

## *Local Law Filing*

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**(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.

### **Town of Hillsdale**

### **Local Law No. 1 of the year 2022**

A local law to provide for the codification of the local laws, ordinances, and certain resolutions of the Town of Hillsdale into a Municipal Code to be designated the "Code of the Town of Hillsdale."

**Be it enacted by the Town Board of the  
Town of Hillsdale as follows:**

#### **ARTICLE I Adoption of Code**

##### **§ 1-1. Code adopted; continuation of existing provisions.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Hillsdale, as codified and consisting of Chapters 1 through 245, are hereby approved, adopted, and enacted as the Code of the Town of Hillsdale, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments.

##### **§ 1-2. Code on file; additions and amendments.**

- A. A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Town of Hillsdale by impressing thereon the Seal of the Town, as provided by law, and such certified copy shall remain on file in the office of the Town Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Town Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Hillsdale" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

**§ 1-3. Notice; publication.**

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Town of Hillsdale shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-4. Severability.**

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-5. Repealer.**

Repeal of inconsistent enactments. All local laws and ordinances of a general and permanent nature, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Hillsdale which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

**§ 1-6. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-5 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Hillsdale prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Hillsdale or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Hillsdale.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Hillsdale.
- E. Any local law or ordinance of the Town of Hillsdale providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Hillsdale or any portion thereof.
- F. Any local law or ordinance of the Town of Hillsdale appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Hillsdale or other instruments or evidence of the Town's indebtedness.

- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to March 9, 2021.
- O. Local Law No. 1-2000, regarding fees and deposits, adopted April 18, 2000.

**§ 1-7. Changes in previously adopted legislation.**

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Hillsdale, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)
- C. In Ch. 245, "Building Inspector" is changed to "Code Enforcement Officer" and "Zoning Administrator" is changed to "Zoning Officer."

**§ 1-8. Titles and headings; editor's notes.**

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

**§ 1-9. Penalties for tampering with Code.**

Any person who alters or tampers with the Code of the Town of Hillsdale in any manner whatsoever which will cause the legislation of the Town of Hillsdale to be misrepresented thereby, or who violates any other

provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

**§ 1-10. When effective.**

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

(Complete the certification in the paragraph that applies to the filing of this local law and 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 2022 of the ~~(County)(City)(Town)(Village)~~ of Hillsdale was duly passed by the Town Board on \_\_\_\_\_, 2022, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

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

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

3. (Final adoption by referendum.)

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

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

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

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\*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 \_\_\_\_\_ 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 \_\_\_\_\_, \_\_\_\_\_ 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 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

**Kathi Doolan, Town Clerk**

Date: \_\_\_\_\_, 2022

(Seal)

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

STATE OF NEW YORK  
COUNTY OF COLUMBIA

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

\_\_\_\_\_  
Signature Matthew D. Cabral, Esq.

\_\_\_\_\_  
Town Attorney

Title

County

City

Town of \_\_\_\_\_ Hillsdale

Village

Date: \_\_\_\_\_, 2022

**Town of Hillsdale  
Code Adoption Local Law**

**Schedule A**

**Specific Revisions at Time of Adoption of Code**

**Chapter 8, Appearance Tickets.**

A. Section 8-1.

- (1) The introductory paragraph to this section is amended as indicated: "...the ~~Zoning Officer~~ Code Enforcement Officer and Building Inspector, ~~Deputy Zoning Officer and Deputy Building Inspector~~ of the Town of Hillsdale are hereby authorized to issue and serve appearance tickets..."
- (2) Subsection D is amended as indicated: "Violations of the New York State Energy Conservation Construction Code."

B. Original Sec. 2, Definitions, is repealed.

**Chapter 22, Conservation Advisory Council.**

Original Sec. 7, Expiration Date, is repealed.

**Chapter 64, Procurement Policy.**

This chapter is adopted to read as follows:

**§ 64-1. General provisions.**

*A. Determination of purchase type. Every prospective purchase of goods or services shall first be evaluated to determine the applicability of § 103 of the General Municipal Law. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter referred to as the "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in any given fiscal year. That estimate shall include the input of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.*

*B. Formal bid requirement. All purchases of supplies or equipment which will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid in accordance with the provisions of § 103 of the General Municipal Law.*

*C. Requests for proposals.*

*(1) All estimated purchases of:*

*(a) Less than \$20,000 but greater than \$10,000 shall require a written request for a proposal (RFP) and written/fax/email quotes from three vendors.*

*(b) Less than \$10,000 but greater than \$3,000 shall require an oral request for the goods and an oral/fax/email quote from two vendors.*

*(c) Less than \$3,000 shall be left to the discretion of the purchaser.*

*(2) All estimated public works contracts of:*

*(a) Less than \$35,000 but greater than \$15,000 shall require a written request for a proposal and a written/fax/email proposal from three contractors.*

