

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

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

September 7, 2017

LAURIE M VROMAN
CANAJOHARIE TOWN CLERK
TOWN OF CANAJOHARIE
12 MITCHELL STREET
CANAJOHARIE NEW YORK 13317

RE: TOWN of CANAJOHARIE, Local Law #3 2017, filed on AUG 24 2017

Dear Sir/Madam:

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

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



Department
of State

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 3 of the year 2017

A local law to Override the tax levy limit established in the General Municipal Law 3-C
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

as follows:

See attached page 2A

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

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Canajoharie, County of Montgomery, pursuant to General Municipal Law 3-c, and to allow the Town of Canajoharie, County of Montgomery to adopt a town budget for (a) town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2018 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Canajoharie, County of Montgomery is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law will take effect immediately upon filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

(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. 3 of 2017 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on August 10, 2017, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

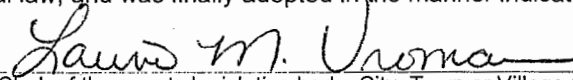
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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


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

Date: August 10, 2017

(Seal)

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

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

June 19, 2017

TOWN OF CANAJOHARIE
12 MITCHELL ST.
CANAJOHARIE NY 12217

RE: TOWN of CANAJOHARIE, Local Law #2 2017, filed on 6/16/17

Dear Sir/Madam:

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

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



Department
of State

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Town of Canajoharie

Local Law No. 2 of the year 20 17

A local law to Establish Town-Wide Solar Energy Systems Rules and Regulations for permitting and
(Insert Title)
installation of utility-scale solar collector systems as well as rooftop, flush mounted,
ground mounted racks and freestanding solar collectors

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Canajoharie as follows:

Please see attached

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

Article XIII: Definitions

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

SOLAR ENERGY EQUIPMENT AND SYSTEMS

Solar collectors, controls, energy storage devices, and any other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy and is stored, protected from unnecessary dissipation and distributed. Solar energy systems include solar thermal, photovoltaic and concentrated solar.

ACCESSORY STRUCTURE

A structure, the use of which is customarily incidental and subordinate to the principal building, and is located on the same lot or premises as the principal building.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS

A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or façade and which does not alter the relief of the roof.

COLLECTIVE SOLAR

Solar installations owned collectively through subdivision homeowner associations, college student groups, "adopt-a-solar-panel" programs, or other similar arrangements.

ENERGY STORAGE DEVICE

A device that stores energy from the sun or another source and makes it available for use.

FLUSH-MOUNTED SOLAR PANEL

Solar collector systems, panels, and tiles that are installed flush to the surface of a roof or wall of a principal and/or an accessory structure and which cannot be angled or raised for the direct conversion of solar energy into electricity.

FREESTANDING OR GROUND-MOUNTED SOLAR COLLECTOR SYSTEM

A solar collector system that is directly installed on the ground and is not attached or affixed to an existing structure and used for the direct conversion of solar energy into electricity.

GLARE

The effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

NET-METERING

A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

PERMIT GRANTING AUTHORITY

The Town of Canajoharie Code Enforcement Officer is the authority authorized to grant permits for the installation of alternative energy systems.

PHOTOVOLTAIC (PV) SYSTEMS

A solar energy system that produces electricity by the use of the semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

ROOFTOP OR BUILDING MOUNTED SOLAR COLLECTOR SYSTEM

A solar collector in which solar panels are mounted on top of a roof of a principal and/or an accessory structure as a flush-mounted system for the direct purpose of converting solar energy into electricity.

SETBACK

The distance from a front lot line, side lot line, or rear lot line of a parcel within which a free standing or ground mounted solar energy system is installed.

SMALL-SCALE SOLAR COLLECTOR SYSTEM

A solar energy system that is designed and/or built to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, and is constructed for the sale of excess power through an arrangement in accordance with New York Public Service Law 66-j or similar state or federal law or regulation.

SOLAR ACCESS

Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR ARRAY

A group of multiple solar modules with purpose of harvesting solar energy.

SOLAR CELL

The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR COLLECTOR

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR ENERGY EQUIPMENT/SYSTEM

Solar collectors, controls, energy devices, heat pumps, heat exchangers, and or other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

SOLAR, GROUND OR POLE-MOUNTED SOLAR ARRAY

Any solar collector, controls, solar energy device, heat exchanges or solar thermal energy system which is directly installed on the ground and not affixed to an existing structure.

SOLAR PANEL

A device for the direct conversion of solar energy into electricity.

SOLAR STORAGE BATTERY

A device that stores energy from the sun and makes it available in an electrical form.

SOLAR-THERMAL SYSTEMS

Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

UTILITY-SCALE SOLAR COLLECTOR SYSTEM

A solar energy system that is designed and/or built to provide energy as an ongoing commercial enterprise, or for commercial profit, or designed to distribute energy generated to a transmission system for distribution to customers rather than for use on the site. A utility-scale solar use may include solar energy system equipment and uses, such as but not limited to supporting posts and frames, buildings and/or other structure(s), access drives, inverter equipment, wires, cables and other equipment for the purpose of supplying electrical energy produced from solar technologies, whether such use is a principal use, a part of the principal use or an accessory use or structure.

Article VI: Supplementary Regulations

C.14: Solar Energy Systems and Equipment

Small-scale solar collector system

A. Purpose and intent.

1. The purpose of these regulations is to balance the potential impact on neighbors where solar collectors may be installed near their property while preserving the rights of property owners to install solar collection systems without excess regulation. These regulations are not intended to override the New York State Agriculture and Markets Law.
2. Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid when excess solar power is generated.

B. Applicability.

1. The requirements herein shall apply to all solar collector system installations modified or installed after the effective date of this section; with the exception of small portable units.
2. Solar collector system installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this section, shall not be required to meet the requirements of this section, except in accordance with Subsection D, Safety, found here in this section. Any modification, expansion or alteration to an existing solar collector system shall only be permitted in accordance with Small scale solar collector system section herein.
3. All solar collector systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Building Code.

C. Permitting.

1. Rooftop and flush-mounted solar collectors are permitted outright in all zoning districts in the Town of Canajoharie subject to the following conditions:
 - a. Building permits shall be required for installation of all rooftop and flush-mounted solar collectors.
 - b. Height limitations for structures found in Article IV, Schedule of Area and Back Regulations, shall apply.
 - c. Rooftop and flush-mounted solar collector systems are permitted on the following structures:
 - i. All principal structures.
 - ii. All accessory structures that meet the principal structure setbacks as required in each zoning district.
 - d. Rooftop units must be three feet from any chimney and shall not be permitted on any roof overhangs.
 - e. Any solar collector system attached to a pitched roof shall not extend more than three feet from the surface of the angle of the roof.

2. Ground-mounted racks and freestanding solar collectors are permitted as an accessory structure in all zoning districts in the Town of Canajoharie, subject to the following conditions which shall be processed and enforced by the Town Code Enforcement Officer:
 - a. Building permits shall be required for installation of all ground-mounted and freestanding solar collectors.
 - b. Special use permit from the Planning Board is required for all ground-mounted racks and freestanding solar collectors greater than 10 feet in height or greater than 20 feet in length, or if the solar array surface area is greater than 200 square feet in the aggregate in all residential zoning districts. All other ground-mounted racks and freestanding solar collectors shall follow the standard building permit process.
 - c. All ground-mounted racks and freestanding solar collectors shall have a maximum height of 20 feet from ground elevation.
 - d. All ground-mounted racks and freestanding solar collectors installed in the side or rear yards shall comply with the setback requirements for a principal structure found in Article IV, Schedule of Area and Back Regulations.
 - e. Solar collectors may be installed in any front yard but shall be at least 75 feet from the front property line and shall require a special use permit. As per Article VI Supplementary Regulations: B. General Standards: B.2 Corner Lots, all corner lots shall be deemed to have two front yards.
 - f. Solar collectors and energy equipment shall be located in a manner that reasonably minimizes shading of adjacent property and blockage for surrounding properties while still providing adequate solar access for collectors.
 - g. Freestanding solar energy collectors shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping or other screening which will harmonize with the character of the property and surrounding area.

D. Safety.

1. All solar energy systems and solar collectors must obtain a building permit and shall be designed to be installed to be in conformance with the New York Uniform Fire Prevention and Building Code Standards that are applicable when the building permit is issued.
2. Prior to operation, electrical connections must be inspected by the Town Code Enforcement Officer and by the appropriate electrical inspection person or agency, as determined by the Town.
3. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period.
4. Solar Energy Systems and Equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.
 - a. For commercial application, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

5. If solar storage batteries are included, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use. When they are no longer in use, they shall be disposed of in accordance with the laws of New York State Fire Prevention and Building Code and local laws of the Town of Canajoharie and any other applicable laws or regulations.
6. Glare and heat. No direct or unreasonable glare or transmission of heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.

Utility-scale solar collector system

A. Purpose and intent.

1. The purpose of these regulations is to provide utility-scale solar collector systems through performance criteria that balance the unique characteristics of each site.
2. In any instances where specific permitted uses, area, or height standards, development guidelines and/or review procedures specifically set forth in this section conflict with any other general provision or requirements of the Zoning chapter, the particular provisions set forth herein shall take precedence and control. In all instances not specifically addressed in this section or in Article IV of this chapter, the Zoning chapter shall apply.

B. Bulk and area requirements. The following dimensional requirements shall apply to all utility-scale solar collector systems:

1. Height.
 - a. All solar collectors shall have a maximum height of 20 feet from ground elevation.
 - b. All buildings and accessory structures associated with the utility-scale solar collector system shall have a maximum height of 35 feet, excluding the solar collector.
2. Setback. All utility-scale solar collector systems and associated buildings, accessory structures, and equipment shall have a minimum setback from any property line of 200 feet; depending on circumstances. A 200 foot setback is not required between an individual property owners' utility scale solar collector system when subdivided based on the NY Public Service Law (PSL Section 66-j), that limits solar facilities to 2 MW per deeded parcel.
3. Lot coverage.
 - a. Impervious surface lot coverage. All utility-scale solar collector systems and associated accessory structures and equipment shall utilize a maximum of 20% impervious lot coverage.
 - b. Pervious surface lot coverage. All utility-scale solar collector systems and associated accessory structures and equipment shall utilize a minimum of 80% permeable lot coverage.
 - c. Tree removal shall be minimized and replanting, at the discretion of the Planning Board, should be considered on parcels where a large amount of trees are being removed in order to place solar arrays.

C. General provisions.

1. Site plan. All utility-scale solar collector systems shall provide a site plan in accordance with Article IX of this Zoning chapter and the SEQRA Long EAF.
2. Signage. All signage shall be provided as part of site plan review and shall be in accordance with Article VI of this Zoning chapter.
3. Visual.

- a. Utility-scale solar collector systems shall be sited in a manner to have the least possible practical visual effect on the environment.
 - b. A visual environmental assessment form (Visual EAF), landscaping plan and visual assessment report, including appropriate modeling and photography assessing the visibility from key viewpoints identified in the Visual EAF, existing tree lines, surrounding topography, and proposed elevations shall be required.
 - c. Landscaping, screening and/or earth berming shall be provided to minimize the potential visual impacts associated with the utility-scale solar collector systems and its accessory buildings, structures and/or equipment. Additional landscaping, screening and/or earth berming may be required by the Town Board and/or the Planning Board to mitigate visual and aesthetic impacts.
 - d. The associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.
4. Lighting. A lighting plan shall be required. No utility-scale solar collector system shall be artificially lighted unless otherwise required by a federal, state or local authority. Exterior lighting may be provided for associated accessory structures and access entrances as may be determined appropriate for security purposes only.
5. Utilities. The applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the utility-solar collector system. Electrical and land-based telephone utilities extended to serve the site shall be underground.
6. Access. The applicant shall indicate on a site plan all existing and proposed access to the site, including road, electric power, emergency access, land-based telephone line connection, and other utilities existing and proposed within the property boundaries of the proposed location. Existing roadways shall be used for access to the site whenever possible and determined acceptable by the Planning Board through site plan review.
7. Glare and heat. No direct or unreasonable glare or transmission of heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.
8. Ownership. In the case of an application for a utility-scale solar collector system to be located on private lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner shall be filed with the Town.
9. Proof of insurance. The applicant and the owner of the property where the utility-scale solar collector system is to be located shall file with the Town proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.
10. Security provisions. Each site shall have a minimum of an eight-foot security fence to prevent unauthorized access and vandalism to the utility-scale solar collectors and a security program for the site as approved by the Planning Board during site plan review.
11. Noise. Noise-producing equipment shall be sited and/or insulated to minimize noise impacts on adjacent properties as approved by the Planning Board during site plan review.
12. The site must be inspected twice a year by the applicant or lessee, and a written report must be filed with the Town Clerk of Canajoharie and sent to the Town Code Enforcement Officer at least once per year.
13. The following requirements shall be met for decommissioning:

- a. Solar farms and solar power plants which have not been in active and continuous service for a period of 12 consecutive months shall be removed at the owners or operators expense.
 - b. The site shall be restored to as natural a condition as possible within 6 months of removal.
- D. Removal of obsolete/unused facilities. Required sureties for construction, maintenance and removal of utility-scaled solar collector systems.
- a. Decommissioning Code Estimate. The applicant or lessee shall provide a Decommissioning Cost Estimate prepared by a N.Y.S. Licensed Engineer prior to the issuance of the building permits. The cost shall be calculated by taking the Gross Cost plus the Administrated Factor of 20% minus the Salvage Cost in order to determine the Decommissioning Cost Estimate for bonding and insurance purposes. The applicant or lessee must also provide a revised and updated Decommissioning Cost Estimate on every fifth (5th) anniversary of the date the project first began continuously delivering electric energy to the electric grid for commercial sales.
 - b. Performance bond and other security. Prior to the issuance of a building permit, a performance bond or other security sufficient to cover the full cost of the removal and disposal of the utility-scale solar collector system and any associated accessory structures upon abandonment of said facility shall be provided by the owner/operator. Any such security must be provided pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town Attorney as to form, sufficiency and manner of execution. The form of security shall be limited to those permissible under NYS Town Law. If the owner of the site fails to comply with any conditions of the approval during construction or as part of the long-term maintenance of the site, all costs of the Town incurred to comply with conditions of the approval shall be paid using the surety provided by the applicant. Failure to comply with the conditions of the approval or to maintain an acceptable level of surety will result in revocation of the certificate of occupancy.
 - c. Removal. The utility-scale solar collector system, including any accessory structures and/or equipment, shall be dismantled and removed from the site when the utility-scale solar collector system has been inoperative or abandoned for 12 consecutive months. As a condition of the certificate of compliance, applicants shall post a surety in an amount and form acceptable to the Town for the purposes of removal or abandonment. The amount shall be determined by an estimate of a NYS Certified Engineer. Acceptable forms shall include, in order of preference: cash; letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee removal of the utility-scale solar collector system should the system be abandoned. Abandonment shall be assumed by the Town if the annual documentation as required in Utility scale solar collector system section (12) is not provided by the owner, applicant or lessee for one year to the Town of Canajoharie Code Enforcement Officer. With the assistance of a NYS Certified Engineer the Town Code Enforcement Officer shall then provide written notice to the owner to remove the utility-scale solar collector system, and the owner shall have three months from written notice to remove the utility-scale

solar collector system, including any associated accessory structures and/or equipment, and restore the site to a condition approved by the Planning Board; to include but limited to water and soil contamination. If the owner, applicant or lessee fails to remove any associated structures or restore the site to the condition approved by the Planning Board, all costs of the Town incurred to comply with this condition shall be paid using the surety provided by the applicant

E. Building permit fees for solar panels.

- a. The fees for all building permits required pursuant to this Local Law shall be paid at the time each building permit application is submitted in such reasonable amount as the Town Board may by resolution establish and amend from time to time.

F. Effective date.

- a. This law shall take effect after its adoption 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. 2 of 2017 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on June 8, 2017, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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


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

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

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

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

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


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

Date:

June 8, 2017

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

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

March 29, 2017

Laurie M Vroman
Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 1, 2017 filed on March 28, 2017

Dear Sir/Madam:

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

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



Department
of State

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 1 of the year 2017

A local law to Extend Local Law #5 of 2016 which had established an additional six (6) month
(Insert Title)
moratorium on the Construction of Solar Energy Systems Within the Town of Canajoharie,
for another six (6) month period.

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

Such local law temporarily prohibits construction, installation, approval, and processing of applications for solar energy systems for an additional six (6) months. Installation of rooftop panels is not subject to the moratorium.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2017 of the (County)(City)(Town)(Village) of Town of Canajoharie was duly passed by the Canajoharie Town Board on March 20, 2017, in accordance with the applicable (Name of Legislative Body) provisions of law.

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

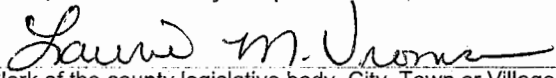
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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


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

Date: March 20, 2017

(Seal)

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

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

September 20, 2016

Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 5 2016, filed on September 19, 2016

Dear Sir/Madam:

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

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



**Department
of State**

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Town of Canajoharie

Local Law No. 5 of the year 2016

A local law to Extend Local Law #2 of 2016 which establishes a six (6) month moratorium on the
(Insert Title)
Construction of Solar Energy Systems Within the Town of Canajoharie for an additional
six (6) month period

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

Such local law temporarily prohibits construction, installation, approval, and processing of applications for solar energy systems for an additional six (6) months. Installation of rooftop panels is not subject to the moratorium.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2016 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on September 8 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

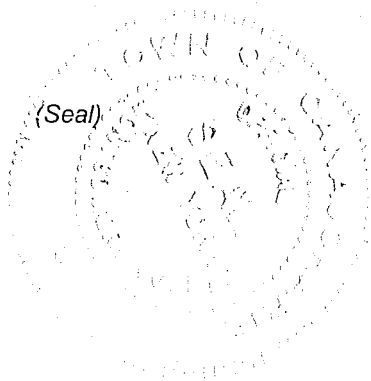
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law,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

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

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

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

Date: *Sept. 8, 2016*



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

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

August 19, 2016

Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 4 2016, filed on August 19, 2016

Dear Sir/Madam:

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

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



Department
of State

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 4 of the year 2016

A local law to Override the tax levy limit established in the General Municipal Law 3-C
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

See Attached

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

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Canajoharie, County of Montgomery, pursuant to General Municipal Law 3-c, and to allow the Town of Canajoharie, County of Montgomery to adopt a town budget for (a) town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Canajoharie, County of Montgomery is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law will take effect immediately upon filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

(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. 4 of 2016 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on August 11, 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

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

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

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

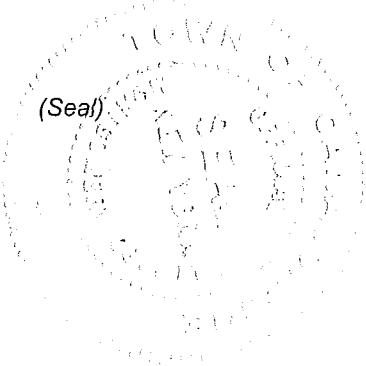
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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

Laurie M. Vroman

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

Date: *August 11, 2016*



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

March 21, 2016

Laurie M Vroman
Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 2 & 3 2016, filed on March 18, 2016

Dear Sir/Madam:

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

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



Department
of State

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Town of Canajoharie

Local Law No. 3 of the year 2016

A local law To Extend Local Law #2 of 2015 for a Period of Six (6) Months, which Establishes a

(Insert Title)

Moratorium on the Establishment and/or Construction of Kennels, Pet Breeding

Facilities or Puppy Mills in the Town of Canajoharie

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

(see Attached)

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

TOWN OF CANAJOHARIE, MONTGOMERY COUNTY, NEW YORK

LOCAL LAW NUMBER 3 OF 2016

TO EXTEND LOCAL LAW NUMBER 2 OF 2015 FOR

AN ADDITIONAL PERIOD OF SIX MONTHS

Be it enacted by the Town Board of the Town of Canajoharie, Montgomery County, New York as Follows:

A LOCAL LAW ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT AND/OR CONSTRUCTION OF KENNELS, PET BREEDING FACILITIES OR PUPPY MILLS IN THE TOWN OF CANAJOHARIE

Section 1. STATE OF LEGISLATIVE INTENT:

The Town of CANAJOHARIE is currently in the process of considering and implementing a Comprehensive Plan for the Town. The present regulations in the Town Code do not address the emergence of large scale kennels, pet breeding facilities or puppy mills. When unregulated or improperly regulated, these facilities can be detrimental to the health, safety and welfare of the dogs or other domestic animals in these facilities, to the public who will work in, patronize, visit, conduct business with or otherwise come in contact with or feel the effects of such facilities and to the environment.

Therefore, it is the intention of the Town Board to enact a moratorium on the establishment, placement, relocation, construction, enlargement, modification or erection of kennels, breeding facilities and puppy mills so that the Town Board can review the present Town, State and Federal laws and regulations pertinent to such facilities and of the environment and to implement regulations and/or local laws in accordance with the Comprehensive Plan.

Section 2

DEFINITIONS

- A. Town: Town of Canajoharie, County of Montgomery, New York
- B. Town Board: Town of Canajoharie Town Board
- C. Planning Board: Town of Canajoharie Planning Board
- D. Zoning Board of Appeals: Town of Canajoharie Board of appeals
- E. Code Officer: Town of Canajoharie Code Enforcement Officer
- F. Dog: Any member of the species *canis familiaris*, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- G. Domestic Animal. Any animal customarily used or kept as a pet, including but not limited to a cat, rabbit, hamster, ferret or guinea pig, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- H. Kennel: Any premises or structure, where, for monetary compensation four (4) or more dogs or other domestic animals other than farm animals, male or female, over the age of four (4) months are bred, incarcerated or offered for sale. Kennel shall not include establishments where dogs are dropped off by their owners to be housed on a temporary basis or for grooming and are picked up by those same owners.
- I. Pet Breeding Facility any building or lot on which any of the following occurs
- 1) at least four (4) or more dogs or cats at any one time are bred or sold for commercial purposes; or
 - 2) any adult female dog or cat is bred more than once in any twelve (12) month period

with the intent of selling
or giving away said

dog's or cat's pups or
kittens or

3) more than two (2) litters
of pups or kittens

are sold or given away
in any twelve (12)

month period.

