintained within the Town without a special permit, which shall be issued by the Town Board of the Town of Williamstown, as hereinafter provided.
- 2) No special permit shall be issued hereunder and any special permit heretofore or hereafter issued shall be subject to revocation, unless the applicant or holder of such permit fully complies with the following requirements:
 - a) The applicant shall be the individual owner of such premises.
 - b) At the time of the issuance of such special permit and at all times when said premises are used as a rooming house or boarding house, the owner thereof shall maintain his residence in and shall actually reside in said premises or there shall be a permanent resident of the Town of Williamstown who shall be the resident agent responsible for the management of the rooming house or boarding house.
 - c) The maximum number of roomers or boarders shall be twelve (12) and the maximum number of rooms shall be ten (10).
 - d) There shall be no more than two people occupying a room as a roomer or boarder, and such room shall have a minimum of 70 square feet of floor space per occupant.
 - e) All rooming houses and boarding houses shall be heated by a central heating plant or permanently installed electric baseboard panel heating. No portable heating units are allowed.
 - f) No cooking shall be permitted in any room other than a kitchen.
 - g) In all parts of such building, artificial lighting shall be provided by means of electric current and each electric circuit shall be provided with a circuit breaker or fuse which shall meet the requirements of the New York Board of Fire Underwriters.

Each new application shall be accompanied by a New York Board of Fire Underwriters' certificate. This certificate shall not be more than one year old. Thereafter, on renewal applications, a current New York Board of Fire Underwriters' certificate shall be required at least once each five years. Any fees involved in obtaining this current New York Board of Fire Underwriters' certificate shall be borne by the applicant.

- h) No sinks or toilet facilities shall be installed or used in any sleeping room.
- i) Bathroom facilities shall be maintained for the owner-occupant separate and apart from bathroom facilities for the roomers and boarders.
- j) All garbage and kitchen wastes in every rooming house and boarding house shall be immediately deposited in suitable covered receptacles which may be disposed of as needed in such a way as not to be or become offensive or unsanitary.
- k) All sleeping rooms shall be numbered with raised figures not less than four (4) inches in height placed on the outside of the door to each room, and no two rooms shall bear the same number.
- l) Each and every floor on which rooms are occupied by roomers and boarders shall be equipped with a fire extinguisher in good working condition readily accessible for use at all times.
- m) No room shall be occupied by roomers or boarders in the third floor or attic of any dwelling unless the building complies fully with the International Building Code Law. In a wood-frame dwelling, no room shall be occupied by roomers or boarders in the third floor or attic.
- n) Off-street parking must be provided on the premises at the rate of one space per room.
- o) All rooming houses and boarding houses with special permits shall be subject to inspection at reasonable hours by qualified representatives of the Town of Williamstown. Failure to comply with this provision shall constitute grounds for immediate revocation of the permit.
- p) Every rooming house or boarding house and every part of the premises upon which a rooming house or boarding house is located shall at all times be kept clean and free from dirt, filth and rubbish and in a sanitary condition.
- q) No sign shall be erected upon the premises that identifies or advertises the use of the rooming house or boarding house for such purpose.
- r) Said use shall conform and be maintained in harmony with the overall character and appearance of the surrounding neighborhood.
- s) No rooming house or boarding house permitted pursuant to this subsection shall be located less than 1,200 feet from an existing rooming house or boarding house.