*(b) Less than \$15,000 but greater than \$5,000 shall require a written request for proposals and written/fax/email proposals from two contractors.*

*(c) Less than \$5,000 shall be left to the discretion of the purchaser.*

*(d) Any written request for a proposal shall describe the desired goods the quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/email/oral quotes have been requested and the written/fax/email/oral quotes offered. All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.*

*D. Awarding of purchase or contract to either lowest responsible bidder or for best value. The Town of Hillsdale is authorized to award purchase contracts and/or contracts for services as referenced herein on the basis of either the lowest responsible bidder or "best value" as defined by § 163 of the New York State Finance Law. The best value option may be used if it is more cost-efficient over time to award the good or service to other than the lowest responsible bidder due to factors such as lower cost of maintenance, durability, higher quality, availability and longer product life.*

*E. Documentation required when required number of proposals not obtained. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.*

*F. Exceptions to proposal or quotation requirement. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:*

*(1) Acquisition of professional services.*

*(2) Emergencies.*

*(3) Sole source situations.*

*(4) Goods purchased from agencies for the blind or severely handicapped.*

*(5) Goods purchased from correctional facilities.*

*(6) Goods purchased from another governmental agency.*

*(7) Goods purchased at auction.*

**§ 64-2. Award of contract on basis of lowest responsible bidder or best value.**

*A. Purpose. The Town Board of the Town of Hillsdale seeks to exercise the local option set forth in § 103, Subdivision 1, of the New York General Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, which amendment authorizes the Town to award purchase contracts and contracts for services subject to competitive bidding or "best value," as defined in § 163 of the New York State Finance Law. The best value option may be*



*used if it is more cost-efficient over time to award the good or service to other than the lowest responsible bidder due to factors such as lower cost of maintenance, durability, higher quality, availability and longer product life.*

*B. Statutory authority. Generally, Municipal Law § 103, Subdivision 1, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, provides that municipalities may award public contracts subject to competitive bidding on the basis of either lowest responsible bidder or on the basis of "best value," as defined in § 163 of the New York State Finance Law.*

*C. Definitions. As used in this chapter, the following terms shall have the meanings indicated:*

*BEST VALUE — The basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offers that are small businesses or certified minority- or women-owned business enterprises as defined in Subdivisions 1, 7, 15 and 20 of § 310 of the Executive Law to be used in evaluation of offers for awarding of contracts for services.*

*RESPONSIBLE or RESPONSIBILITY — The financial ability, legal capacity, integrity, and past performance of a business entity and as such terms have been interpreted relative to public procurements.*

*RESPONSIVE — A bidder or other offerer meeting the minimum specifications or requirements as prescribed in a solicitation for commodities or services by a state agency.*

*D. Applicability. The provisions of this article apply to purchase contracts involving an expenditure of more than \$20,000 and contracts for services involving and expenditure of more than \$35,000 but exclude purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law and excluding any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.*

*E. Determination of basis for award. The determination of the basis of award shall be made on a case-by-case basis pursuant to the best interests of the Town of Hillsdale, in consultation with the Town Board and such other public officials, agents or employees of the Town as the Town Board shall determine.*

*F. Notice to bidders. In each case, bidders shall be provided with sufficient notice of the basis upon which each particular contract will be awarded. Such notice shall contained in the bid documents. When a contract is to be awarded on the basis of best value, the bid documents shall clearly indicate each factor to be considered.*

*G. Documentation. Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be documented.*

## **Chapter 107, Animals.**

### **Article I, Dog Leash Law.**

#### **A. Section 107-4.**

- (1) Subsection C is added to read as follows:

*Each day after notice that a violations of this article continues shall be deemed a separate offense; and*

(2) Subsection D is added to read as follows:

*Appropriate actions and proceedings may also be taken at law or in equity to prevent or remedy unlawful violations or infractions of any portion of this article, and these remedies shall be in addition to penalties otherwise prescribed by law.*

**Article II, Dog Licensing and Control.**

A. Section 107-15B.

(1) Subsection B(1) is amended to change “\$2” to “\$1.”

(2) Subsection B(2) is amended to change “\$4” to “\$3.”