J. Puppy Mill: Any large scale dog breeding facilities that operate under substandard breeding conditions that may cause the development of chronic health problems, temperament issues, and/or hereditary defects in puppies that come from such mills.

Section 3. MORATORIUM

A. The Town Board hereby enacts a moratorium which shall prohibit the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any kennel, pet breeding facility or puppy mill.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of (i) the date six (6) months from said effective date, unless renewed, or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Pursuant to this moratorium, the Planning Board shall not review any applications for kennels, pet breeding facilities or puppy mills, nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision which includes a kennel, pet breeding facility or puppy mill as part of the application.

E. Pursuant to this moratorium, the Code Officer shall not issue Building Permits or Certificates of Occupancy for any kennel, pet breeding facility or puppy mill.

F. Pursuant to this moratorium, the Zoning Board of Appeals shall not grant any approvals for any variance that involves the establishment, placement, relocation, construction, reconstruction, enlargement modification or erection of any kennel, pet breeding facility or puppy mill.

Section 4

EXCLUSIONS

This moratorium shall not apply to the following: Any facility operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals, any veterinary hospital or clinic operated by a veterinarian or veterinarian which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

Section 5

PENALTIES

Any person, firm, corporation, partnership, limited liability company or other legal entity which shall establish, place or relocate, construct, reconstruct, enlarge, modify or erect any kennel, pet breeding facility or puppy mill in violation of the provisions of this Local Law, shall be subject to:

A. A fine not to exceed \$250.00 or imprisonment for a period not to exceed fifteen (15) days or both.

B. A civil penalty in the amount of \$100.00 per day for each dog or domestic animal in any such prohibited facility for each day that such violation shall exist.

C. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction, improvements, or related items or byproducts which may have taken place in violation of this Local Law; or

D. Any other remedy allowed by law.

Section 6

ENFORCEMENT:

It shall be the duty of the Code Officer to enforce the provisions of this
Local Law

Section 7

VALIDITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court or competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 8

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Department of State and shall remain in force and effect for a period six (6) months from the date of such filing.

Section 9

NUMERICAL/LETTERING DESIGNATIONS

The chapter designations and numerical/lettering designations of the section and article(s) included in the Local Law shall be delegated to the discretion of general Code Publishers, which may renumber the chapter, sections and Article(s) included in this Local Law as necessary to accommodate incorporation of this Local Law in the Code of the Town of Canajoharie.

(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. 3 of 2016 of the (County)(City)(Town)(Village) of Town of Canajoharie was duly passed by the Town Board on March 10, 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 2016, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

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

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

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

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

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

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

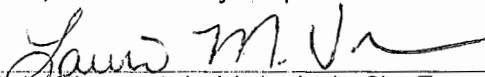
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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



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

Date: March 10, 2016

(Seal)

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

ANDREW M. CUOMO
GOVERNOR
CESAR A. PERALES
SECRETARY OF STATE

March 21, 2016

Laurie M Vroman
Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 2 & 3 2016, filed on March 18, 2016

Dear Sir/Madam:

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

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



**Department
of State**

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Town of Canajoharie

Local Law No. 2 of the year 2016

A local law to Establish a Six (6) Month Moratorium on the Construction of Solar Energy Systems
(Insert Title)
Within the Town of Canajoharie

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Canajoharie as follows:

Such Local Law temporarily prohibits construction, installation, approval, and processing of applications for solar energy systems for six (6) months. Installation of rooftop panels is not subject to the moratorium.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2016 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on March 10, 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 2016, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

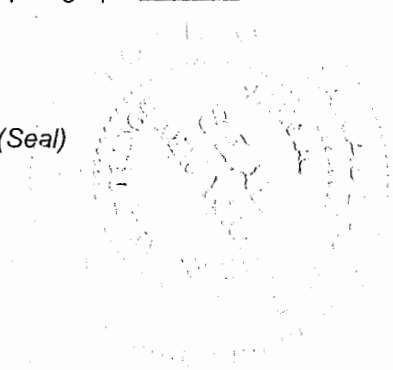
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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


Louis M. Vrom

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

(Seal)

Date: March 10, 2016

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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

January 27, 2016

Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 1 2016, filed on January 26, 2016

Dear Sir/Madam:

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

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



**Department
of State**

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 1 of the year 2016

A local law to Rescind Local Law Number 1 of 2015, which Overrides the tax levy limit established in
(Insert Title)
the General Municipal Law 3-C

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

See Attached

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

BE IT ENACTED, by the Town Board of Canajoharie, New York, as follows:

Section 1. Background: The Town Board of Canajoharie, in anticipation that it may have been required to adopt a 2016 budget which imposes a tax levy increase greater than the limit set forth in the General Municipal Law Section 3-c, enacted Local Law Number 1 of 2015, granting it such authority.

Section 2. Legislative Intent: It is the intent of this local law to rescind Local Law Number 1 of 2015, which authorized the Town Board of Canajoharie to adopt a budget for fiscal year 2016 overriding the tax cap, as it has now been determined that the 2016 Town of Canajoharie budget will not impose a tax levy increase greater than the limit set forth in the General Municipal Law Section 3-C.

Section 3. Rescind: The Town Board of Canajoharie hereby rescinds Local Law Number 1 of 2015 in its entirety.

Section 4. Severability: If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm, or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date: This local law shall take effect immediately upon filing with the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the (County)(City)(Town)(Village) of Town of Canajoharie was duly passed by the Town Board on January 14, 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

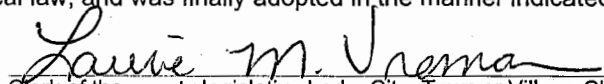
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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


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

Date:

1/14/2016

(Seal)



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

February 11, 2014

Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 1 2014, filed on February 10, 2014

Dear Sir/Madam:

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

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

~~Copy~~ Sent
original 1/30/14 @

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 1 of the year 20 14

A local law To Establish Two (2) Alternates to the Town of Canajoharie Planning Board.
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

- A.) The Town Board will appoint a maximum of two (2) alternates to the Town of Canajoharie Planning Board.
- B.) The term of appointment will be for two (2) years.
- C.) The alternate will sit on the Planning Board when there is a member absent.
- D.) The alternate will have voting powers when a member is absent.

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

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

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

1. **(Final adoption by local legislative body only.)**
I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2014 of the (County)(City)(Town)(Village) of CADAJOHARIE was duly passed by the TOWN COUNCIL on JANUARY 9, 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative
vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____
20____, in accordance with the applicable provisions of law.

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

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

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

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

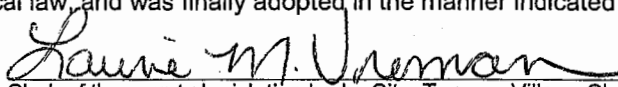
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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


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

Date: 1/30/2014

(Seal)

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

ANDREW M. CUOMO
GOVERNOR
CESAR A. PERALES
SECRETARY OF STATE

December 21, 2015

Town Clerk

RE: Town of Canajoharie, Local Law 2 2015, filed on September 21, 2015

Dear Sir/Madam:

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

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



Department
of State

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of TOWN OF CANAJOHARIE

Local Law No. 2 of the year 2015

A local law TO EXTEND LOCAL LAW NUMBER 3 OF 2014 FOR AN ADDITIONAL PERIOD OF SIX
(Insert Title)
MONTHS WHICH ESTABLISHES A MORATORIUM ON THE ESTABLISHMENT AND/OR
CONSTRUCTION OF KENNELS, PET BREEDING FACILITIES, OR PUPPY MILLS IN
THE TOWN OF CANAJOHARIE

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of CANAJOHARIE as follows:

SEE ATTACHED

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

TOWN OF CANAJOHARIE, MONTGOMERY COUNTY, NEW YORK

LOCAL LAW NUMBER 2 OF 2015

TO EXTEND LOCAL LAW NUMBER 3 OF 2014 FOR

AN ADDITIONAL PERIOD OF SIX MONTHS

Be it enacted by the Town Board of the Town of Canajoharie, Montgomery County, New York as Follows:

A LOCAL LAW ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT AND/OR CONSTRUCTION OF KENNELS, PET BREEDING FACILITIES OR PUPPY MILLS IN THE TOWN OF CANAJOHARIE

Section 1. STATE OF LEGISLATIVE INTENT:

The Town of CANAJOHARIE is currently in the process of considering and implementing a Comprehensive Plan for the Town. The present regulations in the Town Code do not address the emergence of large scale kennels, pet breeding facilities or puppy mills. When unregulated or improperly regulated, these facilities can be detrimental to the health, safety and welfare of the dogs or other domestic animals in these facilities, to the public who will work in, patronize, visit, conduct business with or otherwise come in contact with or feel the effects of such facilities and to the environment.

Therefore, it is the intention of the Town Board to enact a moratorium on the establishment, placement, relocation, construction, enlargement, modification or erection of kennels, breeding facilities and puppy mills so that the Town Board can review the present Town, State and Federal laws and regulations pertinent to such facilities and of the environment and to implement regulations and/or local laws in accordance with the Comprehensive Plan.

Section 2

DEFINITIONS

- A. Town: Town of Canajoharie, County of Montgomery, New York
- B. Town Board: Town of Canajoharie Town Board
- C. Planning Board: Town of Canajoharie Planning Board
- D. Zoning Board of Appeals: Town of Canajoharie Board of appeals
- E. Code Officer: Town of Canajoharie Code Enforcement Officer
- F. Dog: Any member of the species *canis familiaris*, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- G. Domestic Animal. Any animal customarily used or kept as a pet, including but not limited to a cat, rabbit, hamster, ferret or guinea pig, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- H. Kennel: Any premises or structure, where, for monetary compensation four (4) or more dogs or other domestic animals other than farm animals, male or female, over the age of four (4) months are bred, incarcerated or offered for sale. Kennel shall not include establishments where dogs are dropped off by their owners to be housed on a temporary basis or for grooming and are picked up by those same owners.
- I. Pet Breeding Facility any building or lot on which any of the following occurs
- 1) at least four (4) or more dogs or cats at any one time are bred or sold for commercial purposes; or
 - 2) any adult female dog or cat is bred more than once in any twelve (12) month period

with the intent of selling
or giving away said

dog's or cat's pups or
kittens or

3) more than two (2) litters
of pups or kittens

are sold or given away
in any twelve (12)

month period.

J. **Puppy Mill:** Any large scale dog breeding facilities that operate under substandard breeding conditions that may cause the development of chronic health problems, temperament issues, and/or hereditary defects in puppies that come from such mills.

Section 3. MORATORIUM

A. The Town Board hereby enacts a moratorium which shall prohibit the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any kennel, pet breeding facility or puppy mill.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of (i) the date six (6) months from said effective date, unless renewed, or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Pursuant to this moratorium, the Planning Board shall not review any applications for kennels, pet breeding facilities or puppy mills, nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision which includes a kennel, pet breeding facility or puppy mill as part of the application.

E. Pursuant to this moratorium, the Code Officer shall not issue Building Permits or Certificates of Occupancy for any kennel, pet breeding facility or puppy mill.

F. Pursuant to this moratorium, the Zoning Board of Appeals shall not grant any approvals for any variance that involves the establishment, placement, relocation, construction, reconstruction, enlargement modification or erection of any kennel, pet breeding facility or puppy mill.

Section 4

EXCLUSIONS

This moratorium shall not apply to the following: Any facility operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals, any veterinary hospital or clinic operated by a veterinarian or veterinarian which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

Section 5

PENALTIES

Any person, firm, corporation, partnership, limited liability company or other legal entity which shall establish, place or relocate, construct, reconstruct, enlarge, modify or erect any kennel, pet breeding facility or puppy mill in violation of the provisions of this Local Law, shall be subject to:

A. A fine not to exceed \$250.00 or imprisonment for a period not to exceed fifteen (15) days or both.

B. A civil penalty in the amount of \$100.00 per day for each dog or domestic animal in any such prohibited facility for each day that such violation shall exist.

C. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction, improvements, or related items or byproducts which may have taken place in violation of this Local Law; or

D. Any other remedy allowed by law.

Section 6

ENFORCEMENT:

It shall be the duty of the Code Officer to enforce the provisions of this
Local Law

Section 7

VALIDITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court or competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 8

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Department of State and shall remain in force and effect for a period six (6) months from the date of such filing.

Section 9

NUMERICAL/LETTERING DESIGNATIONS

The chapter designations and numerical/lettering designations of the section and article(s) included in the Local Law shall be delegated to the discretion of general Code Publishers, which may renumber the chapter, sections and Article(s) included in this Local Law as necessary to accommodate incorporation of this Local Law in the Code of the Town of Canajoharie.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2015 of the (County)(City)(Town)(Village) of CANAJOHARIE was duly passed by the TOWN BOARD OF CANAJOHARIE on SEPTEMBER 10 2015, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2015, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

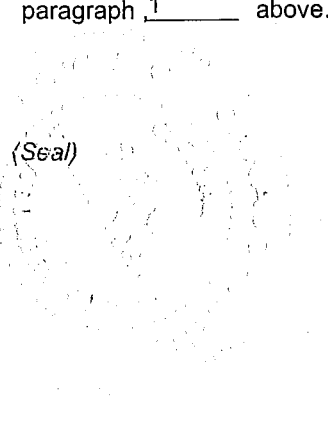
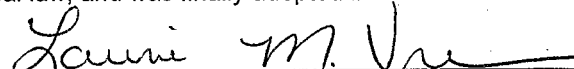
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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

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

Date: 9/10/2015

(Seal)

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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

August 27, 2015

Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 1 2015, filed on August 26, 2015

Dear Sir/Madam:

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

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



Department
of State

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of _____

Local Law No. 1 of the year 20 15

A local law to Override the tax levy limit established in the General Municipal Law 3-C
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

See Attached

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

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Canajoharie, County of Montgomery, pursuant to General Municipal Law 3-c, and to allow the Town of Canajoharie, County of Montgomery to adopt a town budget for (a) town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Canajoharie, County of Montgomery is hereby authorized to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law will take effect immediately upon filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2015 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on August 13, 2015, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

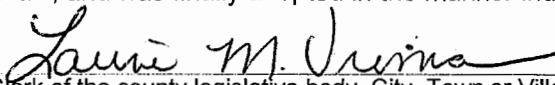
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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


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

Date: August 13, 2015

(Seal)



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

September 22, 2014

Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 3 2014, filed on September 22, 2014

Dear Sir/Madam:

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

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

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 3 of the year 20 14

A local law to Extend Local Law #2 of 2013 for an additional period of one year which
(Insert Title)
Establishes a Moratorium on the Establishment and/or Construction of Kennels, Pet
Breeding Facilities, or Puppy Mills in the Town of Canajoharie

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

See Attached

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

TOWN OF CANAJOHARIE, MONTGOMERY COUNTY, NEW YORK

LOCAL LAW NUMBER 3 OF 2014

TO EXTEND LOCAL LAW NUMBER 2 OF 2013 FOR

AN ADDITIONAL PERIOD OF ONE YEAR

Be it enacted by the Town Board of the Town of Canajoharie, Montgomery County, New York as Follows:

A LOCAL LAW ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT AND/OR CONSTRUCTION OF KENNELS, PET BREEDING FACILITIES OR PUPPY MILLS IN THE TOWN OF CANAJOHARIE

Section 1. STATE OF LEGISLATIVE INTENT:

The Town of CANAJOHARIE is currently in the process of considering and implementing a Comprehensive Plan for the Town. The present regulations in the Town Code do not address the emergence of large scale kennels, pet breeding facilities or puppy mills. When unregulated or improperly regulated, these facilities can be detrimental to the health, safety and welfare of the dogs or other domestic animals in these facilities, to the public who will work in, patronize, visit, conduct business with or otherwise come in contact with or feel the effects of such facilities and to the environment.

Therefore, it is the intention of the Town Board to enact a moratorium on the establishment, placement, relocation, construction, enlargement, modification or erection of kennels, breeding facilities and puppy mills so that the Town Board can review the present Town, State and Federal laws and regulations pertinent to such facilities and of the environment and to implement regulations and/or local laws in accordance with the Comprehensive Plan.

Section 2

DEFINITIONS

- A. Town: Town of Canajoharie, County of Montgomery, New York
- B. Town Board: Town of Canajoharie Town Board
- C. Planning Board: Town of Canajoharie Planning Board
- D. Zoning Board of Appeals: Town of Canajoharie Board of appeals
- E. Code Officer: Town of Canajoharie Code Enforcement Officer
- F. Dog: Any member of the species *canis familiaris*, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- G. Domestic Animal. Any animal customarily used or kept as a pet, including but not limited to a cat, rabbit, hamster, ferret or guinea pig, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- H. Kennel: Any premises or structure, where, for monetary compensation four (4) or more dogs or other domestic animals other than farm animals, male or female, over the age of four (4) months are bred, incarcerated or offered for sale. Kennel shall not include establishments where dogs are dropped off by their owners to be housed on a temporary basis or for grooming and are picked up by those same owners.
- I. Pet Breeding Facility any building or lot on which any of the following occurs
- 1) at least four (4) or more dogs or cats at any one time are bred or sold for commercial purposes; or
 - 2) any adult female dog or cat is bred more than once in any twelve (12) month period

- with the intent of selling
or giving away said
dog's or cat's pups or
kittens or
3) more than two (2) litters
of pups or kittens
are sold or given away
in any twelve (12)
month period.

J. Puppy Mill: Any large scale dog breeding facilities that operate under substandard breeding conditions that may cause the development of chronic health problems, temperament issues, and/or hereditary defects in puppies that come from such mills.

Section 3. MORATORIUM

A. The Town Board hereby enacts a moratorium which shall prohibit the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any kennel, pet breeding facility or puppy mill.

B. This moratorium shall be in effect for a period of one (1) year from the effective date of this Local Law and shall expire on the earlier of (i) the date one (1) year from said effective date, unless renewed, or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Pursuant to this moratorium, the Planning Board shall not review any applications for kennels, pet breeding facilities or puppy mills, nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision which includes a kennel, pet breeding facility or puppy mill as part of the application.

E. Pursuant to this moratorium, the Code Officer shall not issue Building Permits or Certificates of Occupancy for any kennel, pet breeding facility or puppy mill.

F. Pursuant to this moratorium, the Zoning Board of Appeals shall not grant any approvals for any variance that involves the establishment, placement, relocation, construction, reconstruction, enlargement modification or erection of any kennel, pet breeding facility or puppy mill.

Section 4

EXCLUSIONS

This moratorium shall not apply to the following: Any facility operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals, any veterinary hospital or clinic operated by a veterinarian or veterinarian which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

Section 5

PENALTIES

Any person, firm, corporation, partnership, limited liability company or other legal entity which shall establish, place or relocate, construct, reconstruct, enlarge, modify or erect any kennel, pet breeding facility or puppy mill in violation of the provisions of this Local Law, shall be subject to:

A. A fine not to exceed \$250.00 or imprisonment for a period not to exceed fifteen (15) days or both.

B. A civil penalty in the amount of \$100.00 per day for each dog or domestic animal in any such prohibited facility for each day that such violation shall exist.

C. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction, improvements, or related items or byproducts which may have taken place in violation of this Local Law; or

D. Any other remedy allowed by law.

Section 6

ENFORCEMENT:

It shall be the duty of the Code Officer to enforce the provisions of this Local Law

Section 7

VALIDITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court or competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 8

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Department of State and shall remain in force and effect for a period one (1) year from the date of such filing.

Section 9

NUMERICAL/LETTERING DESIGNATIONS

The chapter designations and numerical/lettering designations of the section and article(s) included in the Local Law shall be delegated to the discretion of general Code Publishers, which may renumber the chapter, sections and Article(s) included in this Local Law as necessary to accommodate incorporation of this Local Law in the Code of the Town of Canajoharie.

(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. #3 of 2014 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board of Canajoharie on September 11, 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

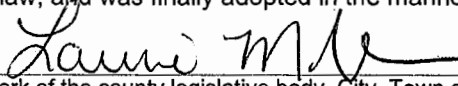
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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


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

Date: 9/2014

(Seal)



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

July 28, 2014

Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 2 2014, filed on July 22, 2014

Dear Sir/Madam:

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

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

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 2 of the year 20 14

A local law to Override the tax levy limit established in the General Municipal Law 3-C
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

See Attached

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

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Canajoharie, County of Montgomery, pursuant to General Municipal Law 3-c, and to allow the Town of Canajoharie, County of Montgomery to adopt a town budget for (a) town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Canajoharie, County of Montgomery is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law will take effect immediately upon filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2014 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on July 10, 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

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

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

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

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

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

Laurie M. Vroman
Clerk of the county legislative body, City (Town) or Village Clerk or
officer designated by local legislative body

Date: _____

July 10, 2014

(Seal)



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

October 28, 2013

Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 3 2013, filed on October 21, 2013

Dear Sir/Madam:

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

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

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 3 of the year 2013

A local law to override the tax levy limit established in the General Municipal law 3-c
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

See Attached

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

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Canajoharie, County of Montgomery, pursuant to General Municipal Law 3-c, and to allow the Town of Canajoharie, County of Montgomery to adopt a town budget for (a) town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Canajoharie, County of Montgomery is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law will take effect immediately upon filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

(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. 3 of 20 13 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on October 3 20 13, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

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

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

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

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

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

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

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

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

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

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

(Seal)

Date: _____



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

September 30, 2013

Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 2 2013, filed on September 30, 2013

Dear Sir/Madam:

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

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

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 2 of the year 2013

A local law establishing a moratorium on the establishment and/or construction of kennels, pet
(Insert Title)
breeding facilities or puppy mills in the Town of Canajoharie

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

(See attached)

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

A LOCAL LAW ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT AND/OR
CONSTRUCTION OF KENNELS, PET BREEDING FACILITIES OR PUPPY MILLS IN THE
TOWN OF CANAJOHARIE

Section I. STATE OF LEGISLATIVE INTENT:

The Town of CANAJOHARIE is currently in the process of considering and implementing a Comprehensive Plan for the Town. The present regulations in the Town Code do not address the emergence of large scale kennels, pet breeding facilities or puppy mills. When unregulated or improperly regulated, these facilities can be detrimental to the health, safety and welfare of the dogs or other domestic animals in these facilities, to the public who will work in, patronize, visit, conduct business with or otherwise come in contact with or feel the effects of such facilities and to the environment.