- t) No rooming house or boarding house permitted pursuant to this subsection shall be located less than 1,200 feet from an existing bed and breakfast.
 - u) All rooming houses or boarding houses shall have located on the property a garbage dumpster for use by the roomers or boarders residing in the house. All garbage dumpsters shall be maintained in a fenced-in area and kept in a clean and litter-free condition. All garbage dumpsters shall be kept closed, water tight and in good condition. All garbage dumpsters shall have sufficient pick-ups so as to prevent overflowing or nuisance conditions such as odors or animal problems.
- 3) Any person maintaining a rooming house or boarding house shall keep upon such premises a register showing the names of all persons residing or living in or upon said premises, as well as the room occupied by each, and shall exhibit the same to the Code Enforcement Officer or local law enforcement at any time upon demand, and the failure to so exhibit same shall constitute a violation of this local law.
 - 4) For rooming houses and boarding houses, there shall be an annual special permit fee of \$200 per building plus a charge per room of \$20 for each room over four rooms which is used for sleeping accommodations. The fee for a special permit required by the provisions of this local law may be changed from time to time by resolution of the Town Board of the Town of Williamstown.
 - 5) No special permit shall be issued or renewed for a longer period than one year, and all permits shall expire one year following the date of issuance. All applications, properly filled out, must be filed with the Town Board of the Town of Williamstown at least 30 days prior to the expiration of the previous special permit or 30 days before the applicant intends to commence operations. All rooming houses or boarding houses will be subject to an annual inspection prior to the renewal of the special permit and before the commencement of operation.
 - 6) Any boarding house or rooming house which is not in compliance as of the date of the adoption of this law or subsequent amendments shall come into compliance within six (6) months of adoption of this local law.

SECTION 6 – SPECIAL PERMIT STANDARDS

The Town Board may require that standards be imposed on a boarding house or rooming house to provide adequate safeguards to protect the health, safety, morals or general welfare of the public, including the effect on the environment, and for the preservation of the general character of the neighborhood in which such proposed special use is to be placed, to minimize possible detrimental effects of use on adjacent property. All boarding houses and rooming houses that require a special permit as provided herein shall be subject to the following standards;

- 1. Impact Upon Surrounding Properties. The proposed use shall not cause a significant adverse impact upon nearby properties by reason of traffic, noise, fumes, odors, vibration, flashing lights, litter, surface water or groundwater contamination, air pollution, drainage, visual impact, excessive night time lighting, creation of a safety hazard, or risk of fire or explosion, and shall otherwise be in harmony with the orderly development of the

neighborhood.

2. Vehicular Access. Proposed vehicular access points shall be adequate in width, grade, alignment and visibility; not located too near road intersections or places of public assembly; and meet similar safety considerations. A boarding house or rooming house containing five (5) or more sleeping rooms and located on State Route 13, 104 or 183 shall be required to construct an access driveway in accordance with the New York State Department of Transportation ("NYSDOT") commercial driveway standards and obtain all requisite permits for construction of such driveway.
3. Emergency Vehicle Access. All buildings, structures, equipment and materials shall be readily accessible for fire and police protection.
4. Lighting. Exterior lighting shall be not directed so that it shines onto adjoining residential properties or onto public roads. Lighting shall be shielded from shining into the night-time sky so as to prevent light pollution. High intensity lighting shall be minimized.
5. Utilities and Municipal Services. Adequate provision shall be made for water supply, sewage disposal, electrical service, and solid waste disposal.
6. Impact upon Historic Resources. Adverse impacts to the integrity of neighboring properties of national state, or local historic significance shall be minimized. A proposed boarding house or rooming house shall be designed, to the extent practicable, to harmoniously blend with the historic resource by means of utilizing green space buffers, vegetative or other screening, landscaping, and appropriate building designs and color schemes.
7. Impact upon Surrounding Properties. The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.
8. General Considerations. The location, size and use of structure, nature and intensity of operations involved, size of site in relation to it, and the location of the site with respect to streets giving access to it, such be in harmony with orderly development of the neighborhood in which it is located.
9. Existing Violations. No special permit shall be issued for a boarding house or rooming house on a property where there is an existing violation of any federal, state, or local statute, law or regulation.

SECTION 7 -- SPECIAL PERMIT PROCEDURE

1. Application. An application for a Special Use Permit shall be submitted to the Town Clerk, along with the nonrefundable application fee. The application fee for a special permit required by the provisions of this local law may be set from time to time by resolution of the Town Board of the Town of Williamstown. The Town Board may hire a professional engineer or consultant to assist in the review of an application at the applicant's expense.
2. Hearing. After the filing of the special permit application and payment of the required application fee, the Town Board shall fix a reasonable time for the public hearing of the

special permit application and give public notice of such hearing by publication in a paper of general circulation in the Town at least five (5) days prior to the date thereof. The cost of sending or publishing any notices or a reasonable fee relating thereto shall be borne by the applicant and shall be paid to the Town Board prior to the hearing. Upon the hearing, any party may appear in person, or by agent or attorney.