B. Section 107-19 is amended to read as follows:

*Except as otherwise provided in Agriculture and Markets Law § 118, any person convicted of a violation of this article shall be liable for a fine of not less than \$25 for a first violation; of not less than \$50 for a second violation; and not less than \$100 for each subsequent violation.*

**Chapter 115, Construction Codes, Uniform.**

A. In § 115-2, the definition of “unsafe building or structure” is added to read as follows:

*UNSAFE BUILDING OR STRUCTURE — Any building or structure which is structurally unsound; unsanitary; not equipped with adequate ingress or egress; which constitutes a fire hazard; which has become unsafe by reason of damage by fire, the elements, age, or general deterioration; which, in relation to an existing use, constitutes a hazard to public health, safety, or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment; or which is otherwise dangerous to human life.*

B. Section 115-4B(1) is amended to change “13.88 square meters” to “13.38 square meters.”

C. Section 115-9 is amended to read as follows:

**§ 115-9. Unsafe buildings or structures.**

*Unsafe buildings or structures in this Town shall be identified and addressed in accordance with the following procedures.*

*A. Unsafe buildings or structures are prohibited. It shall be unlawful for any owner, tenant, or occupant of any building or structure, or portion of any building or structure, in this Town to maintain an unsafe building or structure.*

*B. Inspection and report. When, in the opinion of the Code Enforcement Officer, any building or structure located in this Town shall be deemed to be an unsafe building or structure as defined herein, the Code Enforcement Officer shall make a formal inspection thereof and report, in writing, to the Town Board his or her findings and recommendations with regard to the building or structure.*

*C. Order to repair or remove; hearing; costs and expenses; time limits. The Town Board shall thereupon consider said report, and if it finds that such building or structure is dangerous and unsafe to the public, it shall, by resolution, order its repair if the same can be safely repaired or, if not, its removal and demolition. The Town Board shall further order that a hearing be*

*held before the Town Board at a time and place therein specified and on at least 10 days' notice to the owner of the building or structure, or persons having an interest therein, to determine whether said order to repair or remove shall be affirmed, modified, or vacated. In the event of modification or affirmance, to assess all costs and expenses incurred by the Town in the repair or removal of such building or structure against the land on which said building or structure is located.*

*D. Contents of the notice. The notice shall contain the following:*

- (1) The name of the owner or person in possession as appears from the tax deed records.*
- (2) A brief description of the premises and its location.*
- (3) A description of the building or structure which is unsafe or dangerous and a statement of the particular ways in which it is unsafe or dangerous.*
- (4) An order requiring the same to be promptly repaired to a safe and secure condition or to be removed.*
- (5) The time and place of the hearing to be held before the Town Board, at which hearing the owner or occupant shall have the right to contest the order and findings of the Town Board.*
- (6) That in the event that such owner, occupant, or other person having an interest in said premises shall fail to contest such order and fail to comply with the same, the Town Board may order the repair or removal of such building or structure and assess all costs and expenses incurred in such repair or removal against the land on which such building or structure is located.*

*E. Service and filing of the notice.*

- (1) A copy of the notice issued by the Town Board shall be personally served upon the owner or someone of the owners executors, legal representatives, agents, lessees, or other person having a vested interest or contingent interest in the premises as shown by the Town Assessor and/or in the office of the County Clerk or County Treasurer.*
- (2) If no such person can be reasonably found for personal service, then a copy of the notice shall be mailed to such person by certified mail addressed to the last-known address as shown on said records and by personally serving a copy of said notice upon any adult person residing in or occupying the premises and by securely affixing a copy of said notice upon the building or structure.*
- (3) A copy of the notice shall be filed in the Columbia County Clerk's office 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. A notice so filed shall be effective for a period of one year from the date of filing. It may be vacated, however, upon an order of judge or justice of a court of record or upon the consent of the Town Attorney. When vacated, the County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.*

*F. Hearing. The Town Board shall conduct the public hearing at the time and place specified in the notice to repair or remove, and may adjourn the hearing from time to time until all interested parties are heard and until the hearing is completed. At the conclusion of the hearing, the Town Board shall determine by resolution to:*

- (1) Revoke the order to repair or remove;
- (2) Modify the order; or
- (3) Continue and affirm said order and direct the owner or other persons to complete the work within the time specified in the order or by such other time as shall be determined by the Town Board.

*G. Failure to comply. If the owner or person so notified fails or neglects to comply with the order of the Town Board within the time specified in the order made following the public hearing, the Town Board may provide by resolution that such buildings or structure be made safe and secure or removed and demolished by Town employees, by independent contractors, or by other lawful means available to the Town.*

*H. Costs assessed; collection; special proceeding.*

*(1) All costs incurred by the Town in enforcing this section shall be recoverable from the owner of the premises deemed unsafe or dangerous hereunder. Such costs hereunder shall include, but not be limited to, the following:*

*(a) Actual attorney fees and disbursements for services rendered with or without the commencement of litigation;*

*(b) Actual engineering fees and disbursements, including the costs of the Town's Building Inspector and Town Engineer;*

*(c) Actual costs of securing, demolishing, removing or repairing the building or structure deemed dangerous or unsafe;*

*(d) Costs of serving and/or publishing notices; and*

*(e) Costs of title and tax searches.*

*(f) The costs incurred in enforcing this section shall be added to the next assessment roll for Town taxes against the tax parcel(s) which include the unsafe or dangerous building or structure involved and shall be collected and enforced in same manner as other taxes for that parcel(s).*