Therefore, it is the intention of the Town Board to enact a moratorium on the establishment, placement, relocation, construction, enlargement, modification or erection of kennels, breeding facilities and puppy mills so that the Town Board can review the present Town, State and Federal laws and regulations pertinent to such facilities and of the environment and to implement regulations and/or local laws in accordance with the Comprehensive Plan.

Section 2 DEFINITIONS

- A. Town: Town of Canajoharie, County of Montgomery, New York
- B. Town Board: Town of Canajoharie Town Board
- C. Planning Board: Town of Canajoharie Planning Board
- D. Zoning Board of Appeals: Town of Canajoharie Zoning
Board of appeals
- E. Code Officer: Town of Canajoharie Code
Enforcement Officer
- F. Dog: Any member of the species canis familiaris,
or as otherwise defined in the New York State Agriculture and Markets

Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).

G. Domestic Animal. Any animal customarily used or kept as a pet, including but not limited to a cat, rabbit, hamster, ferret or guinea pig, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).

H. Kennel: Any premises or structure, where, for monetary compensation four (4) or more dogs or other domestic animals other than farm animals, male or female, over the age of four (4) months are bred, incarcerated or offered for sale. Kennel shall not include establishments where dogs are dropped off by their owners to be housed on a temporary basis or for grooming and are picked up by those same owners.

I. Pet Breeding Facility any building or lot on which any of the following occurs

- 1 at least four (4) or more dogs or cats at any one time are bred or sold for commercial purposes; or
- 2 any adult female dog or cat is bred more than once in any twelve (12) month period with the intent of selling or giving away said dog's or cat's pups or kittens or
- 3 more than two (2) litters of pups or kittens are sold or given away in any twelve (12) month period.

J. Puppy Mill: Any large scale dog breeding facilities that operate under substandard breeding conditions that may cause the

development of chronic health problems, temperament issues, and/or hereditary defects in puppies that come from such mills.

Section 3. MORATORIUM

- A. The Town Board hereby enacts a moratorium which shall prohibit the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any kennel, pet breeding facility or puppy mill.
- B. This moratorium shall be in effect for a period of one (1) year from the effective date of this Local Law and shall expire on the earlier of (i) the date one (1) year from said effective date, unless renewed, or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.
- C. This moratorium shall apply to all zoning districts and all real property within the Town.
- D. Pursuant to this moratorium, the Planning Board shall not review any applications for kennels, pet breeding facilities or puppy mills, nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision which includes a kennel, pet breeding facility or puppy mill as part of the application.
- E. Pursuant to this moratorium, the Code Officer shall not issue Building Permits or Certificates of Occupancy for any kennel, pet breeding facility or puppy mill.
- F. Pursuant to this moratorium, the Zoning Board of Appeals shall not grant any approvals for any variance that involves the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any kennel, pet breeding facility or puppy mill.

Section 4

EXCLUSIONS

This moratorium shall not apply to the following: Any facility operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals, any veterinary hospital or clinic operated by a veterinarian or veterinarian which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

Section 5

PENALTIES

Any person, firm, corporation, partnership, limited liability company or other legal entity which shall establish, place or relocate, construct, reconstruct, enlarge, modify or erect any kennel, pet breeding facility or puppy mill in violation of the provisions of this Local Law, shall be subject to:

- A. A fine not to exceed \$250.00 or imprisonment for a period not to exceed fifteen (15) days or both.
- B. A civil penalty in the amount of \$100.00 per day for each dog or domestic animal in any such prohibited facility for each day that such violation shall exist.
- C. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction, improvements, or related items or byproducts which may have taken place in violation of this Local Law; or
- D. Any other remedy allowed by law.

Section 6

ENFORCEMENT:

It shall be the duty of the Code Officer to enforce the provisions of this Local Law

Section 7

VALIDITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court or competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 8

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Department of State and shall remain in force and effect for a period one (1) year from the date of such filing.

Section 9

NUMERICAL/LETTERING DESIGNATIONS

The chapter designations and numerical/lettering designations of the section and article(s) included in the Local Law shall be delegated to the discretion of general Code Publishers, which may renumber the chapter, sections and Article(s) included in this Local Law as necessary to accommodate incorporation of this Local Law in the Code of the Town of Canajoharie.



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

May 15, 2013

Town Clerk
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 1 2013, filed on May 14, 2013

Dear Sir/Madam:

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

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

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 1 of the year 2013

A local law Amending Local Law #1, 2010, to include provision for licensing of purebred dogs
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

Section 8.

Purebred license

A.) The owner of one or more purebred dogs registered by a recognized registry association, or which are less than one year old and eligible for registration, may annually make an application for a purebred license on an application prescribed by the Town Clerk of the Town of Canajoharie, and shall include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

B.) The application shall be accompanied by a license fee as established by the Town Board of the Town of Canajoharie by resolution, together with a certificate of rabies vaccination for each dog, or a statement from a licensed veterinarian that such a vaccination would endanger the dog's life, in which case vaccination shall not be required.

C.) Each purebred license issued shall be valid for a period of one year and shall not be transferable.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2013 of the ~~(County)(City)(Town)(Village)~~ of Canajoharie was duly passed by the Town Council on May 2 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

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

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

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

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

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

Rosanne H. Smith
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date:

5/6/2013

(Seal)



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

November 16, 2012

Town Clerk
12 Mitchell St
Canandaigua NY 13317

RE: Town of Canajoharie, Local Law 2 2012, filed on November 1, 2012

Dear Sir/Madam:

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

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

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 2 of the year 20 12

A local law To override the tax levy limit established
(Insert Title) in the General Municipal Law 3-c.

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

(please see attached p. 2a)

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

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Canajoharie, County of Montgomery, pursuant to General Municipal Law 3-c, and to allow the Town of Canajoharie, County of Montgomery to adopt a town budget for (a) town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Canajoharie, County of Montgomery is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law will take effect immediately upon filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 12 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on October 18 20 12, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

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

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

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

Dusan H. Smith
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 10/24/12

(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 Montgomery

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.

Daniel E. Rando
Signature

Town Attorney
Title

County _____
City _____ of Canaajoharie
Town
Village _____

Date: 10/24/12



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

May 24, 2012

Town Clerk
12 Mitchell St
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 1 2012, filed on May 18, 2012

Dear Sir/Madam:

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

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

TOWN OF CANAJOHARIE

Local Law #1 of 2012

Be it hereby enacted by the Town Board of the Town of Canajoharie as follows:

Local Law No. #1 of 2012, entitled "Wind Energy Facilities" is hereby adopted to read in its entirety as follows:

Article 100. WIND ENERGY FACILITIES

Section 101. Title

This Local Law may be cited as the "Wind Energy Facility Law of the Town of Canajoharie, Montgomery County, New York."

Section 102. Purpose

The Town Board of the Town of Canajoharie adopts this Local Law to promote the effective and efficient use of the Town's wind energy resource through Wind Energy Conversion Systems (WECS), and to regulate the placement of such systems so that the public health, safety, and welfare shall not be jeopardized.

Section 103. Authority

The Town Board of the Town of Canajoharie enacts this Local Law under the authority granted by:

- A. Article IX of the New York State Constitution, §2(c) (6) and (10).
- B. New York Statute of Local Governments, § 10(1) and (7).
- C. New York Municipal Home Rule Law, § 10(l) (i) and (ii) and § 10 (l)(a)(6), (11), (12), and (14).
- D. New York Town Law § 1 30(1) (Building Code), (3)(Electrical Code), (5)(Fire Prevention), (7)(Use of streets and highways), (7-a)(Location of Driveways), (11)(Peace, good order and safety), (15)(Promotion of public welfare), (15- a)(Excavated Lands), (16)(Unsafe buildings), (19)(Trespass), and (25)(Building lines).
- E. New York Town Law §64(17-a)(protection of aesthetic interests), (23)(General powers).

Section 104. Findings

- A. The Town of Canajoharie finds and declares that:

1. Wind energy is an abundant, renewable and nonpolluting energy resource of the Town and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.
2. The generation of electricity from properly sited Wind Energy Facilities, including small systems, can be cost effective, and in many cases existing power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other users, or energy consumption at that location can be reduced.
3. Regulation of the siting and installation of Wind Energy Facilities is necessary for the purpose of protecting the health, safety, and welfare of neighboring property owners and the general public.
4. Wind Energy Facilities represent significant potential aesthetic impacts because of their size, lighting, and shadow flicker effects, if not properly sited.
5. If not properly regulated, installation of Wind Energy Facilities can create drainage problems through erosion and lack of sediment control for facility and access road sites, and harm farmlands through improper construction methods.
6. If not properly sited, Wind Energy Facilities may present risks to the property values of adjoining property owners.
7. Wind Energy Facilities may be significant sources of noise, which, if unregulated, can negatively impact adjoining properties.
8. Without proper planning, construction of Wind Energy Facilities can create traffic problems and damage local roads.
9. If improperly sited, Wind Energy Facilities can interfere with various types of communications.

Section 105. Applicability

- A. The requirements of this Local Law shall apply to all Wind Energy Facilities proposed, operated, modified, or constructed after the effective date of this Local Law.

B. Wind Energy Facilities for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this Local Law, shall not be required to meet the requirements of this Local Law; provided, however, that:

1. Any such preexisting Wind Energy Facility, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Local Law prior to recommencing production of energy.
2. No modification or alteration to an existing Wind Energy Facility shall be allowed without full compliance with this Local Law.
3. Any Wind Measurement Tower existing on the effective date of this Local Law shall be removed no later than twenty-four (24) months after said effective date, unless a permit for said Wind Measurement Tower is obtained.

Section 106. Permits

- A. No Wind Energy Facility shall be constructed, reconstructed, modified, or operated in the Town of Canajoharie except in compliance with this Local Law.
- B. No WECS shall be constructed, reconstructed, modified, or operated in the Town of Canajoharie except with a Wind Energy Facility Permit approved pursuant to this Local Law.
- C. No Wind Measurement Tower shall be constructed, reconstructed, modified, or operated in the Town of Canajoharie except pursuant to a Wind Energy Facility Permit issued pursuant to this Local Law.
- D. No Small Wind Energy Conversion System shall be constructed, reconstructed, modified, or operated in the Town of Canajoharie except pursuant to a Wind Energy Permit issued pursuant to this Local Law.
- E. Exemptions. No permit or other approval shall be required under this Local Law for mechanical, non-electrical WECS utilized solely for agricultural operations.
- F. Transfer. No transfer of any Wind Energy Facility or Wind Energy Permit, nor sale of the entity owning such facility including the sale of more than 30% of the stock of such entity (not counting sales of shares on a public exchange), shall occur without written prior notification to the Town and the written acceptance of the transferee of the obligations of the transferor

under this Local Law. No transfer shall eliminate the liability of an applicant or of any other party under this Local Law.

- G. Notwithstanding the requirements of this Section, replacement in-kind or modification of a Wind Energy Facility may occur without Town Planning Board approval when (1) there shall be no increase in Total Height; (2) no change in the location of the WECS; (3) no additional lighting or change in facility color; and (4) no increase in noise produced by the WECS.
- H. Prior to commencement of operation of any WECS, the Applicant must provide a certification that the project complies with all applicable codes, industry practices, conditions of approval, and all applicable requirements of this Local Law.

Section 107. Waivers

- A. The Planning Board may, after a public hearing (which may be combined with other public hearings on Wind Energy Facilities, so long as the waiver request is detailed in the public notice), grant a waiver from the strict application of the provisions of this Local Law if, in the opinion of the Planning Board, the grant of said waiver is in the best interests of the Town. The Planning Board may consider as reasonable factors in evaluating the request, when applicable, the impact of the waiver on the neighborhood, including the potential detriment to nearby properties, the benefit to the applicant, feasible alternatives, and the scope of the request.
- B. The Planning Board may attach such conditions, as it deems appropriate to waiver approvals to minimize the impact of the waiver.

Section 108. Inspection

- A. The owner of each COMMERCIAL Wind Energy Facility shall submit an annual inspection report to the Town Board or its designee on the structural and operational integrity of the facility. Such report shall be prepared by or under the direction of a Professional Engineer licensed by the State of New York. If such report recommends that repairs or maintenances measures be undertaken, the owner shall provide with such report a written schedule for undertaking such repairs or maintenance. Farm or residential facilities are exempt from this requirement.
- B. ALL Wind Energy Facilities shall not begin operation until all approvals required under this law are obtained and all required certifications are provided.
- C. SMALL OPERATIONS: Following the issuance of any approval required under this Local Law, the Town Board or its designee shall have the right

to enter onto the Site upon which a Wind Energy Facility has been placed, at reasonable times in order to inspect such facility and its compliance with this Local Law.

- D. SMALL OPERATIONS: After undertaking such inspection, the Town Board or its designated representative shall provide notice of any non-compliance with the terms of this Local Law or the conditions of approval of any permit issued hereunder, and shall provide the owner or applicant with a reasonable time frame to cure such violation, such time frame to be determined based upon the seriousness of the violation, its impact upon public safety, and the impact of the violation upon the residents of the Town.

Section 109. Construction Related Damage

The owner of every Wind Energy Facility constructed pursuant to this Local Law shall to the extent practicable, repair or replace all real or personal property, public or private, damaged during the construction of such facility.

Section 110. Enforcement and Penalties

- A. The Planning Board shall appoint such Town staff or outside consultants as it sees fit to enforce this Local Law.
- B. Any person owning, controlling or managing any building, structure or land who shall undertake a Wind Energy Facility in violation of this Local Law or in noncompliance with the terms and conditions of any permit issued pursuant to this Local Law, or any order of the enforcement officer, and any person who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than \$500 or to imprisonment for a period of not more than six months, or subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of \$500 for each violation and each week said violation continues shall be deemed a separate violation.
- C. In case of any violation or threatened violation of any of the provisions of this local law, including the terms and conditions imposed by any permit issued pursuant to this local law, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

Section 111. Severability

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 112. Appeals

Any person or persons, jointly or severally aggrieved by the decision of the Town in regard to the administration of this Local Law may apply to the Supreme Court for review under Article 78 of the New York State Civil Practice Laws and Rules.

Section 113. Effective Date

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

Article 200. DEFINITIONS

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

AMBIENT SOUND LEVEL – also referred to as Ambient Noise Level and Ambient Sound Pressure Level, means the background sound level (exclusive of the development proposed) found to be exceeded 90% of the time over which sound is measured in a noise analysis, utilizing the A-weighting scale (unless another weighting curve is required by this Local Law).

COMMERCIAL WIND ENERGY CONVERSION SYSTEM ("Commercial WECS") - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW and which is intended to produce power for distribution on the utility grid.

DECIBEL (dB) - A unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to a standard pressure of 20 micronewtons per square meter.

EAF - Environmental Assessment Form used in the implementation of the State Environmental Quality Review Act as that term is defined in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

ENVIRONMENTAL IMPACT STATEMENT (EIS) - An EIS is a written "draft" or "final" document prepared in accordance with §617.9 of State Environmental Quality Review Act. An EIS provides a means for agencies, project sponsors, and the public to systematically consider significant adverse environmental

impacts, alternatives, and mitigation strategies. An EIS facilitates the weighing of social, economic, and environmental factors in the planning and decision-making process. A draft EIS (DEIS) is the initial statement prepared by either the project sponsor or the lead agency and circulated for review and comment by all involved and interested agencies before a final EIS (FEIS) is prepared.

FACILITY OWNER - Means the entity or entities having an equity interest in the Wind Energy Conversion System, including their respective successors and assigns.

HUB HEIGHT - Means the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

NEW YORK INDEPENDENT SYSTEM OPERATOR (NYISO) - NYISO is a not-for-profit organization formed in 1998 as part of the restructuring of New York State's electric power industry. Its mission is to ensure the reliable, safe and efficient operation of the State's major transmission system and to administer an open, competitive and nondiscriminatory wholesale market for electricity in New York State.

RESIDENCE - Any dwelling suitable for habitation existing in the Town of Canajoharie on the date an application is received. A residence may be part of a multidwelling or multipurpose building, but shall not include buildings such as hotels or motels, hospitals, day care centers, dormitories, sanitariums, nursing homes, municipal buildings, schools or other buildings used for educational purposes, or correctional institutions.

SEQRA - The New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.

SITE - The parcel(s) of land where a Wind Energy Facility is to be placed. The Site can be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a Wind Energy Facility or has entered an agreement for said Facility or a setback agreement shall not be considered off-site.

SMALL WIND ENERGY CONVERSION SYSTEM ("Small WECS") - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended primarily to reduce consumption of utility power at that location.

SOUND LEVEL – also referred to as Noise Level, means the statistical sound pressure level expressed as the sound level that is exceeded for a given proportion of the time over which sound is measured. L[10] shall mean the standard abbreviation for the sound pressure level that is exceeded for 10% of the time over which the sound is measured. L[90] shall mean the standard abbreviation for the sound pressure level that is exceeded for 90% of the time over which the sound is measured. Unless another weighting curve is required to be used by this Local Law, all measurements required hereunder shall utilize the A-weighting scale (unless another weighting curve is required by this Local Law).

SOUND PRESSURE LEVEL - According to the NYSDEC Program Policy on Assessing and Mitigating Noise Impacts, a measure of sound pressure in the atmosphere which can be determined according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other accepted procedure. Also refers to the perceived loudness of a sound as expressed in decibels (db) or A-weighted decibel scale dB(A). For example, an L[10] of 30 dBA indicates that in any hour of the day 30 dBA can be equaled or exceeded only 10% of the time, or for 6 minutes.

TRANSMISSION OWNER - Companies which own the electric distribution networks.

UNREASONABLY INTRUSIVE: Any sound that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a person of normal sensitivities under the circumstances

WIND ENERGY CONVERSION SYSTEM ("WECS") - A machine that converts the kinetic energy in the wind into a usable form such as a "wind turbine" or "windmill."

WIND ENERGY FACILITY - Any Wind Energy Conversion System, Small Wind Energy Conversion System, or Wind Measurement Tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures.

WIND ENERGY PERMIT- A permit pursuant to this Local Law granting the holder the right to construct, maintain and operate a Wind Energy Facility.

WIND MEASUREMENT TOWER - A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

WIND TURBINE HEIGHT – Also referred to as Total Height, means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

Article 300. COMMERCIAL WIND ENERGY FACILITIES

Section 301. Application Requirements

A. A complete application for a Wind Energy Permit for COMMERCIAL WECS shall include the following:

1. Name, address, and telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent, as well as the original signature of the applicant authorizing the representation.
2. Name, address, and telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner confirming that the property owner is familiar with the proposed application(s) and authorizing the submission of the application.
3. Address, or other property identification, of each proposed tower location, including Tax Map section, block and lot number.
4. A description of the project, including the number and maximum rated capacity of each WECS.
5. A copy of an executed Interconnection Agreement with NYISO and the applicable Transmission Owner.
6. A site plan for COMMERCIAL PURPOSES must be prepared by a licensed surveyor or engineer, small business or homeowners may draw their own plans and include plans by the WECS manufacturer, drawn to a scale to be established by the Planning Board consistent with the size of the site and in sufficient detail to clearly describe the following, three copies must be submitted:
 - a) Property lines and physical dimensions of the Site.
 - b) Location, approximate dimensions and types of major existing structures and uses on the Site, public roads, and adjoining properties within five hundred (500) feet of the boundaries of the proposed WECS Site.
 - c) Location and elevation of each proposed WECS.
 - d) Location of all above and belowground utility lines on the Site as well as transformers, the interconnection point with transmission lines, and other ancillary facilities or structures.

- e) Location and size of all structures within a one and one-half tower radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures.
 - f) To further demonstrate compliance with the setback requirements of this Local Law, buffers shall be drawn around each proposed tower location in accordance with the requirements set forth in Section 306 (A).
 - g) Location of the nearest residential structure(s) on the Site and located off the Site, and the distance from the proposed WECS.
 - h) All proposed facilities, including access roads, electrical substations, storage or maintenance units, and fencing.
7. For each proposed WECS, include make, model, picture and manufacturer's specifications, including noise decibels data. Include Manufacturers' Material Safety Data Sheet (MSDS) documentation for the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants. Copies of the MSDS must be placed on file with the surrounding local Fire Departments, including the Ames Volunteer Fire Department, South Minden Volunteer Fire Department, and the Canajoharie Volunteer Fire Department.
 8. Vertical drawing of each proposed WECS showing Total Height, turbine dimensions, tower and turbine colors, ladders, distance between ground and lowest point of any blade, location of climbing pegs, and access doors. One drawing may be submitted for each WECS of the same type and Total Height.
 9. COMMERCIAL APPLICANTS: Lighting Plan showing any FAA-required lighting and other proposed lighting. The application should include a copy of the determination by the Federal Aviation Administration to establish required markings and/or lights for the structure, but if such determination is not available at the time of the application, no building permit for any lighted facility may be issued until such determination is submitted. RESIDENTIAL-as recommended by manufacturer.
 10. COMMERCIAL APPLICANTS: Erosion and sediment control plan prepared to NYSDEC Phase II stormwater requirements.
 11. COMMERCIAL APPLICANTS: A construction schedule describing commencement and completion dates, including a traffic analysis with a description of the routes to be used by construction and

delivery vehicles, the gross weights and heights of those loaded vehicles.

12. COMMERCIAL APPLICANTS shall submit an operations and maintenance plan for the proposed facility which shall include:
 - a) a regular periodic maintenance schedule;
 - b) any special maintenance requirements;
 - c) procedures and notification requirements for restarts during icing events

RESIDENTIAL APPLICANTS shall provide manufacturer's requirements.