3. Time and decision. The Town Board shall decide upon the special permit within sixty-two days after the conclusion of said hearing. The time within which the Town Board must render its decision may be extended by mutual consent of the applicant and the Town Board.
4. Filing of decision and notice. The decision of the Town Board on the special permit shall be filed in the office of the Town Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
5. Notice to Oswego County Department of Planning. At least fourteen days before such hearing, the Town Board shall mail notices thereof to the parties and to the Oswego County Department of Planning, as required by Section 239m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in subdivision 1 of Section 239m of the General Municipal Law.
6. Compliance with State Environmental Quality Review Act. The Town Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation law and it's implementing regulations as codified in Title 6, part 617 of the New York Codes, Rules and Regulations.

SECTION 8 – APPLICATION FOR SPECIAL USE PERMIT

All applications for Special Use approval and/or Site Plan approval shall include three (3) copies of a site plan map and accompanying data, to include as applicable:

1. Application form and fee.
2. Property deed, or authorization of owner if applicant is not the owner of the property.
3. Short Environmental Assessment Form.
4. Survey or site plan of the property, showing existing features of the property, including contours, large trees, buildings, structures, streets, utility easements, rights-of-ways, land use; zoning and ownership of surrounding properties.
5. The name, address, and phone number of the owner of the rooming house or boarding house.
6. The name, address, and phone number of the permanent resident of the Town of Williamstown who shall be the resident agent responsible for the management of said rooming house or boarding house.
7. A description of the property by street number, the number of apartments in each rooming

house or boarding house, the number of rooms in each apartment, the number of rooms for sole occupancy and the maximum possible occupancy.

8. A floor plan or diagram of the lot containing the rooming house or boarding house and of each floor in the building, showing all dimensions, doors, windows, closets, water closets, bathrooms, staircases and means of exit.
9. The number of persons occupying each room and/or apartment.
10. Proof of annual inspection by the Oswego County Department of Health if required.
11. Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.
12. Location of outdoor storage, if any.
13. Description of the method of sewage disposal and location of the facilities.
14. Identification of water sources; if well, locate.
15. Location, size and design and construction materials of all proposed signs.
16. Location and proposed development of all buffer areas, including existing vegetative cover.
17. Location and design of outdoor lighting facilities.
18. Landscaping plans, including site grading, landscape design, and open areas.
19. Location of the garbage dumpster and fence enclosure.

SECTION 9 – VARIANCE/INTERPRETATION PROCEDURE

1. 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.

- a) 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.
- b) 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.

2. 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.

3. Procedure for Interpretation or Variance

- a) 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.
- b) 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.

4. 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.

5. 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.

SECTION 10 – ACTION TO TERMINATE SPECIAL PERMIT OR VARIANCE UPON FAILURE TO COMPLY WITH CONDITIONS IMPOSED

At any time subsequent to the granting of a special permit or variance, the Board of Appeals may commence a proceeding to terminate said special permit or 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 special permit or 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 special permit or 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 special permit or 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 special permit or 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.

SECTION 12 – ABANDONMENT OF SPECIAL PERMITS OR VARIANCES

A special permit or 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 special permit or 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 special permit or 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 12 – PENALTY

Except as specifically provided elsewhere in this Local Law, any violation of this Local Law is a misdemeanor punishable by a fine not exceeding One Thousand (\$1,000.00) dollars and/or a term of imprisonment not exceeding a period of one (1) year. Each week of continued violation shall constitute a separate offense.

SECTION 13 – SEVERABILITY

If any paragraph, section, sentence or portion of a sentence of this chapter shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

SECTION 14 – EFFECTIVE DATE

The provisions of this Local Law shall be effective upon filing with the New York State Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 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.)

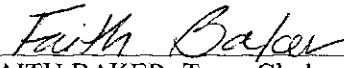
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

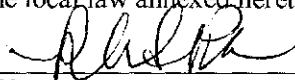
(Seal)

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.


Signature
Town Attorney REBEKAH S. PROSACNIK
Title

County
City
Town of Williamstown
Village

Date: 2/19/19