*(g) In addition to any other remedies herein, the Town may commence a special proceeding under Article 4 of the Civil Practice Law and Rules in a court of competent jurisdiction to collect the costs incurred by the Town in enforcing this section. Should the Town recover and be paid said costs through such a proceeding (and after costs have been added to the assessment rolls), the assessment roll and tax records shall be adjusted accordingly to properly credit amounts so paid and recovered.*

*I. Emergency cases. Where it reasonably appears that a building or structure presents a clear and imminent danger to the life, safety, or health of any person or property, unless such building or structure is immediately repaired and secured or demolished by its owner or occupant, the Town Board may by resolution authorize the Code Enforcement Officer or Town Engineer to immediately cause the repair or demolition of such unsafe building or structure. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided herein.*

D. Section 115-10.

(1) Subsection A is amended as indicated: “~~Operation~~ Operating permits required.”

- (2) Subsection A(1)(a) is amended as indicated: "...exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) 5003.1.1(1), (2), (3) or (4) in the publication entitled..."

E. Section 115-15.

- (1) Subsection A is amended to read as follows:

*A. Compliance orders.*

*(1) The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall:*

*(a) Be in writing;*

*(b) Be dated and signed by the Code Enforcement Officer;*

*(c) Specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter;*

*(d) Specify the provision or provisions of the Uniform Code, the Energy Code or this chapter which is/are violated by the specified condition or activity; and*

*(e) Direct the person or entity served with the compliance order to completely remedy each violation described in the compliance order by a specific date 30 days after the date of the provisions, ordering the person or entity served with such compliance order:*

*[1] To begin to remedy the violations described in the compliance order immediately, or within some other specified period of time, which may be less than 30 days; to continue diligently to remedy such violations until each such violation is fully remedied; and in any event, to complete the remedying of all such violations within 30 days of the date of such compliance order; and/or*

*[2] To take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied.*

*(2) The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five days after the date of the compliance order. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.*

- (2) Subsection C is amended as indicated: "...In addition to those penalties ~~proscribed~~ prescribed by state law, any person..."

- (3) Subsection E.

- (a) This subsection is amended as indicated: "...No remedy or penalty specified in this section shall be the exclusive remedy or ~~remedy~~ penalty available to address any violation described in this section..."
  - (b) This subsection is amended to change both instances of "§ 381 of the Executive Law" to "§ 382 of the Executive Law."
- F. Section 115-16 is amended as indicated: "A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule..."

### **Chapter 130, Flood Damage Prevention.**

Section 130-14D(1) is amended as indicated: "...the Regional Director, Federal Emergency Management Agency, Region II, ~~22 Federal Plaza, New York, New York 10278.~~"

### **Chapter 137, Freshwater Wetlands.**

A. Section 137-4.

- (1) The definition of "agency" is amended to read as follows:

*AGENCY — The Zoning Board of Appeals with respect to any application which requires the issuance of any other permit or approval by it pursuant to the local laws and ordinances of the Town of Hillsdale; the Planning Board with respect to any application which requires the issuance of any other permit or approval by it pursuant to the local laws and ordinances of the Town of Hillsdale, including any application which also requires the issuance of any permit or approval by the Zoning Board of Appeals; the Town Board with respect to any application which requires the issuance of any other permit or approval by it pursuant to the local laws and ordinances of the Town of Hillsdale, including any application which also requires the issuance of any permit or approval by the Planning Board or Zoning Board of Appeals; or the Town Engineer with respect to all other regulated activities.*

- (2) The original definition of "Board" is repealed.

B. Section 137-15 is amended to read as follows:

*A. Administrative sanctions. Any person who violates, disobeys or disregards any provision of this chapter, including any provision of any permit issued pursuant to this chapter or any rule or regulation adopted by the Agency pursuant to this chapter, shall be liable to the people of the state for a civil penalty of not to exceed \$11,000 for every such violation, to be assessed, after a hearing upon due notice and with the rights to specification of the charges and representation by counsel at such hearing, by the Agency. Such penalty may be recovered in an action brought by the Attorney General at the request and in the name of the Agency in any court of competent jurisdiction. Such civil penalty may be released or compromised by the Agency before the matter has been referred to the Attorney General, and such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Attorney General with the consent of the Agency. In addition, the Agency shall have power, following a hearing held in conformance with the procedures set forth in § 71-1709 of the State Environmental Conservation Law, to direct the violator to cease his or her violation of this chapter and to restore the affected freshwater wetland to its condition prior to the violation, insofar as that is possible within a*

*reasonable time and under the supervision of the Agency. Any such order of the Agency shall be enforceable in an action brought by the Attorney General at the request and in the name of the Agency in any court of competent jurisdiction. Any civil penalty or order issued by the Agency pursuant to this chapter shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules.*