13. COMMERCIAL APPLICANTS-Decommissioning Plan. The applicant shall submit a decommissioning plan, which shall include:
 - a) the anticipated life of the WECS;
 - b) the estimated decommissioning costs in current dollars;
 - c) how said estimate was determined;
 - d) the method of ensuring that funds shall be available for decommissioning and restoration; i.e. insurance or escrow account.
 - e) the method, such by annual re-estimate by a licensed engineer, that the decommissioning cost shall be kept current; and
 - f) the manner in which the WECS shall be decommissioned and the site restored, which shall include removal of all structures and debris to a depth of 4 feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner.RESIDENTIAL APPLICANTS: must be removed after one year of non-use.

14. A list of property owners, within 1000 feet of the outer boundaries of the proposed Site, with their mailing address,
15. Complaint Resolution: the application shall include a complaint resolution process to address complaints from nearby residents. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The applicant shall make every reasonable effort to resolve any complaint.
16. Completed Part 1 of the Full EAF along with a Visual EAF Addendum.
17. If a positive declaration is determined by the SEQRA lead agency, the following information shall be included in the Draft

Environmental Impact Statement (DEIS) prepared for a Wind Energy Facility. Otherwise, the following studies shall be submitted with the application:

- a) Shadow Flicker: The applicant shall employ an independent engineering firm experienced with shadow flicker studies to conduct a study on potential shadow flicker. The study shall include a graphic to identify locations where shadow flicker may be caused by the WECSs and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may interfere with residences and describe measures that shall be taken to eliminate potential impacts on any residences.
- b) Visual Impact: Applications shall include a visual impact study of the proposed WECS as installed, which may include a computerized photographic simulation, digital elevation models, and the like, demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed Site from at least two locations accurately depicting the existing conditions shall be included. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence. The applicant when completing the visual impact study must reference the NYSDEC Program Policy Assessing and Mitigating Visual Impacts.
- c) A fire protection and emergency response plan, approved by the fire department(s) having jurisdiction over the proposed site, as well as the Montgomery County Department of Emergency Services.
- d) Noise Analysis: a noise analysis that includes the low frequency of turbines and other noises generated shall be prepared by a competent acoustical consultant. The analysis shall include an assessment of ambient sound surveys at the site property lines and nearby residences to document environmental sound levels before the turbines are installed for comparison to similar measurements after the project is - operational. The noise analysis shall also include a projection of noise levels generated from each WECS using noise contours in increments of 10 decibels (dBA) out to a level of 30 dBA. Noise level contours from one or more proposed turbines should be laid over an aerial photograph or topographic map of the site vicinity in order to visualize

the cumulative noise impacts from the entire wind farm on surrounding properties. All residences adjacent to the proposed site vicinity should be clearly shown. Since the turbines only produce noise under windy conditions the noise modeling shall take into account the direction and speed of winds because this also affects sound propagation. The applicant shall also submit a design for post-development noise monitoring and how it could be mitigated.

- e) Property value analysis prepared by a licensed appraiser in accordance with industry standards, regarding the potential impact of values of properties neighboring WECS Sites.
 - f) An assessment of potential electromagnetic interference with microwave, radio, television, personal communication systems and other wireless communication, done by a qualified engineering firm.
 - g) An assessment of the impact of the proposed development on the local flora and fauna, including migratory and resident avian species.
 - h) An assessment of the impact of the proposed development on area federal and state-listed historic resources.
18. COMMERCIAL APPLICANTS: A statement, signed under penalties of perjury that the information contained in the application is true and accurate.
19. COMMERCIAL APPLICANTS: Applications for Wind Energy Permits for Wind Measurement Towers subject to this Local Law may be jointly submitted with the WECS application.
- B. The Planning Board may, in its sole discretion, require the most recent annual audited financial report of the Applicant prepared by a certified public accountant, licensed by the State of New York during the review process. If such a report does not exist, the Planning Board may, in its sole discretion, require a suitable alternative to demonstrate the financial responsibility of the Applicant and its ability to comply with the requirements of this Local Law. All financial documents shall be delivered to the Planning Board as part of the application process.
- C. A complete application for a Wind Energy Permit for PRIVATE HOME OWNERS WECS shall include the following:
- a) Property lines and physical dimensions of the Site.

- b) Location, approximate dimensions and types of major existing structures and uses on the Site, public roads, and adjoining properties within five hundred (500) feet of the boundaries of the proposed WECS Site.
- c) Location and elevation of each proposed WECS.
- d) Location of all above and belowground utility lines on the Site as well as transformers, the interconnection point with transmission lines, and other ancillary facilities or structures.
- e) To further demonstrate compliance with the setback requirements of this Local Law, buffers shall be drawn around each proposed tower location in accordance with the requirements set forth in Section 306 (A).
- f) Location of the nearest residential structure(s) on the Site and located off the Site, and the distance from the proposed WECS.
- g) All proposed facilities, including access roads, electrical substations, storage or maintenance units, and fencing.

Section 302. Application Review Process

- A. The Town of Canajoharie Planning Board is designated as the reviewing board with regard to any and all applications submitted pursuant to this Local Law. In the event that financial offsets are offered, the Town Board of the Town of Canajoharie shall act as the review board with regard to said offsets.
- B. Applicants may request a pre-application meeting with the Planning Board or with any consultants retained by the Planning Board for application review. Meetings with the Planning Board shall be conducted in accordance with the Open Meetings Law.
- C. Ten (10) copies of the complete application shall be submitted to the Town Clerk. Payment of all application fees shall be made at the time of application submission.
- D. Town staff or Town designated consultants shall, within 30 days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this Article is included in the application. Unless the Planning Board waives any application requirement, no application shall be considered until deemed complete.
- E. If the application is deemed incomplete, the Planning Board or its designated reviewer shall provide the applicant with a written statement listing the missing information. No refund of application fees shall be made, but no additional fees shall be required upon submittal of the

additional information, unless the number of WECSs proposed is increased.

- F. Upon submission of a complete application, including the grant of any application waiver by the Planning Board, the Town Clerk shall transmit the application to the Planning Board.
- G. The Planning Board shall hold at least one public hearing on the application. Notice shall be given by registered or certified mail, return receipt requested to property owners within 1,000 feet of the boundaries of the proposed WECSs, and published in the Town's official newspaper, no less than five nor more than twenty days before any hearing, but, where any hearing is adjourned by the Planning Board to hear additional comments, no further publication or mailing shall be required. The applicant shall prepare and mail the Notice of Public Hearing prepared by the Town, and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.
- H. The public hearing may be combined with any other public hearings required to be held, including any hearings for purposes of SEQRA or for requested waivers.
- I. Notice of the project shall also be given, if applicable, to the Montgomery County Planning Board, as required by General Municipal Law §§ 239-1 and 239-m.
- J. SEQRA review. Applications for WECS are deemed Type I projects under SEQRA. As a result, the Town must conduct a coordinated review. The Town Planning Board shall seek lead agency status for the coordinated review.
- K. The Town may require an escrow agreement for the engineering and legal review of the applications and any environmental impact statements before commencing its review. At the completion of the SEQRA review process, if a positive declaration of environmental significance has been issued and an environmental impact statement prepared, the Town shall issue a Statement of Findings, which Statement may also serve as the Town's decision on the applications.
- L. Upon receipt of the recommendation of the County Planning Board (if applicable), the holding of the public hearing, and the completion of the SEQRA process, the Planning Board may approve, approve with conditions, or deny the WECS application, in accordance with the standards in this Local Law.

Section 303. Physical Standards for Commercial Wind Energy Facilities

A. The following standards shall apply to commercial WECS, unless specifically waived by the Planning Board as part of a Wind Energy Permit.

1. All power transmission lines from the tower to any building or other structure shall be located underground.
2. Television, radio, or other communication antenna may be affixed or otherwise made part of any WECS, except pursuant to the Town Code. Applications may be jointly submitted for WECS and telecommunications facilities.
3. In order to minimize adverse visual impacts associated with the Wind Energy Facility, no advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.
4. Lighting of tower. No tower shall be artificially lit except to comply with Federal Aviation Administration (FAA) requirements. Minimum-security lighting for ground level facilities shall be allowed as approved on the Wind Energy Facility development plan.
5. All applicants shall use measures to reduce the visual impact of WECSs to the extent possible. WECSs shall use tubular towers. All structures in a project shall be finished in a single, non-reflective matte finished color or a camouflage scheme. WECSs within a multiple WECS project shall be constructed using wind turbines whose appearance, with respect to one another, is similar within and throughout the Project, to provide reasonable uniformity in overall size, geometry, and rotational speeds. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.
6. The use of guy wires is prohibited.
7. No WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that a WECS is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate

this interference including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy electromagnetic interference is grounds for revocation of the Wind Energy Permit for the specific WECS or WECSs causing the interference.

8. All solid waste and hazardous waste and construction debris shall be removed from the site and managed in a manner consistent with all appropriate rules and regulations.
9. All WECS's shall conform to the New York State Department of Agriculture and Markets Guidelines for Agricultural Mitigation for Windpower Projects.
10. Wind energy conversion facilities shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.
11. The allowed height shall comply with all applicable FAA requirements, including subpart B (commencing with Section 77.19) of Part 77 Title 14 of the Code of Federal Regulations regarding installation close to airports.
12. Any substation used in conjunction with a WECS shall be sited in a manner that will have the least intrusive impact upon adjacent residences and shall be sheltered and/or screened to eliminate its views from such residences.
13. Turbine blades shall pass no closer than thirty feet (30') to the ground during the operation of the WECS.

Section 304. Required Site Safety Measures

- A. All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, and overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
- B. COMMERCIAL APPLICATIONS: A six-foot-high fence with a locking portal shall be required to enclose each tower or group of towers. The color and type of fencing for each WECS installation shall be determined on the basis of individual applications as safety needs dictate.
- C. Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage and the hazard of falling ice. A sign shall be posted on the entry area of fence around each tower or group of towers and any building (or on the

tower or building if there is no fence), containing emergency contact information. The Planning Board may require additional signs based on safety needs.

- D. No climbing pegs or tower ladders shall be located closer than fifteen (15) feet to the ground level at the base of the structure for freestanding single pole or guyed towers.
- E. COMMERCIAL: The minimum distance between the ground and any part of the rotor or blade system shall be thirty-feet (30). RESIDENTIAL: The minimum distance between the ground and any part of the rotor or blade system shall be fifteen feet (15).
- F. WECSs shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked at all times.

Section 305. Traffic Routes and Road Maintenance

- A. COMMERCIAL APPLICANTS ONLY: Construction of WECS poses potential risks because of the large size construction vehicles and their impact on traffic safety and their physical impact on local roads and bridges. Construction and delivery vehicles for WECSs and/or associated facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include minimizing:
 - 1) traffic impacts from construction and delivery vehicles;
 - 2) WECS-related traffic during times of school bus activity;
 - 3) wear and tear on local roads; and
 - 4) impacts on local business operations.

Wind Energy Permit conditions shall limit WECS-related traffic to specified routes, and include a plan for disseminating traffic route information to the public.

- B. All applicants (COMMERCIAL and RESIDENTIAL) are responsible for remediation of damaged roads and bridges upon completion of the installation or maintenance of a WECS. A public improvement bond shall be posted prior to the issuance of any building permit in an amount, determined by the Planning Board, sufficient to compensate the Town for any damage to local roads and bridges. The applicant must consult with the Town Highway Superintendent and Montgomery County Department of Public Works to obtain a written recommendation for bonding form and amount, which form and amount shall be approved by the Planning Board.

- C. All applicants (COMMERCIAL and RESIDENTIAL) shall be liable for any property damage and/or personal injury, which may result from damage caused to roads and bridges during the construction phase up until such time as any damaged roads, and bridges are repaired. The applicant will indemnify the Town against any liability and hold the Town harmless from and pay any loss, damage, cost, expense, penalty or claim which may result from such damaged roads and bridges, including without limitation, legal fees, disbursements and court costs.
- D. The applicant shall provide photographic evidence of the condition of the roads and other public infrastructure prior to construction along the proposed route.
- E. The applicant and the owner of every Wind Energy Facility constructed pursuant to this Local Law shall, to the maximum extent practicable, immediately repair or replace all real and/or personal property, public or private, damaged during the construction, operation and/or decommissioning of such facility.

Section 306. Setbacks and Noise Standards

- A. Each WECS shall be set back:
 - 1. COMMERCIAL APPLICANT: A minimum of four hundred fifty feet from the nearest Site boundary line or public road. RESIDENTIAL APPLICANT: A minimum of 1 ½ times the height of the tower.
 - 2. COMMERCIAL APPLICANT: Twelve hundred (1200) from the nearest pre-existing off-site residence, hotel or motel, hospital, day care center, dormitory, sanitarium, nursing home, church, municipal building, school or other building used for educational purposes, or correctional institution, measured from that building. Notwithstanding any other provision of this Local Law regarding waivers or setback easements, no WECS shall be within 500 feet of an off-site residence, whether or not said residence is located in the Town of Canajoharie.
 - 3. RESIDENTIAL APPLICANTS: One and one-half times the Wind Turbine Height of the largest proposed WECS from the nearest road or above-ground utilities, unless waived in writing by the electric, gas and telephone utility company(ies). Wind towers with 6' diameter blades, must be five hundred (500) feet or 1 ½ times the height, whichever is greater. Wind towers with less than 6' diameter blades may be sited closer to the owners' buildings or residence.

4. Airports – Two thousand (2000) feet from the ends of any airport property line, and one thousand (1000) feet from the side lots of any airport, or otherwise in compliance with FAA regulation, whichever is greater.
- B. Due to the non-industrial nature of the Town of Canajoharie, the Sound Level statistical sound pressure level (L[90]) generated by a WECS shall not exceed the Ambient Sound Level by more than 6 dBA measured at the property line. Sites can include more than one piece of property and the requirement shall apply to the combined properties. If the ambient sound pressure level exceeds 50 dBA, the standard shall be ambient dBA plus 5 dBA. Independent verification by an acoustical engineer certified with the Institute of Noise Control Engineering shall be provided before and after construction demonstrating compliance with this requirement.
- C. In the event audible noise due to Wind Energy Facility operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph (B) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to 125 Hz.
- D. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than six (6) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public buildings. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project Site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
- E. Any noise level falling between two (2) whole decibels shall be deemed to be the lower of the two.

Section 307. Noise and Setback Easements

- A. In the event a Wind Energy Facility does not meet a setback requirement or exceeds noise or other criteria established in this Local Law as it existed at the time the Wind Energy Permit is granted, a waiver may be granted from such requirement by the Planning Board in the following circumstances:
1. Written consent from the affected property owners has been obtained stating that they are aware of the Wind Energy Facility and the noise and/or setback limitations imposed by this Local Law, and that consent is granted to (1) allow noise levels to exceed the maximum limits otherwise allowed or (2) setbacks less than required; and
 2. In order to advise all subsequent owners of the burdened property, the consent, in the form required for an easement, has been recorded in the County Clerk's Office describing the benefited and burdened properties. Such easements shall be permanent and shall state that they may not be revoked without the consent of the Planning Board, which consent shall be granted upon either the completion of the decommissioning of the benefited WECS in accordance with this Local Law, or the acquisition of the burdened parcel by the owner of the benefited parcel or the WECS.
 3. Waivers granted under this Section differ from waiver requests under Section 107 of this Local Law in that no Section 107 waiver is required if a waiver is given under this Section, and a Section 107 waiver must be sought rather than a waiver under this Section if the adjoining property owner shall not grant an easement pursuant to this Section.

Section 308. Issuance of Wind Energy Permits

- A. Upon completion of the review process, the Planning Board shall, upon consideration of the standards in this Local Law and the record of the SEQRA review, issue a written decision with the reasons for approval, conditions of approval or disapproval fully stated.
- B. If approved, the Planning Board shall issue a Wind Energy Permit upon satisfaction of all conditions for said Permit, and direct the building inspector/code enforcement officer to issue a building permit, upon compliance with the Uniform Fire Prevention and Building Code and the other pre-construction conditions of this Local Law.

- C. The decision of the Planning Board shall be filed within five (5) days in the office of the Town Clerk and a copy mailed to the applicant by first class mail.
- D. If any approved Wind Energy Facility is not substantially commenced within one year of issuance of the Wind Energy Permit, a renewal application can be submitted.

Section 309. Abatement

- A. If any WECS remains non-functional or inoperative for a continuous period of one (1) year, the applicant agrees that, without any further action by the Planning Board, the applicant shall remove said system at its own expense following the requirements of the Decommissioning Plan. Removal of the system shall include four (4) feet below grade and the entire above ground structure, including transmission equipment and fencing, from the property. This provision shall not apply if the applicant demonstrates to the Town that it has been making good faith efforts to restore the WECS to an operable condition, but nothing in this provision shall limit the Town's ability to order a remedial action plan after public hearing.
- B. Non-function or lack of operation may be proven by reports to the Public Service Commission, NYSEDA, New York Independent System Operator, or by lack of income generation. The applicant shall make available (subject to a non-disclosure agreement) to the Planning Board all reports to and from the purchaser of energy from individual Wind Energy Conversion Systems, if requested necessary to prove the WECS is functioning, which reports may be redacted as necessary to protect proprietary information.
- C. Performance Bond or Other Security-Prior to approval, a performance bond or other security sufficient to cover the full cost of the removal and disposal of the tower upon abandonment of said facility shall be determined by an estimate of the Town's designated engineer. Any such security must be provided and maintained pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town attorney as to form, sufficiency and manner of execution. The form of security shall be limited to those permissible under NYS Town Law Section 277, Subsection 9© I-V.

Section 310. Limitations on Approvals; Easements on Town Property

- A. Nothing in this Local Law shall be deemed to give any applicant the right to cut down surrounding trees and vegetation on any property to reduce turbulence and increase wind flow to the Wind Energy Facility. Nothing in

this Local Law shall be deemed a guarantee against any future construction or Town approvals of future construction that may in any way impact the wind flow to any Wind Energy Facility. It shall be the sole responsibility of the Facility operator or owner to acquire any necessary wind flow or turbulence easements, or rights to remove vegetation.

- B. Pursuant to the powers granted to the Town to manage its own property, the Town may enter into noise, setback, or wind flow easements on such terms as the Planning Board deems appropriate, as long as said state or local law does not otherwise prohibit agreements.

Section 311. Permit Revocation

- A. **COMMERCIAL: Testing fund.** A Wind Energy Permit shall contain a requirement that the applicant fund periodic noise testing by a qualified independent third-party acoustical measurement consultant, which may be required as often as biannually, or more frequently upon request of the Planning Board in response to complaints by neighbors. The scope of the noise testing shall be to demonstrate compliance with the terms and conditions of the Wind Energy Permit and this Local Law and shall also include an evaluation of any complaints received by the Town. The applicant shall have 90 days after written notice from the Planning Board, to cure any deficiency. An extension of the 90 day period may be considered by the Planning Board, but the total period may not exceed 180 days.
- B. **Operation and Inspection..** A WECS shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions. Should a WECS become inoperable, or should any part of the WECS be damaged, or should a WECS violate a permit condition, the owner or operator shall remedy the situation within 90 days after written notice from the Planning Board. The applicant shall have 90 days after written notice from the Planning Board, to cure any deficiency. The Planning Board may consider an extension of the 90-day period, but the total period may not exceed 180 days.
- C. Notwithstanding any other abatement provision under this Local Law and consistent with § 310 and § 311 (B), if the WECS is not repaired or made operational or brought into permit compliance after said notice, the Town may, after a public meeting at which the operator or owner shall be given opportunity to be heard and present evidence, including a plan to come into compliance, (1) order either remedial action within a particular timeframe, or (2) order revocation of the Wind Energy Permit for the WECS and require the removal of the WECS within 90 days. If the WECS

is not removed, the Planning Board shall have the right to use the security posted as part of the Decommission Plan to remove the WECS.

- D. The owner of each Wind Energy Facility shall submit an annual report to the Planning Board or its designee on the structural and operational integrity of the facility. Such report shall be prepared by, or under the direction of, a Professional Engineer licensed by the State of New York. If such report recommends that repairs or maintenance measures be undertaken, the owner shall provide with such report a written schedule for undertaking such repairs or maintenance.
- E. Following the issuance of any approval required under this Local Law, the Town Board or its designee shall have the right to enter onto the Site upon which a Wind Energy Facility has been placed, at reasonable times in order to inspect such facility and its compliance with this Local Law.

Article 400. WIND MEASUREMENT TOWERS

Section 401. Site Assessment

The Planning Board acknowledges that prior to construction of a WECS, a wind site assessment must be conducted to determine the wind speeds and the feasibility of using particular sites. Installation of Wind Measurement Towers, also known as anemometer ("Met") towers, shall be permitted on the issuance of a Wind Energy Permit in accordance with this Article.

Section 402. Application Requirements

- A. An application for a Wind Measurement Tower shall include:
 - 1. Name, address, telephone number of the applicant. If an agent represents the applicant, the application shall include the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the representation.
 - 2. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.
 - 3. Address of each proposed tower location, including Tax Map section, block and lot number.
 - 4. Proposed Development Plan and Map.

5. Decommissioning Plan, including a letter of credit for removal.

Section 403. Standards for Wind Measurement Towers

- A. The distance between a Wind Measurement Tower and the property line shall be at least 1.5 times the Total Height of the tower. Sites can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are also allowed with the written consent of those property owners.
- B. Wind Energy Permits for Wind Measurement Towers shall be issued for a period of two years and may be renewable upon application to the Planning Board.

Article 500. SMALL WIND ENERGY CONVERSION SYSTEMS

Section 501. Purpose and Intent

The purpose of this Article is to provide standards for small wind energy conversion systems (small WECS) designed for residential, farm, institutional and business use on the same parcel, and that are primarily used to reduce consumption of utility power at a single location. The intent of this Article is to encourage the development of small WECS and to protect the public health, safety, and community welfare.

Section 502. Authority

The Planning Board is hereby authorized to approve, approve with conditions, or disapprove small WECS applications in accordance with this Local Law. The Planning Board may hire a professional engineer or consultant to assist in the review of an application at the applicant's expense.

Section 503. Procedure

- A. Completed applications for siting small WECS shall be submitted to the Town Clerk at least ten (10) days prior to the regular meeting of the Planning Board. The owner of the property or his/her duly authorized representative, who shall attend the meeting of the Planning Board to discuss the application, may make applications.
- B. Within sixty-two (62) days after the Planning Board meeting where the complete application is submitted, a public hearing shall be held. Notice of such public hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date thereof. The applicant shall

give notice in writing by certified mail to all property owners of the land immediately adjacent to the proposed parcel where site is proposed. The applicant shall mail these notices at least ten (10) days in advance of the hearing and furnish the Planning Board with Post Office receipts as proof of notification. The Planning Board may waive such public hearing.

- C. Within sixty-two (62) days of the public hearing, the Planning Board may approve, conditionally approve, or disapprove the application. The time in which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board on the application shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.
- D. Applications for small WECS are subject to classification and review pursuant to SEQRA.

Section 504. Application Requirements

- A. Applications for small WECS permits shall include:
 - 1. Property owner's contact information. If the applicant shall be represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.
 - 2. Site plan map of the proposed tower, at a scale to be established by the Planning Board consistent with the size of the site, including Tax Map section, block and lot number.
 - 3. Manufacturer's drawings and specifications of the proposed system as indicated in § 301(A)(4), along with evidence that the proposed Total Height does not exceed the maximum height recommended by the manufacturer or distributor of the system.
 - 4. Engineering drawings of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the New York State Uniform Fire Prevention and Building Code.
 - 5. The applicant must provide a written statement demonstrating that the system shall be used primarily to reduce consumption of electricity at that location.
 - 6. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to

install an interconnected customer-owned electricity generator, unless the applicant does not plan, and states so in the application, to connect the system to the electricity grid.

7. A visual analysis of the small WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

Section 505. Standards for Small WECS

- A. All small WECS shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Local Law that are not in conflict with the requirements contained in this Article.
 1. A system shall be located on a lot a minimum of three acres in size; however, multiple owners submitting a joint application can meet this requirement.
 2. Small WECS shall be used primarily to reduce the on-site consumption of electricity.
 3. The maximum turbine power output is limited to 100 kW.
 4. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
 5. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas.
 6. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the FAA.
 7. All on-site electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. The Planning Board may modify this standard if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.

8. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
9. At least one sign shall be posted on the tower at a height of five (5) feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
10. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
 - a) Tower-climbing apparatus located no closer than 12 feet from the ground.
 - b) A locked anti-climb device installed on the tower.
 - c) A locked, protective fence at least six (6) feet in height that encloses the tower.
11. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six (6) feet high or sheathed in bright orange or yellow covering from three (3) to eight (8) feet above the ground.
12. All small WECS structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Fire Prevention and Building Code.
13. All small WECS shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

Section 506. Setbacks

- A. Small WECS shall comply with the following standards (one tower per lot):
 1. Setback requirements on any existing legal lot: A small WECS shall not be located closer to a property line than one and a half times the Total Height of the facility.

2. Noise. Except during short-term events including utility outages and severe wind storms, a small WECS shall be designed, installed, and operated so that noise generated by the system shall not exceed Ambient Noise Levels (exclusive of the development proposed) by more than six (6) dBA, as measured at the closest property line. In the event that the Ambient Sound Pressure Level exceeds fifty (50) dBA, the noise generated by the small WECS shall not exceed Ambient Noise Levels by more than five (5) dBA. Independent certification shall be provided before and after construction demonstrating compliance with this requirement.

Section 507. Abandonment

- A. All small WECS shall be maintained in good condition and in accordance with all requirements of this section.

Article 600. MISCELLANEOUS

Section 601. Fees

- A. Permit Fees
 1. Commercial WECS Permit: \$2,500.00 per tower
 2. Wind Measurement Towers Permit: \$1,000.00 per tower per year
 3. Small WECS Permit: \$50.00 [\$50.00 per WECS]
- B. Retention of Expert Assistance and Reimbursement by Applicant/Owner
 1. The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application, including but not limited to site inspections, the construction and modification of the site, once permitted, and any requests for recertification.
 2. An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the review of the application.
 - a) The initial deposit shall be \$8,500.00 for commercial WECS and shall be placed with the Town preceding the pre-application meeting. The initial deposit for small WECS shall be \$100.00.

- b) The Town shall maintain a separate escrow account for all such funds. The Town's consultants/experts shall invoice the Town for their services in reviewing the application including the modification of the site, once permitted.
 - c) For Commercial WECS only if at any time during the process this escrow account has a balance less than \$2,500.00, the applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application.
 - d) In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.
3. The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope and complexity of the project, the completeness of the application, and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

C. Host Agreements

Nothing in this Local Law shall limit the ability of the Town to enter into Host Community agreements with any applicant to compensate the town for expenses or impacts on the community.

Section 602. Tax Exemption

The Town hereby exercises its right to opt out of the tax exemption provisions of Real Property Tax Law § 487, pursuant to the authority granted by paragraph 8 of that law.



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

November 16, 2011

Town Clerk
Town of Canajoharie
12 Mitchell St
Canajoharie, NY 13317

RE: Town of Canajoharie, Local Law 1 2011, filed on November 10, 2011

Dear Sir/Madam:

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

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

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 1 of the year 2011

A local law to override the tax levy limit established in the General Municipal Law 3-c
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Canajoharie, County of Montgomery, pursuant to General Municipal Law 3-c, and to allow the Town of Canajoharie, County of Montgomery to adopt a town budget for (a) town purposes, (b) Fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-c.

Section 1. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Canajoharie, County of Montgomery is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application

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

(Cont.)

to the person , individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law will take effect immediately upon filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

(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 2011 of the ~~(County)(City)(Town)(Village)~~ of Canajoharie was duly passed by the Town Board on November 3, 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

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

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

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

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

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

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

Date: 11/7/11

(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 Montgomery

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]
Signature
Town Attorney
Title

County
City of Canajoharie
Town
Village

Date: November 7, 2011



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

November 16, 2011

Town Clerk
Town of Canajoharie
12 Mitchell St
Canajoharie, NY 13317

RE: Town of Canajoharie, Local Law 1 2011, filed on November 10, 2011

Dear Sir/Madam:

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

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

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Canajoharie

Local Law No. 1 of the year 2011

A local law to override the tax levy limit established in the General Municipal Law 3-c
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Canajoharie as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Canajoharie, County of Montgomery, pursuant to General Municipal Law 3-c, and to allow the Town of Canajoharie, County of Montgomery to adopt a town budget for (a) town purposes, (b) Fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-c.

Section 1. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Canajoharie, County of Montgomery is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application

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

(Cont.)

to the person , individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law will take effect immediately upon filing with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule.

(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 2011 of the ~~(County)(City)(Town)(Village)~~ of Canajoharie was duly passed by the Town Board on November 3, 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

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

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

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

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

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

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

(Seal)

Date: _____

(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 _____

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

Signature

Title

County

City

of _____

Town

Village

Date: _____



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

DAVID A. PATERSON
GOVERNOR

RUTH NOEMI COLÓN
ACTING SECRETARY OF STATE

November 18, 2010

Town Hall
12 Mitchell Street
Canajoharie NY 13317

RE: Town of Canajoharie, Local Law 1 2010, filed on November 18, 2010

Dear Sir/Madam:

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

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

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie

Local Law No. 1 of the year 2010

A local law for the licensing and identification of dogs
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canajoharie as follows:

SECTION 1: Purpose and Intent

The purpose of this law is to provide for the licensing and identification of dogs in the Town of Canajoharie, and to set fees for licensing and redemption of seized dogs.

SECTION 2: Statutory authority

Pursuant to Part T of Chapter 59 of the New York State Laws of 2010, which provided for the elimination of the NYS Dept. of Agriculture and Market's dog licensing functions, the procurement of dog tags, as well as the tracking and issuance of license renewals, will be the responsibility of the local government. Revenue associated with dog licensing is to remain in the municipality where it is raised.

SECTION 3: Title

The title of this law shall be "Dog Licensing Law of the Town of Canajoharie"

SECTION 4: Definitions

Dog: Includes any dog of any sex, breed or age, unless otherwise indicated herein.

Dog Warden: Any person employed to assist in the enforcement of the law.

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

Owner: Any person who harbors or keeps any dog. In the event that any dog found in violation of this law shall be owned by a person under eighteen (18) years of age, the "owner" shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides). Any person harboring a dog three (3) days prior to any violations of this law shall be deemed the owner of said dog

SECTION 5: Enforcement and charges

- a.) This law shall be enforced by any dog control officer, any peace officer when acting pursuant to his special duties, or any police officer.
- b.) The Town Board of the Town of Canajoharie is hereby authorized to employ a Dog Warden and to contract with any incorporated animal shelter for the seizure and impounding of all unlicensed or untagged dogs found "at large" (pursuant to Local Law 3 of 1998).
- c.) Any and all fees under this law received by the Town Clerk or the Dog Warden shall be paid into the Town, and shall be used for the expense of executing this law, including the funding of animal population control.

SECTION 6: Licensing

- a.) Every person owning or harboring a dog within the Town of Canajoharie shall make application to the Town Clerk for a license and shall pay the licensing fee as set forth below.
- b.) All dogs in the Town of Canajoharie must be licensed with the Town Clerk by the age of four (4) months and are required to present proof of current rabies vaccination at the time of licensing or renewal of an existing license.
- c.) All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.
- d.) Purebred license: The Town of Canajoharie will not issue Purebred or Kennel licenses. All dogs will be licensed individually as per the fee schedule in Section 7.
- e.) The Town of Canajoharie does not allow the licensing of dogs by an animal shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of Canajoharie, or to the Town or City clerk in which the dog will be harbored, for licensing prior to taking possession of the dog.
- f.) All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms.

SECTION 7: Fees

- a.) Fees for licensing of dogs: The fee for a spayed or neutered dog will be \$5.00, and the fee for an un-spayed or un-neutered dog will be \$13.00, with such fees being reviewed by the Town Board periodically and subject to adjustment by resolution of the Town Board.

- b.) Fees for the purpose of carrying out animal population control: Of the fees charged for licensing, \$1.00 for each spayed/neutered, and \$3.00 for each unspayed/unneutered license fee is to be submitted to the New York State Animal Population Fund.
- c.) No fee will be charged for licensing of guide dogs, service dogs or detection dogs.

SECTION 8: Redemption of seized dogs

- a.) Every dog seized shall be properly fed and cared for at a humane shelter under contract with the Town, until a disposition thereof be made as herein provided. Redemption of a seized dog shall be in conformance with the provisions of the Agriculture and Markets Law of the State of New York.
- b.) In the event that a dog seized bears a valid license tag, the Dog Warden shall ascertain the owner of the dog and shall give immediate notice to the owner that the dog has been seized and that unless redeemed within the time period provided, will become the property of the animal shelter.
- c.) The owner of a dog seized shall redeem the dog within five days of seizure and notice thereof. The dog may be redeemed by payment of a redemption fee of \$27.50 to the Town Clerk.
- d.) Unlicensed dogs brought to the animal shelter become the property of the shelter after the five day waiting period if the owner has not been found.
- e.) The owner of any unlicensed dog shall be required to purchase a license for the dog prior to obtaining the release of the dog.

(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 2010 of the ~~(County)(City)(Town)(Village)~~ of Canajoharie was duly passed by the Town Board on November 4, 2010, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

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

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

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

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

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

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

Date: 11/9/10

(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 Montgomery

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.

Raymond E. Carlin
Signature

Town Attorney
Title

County

City

Town

Village

Canajoharie

Date: November 9, 2010



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

APR 26 2004

GEORGE E. PATAKI
GOVERNOR

April 19, 2004

RANDY A. DANIELS
SECRETARY OF STATE

Clark Law Offices
103 West Main Street
PO Box 180
Canajoharie, NY 13317-0180

RE: Town of Canajoharie, Local Law 1, 2004, filed on 4/7/2004

To Whom It May Concern:

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

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

LL:cb

Local Law Filing

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

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

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

~~County~~

~~City~~

~~Town~~

~~Village~~

of Canajoharie

Local Law No. 1 of the year 2004

A local law repealing Local Law No. 1 of the year 1984 and providing
(Insert Title)
for the administration and enforcement of the state
uniform fire prevention and building code in the Town
of Canajoharie.

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

~~County~~

~~City~~

~~Town~~

~~Village~~

of Canajoharie as follows:

SECTION 1: PURPOSE AND INTENT

This local law shall provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) in the Town of Canajoharie. This local law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this law, state law, or within the Uniform Code, all premises regardless of use, are subject to the provisions, which follow.

SECTION 2: INTERMUNICIPAL CONTRACTS

The Town Board may, by resolution, authorize the Supervisor to enter into a contract with other governments to carry out the terms of this local law.

SECTION 3: PARTIAL INVALIDITY

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

SECTION 4: CODE ENFORCEMENT OFFICIAL, DUTIES AND POWERS

- A. The office of Code Enforcement Official is hereby created and shall be administered by an appointee of the Town Board. The Code Enforcement

construction or fire prevention and shall, within the time constraints proscribed by law, obtain such training, as the State of New York shall require for code enforcement officials.

- B. In the absence of the code enforcement official, or in the case of his inability to act for any reason, the Town Supervisor shall have the power, with the consent of the Town Board, to designate a person to act in behalf of the C.E.O. and to exercise all the powers conferred upon him by this ordinance.
- C. The Town Supervisor, with the approval of the Town Board, may appoint one inspector or more, as the need may appear, to act under the supervision and direction of the Code Enforcement Official and to exercise any portion of the powers and duties of the Code Enforcement as directed by him.
- D. The compensation for the Code Enforcement Official, acting Code Enforcement Official and Inspectors shall be fixed and adjusted as needed by the Town Board.
- E. The Code Enforcement Official shall administer and enforce all the provision of the Uniform Code and the provisions of this local law, including receiving building permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing certificates of occupancy, collecting fees as set forth by the Town Board and maintaining and filing all records necessary for the administration of the office to the satisfaction of the Town Board. The Code Enforcement Official is authorized to pursue administrative actions and, in consultation with the Town attorney, legal action as necessary to abate conditions not in compliance with the New York State Uniform Fire Prevention and Building Code, this local law, or other laws, rules or regulations of the Town of Canajoharie or of the State of New York.

SECTION 5: BUILDING PERMIT

A. Permits Required.

- 1. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, or install a solid burning heating appliance, chimney or flue in any

dwelling unit, without first having obtained a permit from the Code Enforcement Official.

2. No permit shall be required for:

- a. necessary repairs which do not materially affect structural features;
- b. alterations to existing buildings, provided that the alterations:
 - i) cost less than \$10,000.00;
 - ii) do not materially affect structural features;
 - iii) do not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exits;
 - iv) do not involve the installation or extension of electrical systems; and
 - v) do not include the installation of solid fuel burning heating appliances and associated chimneys and flues.
- c. residential storage sheds and other small noncommercial structures less than 140 square feet, which are not intended for use by one or more persons as quarters for living, sleeping, eating or cooking; for example, a small storage building, and
- d. nonresidential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.

B. Application for a permit.

- 1. The application for a building permit, and its accompanying documents, shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.
- 2. The form of the permit and application therefore shall be prescribed by the Code Enforcement Official. The application shall be signed by the owner (or his authorized agent) of the building and shall contain at least the following:
 - a. full name and address of the owner and, if by a corporation, the name and addresses of the responsible officials;

- b. identification and/or description of the land on which the work is to be done.
 - c. description of use or occupancy of the land and existing or proposed building;
 - d. description of the proposed work;
 - e. three sets of plans and specifications for the proposed work;
 - f. the required fee.
3. The Code Enforcement Official may waive the requirement of plans and specifications when the work to be done involves minor alterations or is otherwise unnecessary.
4. Applicant shall notify the Enforcement Official of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work had been determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Official and approval shall be received from the Code Enforcement Official prior to the commencement of such change of work.

C. General Requirements.

- 1. A building permit issued pursuant to this local law shall be prominently displayed on the property or premises to which it pertains.
- 2. A building permit issued pursuant to this Local Law may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been misrepresentation or falsification or a material fact in connection with the application for the permit.
- 3. A building permit pursuant to this Local Law shall expire one (1) year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy),

whichever occurs first. The permit may, upon written request, be renewed for successive one year periods provided that:

- a. The permit has not been revoked or suspended at the time the application for renewal is made;
- b. The relevant information in the application is up to date; and
- c. The renewal fee is paid.

SECTION 6: FEES

A fee schedule shall be established, and changed as needed, by resolution of the Town Board. Such fees may be charged for the issuance of permits, certificates of occupancy, temporary certificates of occupancy, and for fire safety inspections.

SECTION 7: CERTIFICATE OF OCCUPANCY

- A. No building erected subject to the New York State Uniform Fire Prevention and Building Code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued. No building similarly enlarged, extended, or altered, or upon which work has been performed which requires the issuance of a building permit shall be occupied or used more than 30 days after the completion of the alteration or work unless a certificate of occupancy has been issued. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued. The owner or his agent shall make application for a certificate of occupancy.
- B. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use of which it is intended. A temporary certificate of occupancy shall expire six months from the date of issuance or at an earlier date if so specified. A temporary certificate of occupancy may, at the discretion of the Code Enforcement Official and upon payment of an additional fee as specified for a temporary certificate of occupancy, be renewed. The Code Enforcement Official may place special conditions on Temporary Certificates of Occupancy as necessary to insure safety and to protect the interest of the Town.

SECTION 8: INSPECTION

A. Inspections during construction.

1. Work for which a building permit has been issued hereunder shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction, including, but not limited to, building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, and heating and air conditioning. It shall be the responsibility of the owner, applicant, or his agent to inform the inspector that the work is ready for inspection and to schedule such inspection.
2. If entrance to make an inspection is refused or cannot be obtained, the Town Board, after being notified by the inspector of the situation, may apply for an order to make an inspection to any court of competent jurisdiction.

B. Fire prevention and Safety Inspection.

1. Multiple dwellings shall be inspected for the purpose of determining compliance with fire prevention and housing maintenance requirements of the Uniform Code at least once in every thirty-six (36) months. Inspections of such buildings shall include the common areas such as halls, foyers, staircases, etc. and vacant dwelling units. Where the tenants of occupied dwelling units allow, the inspection may include such units.
2. Fire safety inspections of buildings or structures having areas of public assembly as defined in Part 606 of Title 9 of the Official Compilation of Codes, Rules and Regulations shall be performed at least once in every twelve (12) months.
3. All other buildings, uses and occupancies (except one or two family dwellings) shall be inspected at least once in every twenty-four (24) months.
4. An inspection of a building or dwelling unit may also be performed at any other time upon:
 - a. The request of the owner, authorized agent, or tenant;

- b. Receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exists; or
 - c. Other reasonable shall be performed by the Code Enforcement Official.
5. Such inspections shall be performed by the Code Enforcement Official.

SECTION 9: VIOLATIONS

- A. Upon determination that a violation of the Uniform Code or this local law exists in, or about any building or premises, the Code Enforcement Official shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code, which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by registered mail.
- B. In addition to those penalties prescribed by State law, any person, firm or corporation who or which violates any provision of the Uniform Code or any rule or regulation of this local law, or the terms or conditions of any Certificate of Occupancy issued by the Building and Fire Safety Inspector, shall be liable to a civil penalty of not more than \$200.00 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town Board on its own initiative or at the request of the Code Enforcement Official.
- C. Alternatively or in addition to an action to recover the civil penalties provided by subsection (b), the Town Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or the terms or condition of any Certificate of Occupancy issued by the Code Enforcement Official.

SECTION 10: STOP WORK ORDERS

Whenever the Code Enforcement Official has reason to believe that the work on any building or structure is being performed in violation of the provisions of the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of an application, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work

and suspend all building activities until the stop work order has been rescinded. Such order and notice shall appear in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him by registered mail at the address set forth in the application for the permission of the construction of such building.

SECTION 11: DEPARTMENT RECORDS AND REPORTS

- A. The Code Enforcement Official shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the Town Board, and notices and orders issued. All such records shall be public records open for public inspection during Norman business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.
- B. The Code Enforcement Official shall annually submit to the Town Board a written report and summary of all business conducted by the Building Department, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made, and appeals or litigation pending or concluded.

SECTION 12: REPEAL.

Local Law No. 1 of the year 1984 is hereby repealed.

SECTION: EFFECTIVE DATE

This Local Law shall take effect on filing thereof with the Secretary of State, as provided by Section 27 of the Municipal Home Rule Law.

(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. _____ of 2004 of the (County)(City)(Town)(Village) of CANADONARIE was duly passed by the Town Board on April 1, 2004, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on April 1, 2004, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

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

Susan W Smith
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 4/6/04

(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 Montgomery

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.

Charles H. Clark
Signature

TOWN ATTORNEY
Title

County
City of Canajoharie
Town
Village

Date: April 6, 2004

*Town file
Town Clerk to
file copy w/ Town
Planning Board*

LOCAL LAW FILING

New York State Department of State
162 Washington Avenue, Albany, NY 12231

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

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

Town of Canajoharie

Local Law No. 1 of the year 2002

A local law amending Article IIIB - Schedule of Land Use Regulations and Article XIII - Definitions of Local Law No. 1 of the Town of Canajoharie of the year 2001.

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

Section 1. Article IIIB: Schedule of Land Use Regulations of Local Law No.1 of the year 2001 is hereby amended to add sub sections 8 and 9 as follows:

LAND USE	LAND USE DISTRICT			
	R	A	C	M
8. PUBLIC USES				
8.1 Public Building	SP	SP	SP	SP
8.2 Community Park or Playground	SP	SP	SP	-
8.3 Public Utility Station or Structure	SU/SP	SU/SP	SU/SP	SU/SP
8.4 Personal Wireless Services Facility	-	X/SP	X/SP	X/SP
		<i>(Permitted only in PWSF Overlay District)</i>		
9. OTHER USES				
9.1 Commercial Radio/Television Transmission or Receiving Structure	-	X/SU/SP	X/SU/SP	X/SU/SP

Section 2. Article XIII - Definitions - of such Local Law is hereby amended to add the following definitions:

Public Building: Any land or building owned by a federal, state, county, or municipal governmental unit, agency or body, including, but not limited to town halls and highway department garages.