*B. Criminal sanctions. Any person who violates an order, permit or rule or regulation of the Agency regulating freshwater wetlands and adjacent areas pursuant to this chapter shall, in addition, for the first offense, be guilty of a violation punishable by a fine of not less than \$2,000 nor more than \$4,000; for a second and each subsequent offense, he or she shall be guilty of a misdemeanor punishable by a fine of not less than \$4,000 nor more than \$7,000 or a term of imprisonment of not less than 15 days nor more than six months, or both. Instead of these punishments, any offender may be punishable by being ordered by the court to restore the affected freshwater wetland to its condition prior to the offense insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Agency. Each offense shall be a separate and distinct offense and in the case of a continuing offense; each day's continuance thereof shall be deemed a separate and distinct offense.*

C. Section 137-17 is amended to read as follows:

*Any decision or order of the Agency, or any officer or employee thereof, made pursuant to or within the scope of this chapter shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules.*

## **Chapter 144, Games of Chance.**

This chapter is amended in its entirety to read as follows:

### **§ 144-1. Statutory authority; title.**

*This chapter is enacted pursuant to the authority of Article 9-A of the General Municipal Law of the State of New York and shall be known as the "Games of Chance Law of the Town of Hillsdale."*

### **§ 144-2. Definitions.**

*The words and terms used in this chapter shall have the same meanings as such words and terms are used in Article 9-A of the General Municipal Law of the State of New York.*

### **§ 144-3. Games of chance authorized; restrictions.**

*A. Games of chance may be conducted in the Town by an authorized organization, after obtaining a license therefor, in accordance with the provisions, requirements and limitations of Article 9-A of the General Municipal Law, the rules and regulations of the New York State Gaming Commission and this chapter.*

*B. The conduct of games of chance on Sunday is permitted only when it is specifically provided for in the license issued, except as otherwise restricted in Article 9-A of the General Municipal Law.*

### **§ 144-4. Control and supervision.**

*The Chief Law Enforcement Officer of the County of Columbia shall exercise control over and supervision of all games of chance.*

### **§ 144-5. When effective.**

*This chapter shall take effect immediately upon filing with the Secretary of State after approval thereof by the voters of the Town voting thereon at the next general election of the Town of Hillsdale held following the adoption hereof.*

## **Chapter 151, Hazardous Materials.**

### **Article I, Transportation of Hazardous Materials on Town Highways.**

- A. Section 151-4 is amended as indicated: “~~No person shall transport~~ Transportation of any hazardous materials on or over any highway or private roadway in the Town of Hillsdale shall comply with § 14-f of the Transportation Law.”
- B. Section 151-5 is amended as indicated: “...imprisonment for a period not exceeding ~~60 days~~ one year in the Columbia County Correctional Facility, or by both such fine and imprisonment.”

## **Chapter 159, Landfills and Dump Sites.**

Section 159-4 is amended to read as follows:

*Any person who violates this chapter shall, upon conviction of a violation, be subject to a fine not exceeding \$1,000 or imprisonment in the County Correctional Institution for a period not exceeding one year, or to both such fine and imprisonment. A violation of this chapter shall be deemed an unclassified misdemeanor.*

## **Chapter 166, Littering.**

This chapter is adopted to read as follows:

### **§ 166-1. Definitions.**

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

*AUTHORIZED PRIVATE RECEPTACLE — A litter storage and collection receptacle for garbage and waste disposal.*

*GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.*

*HANDBILL — Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise-reproduced original or copies of any matter of literature.*

*LITTER — Garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare or tends to create blight.*

*LOT — A plot, tract, premises or parcel of land with or without buildings or structures located thereon.*

*PARK — A park, playground, beach, recreation center or any other public area in the Town owned or operated by the Town and devoted to active or passive recreation.*

*PERSON — Any person, property owner, firm, partnership, association, corporation, company, organization or entity of any kind.*



*PRIVATE PREMISES* — Any house, building or other structure not owned or operated by the Town, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, ground, parking lot, walk, driveway, porch, steps, vestibule or mailbox, belonging or appurtenant to such house, building or other structure.

*PUBLIC PLACE* — Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings. This shall include state, county, Town highways and also private roadways providing access to more than one lot.

*REFUSE* — All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, tires, concrete, asphalt, building materials, construction debris and solid market and industrial wastes.

*RUBBISH* — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as, but not limited to, paper wrappings, cardboard, tin cans, yard clipping, leaves, wood, glass, bedding and crockery.

*VEHICLE* — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway or public street.