Public Utility: Any person, firm, corporation or governmental agency, duly authorized by law to furnish to the public, under governmental regulation, electricity, gas, water, sewage treatment, steam, cable television, or related communication service. This definition shall not bestow any special status or standing not already provided by State or Federal Law.

Section 3. This Local Law shall take effect on filing thereof with the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

(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. _____ of 2002 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on June 6 2002, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

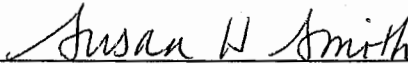
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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



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

(Seal)

Date: June 17, 2002

(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 Montgomery

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


Signature

Town Attorney

Title

County

City

Town

Village

of Canajoharie

Date: June 17, 2002

*Copy for
our file - orig
to Town Clerk*



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

SEP 26 2001

RANDY A. DANIELS
SECRETARY OF STATE

September 21, 2001

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE, NY 13317-0180

RE: Town of Canajoharie, Local Law 3, 2001, filed 09/12/2001

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

Sincerely,

Linda Lasch

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

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

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

County
City of
Town
Village

Local Law No. 3 of the year 19 2001

A local law providing for additional dog license fees pursuant to Section 110 of the
Agriculture and Markets Law.

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

County
City of as follows:
Town
Village

Section 1

Whereas Section 110 of the Agriculture and Markets Law provides that a town issuing dog licenses may set license fees in addition to those specified by subdivisions 1 and 2 of such Section.

Section 2

Hereafter, in addition to the mandated annual fee for each dog license issued by the Town of Canajoharie pursuant to the provisions of Article 7 of the New York State Agriculture and Markets Law, the Town of Canajoharie shall charge the following additional annual fees:

- A. Two Dollars (\$2.00) for each spayed or neutered dog;
- B. Two Dollars (\$2.00) for each un-spayed or un-neutered dog, and
- C. Two Dollars (\$2.00) for each purebred license.

Section 3

This local law shall take effect immediately upon filing pursuant to the provisions of Section 27 of the Municipal Home Rule Law.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2001 of the ~~(County)~~(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on September 12, 2001, 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ____1____, above.

Wendy S. Williams
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: WENDY WILLIAMS
September 10, 2001

(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 MONTGOMERY

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.

Charles H. Clark
Signature

CHARLES H. CLARK
Title Attorney

County
City of Canajoharie
Town
Village

Date: September 7, 2001



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

MAY 26 2001

RANDY A. DANIELS
SECRETARY OF STATE

May 23, 2001

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE, NY 13317-0180

RE: Town of Canajoharie, Local Law 2, 2001, filed 04/30/2001

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

Sincerely,

Joseph P. Brozowski

Joseph P. Brozowski
Principal Clerk
State Records & Law Bureau
(518) 474-2755

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12227

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

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

~~County~~ Canajoharie
~~City~~ of
~~Town~~
~~Village~~

Local Law No. 2001
..... of the year

A local law superceding Local Law No. 2 of the year 1992 and regulating the Subdivision of
Land in the Town of Canajoharie

Town Board

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

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

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

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE

TABLE OF CONTENTS

ARTICLE I: TITLE, SCOPE AND PURPOSE	1
ARTICLE II: TERMINOLOGY	2
A. Terms	2
B. Definitions	2
ARTICLE III: PROCEDURE	5
A. Sketch Plan Submission	5
B. Sketch Plan Conference	6
C. Review of Sketch Plan	8
D. Procedure for Review and Approval of Preliminary Plat	8
E. Procedure for Approval of Final Plat	9
F. Guarantees for Required Improvements for Major Subdivisions	10
ARTICLE IV: REQUIRED PLAT DATA	11
A. Preliminary Plat and Final Plat for a Minor Subdivision	11
B. Preliminary Plat for a Major Subdivision	11
C. Final Plat for a Major Subdivision	12
D. Required Disclosures	13
ARTICLE V: CLUSTER DEVELOPMENT	14
A. Modification of Provisions of Local Law	14
B. Submission of Cluster Sketch Plan	15
ARTICLE VI: DESIGN STANDARDS	16
A. Streets	16
B. Easements	18
C. Blocks	18
D. Lots	18
E. Drainage Improvements	19
F. Parks and Playgrounds	19
ARTICLE VII: MINIMUM REQUIRED IMPROVEMENTS	21
A. General	21
B. Monuments	21
C. Street Improvements	21
D. Water Supply	24
E. Sewage Disposal	24

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE

TABLE OF CONTENTS

F. Storm Drainage Facilities	25
G. Utilities	25
H. Street Trees and Miscellaneous	25
ARTICLE VIII: FEES AND REIMBURSIBLE COSTS	26
A. Application Fees	26
B. Reimbursable Costs	26
C. Payment of Fees and Reimbursable Costs	26
ARTICLE IX: INTERPRETATION AND APPLICATION	27
A. Interpretation and Application	27
B. Separability	27
C. Effective Date	27
D. Repealer	27

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE I

ARTICLE I: TITLE, SCOPE AND PURPOSE

A. TITLE

This local law shall be known and may be cited as "The Subdivision Law of the Town of Canajoharie, New York."

B. SCOPE:

This local law shall regulate all subdivision of land in the Town of Canajoharie.

C. ENACTING CLAUSE:

C.1. This local law is enacted pursuant to Article 16 of the Town Law of the State of New York to promote the public health, safety, and general welfare.

C.2. The Planning Board of the Town of Canajoharie is hereby authorized and empowered to approve plats for subdivisions within the Town of Canajoharie pursuant to Article 16 of the Town Law of the State of New York.

D. PURPOSE:

This local law is enacted for the following purposes:

- D.1. To provide for the future growth and development of the Town of Canajoharie.
- D.2. To insure adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health, and welfare.
- D.3. To provide in appropriate cases a park or park lands suitably located for playground or other recreational purposes.
- D.4. To provide that future streets and highways shall be of sufficient width and suitable grade and shall be suitably located and properly constructed to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of fire fighting equipment to buildings.
- D.5. To assure that subdivision streets and highways shall be coordinated so as to compose a convenient system, both independently and in relation to the existing street system.
- D.6. To assure that adequate provision is made for all necessary utilities, systems, functional requirements, and open space in the development of subdivisions.
- D.7. To assure that the land shown on such plats shall be of such character that it can be used safely for building purposes without danger to health, or peril from flood, fire or other menace.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE II

ARTICLE II: TERMINOLOGY

A. TERMS

The present tense shall include the "future" the singular number shall include the "plural" and the plural the "singular". The word "shall" is mandatory.

B. DEFINITIONS

Terms and words used in this law shall have the following meanings:

AGRICULTURAL DATA STATEMENT - An identification of farm operations within an agricultural district which are located within five hundred feet of the boundary of property upon which an action requiring municipal review and approval is proposed, as specified in §305-a of Ag and Markets Law.

ALLEY - A strip of land over which there is a right-of-way, municipally or privately owned, on which no building fronts, serving as a secondary means of access to two or more properties.

BOND - A performance bond duly issued by a bonding or surety company approved by the Town Board after review by the Town Attorney with security acceptable to the Town Board or a performance bond duly issued by the subdivider accompanied by security in the form of cash, certified check or U.S. Government Bearer Bonds deposited with the Town Board in the full amount of the obligation.

BUILDING LINE - A line, generally parallel to the front property line, beyond which the front foundation wall of a building does not extend toward the street on which it faces.

CLUSTER DEVELOPMENT - A subdivision in which the zoning regulations are modified to provide an alternative method for the layout, configuration and design of lots, structures, roads, infrastructure, parks, and landscaping in order to preserve the natural and scenic quality of open lands.

DWELLING-UNIT - Housekeeping accommodations for one or more persons living as a family.

EASEMENT - A right granted to use certain land for a special purpose not inconsistent with the general property rights of the Owner.

TOWN ENGINEER - The duly designated engineer of the Town of Canajoharie or if there be no such official, a licensed professional engineer employed by the Planning Board or the Town Board.

FINAL PLAT - A drawing in final form prepared by a licensed land surveyor showing a proposed subdivision containing all information and detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

IMPROVEMENTS - Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including grading, pavement, curb, gutter, storm sewers and drains, betterments to existing watercourses, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street name signs, and monuments.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE II

LOT - A parcel of land intended for transfer of ownership or building development, whether immediate or future.

LOT DEPTH - The mean horizontal distance between the front and rear lines of a lot.

LOT-DOUBLE FRONTAGE - A lot, the generally opposite ends of which both abut on streets or roads.

LOT WIDTH - The width of a lot at the building line.

PLANNING BOARD - The Planning Board of the Town of Canajoharie.

PRELIMINARY PLAT - A plan prepared by a licensed land surveyor, showing existing features of the land and proposed street, utility and lot layout within and adjacent to a subdivision.

RIGHT-OF-WAY - A strip of land between property lines opened for use as a street, alley or crosswalk.

SEQR - New York State Environmental Quality Review Act, and the review process required thereunder (6 NYCRR Part 617).

STATE DEPARTMENT OF HEALTH (DOH) - The New York State Department of Health. Department approval may be required for any subdivision containing five or more lots. Early contact by the subdivider with such department is advised.

STREET - Means and includes streets, roads, avenues, lanes, or other traffic ways, between right-of-way lines.

MAJOR STREET - Means a public street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

COLLECTOR STREET - Means a public street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

MINOR STREET - Means a public street intended to serve primarily as an access to abutting properties.

CUL-DE-SAC - Means a public minor street or portion of a public minor street with only one vehicular traffic outlet.

PRIVATE LANE - a privately owned street intended to serve as access to a public street for no more than four dwelling units without street frontage.

SUBDIVIDER - A person who is the registered owner, or authorized agent of the registered owner, of land proposed for subdivision.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE II

SUBDIVISION - the division of any parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, except that the division of land for the purpose of transfer of ownership for subsequent agricultural use in which all parcels to be transferred are not less than twenty (20) acres in area and not involving a new street shall not be deemed a subdivision. The term includes resubdivision of any lot of record, combination of substandard lots of record into larger lots, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

MAJOR SUBDIVISION - Any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new public street or extension of municipal facilities.

MINOR SUBDIVISION - Any subdivision designated as a minor subdivision by the Planning Board, at its sole discretion, during the Sketch Plan Conference for review of said subdivision, and containing not more than four lots fronting on an existing street or private lane, not involving any new public street or road or the extension of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Zoning Law or these regulations.

ZONING LAW - the Zoning Law of the Town of Canajoharie.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

ARTICLE III: PROCEDURE

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider shall have received approval of such proposed subdivision from the Planning Board in accordance with the following procedures.

A. SKETCH PLAN SUBMISSION

The subdivider shall, prior to the subdivision of land, submit to the Planning Board at least ten (10) days prior to a scheduled meeting of the Board, two (2) copies of a Sketch Plan of the proposed subdivision designed to comply with all standards and requirements of this law and the Zoning Law of the Town of Canajoharie.

A.1. Documents to be submitted for Sketch Plan

The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate based map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall include the following information:

- A.1.1 The location of that portion which is to be subdivided in relation to the entire tract, and the distance(s) to the nearest existing street intersection(s).
- A.1.2 All existing structures, wooded areas, streams, and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
- A.1.3 The location and boundaries of all areas which, due to natural features such as wetlands, floodplains, excessive slopes, or other constraints, are not suitable for development purposes.
- A.1.4 The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
- A.1.5 The tax map section, block and lot numbers.
- A.1.6 The location of all available utilities, and all streets which are either proposed, mapped or built, including access points from the proposed subdivision to the existing street system.
- A.1.7 The proposed pattern of lots (including typical lot width and depth), street layout, systems of drainage, sewerage, and water supply within the subdivided area.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

A.1.8 Location and plans for development, if any, of land for parks, parkland, playgrounds or other public recreational use.

A.1.9 All existing restrictions on the use of land including easements, covenants, or zoning lines and districts.

B. SKETCH PLAN CONFERENCE

B.1 After submission of the Sketch Plan, the subdivider shall meet with the Planning Board to discuss and explain the proposed subdivision in terms of the following matters, to the extent requested by the Planning Board.

B.1.1 Street layouts, street construction and improvements, traffic patterns and access.

B.1.2 Lot layouts, building locations and sizes, planned building types, configurations, exterior design and related issues;

B.1.3 Public spaces, open spaces, parks or recreation areas, including proposed ownership, access, operations, maintenance and related concerns;

B.1.4 Pedestrian access and amenities, into and within the proposed subdivision;

B.1.5 Storm drainage, storm sewers, impervious areas, downstream drainage facilities, and related concerns;

B.1.6 Sewage disposal, septic systems, leach fields, and related concerns;

B.1.7 Quality and quantity of water supply and its adequacy for the proposed subdivision;

B.1.8 Availability of existing utilities and services, and plans for their construction or extension to serve the proposed subdivision;

B.1.9 Projected impact on public services necessary to serve the population of the proposed subdivision;

B.1.10 Possible impact of the proposed subdivision on areas of environmental concern, including but not limited to rivers, streams, watersheds, aquifers, wetlands, flood areas, prime agricultural lands, views and vistas, critical habitat, or endangered or threatened species;

B.1.11 Such other areas of concern relative to the proposed subdivision about which the Planning Board requests information.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

- B.2** The following decisions shall be made during the Sketch Plan Conference:
- B.2.1** The Planning Board shall, at its sole discretion, determine if the proposed subdivision qualifies as a Major or Minor Subdivision under this law.
 - B.2.2** The Planning Board shall determine the classification of the proposed subdivision for purposes of SEQR, and instruct the subdivider as to the appropriate Environmental Assessment Form to submit with the Preliminary Plat Application.
 - B.2.3.** The Planning Board shall determine if an Agricultural Data Statement must be submitted. This form is required by New York State Ag and Markets Law if the property to be subdivided is a farm operation located within an Agricultural District, or if it is located within five hundred (500) feet of a farm operation within an Agricultural District.
 - B.2.4.** The Planning Board may waive, when reasonable, any requirements for the approval of a proposed subdivision. Any such waiver may be exercised in the event that such requirements are found not to be necessary in the interest of the public health, safety, and general welfare.
 - B.2.5** The Planning Board shall approve or disapprove the proposed Modifying Resolution for a Cluster Development pursuant to Article V of this law.
 - B.2.5.1** Upon approval of the Authorizing Resolution in its final form, it shall serve as additional or substitute design criteria and/or conditions for subdivision review and approval.
 - B.2.5.2** Approval of the Modifying Resolution by the Planning Board shall not constitute, guarantee, imply or require approval of the Sketch Plan, Preliminary Plat, or Final Plat.
 - B.2.6** The Planning Board shall determine the necessity for outside consultant services for review of the Preliminary and/or Final Plat. The following factors shall be considered in determining the need for such services:
 - B.2.6.1** The complexity and scope of the proposed subdivision;
 - B.2.6.2** Unusual or unique conditions on the site and surrounding property;
 - B.2.6.3** Such other factors as the Planning Board considers relevant.
 - B.2.6.4** If the Planning Board determines that the services of an outside consultant are necessary for review of the Preliminary and/or Final Plat, the applicant shall be informed in writing of such determination. The subdivider shall be financially responsible for such costs.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

- B.3 The Sketch Plan Conference may be recessed by the Planning Board at any time, on its own motion or at the request of the subdivider, in order to acquire additional information or prepare studies, to allow for the preparation of a Cluster Sketch Plan, to allow for modifications or adjustments to the Sketch Plan(s) submitted or the proposed Modifying Resolution, for estimate of the cost for outside consultant fees, or for any other reason consistent with the purposes of this law, in which case the continuation of the Sketch Plan Conference at a later date shall be considered the same Conference.

C. REVIEW OF THE SKETCH PLAN

- C.1 Within forty-five (45) days after completion of the Sketch Plan Conference, the Planning Board shall inform the subdivider that the Sketch Plan and data as submitted, or as modified in the Sketch Plan Conference, do or do not meet the purposes and objectives of this local law, and it shall express its reasons therefore.
- C.2 If the Planning Board concludes that the Sketch Plan meets the purposes and objectives of this local law, it shall also inform the subdivider of any additional or special information or requirements that must be included in the Preliminary Plat and/or the application for Preliminary Plat approval.
- C.3 If the Planning Board concludes that the Sketch Plan does not meet the purposes and objectives of this local law, the subdivider may revise the Sketch Plan consistent with the reasons expressed by the Planning Board, if possible, and begin the Sketch Plan process again.

D. PROCEDURE FOR REVIEW AND APPROVAL OF THE PRELIMINARY PLAT: APPROVAL OR CONDITIONAL APPROVAL

- D.1 Three (3) copies of the Preliminary Plat and supplementary material specified, including all SEQR materials, and an Agricultural Data Statement if necessary, shall be submitted to the Planning Board for approval.
- D.2 The application for approval of the Preliminary Plat shall not be considered complete until the entire SEQR process has been completed pursuant to 6 NYCRR Part 617, and all fees and reimbursable costs have been deposited by the subdivider with the Town.
- D.3 Within forty five (45) days after receipt of the complete Preliminary Plat, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in the official newspaper at least five days before such hearing. Time of submission shall be considered the date on which the Preliminary Plat, all supplemental materials required, and all reimbursable costs and application fees are received by the Planning Board.
- D.4 Within forty five (45) days after the close of the public hearing on the Preliminary Plat, the Planning Board shall approve, conditionally approve, with or without modification, or disapprove such Preliminary Plat, and the grounds for modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board and provided to the subdivider in writing.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

- D.5 In those cases where the Planning Board is required to refer the application for Preliminary Plat approval to any outside planning agency for review pursuant to New York State Law, the time within which the Planning Board must take action shall not begin until receipt by the Planning Board of the recommendation of said outside agency or the expiration of the allotted time for such review.
- D.6 The time within which the Planning Board must take action on the Preliminary Plat may be extended by mutual consent of the subdivider and Planning Board.
- D.7 The Preliminary Plat shall be stamped by a surveyor licensed in the State of New York, unless the survey has been waived by the Planning Board for a single lot Minor Subdivision.

E. PROCEDURE FOR APPROVAL OF FINAL PLAT

- E.1 Three (3) paper copies of the Final Plat stamped by a surveyor appropriately licensed in the State of New York (unless the survey has been waived by the Planning Board for a single lot Minor Subdivision) and of all other exhibits required for approval shall be submitted to the Planning Board within six months after approval or conditional approval of the Preliminary Plat, or said approval shall become null and void unless an extension of time is applied for and granted by the Planning Board within said six month period. Time of submission shall be considered the date on which the Final Plat and all required supplementary materials are received by the Planning Board.
- E.2 The Final Plat to be filed with the County Clerk shall be printed in ink upon mylar or similar reproducible material with a minimum sheet size of eight and one-half inches by eleven inches (8 ½" x 11"), and a maximum sheet size of thirty-four by forty-four inches (34" x 44") and shall be stamped by a surveyor licensed in the State of New York (unless the survey has been waived by the Planning Board for a single lot Minor Subdivision).
- E.3 Application for approval of the Final Plat shall be submitted in writing to the Planning Board. Within forty five (45) days of receipt of the complete application for Final Plat approval including all required copies and exhibits, the Planning Board shall hold a public hearing on the subdivision application, unless the Final Plat conforms to all conditions of the Preliminary Plat approval and the Planning Board waives the requirement for public hearing. Any such hearing shall be advertised in the official newspaper at least five (5) days before such hearing.
- E.4 The Final Plat shall conform substantially to the Preliminary Plat as approved or conditionally approved.
- E.5 If desired by the subdivider, the Final Plat may constitute only that portion of the approved Preliminary Plat which is proposed to be recorded and developed at that time, provided, however, that such portion conforms to all requirements of these regulations and any conditional approval of the Preliminary Plat.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

- E.6 Within forty five (45) days after the public hearing, if held, or within forty five (45) days of the receipt of the complete Final Plat by the Planning Board, if no public hearing is held, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat.
- E.7 In those cases where the Planning Board is required to refer the application for Final Plat approval to any outside planning agency for review pursuant to New York State Law, the time within which the Planning Board must take action shall not begin until receipt by the Planning Board of the recommendation of said outside agency or the expiration of the allotted time for such review.
- E.8 The time within which the Planning Board must take action on the Final Plat may be extended by mutual consent of the subdivider and the Planning Board.

F. GUARANTEES FOR REQUIRED IMPROVEMENTS FOR MAJOR SUBDIVISIONS

The Subdivider shall comply with one of the following alternatives prior to Final Plat approval of a major subdivision, unless this requirement is waived by the Planning Board.:

- F.1 The Subdivider shall construct all required infrastructure and improvements and submit certification from the Town Engineer or Town Highway Superintendent that all such improvements have been installed in accordance with the requirements of these regulations and the recommendations of Planning Board given during the Approval or Conditional Approval of the Preliminary Plat, and shall submit as-built or record drawings to the Planning Board showing the precise location, grades and elevations of all such improvements; or
- F.2 The Subdivider shall submit certification from the Town Attorney that a bond or certified check has been posted with the Town Clerk, which is available to the municipality, in sufficient amount to assure completion of all required improvements and the provision of one set of as-built or record drawings to the Planning Board showing the precise actual location, grades and elevations of all such improvements.

Such bond shall assure the completion of all required improvements within one year of Final Plat Approval, unless a longer period (not to exceed three years) is determined appropriate by the Planning Board

Such bond shall remain in force for a period of one year after completion of construction and submission of record drawings to the Planning Board, at which time said bond shall be released by the Planning Board upon satisfactory final inspection of all improvements by the Town Engineer or Town Highway Superintendent.

Such bond shall comply with all requirements of the Town Law of the State of New York, and shall be approved by the Town attorney as to form, sufficiency and manner of execution.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IV

ARTICLE IV: REQUIRED PLAT DATA

- A.** The **PRELIMINARY PLAT AND FINAL PLAT FOR A MINOR SUBDIVISION** only, shall include the following:
- A.1 Date, north arrow, map scale, name and address of record owner and subdivider.
 - A.2 Proposed subdivision name, name of the Town and County in which it is located.
 - A.3 An actual field survey of the boundary lines of the tract, giving complete description data by bearings and distances, made and certified to by a licensed land surveyor, except that the Planning Board, at its sole discretion, may waive the requirement for a survey in the case of a single lot Minor Subdivision only. The corners of the tract and each lot shall be located on the ground and marked by monuments, and shall be referenced and shown on the Plat.
 - A.4 All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health, and a note attesting to this shall be stated on the Plat and signed by a licensed engineer. All sanitary facilities shall be shown on the plat.
 - A.5 A copy of such covenants or deed restrictions as are intended to cover all or any part of the subdivision tract.
- B.** The **PRELIMINARY PLAT FOR A MAJOR SUBDIVISION** shall be prepared at any appropriate scale, and shall include the following:
- B.1 Subdivision name or other identifier, scale, north arrow, name of owner and subdivider.
 - B.2 Site data, including number of residential, commercial and/or industrial lots, typical lot sizes, lineal feet of streets, total acres, park and open space acreage, etc.
 - B.3 Topographic data on the site with contours of sufficiently small intervals for satisfactory review of street grades, streams, drainage conditions and design, and other engineering questions affected by topographic conditions.
 - B.4 The proposed layout of streets, their relation to adjacent streets, street right-of-way widths, proposed street names, proposed private lanes and driveway entrance locations, pavement widths, sidewalks, and curbs.
 - B.5 Drainage system information, including catch basins, storm sewers, drainage ditches, streams, culverts, flood plain and wetland areas, etc. Such information shall include sizing information of sufficient detail for review purposes.
 - B.6 Utilities on and adjacent to the site.
 - B.7 Location and general design of all water and sewer service systems and structures, with sufficient data for review purposes.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IV

- B.8 Location, dimensions, and purpose of all easements.
 - B.9 Lot numbers in the order in which development is to take place, if known.
 - B.10 Proposed setback line on all lots within the site.
 - B.11 Names of owners of record of the subdivision tract all adjoining real property.
 - B.12 Location, acreage, and general design of improvements of park or parks, playgrounds, and other recreational areas or uses.
 - B.13 The endorsement of the Preliminary Plat by a land surveyor licensed in the State of New York.
 - B.14 Such other information as the Planning Board may require, in its judgment, for adequate review of the proposed subdivision.
- C. The **FINAL PLAT FOR A MAJOR SUBDIVISION** shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger (preferred scale of 50 feet to one inch) and shall show the following:
- C.1 Title, scale, north arrow and date.
 - C.2 Topographic data on the tract, with contour intervals no greater than five (5) feet.
 - C.3 Tract boundary lines with bearings and distances, tract area, right-of-way lines on streets, easements and other rights-of-way, and property lines or residential lots and other sites with accurate dimensions, bearings or deflection angles, radii, and central angles of all curves. The corners of the tract and each lot shall be located on the ground and marked by monuments, and shall be referenced and shown on the Plat.
 - C.4 Name and right-of-way width of each street or other right-of-way.
 - C.5 Utilities on and adjacent to the tract locations, size, materials, and invert elevation of sanitary and storm sewers, location, size, and materials of water mains, location of gas lines, fire hydrants, underground utility lines and street lights.
 - C.6 Location, design, ownership and maintenance information, and other relevant data for any combined public or private water supply or sewage treatment facilities.
 - C.7 Proposed or installed location for all privately owned individual water supply or sewage treatment facilities.
 - C.8 Location, dimensions and purpose of any easements.
 - C.9 Number to identify each lot and block.
 - C.10 Minimum setback line on all lots and other sites.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IV

- C.11 Location and description of all monuments.
- C.12 Names of owners of record of adjoining real property.
- C.13 Reference to recorded subdivision plats of adjoining land by name, date, and number.
- C.14 Certification of title showing that applicant is the land owner.
- C.15 Certification by a land surveyor licensed by the State of New York as to accuracy of survey and plat.
- C.16 Statement by owner as to dedication of streets, rights-of-way and any sites for parks, playgrounds, open space, recreation, or other public uses.
- C.17 Site data, including number of residential lots, typical lot size, lineal feet of streets, acres in parks, etc.
- C.18 Approval by the New York State Department of Health of water supply systems and sewage disposal systems proposed or installed.
- C.19 Cross Sections and Profiles of streets showing approved grades shall be provided.
- C.20 Protective Covenants in form for recording.
- C.21 Other data, such other certificates, affidavits, endorsements or permits as may be required by the Planning Board or New York State or local law.

D. REQUIRED DISCLOSURE

In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides, and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise, and vibration." This disclosure shall be required as a note on a subdivision plat, and may also be required to be made through other means reasonably calculated to inform a prospective purchaser, such as by posting, distribution of handbills, or letter of notification. This section may also be applied to any commercial development which abuts agricultural land, at the discretion of the Planning Board.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE V

ARTICLE V: CLUSTER DEVELOPMENT

A. MODIFICATION OF PROVISIONS OF LOCAL LAW

A.1. Enabling Legislation

Pursuant to Section 278 of the Town Law of the State of New York, the Town Board hereby authorizes the Planning Board to modify applicable provisions of the Zoning Law, consistent with the following purposes and subject to the procedures and conditions described herein.

A.2 Purpose of Modification Procedure

The purpose of authorization to modify applicable provisions of the Zoning Law and or design standards of this law shall be to enable and encourage flexibility of design and development of land in such a manner as:

A.2.1 To promote the most appropriate use of land;

A.2.2 To facilitate the adequate and economical provision of streets and utilities;

A.2.3 To preserve the natural and scenic qualities of open lands;

A.2.4 To maximize the retention of open lands and the establishment of public recreation areas while permitting reasonable economic return on private investment by permitting increased residential density in developed areas of a proposed subdivision in return for retention or development of open or recreational areas under appropriate circumstances.

A.3 Scope of Modification Procedure

This modification procedure shall be applicable to all lands zoned for residential or agricultural purposes under the Zoning Law of the Town of Canajoharie.

A.4 Conditions of Modification Procedure

The Planning Board may modify applicable provisions of the Zoning Law or design standards of this law, subject to the following conditions:

A.4.1 This procedure may be followed at the discretion of the Planning Board only if, in said Board's judgment, its application would benefit the Town.

A.4.2 This procedure shall be applicable only to lands zoned for residential or agricultural purposes by the Zoning Law.

A.4.3 The application of this procedure shall result in a permitted number of dwelling

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE V

units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning applicable to the district or districts in which such land is situated, excluding land unsuitable for development, and conforming to the requirements of this law without modification.

A.4.4 At the discretion of the Planning Board, the dwelling units permitted may be in detached, semi-detached, attached, or multi-story structures.

A.4.5 In the event that the application of this procedure results in a plat showing lands planned for park, recreation, open space, or other public or municipal purposes, then the Planning Board as a condition of plat approval shall establish such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure preservation of such lands for their intended purposes. Such conditions shall be consistent with those described in Article IV of the Zoning Law of the Town of Canajoharie.

A.4.6 Such other reasonable conditions as may be determined by the Planning Board.

B. SUBMISSION OF THE CLUSTER SKETCH PLAN

B.1. Simultaneously with or subsequent to the submission of the Standard Sketch Plan to the Planning Board, the subdivider may request, or any member of the Planning Board may propose, a resolution to authorize modification of provisions of the Zoning Law or the design standards of this Law as applied to the proposed subdivision, pursuant to and consistent with Section 278 of the Town Law of the State of New York and Section A of this Article, to be known as the Modifying Resolution.

B.2. Said Modifying Resolution shall include the following:

B.2.1 A Cluster Sketch Plan in the form of and including all information and documents required for the Standard Sketch Plan pursuant to Section III.A.1 of this law, designed to comply with the purposes and standards of Section A of this Article and Section 278 of the Town Law of the State of New York; and

B.2.2 A general description of the modifications of applicable provisions of the Zoning Law and/or design standards of this law which are proposed; and

B.2.3 A general description of the reasons such modifications are proposed and the relation of such modifications to the purposes described in Section A of this Article.

B.2.4 Such reasonable conditions, if any, as the Planning Board may, in its discretion, deem appropriate for the proposed Modifying Resolution.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

ARTICLE VI: DESIGN STANDARDS

A. STREETS

- A.1 The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets.
- A.2 The arrangement of streets in a subdivision shall either:
 - a. Provide for the continuation, if appropriate, of major and connector streets in the surrounding area or
 - b. Conform to a plan for the neighborhood approved by the Planning Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- A.3 Minor and connector streets shall be so laid out that their use by through traffic will be discouraged.
- A.4 Where a subdivision abuts or contains an existing or proposed major street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential and commercial properties and to afford separation of through and local traffic.
- A.5 A tangent between reverse curves on major and collector streets shall be no less than 100 feet. A tangent between reverse curves on minor streets shall be no less than 50 feet.
- A.6 Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy-five (75) degrees.
- A.7 Right-of-Way widths shall be as follows:
 - A.7.1 Right-of-Way widths for public major and collector streets shall be not less than 60 feet.
 - A.7.2 Right-of-Way widths for minor streets shall be not less than 50 feet.
- A.8 Pavement widths shall be as follows:
 - A.8.1 Major streets shall have a minimum pavement width of thirty (30) feet.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

- A.8.2 Collector streets shall have a minimum pavement width of twenty four (24) feet.
- A.8.3 Minor streets and cul-de-sacs shall have a minimum pavement width of 18 feet, but the Planning Board may waive the requirement for paving provided:
 - A.8.3.1 Non-pavement subsurface preparation and surface materials and construction have been approved by the Town Highway Superintendent.
 - A.8.3.2 A non-paved road design for the minor street location and circumstances proposed has been approved by the Town Highway Superintendent.
- A.8.4 Private lanes serving no more than four dwelling units need not be paved.
- A.9 Type of pavement construction shall be that specified by the Planning Board, based on the recommendation of the Town Highway Superintendent.
- A.10 Cul-de-sac streets shall be provided at the closed end with a turnaround with an outside roadway diameter of at least one hundred (100) feet.
- A.11 Private lanes serving no more than four dwelling units without frontage on a public street shall be provided at the closed end with a turnaround with an outside roadway diameter of at least one hundred (100) feet.
- A.12 Dead end streets without a turnaround shall not be permitted.
- A.13 No street or highway names shall be used which will duplicate or be confused with the names of existing streets in the Town or its Villages. Street names shall be subject to the approval of the Planning Board.
- A.14 Street grades for all public streets shall be not less than 0.5 percent nor more than 12 percent. Street grades for private lanes and driveways shall not exceed 3 percent within 60 feet of the right-of-way line of the public street.
- A.15 Alleys shall be provided in all commercial and industrial subdivisions, except that the Planning Board may waive this requirement where other definite and assured provision is made for service access, such as off-street loading and unloading, and parking consistent with and adequate for the uses proposed.
- A.16 The width of an alley Right-of-Way shall be no less than twenty (20) feet and pavement width, if paving is required by the Planning Board, shall be no less than twelve (12) feet.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

B. EASEMENTS

Perpetual easements shall be provided for utilities and stormwater drainage where necessary. Such easements shall be of sufficient width to accommodate the installation and future maintenance of utilities and drainage installed therein as approved by the Town Engineer.

- B.1 In no case shall utility easements be less than ten (10) feet in width.
- B.2 In no case shall drainage easements be less than twenty (20) feet in width.
- B.3 In no case shall water or sewer easements be less than twenty (20) feet in width.

C. BLOCKS

- C.1 The lengths, widths and shapes of blocks shall be determined with due regard to:
 - C.1.1 The type of development proposed.
 - C.1.2 Density limitations, set back and lot width requirements, and other standards of the Zoning Law.
 - C.1.3 Need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress or egress and adequate sight distance at all intersections.
 - C.1.4 Limitations and opportunities of topography.
- C.2 A pedestrian right-of-way, not less than eight (8) feet wide, shall be provided where deemed necessary by the Planning Board to provide circulation, or access to schools, playgrounds, parks, shopping centers, transportation, or other community facilities.

D. LOTS

- D.1 The lot size, width, depth, shape, orientation, and building setbacks shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- D.2 No lot shall have less area or width than the minimum requirements of the Zoning Law applying to the district in which it is located.
- D.3 Corner lots for residential use shall have sufficient extra width to permit building setbacks from and orientation to both streets as required by the Zoning Law.
- D.4 The subdividing of land shall be such as to provide each lot with frontage on an improved street; however a private lane may serve as frontage access to a public street for not more than four dwelling units.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

- D.5 Every street shown on the plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the public and formally accepted as a public street by resolution of the Town Board or alternatively until it has been condemned by the municipality for use as a public street.
- D.6 Double frontage lots should be avoided.
- D.7 Side lot lines shall be substantially at right angle or radial to street lines.
- D.8 Off-street parking space shall be required for all uses and shall conform with the requirements for parking described in the Zoning Law.

E. DRAINAGE IMPROVEMENTS

- E.1 The subdivider shall carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- E.2 A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The design and size of drainage facilities shall be based on anticipated run-off from a "50-year" storm under conditions of total potential development of the watershed, and shall be subject to review by the Town Engineer or consultant engineer if necessary.
- E.3 The subdivider shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision, subject to review by the Town Engineer or consultant engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload any existing downstream drainage facility during a twenty-five year storm, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
- E.4 Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

F. PARKS AND PLAYGROUNDS

- F.1 The Planning Board may require that a subdivision plat which contains residential units shall include a park or parks suitably located and of adequate size for a playground or other recreational purposes.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

- F.2 Land for parks, playgrounds or other recreational purposes may be not required until the Planning Board has made a finding that a proper case exists for requiring such park land. Findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular subdivision will contribute.
- F.3 If the Planning Board makes a finding that the proposed subdivision presents a proper case for requiring a park, but that a suitable park or parks of adequate size cannot be located within the subdivision tract, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board.
- F.4 Any monies required by the Planning Board in lieu of land for recreational purposes pursuant to this section, shall be deposited into a trust fund to be used by the Town exclusively for park, playground, or other recreational purposes, including the acquisition of property.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VII

ARTICLE VII: MINIMUM REQUIRED IMPROVEMENTS

A. GENERAL

Prior to the granting of Final Plat approval for a major subdivision, the Subdivider shall have installed, or shall have furnished an adequate performance bond for installation within a specified time, the required improvements listed and described in this section, unless this requirement is waived by the Planning Board. All of the required improvements shall be made in full compliance with the specifications for each of the various units of work, as required by Town, State, or County authorities, according to the nature of the improvements. Required improvements shall not be considered complete until the Subdivider has provided to the Planning Board one complete set of as-built or record drawings, showing the precise actual location, grades, and elevations of all such improvements.

B. MONUMENTS

The lines of all streets and the property corners of all lots shall be marked with permanent monuments of concrete, stone or cast iron pipe.

C. STREET IMPROVEMENTS

All streets and thoroughfares shall be graded to their full width, including side slopes, and improved in accordance with the minimum standards outlined below:

C.1 Subgrade

C.1.1 Grading

C.1.1.1 All top soil shall be removed along the area 19½ feet on each side of the center line of the street, unless a fill of 3 feet or more is to be placed. All muck, quicksand, organic matter, and other objectionable materials shall be removed. Old foundations and retaining walls shall be demolished to an elevation that is satisfactory to the Town Highway Superintendent. The entire lengths of the roadway, ditches, side slopes, backslopes, sidewalk areas, and highway junctions shall be graded to the required lines and elevations.

C.1.1.2 Where the subgrade foundation is on a transition from excavation to embankment, either longitudinally or transversely, the existing ground slopes shall be benched as directed by the Town Highway Superintendent. During the process of excavating and making embankments, the grades shall be maintained in such condition that there will be adequate drainage at all times.

C.1.1.3 All slopes shall be graded not less than 1 on 2, and shall be covered with top soil and seeded.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VII

C.1.1.4 After grading operations are completed all loose stones, larger than 4 inches in their greatest dimensions shall be removed from the surface of all graded paving areas and disposed of as directed by the Town Highway Superintendent.

C.1.2 Drainage ditches

C.1.2.1 Where curbs, gutters and storm sewer system have not been required by the Planning Board, drainage ditches shall be provided on each side of the streets the center line of which shall be 21 feet from the center line of the street. Ditches shall be adequate for proper drainage, as determined by the Town Highway Superintendent or Town Engineer.

C.1.2.2 The outside area or sidewalk and lawn section shall be graded at least as high as the center line of the street, but no higher than 8 inches above the center line.

C.1.3 Where a curb and storm drainage system is not required, culverts shall be provided as follows:

C.1.3.1 Driveway culverts shall be installed in all driveways, which culverts shall be not less than 12 inches in diameter and not less than 16 feet in length.

C.1.3.2 Intersection culverts shall be installed, which culverts shall be not less than 12 inches in diameter and not less than 36 feet in length.

C.1.3.3 Culvert sizes and locations shall be approved by the Town Highway Superintendent or Town Engineer.

C.2 Surface Construction

After the sanitary sewers, water distribution lines, water and sewer service laterals, and all other underground utilities to be installed within the street right-of-way have been installed and subgrade construction approved by the Town, subbase and pavement construction shall be completed as follows:

C.2.1 The subbase course of twelve (12) inches of compacted foundation material acceptable to the Town Highway Superintendent shall be placed in lifts not to exceed six (6) inches to a width eight (8) feet wider than the required pavement width.

C.2.2 Pavement requirements shall be as follows:

C.2.2.1 If hot mix blacktop has been specified, Type 1 base shall be installed and rolled to a thickness of no less than 3.0 inches followed by Type 6 top installed and rolled to a thickness of no less than 2.0 inches.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VII

C.2.2.2 If cold mix/pug mill blacktop has been specified, not less than 3.0 inches of blacktop material shall be placed and rolled to a thickness not less than 2.0 inches.

C.2.2.3 If oil-and-stone paving has been specified, aggregate shall be No. 1 ST stone and application rates shall be as follows:

Aggregate: 20-30 lbs/sq. yd.

Bituminous Material: 0.40-0.50 gal/sq. yd.

C.2.3 Requirements for non-paved road construction, when paving has been waived by the Planning Board pursuant to Article VI, Section A.8 of this law, shall be as follows:

C.2.3.1 Base course gravel or crushed stone shall be a minimum of 8 inches.

C.2.3.2 Top course of gravel or crushed stone shall be a minimum of 4 inches.

C.2.4 All materials and construction procedures shall be acceptable to the Town Highway Superintendent.

C.3 Curbs and Gutters

C.3.1 Where curbs exist on abutting properties, their extension by the developer will ordinarily be required throughout the proposed subdivision.

C.3.2 Where curbs are not required, adequate drainage ditches shall be graded and protected by seeding or appropriate surfacing.

C.3.3 Concrete curbs generally shall be wall type 6" x 18" and shall comply with current construction and material specifications of the New York State Department of Transportation, and all applicable local laws.

C.3.4 Asphalt concrete or concrete roll-type curbs may be utilized with the approval of the Town Highway Superintendent and Planning Board.

C.4 Sidewalks

C.4.1 The Planning Board shall require sidewalks as necessary to provide for the safety of pedestrians.

C.4.2 Where circumstances and location of the particular subdivision provide sufficient safety for pedestrians, the Planning Board may waive the requirement for sidewalks in all or part of such subdivision.

C.4.3 Where required, sidewalks shall be constructed of concrete at least 4 feet wide and 4 inches thick and shall comply with the current construction and material

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VII

specifications of the New York State Department of Transportation, and all applicable local laws. Sidewalks shall be 6 inches thick where driveways cross the sidewalk.

D. WATER SUPPLY

- D.1 Where available, the subdivider shall extend public water distribution mains to serve all lots in the subdivision.
 - D.1.1 Such extension of the public water system shall meet with all requirements and approval of the New York State Department of Health, and shall be completed at the subdivider's expense.
 - D.1.2 The subdivider shall provide water service laterals to the property line of each lot in the subdivision.
- D.2 Where public water supplies are not available, the subdivider shall, to the satisfaction of the New York State Department of Health and the Planning Board, either:
 - D.2.1 Provide assurance of sufficient quantity and quality of individual water sources for each lot, including adequate separation from existing or future septic systems on the same or nearby lots, or other sources of potential well contamination; or
 - D.2.2 Design and construct neighborhood water system(s) including water supply and distribution system, water service laterals to all lot lines, and all necessary organizational and legal steps to assure adequate operation and maintenance of the system in perpetuity. Such neighborhood system(s), including all organizational and legal entities created, shall be approved by the New York State Department of Health and/or the Town Board of the Town of Canajoharie, as necessary, and by the Planning Board in all cases.

E. SEWAGE DISPOSAL

- E.1 Where available, the subdivider shall extend public sewers to serve all lots in the proposed subdivision.
 - E.1.1 Such extension of the public sewer system shall meet with all requirements and approval of the New York State Department of Environmental Conservation, and shall be completed at the subdivider's expense.
 - E.1.2 The subdivider shall provide sewer service laterals to the property line of each lot in the subdivision.
- E.2 Where public sewer service is not available, the subdivider shall, to the satisfaction of the New York State Department of Health and/or New York State Department of Environmental Conservation (as appropriate), and the Planning Board, either:

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VII

- E.2.1 Provide full design of individual on-site sewage disposal systems adequate for each lot, including adequate separation from existing or future public or private water supplies on the same or nearby lots; or
- E.2.2 Design and construct neighborhood sewage system(s), including sewage collection and treatment, sewer house laterals to all lot lines, and all necessary organizational and legal steps to assure adequate operation and maintenance of the system in perpetuity. Such neighborhood system(s), including all organizational and legal entities created, shall be approved by the New York State Department of Health and/or Department of Environmental Conservation and/or the Town Board of the Town of Canajoharie, as necessary, and the Planning Board in all cases.

F. STORM DRAINAGE FACILITIES

All culverts, pipes, ditches, stream improvements and other drainage facilities shall be installed in conformance with the Preliminary Plat as approved or conditionally approved.

G. UTILITIES

- G.1 Electric service and other available utilities shall be provided by the developer within each subdivision prior to the approval of the Final Plat. All telephone, electrical and other service lines and cable shall be placed underground.
- G.2 The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street right-of-way line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.
- G.3 Where topography is such as to make impractical the inclusion of utilities within the street right-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where necessary.