**§ 166-2. Litter in public places and upon Town property.**

*A. No person shall throw or deposit litter in or upon any street, sidewalk or other public place, as defined herein, within the Town, nor on any property owned by the Town, except in public receptacles or in authorized private receptacles for collection, or in an authorized public waste facility.*

*B. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.*

*C. No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.*

*D. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.*

**§ 166-3. Litter thrown from or caused by vehicles.**

*A. No person shall throw or deposit litter from any vehicle upon any street or public place within the Town or upon private property.*

*B. No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place or private property.*

*C. No person shall drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto or deposit in any street, alley or other public place sticky substances or foreign matter of such kind which adheres to the road surface.*

**§ 166-4. Litter in parks and lakes.**

*A. No person shall throw or deposit litter in any park within the Town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park, upon any street or other public private place. Where*

*public receptacles are not provided, all such litter shall be carried out of the park by the person responsible for its presence and properly disposed of elsewhere, as provided herein.*

*B. No person shall throw or deposit litter in any pond, lake, stream, bay or any other body of water located anywhere within the Town.*

**§ 166-5. Litter on private property.**

*No person shall throw, deposit or store litter on any private property within the Town, whether owned by such person or not, except that the person in control of private property may maintain authorized private receptacles for collection, in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, public place or upon any private property. Any authorized private receptacle must be fully enclosed. No litter may be stored in any authorized private receptacle on any private property for a period longer than one month.*

**§ 166-6. Enforcement; penalties for offenses.**

*The provisions of this chapter shall be enforced by members of any police department including, but not limited to, the New York State Police, the New York State Environmental Police, or the Columbia County Sheriff's Department. This chapter may also be enforced by the Town Building Inspector or the Town Code Enforcement Officer. Any person found violating this chapter may be issued an appearance ticket directing the violator to appear in a designated local criminal court at a designated future time in connection with the alleged commission of a designated offense of this chapter. A violation of this chapter will result in a fine not to exceed \$250, imprisonment not to exceed 15 days, or both, and/or community service. In addition, any person littering or disposing of refuse in a public place or on property owned by the Town shall be liable to the Town in a civil action for the costs of removal of such litter or refuse and the restoration of said public place or land to its condition before the litter or refuse was disposed of at the site. Each occurrence of littering shall be a separate violation, and each further occurrence shall constitute a separate and additional violation punishable by a separate and distinct penalty as set forth herein.*

**§ 166-7. Reimbursement for costs.**

*In the event that Town personnel are required to restore any premises to its original condition due to a person littering, any person who has littered or disposed of refuse shall reimburse the Town for the cost, including out-of-pocket administrative expenses of the work performed or services rendered by direction of the Town as hereinabove provided.*

**§ 166-8. Reimbursement for legal fees.**

*If the Town has to take any action to enforce its rights pursuant to a civil action brought under § 166-6 or 166-7 herein, the violator shall also be liable to the Town for all costs, expenses and reasonable attorneys fees incurred by the Town with respect to any such action, and the Town shall be entitled to enter a judgment against the violator for the amount to which it is entitled under the provisions of §§ 166-6, 166-7 and 166-8 herein.*

**§ 166-9. Severability.**

*Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the provisions of this chapter shall not be affected thereby and shall remain in full force and effect, and, to this end, the provisions of this chapter are declared to be severable.*

**§ 166-10. Effect on other provisions.**

*Nothing contained in this chapter shall be held to limit, repeal, modify or waive any existing provisions or requirements of law or regulation, whether federal, state or local, but, on the contrary, the provisions of this chapter shall be in addition to any present or future law or regulation relating to the subject matter set forth herein.*

**Chapter 188, Sewers.****Article I, Sewer Use Charges for Sewer District No. 1.**

Section 188-3A is amended to add a line to the table to read as follows:

*Small commercial use without bathroom .5 Per business*

**Article II, Sewer Use Regulations for Sewer District No. 1.**

- A. Section 188-12G is amended as indicated: "...shall be adequately sheeted and guarded and barricade lights installed so as to protect the public..."
- B. Section 188-14A is amended to change "equality" to "quality."

**Chapter 195, Streets and Sidewalks.****Article I, Sidewalk Maintenance.**

- A. Section 195-1 is amended to read as follows:

*A. The owner or occupant of any premises adjoining any street where a sidewalk has been laid shall keep the sidewalk on such street free and clear of snow, ice, dirt and any other material or substance. For the purpose of snow and ice removal, such sidewalk shall be cleared the entire length and width thereof within 12 hours after any snowfall. In the event that such snow and ice is frozen so hard that it cannot be removed without material difficulty or injury to such sidewalk, such owner or occupant shall cause sufficient ashes, sand, sawdust, salt, or other suitable material to be spread thereon so as to provide a safe path at least two feet in width the entire length thereof. As soon thereafter as weather permits, such owner or occupant shall thoroughly clean said sidewalk.*

*B. Notwithstanding the foregoing, the Town of Hillsdale at all times maintains the right, but not obligation, to remove snow and ice from the sidewalks within the Town, and to apply salt, sand, and/or any other material or substance to the sidewalks within the Town, at its option, whenever it deems it necessary and appropriate to do so. This right on the part of the Town does not relieve the ongoing duty of the owner or occupant of any premises adjoining any street in the Town of Hillsdale where a sidewalk has been laid to keep such sidewalk free and clear of snow and ice.*

- B. Section 195-3 is added to read as follows:

**§ 195-3. Penalties for offenses.**

*Any violation of this article by the owner or occupant shall be a violation, and the owner or occupant, in addition to the cost of removal as set forth hereinabove, shall, upon conviction thereof, be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.*

## **Chapter 202, Subdivision of Land.**

- A. Section 202-14I is amended as indicated: "...The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if, in its opinion, such extension is warranted in the circumstances, for ~~two~~ additional periods of 90 days each."
- B. Section 202-16G is amended as indicated: "...The Planning Board may, however, extend the time within which a conditionally approved Plat may be submitted for signature, if, in its opinion, such extension is warranted in the circumstances, for ~~two~~ additional periods of 90 days each."
- C. A new Article VII, Penalties for Offenses, is added to read as follows:

### *ARTICLE VII*

#### *Penalties for Offenses*

##### *§ 202-36. Penalties for offenses.*

*A violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.*

## **Chapter 210, Taxation.**

### **Article V, Cold War Veterans Exemption.**

Section 210-16C is added to read as follows:

*The exemption authorized by § 458-b of the Real Property Tax Law shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners.*

## **Chapter 226, Vehicles and Traffic.**

### **Article I, Parking Prohibited.**

Section 226-3 is amended as indicated: "...by a fine of not more than ~~\$100~~ \$150 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than ~~\$200~~ \$300 or imprisonment for not more than 45 days, or by both such fine and imprisonment; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than ~~\$300~~ \$450 or by imprisonment for not more than 90 days..."

## Chapter 238, Written Notification of Defects on Town Highways.

- A. Section 283-2 is amended to change both instances of “five days” to “10 days.”
- B. Section 238-3 is added to read as follows:

### **§ 238-3. Recordkeeping.**

*The Town Clerk shall keep an indexed record, in a separate book, of all written notices received of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any Town highway, bridge, culvert or sidewalk, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.*

## Chapter 245, Zoning.

- A. Section 245-21 is amended to delete Original Note 7 from the Dimensional Table.
- B. Section 245-28C(3)(b) is amended to change “Soil Conservation Service” to “Natural Resources Conservation Service.”
- C. Section 245-34D is amended to change “6 NYCRR § 617.8(b)(1)” to “6 NYCRR Part 617.9.”
- D. Section 245-38D(1) is amended as indicated: “...If the Planning Board decides to hold a hearing, it shall fix a time within ~~45~~ 62 days of the date a complete application for site plan approval is received...”
- E. Section 245-38D(3) is amended as indicated: “The decision of the Planning Board shall ~~immediately~~ be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.”
- F. Section 245-71B(3) is amended to correct the internal reference, changing “Section 10.5” to “§ 245-77.”
- G. Section 245-72 is amended to read as follows:

*A. No structure shall be erected or moved, nor shall any existing structure or land be changed in use until a building permit therefor has been issued by the Code Enforcement Officer. Building permits shall be issued in accordance with this section and the procedures in § 115-4 of this Code.*

*B. All applications for building permits shall be made to the Code Enforcement Officer and accompanied by three copies of a plot plan drawn to scale and with accurate dimensions showing the location of all existing and proposed structures on the lot, applicable overlay zones, wetlands, slopes greater than 15%, and such other information as may be required by § 115-4 of this Code and the Code Enforcement Officer.*

*C. No building permit application shall be processed unless the Code Enforcement Officer finds that:*

*(1) All structures will be located on buildable land as defined in this Code.*

*(2) The proposal set forth in the application complies with the use, area, and dimensional regulations, the requirements of applicable overlay districts, and all applicable*

*supplementary regulations of this Code, as well as the terms and conditions of any approvals required under this Code.*

*(3) All required reviews and actions have been performed and all necessary approvals have been secured.*

*D. If the Code Enforcement Officer finds that the conditions in § 245-72C have been satisfied, the Code Enforcement Officer shall issue a building permit, provided that the following conditions have been satisfied:*

*(1) All plans conform to the New York State Uniform Fire Prevention and Building Code and other applicable building regulations.*

*(2) All water supply and sewage disposal facilities conform to the Columbia County Department of Health regulations, the New York Public Health Law, any applicable regulations of the New York State Department of Environmental Conservation, and the requirements of this Code.*

*(3) All preconstruction conditions imposed have been satisfied.*

*(4) In the case of a major project or a major subdivision, the following additional conditions must be satisfied:*

*(a) All roads, sidewalks, and curbs, as shown on the approved subdivision plat or site plan, have been installed, and if they are to be dedicated to the Town, offered to the Town for dedication, and accepted by the Town.*

*(b) All drainage easements, storm sewers, catch basins, and other drainage facilities, as shown on the approved subdivision plat or site plan, have been installed and, if they are to be dedicated to the Town, offered to the Town for dedication, and accepted by the Town.*

*(c) All sanitary sewer lines, sewage disposal plants, water lines, water plants, wells, or other sources of water supply, as shown on the approved subdivision plat or site plan, have been constructed, and if they are to be dedicated to the Town, offered to the Town for dedication, and accepted by the Town.*

*(d) All public or private recreational facilities as shown on the approved subdivision plat or site plan have been constructed, and certificates of occupancy, to the extent required for such facilities, have been issued.*

*(e) At the discretion of the Town Board, and as an alternative to the completion of the improvements set forth in Subsection D(4)(a) through (d) above, a performance guarantee in the form of a bond, cash deposit, or other financial security may be furnished to the Town by the applicant. Such performance guarantee shall be sufficient to cover the full costs of such improvements, as estimated by the Planning Board or other appropriate municipal board or officer designated by the Planning Board. The Town Board may require that such performance guarantee be issued either by the applicant with security acceptable to the Town Board, or by a bonding or surety company approved by the Town Board. Such performance guarantee shall be approved by the Town Board as to form, sufficiency, and manner of execution, and shall run for a term not longer than three years, to be fixed by the Town Board. The term of such performance guarantee may be extended by the Town Board with the consent of the parties. In the event that any required improvements have not been installed as required by this Subsection D(4)(e) within the term of the performance guarantee, the Town Board may*

*declare a default and collect the sum payable thereunder. Upon receipt of the proceeds of such performance guarantee, the Town shall install the required improvements, at a cost not to exceed the amount of such proceeds.*

*E. Denial of permits. The Code Enforcement Officer shall not issue a building permit unless it meets the requirements of this section and the Code. If the Code Enforcement Officer finds that the applicant's proposed development does not meet the requirements of this Code, the building permit application shall be returned promptly to the applicant with a letter stating the deficiencies in the application. If the Code Enforcement Officer finds that the proposed development does not satisfy the requirements of this Code or of any other applicable laws or regulations, the building permit shall be denied.*

*F. Public record. One copy of the layout or plot plan shall be returned to the applicant when approved by the Building Inspector, together with the building permit, upon payment of the required fee. One copy shall become a public record after a building permit is issued or denied, and one copy shall be filed in the Town Assessor's office.*

*G. Posting. Building permits shall be issued in duplicate, and one copy shall be posted conspicuously on the premises affected whenever construction work is being performed. No owner, contractor, workman, or other person shall perform any site work or building construction of any kind unless the required building permit is displayed.*

*H. Revocation of permits. If it shall appear, at any time, to the Code Enforcement Officer that the application or accompanying plot plan is in any material respect false or misleading, or that work is being done in violation of the provisions of the applicable building codes, ordinances, rules, or regulations, or in violation of this Code, or in an unsafe or dangerous manner, or if the permit was issued in error and should not have been issued, or that work is being done upon the premises in a way differing materially from that called for in the filed application, the Code Enforcement Officer may forthwith revoke the building permit and issue a stop-work order which shall be conspicuously placed on the affected premises. The person holding the building permit shall surrender both copies of the building permit to the Code Enforcement Officer. No owner, contractor, workman, or other person shall perform any further construction or site work of any kind after the posting of the stop-work order and notification that a building permit has been revoked.*

*I. Expiration of permit. A building permit shall expire one year from the date of issuance if the applicant fails to substantially complete the construction authorized by the building permit. The building permit may be extended for up to one year by the Building Inspector for good cause.*

H. Section 245-73 is amended to read as follows:

*A. A certificate of occupancy shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Certificates of occupancy shall be issued in accordance with this section and the procedures in § 115-4 of this Code.*

*B. All certificates of occupancy for new, altered, or expanded structures shall be applied for at the same time as the application for a building permit. A certificate of occupancy shall be issued within 10 days after the erection, alteration, or expansion is approved by the Code Enforcement Officer as complying with the terms of the building permit and all provisions of this Code.*

- I. Section 245-80F is amended as indicated: “Filing. Every order, requirement, decision, or determination of the Zoning Board of Appeals shall be filed ~~immediately~~ in the office of the Town Clerk within five business days after the day such decision is rendered, and shall be a public record, and a copy thereof shall be mailed to the applicant.”
- J. Section 245-83A is amended to change “five days” to “10 days.”
- K. In § 245-91, the definition of “complete application” is amended to change “6 NYCRR § 617.8(b)(1)” to “6 NYCRR Part 617.9.”