H. STREET TREES AND MISCELLANEOUS

- H.1 Street Trees shall be planted by the subdivider. The location and type of trees shall be approved by the Planning Board.
- H.2 Planting Strips: The area between the curb or drainage ditch and the property line shall be seeded by the subdivider and maintained by the owner.
- H.3 Street Name Signs: Signs shall be furnished by the Town, and all street names shall be approved by the Planning Board.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VIII

ARTICLE VIII: FEES AND REIMBURSABLE COSTS

A. APPLICATION FEES

The Planning Board shall periodically prepare and submit to the Town Board a schedule of fees for subdivision applications. Said schedule of fees shall become effective by resolution of the Town Board, and shall remain in effect until revised in like manner.

B. REIMBURSABLE COSTS

- B.1 The full actual costs incurred by the Planning Board for necessary consultant review services or other extraordinary expenses in connection with the review of a proposed Subdivision shall be paid by the subdivider, provided that the necessity of such services and an estimate for such has been determined by the Planning Board at the Sketch Plan Conference.
- B.2 The full actual costs incurred by the Town for project inspection fees or other construction phase expenses deemed necessary by the Planning Board shall be paid by the subdivider.
- B.3 Such reimbursable costs shall be in addition to the application fee schedule established by the Planning Board.

C. PAYMENT OF FEES AND REIMBURSABLE COSTS

- C.1 All fees and the estimated amount for consultant review costs shall be placed on deposit with the Town of Canajoharie by check submitted with the application for Preliminary Plat approval.
- C.2 The Preliminary Plat shall not be considered complete nor will review or time periods within which the Planning Board must take action begin until all fees and consultant review costs have been received by the Town.
- C.3 Estimated costs for inspection fees and other construction phase expenses shall be deposited with the Planning Board with the application for Final Plat approval.
- C.4 The Final Plat shall not be considered complete nor will review or time periods within which the Planning Board must take action begin until estimated inspection fees and other construction phase expenses have been deposited with the Planning Board.

SUBDIVISION LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IX

ARTICLE IX: INTERPRETATION AND APPLICATION

A. INTERPRETATION AND APPLICATION

The provisions of this local law have been adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except where specifically provided to the contrary, it is not intended by this local law to repeal, abrogate, annul, or in any way impair or interfere with any rules, regulations, or permits previously adopted or issued, or which shall be lawfully adopted or issued pursuant to law, nor is it intended by this local law to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties, provided, however, that where this local law imposes a greater restriction upon the use or development of land or requires larger open spaces than are imposed or required by any other statute, local law, rule, regulation, or permit, or by any easement or agreement, the provisions of this local law shall control.

B. SEPARABILITY

If the courts decide that any term, section or provision of this local law is unconstitutional or invalid, the decision shall not affect the validity of the law as a whole or any part other than the part determined to be unconstitutional or invalid.

C. EFFECTIVE DATE

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

D. REPEALER

This local law shall supercede Local Law No. 2 of the year 1992, the Subdivision Law of the Town of Canajoharie. All provisions of any other local law or ordinance which are inconsistent with the provisions of this local law are hereby repealed.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2001 of the ~~(County)~~(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on April 5, 2001, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

Wendy S. Williams
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: April 16, 2001

(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 Montgomery

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

Signature

Town Attorney

Title

County

City

Town

Village

of Canajoharie

Date: April, 2001



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

MAY 26 2001

RANDY A. DANIELS
SECRETARY OF STATE

May 23, 2001

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE, NY 13317-0180

RE: Town of Canajoharie, Local Law 1, 2001, filed 04/30/2001

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

Sincerely,

Joseph P. Brozowski

Joseph P. Brozowski
Principal Clerk
State Records & Law Bureau
(518) 474-2755

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12223

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

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

County
City of Canajoharie
Town of
Village

Local Law No. 1 of the year 19²⁰⁰¹

A local lawsuperceding Local Law No. 3 of the year 1992 and regulating the use, location
and occupancy of land and structures in the Town of Canajoharie and providing
for the enforcement thereof.

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

County
City of Canajoharie
Townas follows:
Village

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ 2001 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on April 5, 2001, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

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

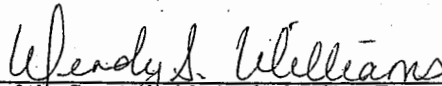
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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



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

(Seal)

Date: April 16, 2001

(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 Montgomery

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

Signature

Town Attorney

Title

County

City

Town

Village

of Canajoharie

Date: April, 2001

ZONING LAW OF THE TOWN OF CANAJOHARIE

TABLE OF CONTENTS

ARTICLE I	TITLE, SCOPE AND PURPOSE	1
A.	Title	1
B.	Scope	1
C.	Enacting Clause and Purposes	1
D.	Right-to-Farm	1
ARTICLE II	ESTABLISHMENT OF LAND USE DISTRICTS	2
A.	Establishment and Names	2
B.	Statement of Purpose	2
C.	Zoning Map	4
D.	Interpretation of District Boundaries	4
E.	Exemptions for Pre-existing Permits and Improvements	5
ARTICLE III	USE REGULATIONS	6
A.	General	6
B.	Schedule of Land Use Regulations	7
ARTICLE IV	AREA AND BULK REGULATIONS	10
A.	General	10
B.	Density Standard	10
C.	Schedule of Area and Bulk Regulations	13
ARTICLE V	NON-CONFORMANCE	14
A.	Continuation	14
B.	Non-Conforming Uses	14
C.	Non-Conforming Buildings or Structures	14
D.	Non-Conforming Signs	15
E.	Repairs and Maintenance	15
ARTICLE VI	SUPPLEMENTARY REGULATIONS	16
A.	General Standards Applicable to All Uses:	16
A.1	General	16
A.2	Accessory Uses and Structures	16
A.3	Parking Requirements	17
A.4	Off-Street Loading	18
A.5	Signs	20
A.6	Protection of Agriculture from Potentially Incompatible Uses	21

ZONING LAW OF THE TOWN OF CANAJOHARIE

TABLE OF CONTENTS

B. General Standards Applicable to All Uses in R-Residential and A-Agricultural/Rural Residential Districts	22
B.1 Accessory Uses and Structures	22
B.2 Corner Lots	22
B.3 Through Lots	22
B.4 Exceptions to Yard Requirements	22
C. Uses Subject to Additional Standards	23
C.1 Home Occupations	23
C.2 Mobile Homes and Mobile Home Communities	24
C.3 Animal Hospital or Kennel	26
C.4 Radio and Television Antennae, Towers and Dish Antennas	27
C.5 Ventilation Equipment	27
C.6 Cemetery, Crematoria and Related Uses	27
C.7 Quarrying and Soil Mining	27
C.8 Campsite or Private Camp	28
C.9 Campground/Recreational Vehicle Camp	29
C.10 Swimming Pools	29
C.11 Personal Wireless Service Facility	30
C.12 Manure Storage Facility	38
C.13 Adult Oriented Business	38
ARTICLE VII SPECIAL USE PERMITS	39
A. Special Use Permits	39
B. Procedure	40
C. Application, Revocation and Enforcement	40
ARTICLE VIII PLANNED DEVELOPMENT DISTRICT	41
A. Scope and Purpose	41
B. Procedure	41
C. Development Guidelines	43
ARTICLE IX SITE PLAN REVIEW	44
A. Applicability	44
B. Procedures and Standards	44
C. Preliminary Site Plan	46
D. Planning Board Review of Preliminary Site Plan	48
E. SEQR Compliance	48
F. Consultant Review	49

ZONING LAW OF THE TOWN OF CANAJOHARIE

TABLE OF CONTENTS

G. Public Hearing	49
H. Planning Board Action on the Preliminary Site Plan	49
I. Final Site Plan	50
J. Referral to County Planning Board	50
K. Planning Board Action on Final Site Plan	51
L. Reimbursable Costs	51
ARTICLE X ADMINISTRATION AND ENFORCEMENT	52
A. Code Enforcement and Zoning Officer	52
B. Permits and Certificates	53
C. Required Inspections	56
D. Violations	56
ARTICLE XI BOARD OF APPEALS	59
A. Creation, Appointment and Organization	59
B. Powers and Duties	60
B.1. Appeal for Interpretation	60
B.2. Appeal for Variance	60
B.3. Procedure	62
ARTICLE XII PLANNING BOARD	65
A. Creation, Appointment and Organization	65
B. Powers and Duties	66
ARTICLE XIII DEFINITIONS	68
ARTICLE XIV AMENDMENTS	82
A. General	82
B. Procedure	82
C. Protest by Owners	83
D. Effective Date	83
ARTICLE XV INTERPRETATION AND APPLICATION	84
ATTACHMENTS:	
Zoning Map	
Personal Wireless Facility Overlay District Map	

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE I

ARTICLE I: TITLE, SCOPE AND PURPOSE

A. TITLE

This local law shall be known and may be cited as "The Zoning Law of the Town of Canajoharie, New York".

B. SCOPE

A local law regulating the use of land and the location, siting, alteration, maintenance, and occupancy of structures in the Town of Canajoharie and for said purposes dividing the Town into districts.

C. ENACTING CLAUSE AND PURPOSES

This local law is enacted pursuant to Article 16 of the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, to promote public health, safety, and the general welfare, specifically including the following additional purposes:

- C.1. To allow for reasonable growth and development within the physical limitations of the land so as to assure adequate sites for housing, commercial activity, industry and public uses;
- C.2. To facilitate the efficient and adequate provision of public facilities and services;
- C.3. To promote pedestrian safety, efficient traffic circulation and adequate parking in order to support business activities in the Town;
- C.4. To promote the design and use of land and buildings to maintain the integrity of existing neighborhoods and a sense of community;
- C.5. To promote the retention and creation of local employment opportunities;
- C.6. To encourage flexibility in the design and development of land in such a way as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of the land;
- C.7. To enhance the appearance of the Town of Canajoharie as a whole;
- C.8. To permit the continued operation of non-conforming uses in the least conflicting manner;
- C.9. To encourage patterns of development which minimize the demand for energy.

D. RIGHT-TO-FARM

No provision of this Local Law shall be interpreted, administered, or enforced in a manner that unreasonably restricts farm operations within a State Certified Agricultural District established pursuant to Article 25AA of the New York State Agricultural and Markets Law, unless it can be shown that the public health and safety are threatened.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE II

ARTICLE II: ESTABLISHMENT OF LAND USE DISTRICTS

A. ESTABLISHMENT AND NAMES

In order to fulfill the purposes of this Local law, the Town of Canajoharie is divided into the following districts:

R - Residential District

A - Agricultural/Rural Residential District

C - Commercial District

M - Manufacturing District

PWSF - Personal Wireless Service Facilities Overlay District

CE - Critical Environmental Overlay District

SR - Scenic Resources Overlay District

B. STATEMENT OF PURPOSE

The following statements of purpose define the spirit and intent of each land use district, and are to be used as guides in the interpretation and application of these regulations:

B.1. Residential District

The purposes of the Residential District are: to maintain and protect residential and neighborhood qualities while recognizing the importance of meeting the housing needs of Town residents; to provide for and encourage a mixture of housing types and opportunities; to provide for and encourage open spaces; to foster safe pedestrian and traffic circulation by establishing options for the provision of off-street parking; and to recognize the existence of non-conforming uses and to encourage their operation in an unobtrusive fashion.

B.2. Agricultural/Rural Residential District

The purposes of the Agricultural/Rural Residential District are: to maintain and encourage the agricultural endeavors practiced in the rural areas of the Town; to protect, enhance and encourage the preservation of open space, scenic views, wildlife habitat, and other natural resources; and to provide the opportunity for residential development on properly serviced sites while maintaining the rural atmosphere and values of the community.

B.3. Commercial District

The purposes of the Commercial District are: to provide general retail development in areas where appropriate services and transportation are available; to encourage commercial investment and development in appropriate areas; and to assure adequate services, parking, roadways and other services for commercial endeavors.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE II

B.4. Manufacturing District

The purpose of the Manufacturing District is to provide for the special needs of industry for relatively flat land with access to transportation networks and utilities, while protecting the integrity of residential neighborhoods and commercial activity.

B.5. Personal Wireless Service Facilities Overlay District

The purpose of the Personal Wireless Services Facilities Overlay District is to provide a suitable choice of locations for the establishment, construction and maintenance of Personal Wireless Services Facilities, while protecting the integrity of the established neighborhoods of Canajoharie.

B.6. Critical Environmental Overlay District

B.6.1 Purpose

The purpose of the Critical Environmental Overlay District is to protect the residents of the Town and critical environmental areas in the Town. These areas may include, but are not limited to, former public dumps and private commercial/industrial dump sites.

B.6.2 Boundaries

In furtherance of this purpose, the Town may investigate and identify the location of former dump sites in the Town. This section shall not become effective until the Town Board adopts a map entitled "Critical Environmental Overlay District" as part of this Local Law. This map will identify the location of these critical environmental areas in the Town, and delineate the boundaries of the Critical Environmental Overlay District.

B.6.3 Procedure

Construction of new residential structures and wells shall not be permitted on former dump sites identified in the Critical Environmental Overlay District.

B.7. Scenic Resources Overlay District

B.7.1 Purpose

The purpose of the Scenic Resources Overlay District is to preserve the visual assets of the Town, including ridgelines, scenic road corridors, viewsheds and vistas. When new development is proposed in these visually sensitive areas, the Town wishes to ensure that such development is harmonious with the scenic character of the area.

B.7.2 Boundaries

In furtherance of this purpose, the Town may conduct a Scenic Resources Survey to identify scenic resources worthy of preservation. This section shall not become effective until the Town Board adopts a map which delineates the boundaries of this district and which is entitled "Scenic Resources Overlay District" as part of this Local Law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE II

B.7.3 Procedure

No new structures larger than five hundred (500) square feet in floor area, including single-family homes, and no major exterior modification of existing structures may be constructed within the Scenic Overlay District without first obtaining Site Plan Approval from the Planning Board.

Structures to be built on a tract of land that includes mapped scenic resources shall either be sited to avoid occupying or obstructing public views of lands in the Overlay District, or shall be reviewed for architectural compatibility with the existing landscape and surrounding architectural styles. In order to grant Site Plan approval the Planning Board must find that such structures will not detract from the scenic character of the area, and may require as a condition of approval the establishment of vegetative screening.

C. ZONING MAP

C.1. The boundaries of districts established by this Article are shown on the map entitled "Zoning Map, Town of Canajoharie, Montgomery County, New York", as adopted by the Town Board. The Zoning Map, including all explanatory matter and amendments, are hereby adopted as an integral part of this local law. Regardless of the existence of other printed copies of this map, which from time to time may be made or published, the official map, which shall be located in the office of the Town Clerk, shall be the final authority as to the current zoning status of the land and water areas, buildings and other structures in the Town. The map shall be available in the Town Clerk's office for the use and benefit of the public.

C.2. A copy of said Zoning Map is and shall be attached to each copy of this local law.

D. INTERPRETATION OF DISTRICT BOUNDARIES

In applying the provisions of this local law, the following guidelines shall be used to determine the location of district boundaries:

- D.1. Where district boundaries are indicated as approximately following the center lines of streets, highways, public utility easements, waterways, or railroad rights-of-way or such lines extended, such center lines shall be construed to be district boundaries.
- D.2. Where district boundaries are indicated as approximately following a lot line, such lot line shall be construed to be the district boundary line. In all cases where a district boundary line is located no more than thirty five (35) feet from a lot line, the district boundary shall be construed to coincide with the lot line.
- D.3. In all cases where a district boundary line divides a lot which is in one ownership as of the effective date of this law, and such line is more than thirty five (35) feet from a lot line, the regulations prescribed by this law for the majority of the area of said lot shall apply to the entire lot.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE II

- D.4. In all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the Zoning Board of Appeals, pursuant to Article XI.B.1.2 of this Law.

E. EXEMPTIONS FOR PRE-EXISTING PERMITS AND IMPROVEMENTS

Nothing contained in this local law shall require any change in the plans, construction, or designated use of a building complying with local laws of the Town of Canajoharie in force prior to the effective date of this local law, if the following exist:

- E.1. A building permit shall have been issued prior to the date of the first publication of notice of the public hearing on this local law; and
- E.2. The owner and/or applicant can demonstrate that substantial improvements have been legally made and/or substantial expense has been incurred pursuant to legally issued permit or permits prior to the effective date of this local law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

ARTICLE III: USE REGULATIONS

A. GENERAL

- A.1. After the effective date of this Local Law, no land or structure shall be used, occupied, erected, moved or altered unless in conformance with the Schedule of Use Regulations specified in this Article.
- A.2. Pursuant to Section 280-a(4) of the Town Law, the Town Board hereby establishes the R-Residential District and A-Agricultural/Rural Residential District as open development areas. Permits may be issued for structures on lots that have no public or private road frontage and gain access by right-of-way or easement over other lands, under the following conditions:
 - A.2.1. Such right-of-way or easement providing access to a public street shall not be less than fifty (50) in width.
 - A.2.2. Such right-of-way or easement shall never serve or provide access to more than four (4) uses or structures.
 - A.2.3. Such right-of-way or easement must provide safe access for fire, police, and emergency vehicles.
- A.3. The appropriate category of use to be applied to any proposed use not specifically identified and/or defined in this law shall be determined by the Code Enforcement and Zoning Officer, subject to Appeal for Interpretation pursuant to Article XI of this law.
- A.4. All uses are subject to the requirements of Article IV (Area and Bulk Regulations) and Article VI, Section A.3 (Parking Requirements).

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

B. SCHEDULE OF LAND USE REGULATIONS

LAND USE	LAND USE DISTRICT			
	R	A	C	M
1. AGRICULTURE/FARM				
1.1 Farm Operation	-	P	-	-
1.2 Accessory Building for Commercial Purposes	-	SU/SP	-	-
1.3 Farm Stand	-	P	-	-
1.4 Manure Storage Facility	-	X	-	-
1.5 Mobile Home as part of a Farm Operation	-	X	-	-
<i>The preceding agricultural uses are permitted in any Land Use District, subject to the same regulations as those in the Ag/Rural Residential District, if the parcel is part of a State Certified Agricultural District, as set forth in the description(s) and map(s) on file with the Montgomery County Clerk and Montgomery County Director of Real Property Tax Services.</i>				
2. RESIDENTIAL				
2.1 Single Family Dwelling (including Double-wide Mobile Homes)	P	P	-	-
2.2 Two-Family Dwelling or Duplex	P	P	-	-
2.3 Multi-Family Dwelling	SP	SP	-	-
2.4 Mobile Home Community	X/SU/SP	X/SP	-	-
2.5 Mobile Home, Temporary Residential	X/SU/SP	X/SU/SP	-	-
2.6 Boarding/Rooming House	SU/SP	SU/SP	-	-
2.7 Campsite or Private Camp	-	X/SU/SP	-	-
3. RESIDENTIAL - ACCESSORY				
3.1 Home Occupation	X/SU/SP	X/SU/SP	X/SU/SP	-
3.2 Customary Accessory Uses/Buildings	P	P	SP	-
4. COMMERCIAL				
4.1 Retail Sales/Service	SU/SP	SU/SP	SP	-
4.2 Personal Services	SU/SP	SU/SP	SP	-
4.3 Bank	-	-	SP	-
4.4 Freestanding Drive-Thru Business	-	-	SP	-
4.5 Professional/Business Offices	SU/SP	SU/SP	SP	-
4.6 Medical or Dental Clinics/Offices	SU/SP	SU/SP	SP	-
4.7 Galleries/Studios	SU/SP	SU/SP	SP	-
4.8 Motel or Hotel	-	-	SP	-
4.9 Bed-and-Breakfast or Tourist Home	SU/SP	SU/SP	SP	-
4.10 Restaurant	-	SU/SP	SP	-

P Permitted
 X Permitted Subject to Supplementary Regulations (See Article VI)
 SU Permitted with Special Use Permit
 SP Permitted Subject to Site Plan Review
 - Not Permitted

R Residential District
 A Agricultural/Rural Residential District
 C Commercial District
 M Manufacturing District

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

LAND USE	LAND USE DISTRICT			
	R	A	C	M
4. COMMERCIAL - CONTINUED				
4.11 Bar/Tavern/Nightclub	-	-	SP	-
4.12 Coin Operated Laundry	-	-	SP	-
4.13 Laundry or Dry Cleaning Plant	-	-	SP	SP
4.14 Funeral Home	SU/SP	SU/SP	SU/SP	-
4.15 Appliance Repairs	-	SU/SP	SP	SP
4.16 Motor Vehicle Repairs	-	SU/SP	SP	SP
4.17 Agricultural Equipment Repairs	-	SU/SP	SP	-
4.18 Gasoline Station	-	-	SP	SP
4.19 New/Used Vehicle Sales	-	-	SP	SP
4.20 Mobile Home Sales	-	-	SP	SP
4.21 Car Wash	-	-	SP	SP
4.22 Animal Hospital or Kennel	-	X/SP	X/SP	-
4.23 Antique, Craft, or Flea Market	-	SU/SP	SU/SP	SU/SP
4.24 Golf Course	-	SP	-	-
4.25 Nursery School/Day Care (less than 10 children) (10 or more children)	P SP	P SP	- -	- -
4.26 Campground/Recreational Vehicle Camp	-	X/SU/SP	-	-
4.27 Slaughterhouse or Rendering Plant	-	SU/SP	SU/SP	-
4.28 Processing of Agricultural or Food Products	-	SU/SP	SP	SP
4.29 Quarrying/Mining/Topsoil Removal	-	X/SU/SP	-	-
4.30 Private Storage Units	-	SU/SP	SP	SP
4.31 Airport or Landing Strip	-	SU/SP	-	-
4.32 Wholesale/Warehouse	-	SU/SP	SP	SP
4.33 Music or Arts Festival or other Temporary Public Gathering	-	SU/SP	SU/SP	-
4.34 Outdoor Recreational Facility	-	SU/SP	-	-
4.35 Indoor Theater/Auditorium	-	-	SP	-
4.36 Fairgrounds	-	SP	-	-
4.37 Indoor Recreational Facility	-	SP	SP	-
4.38 Farm Market	-	SU/SP	SP	-
4.39 Stable	-	SP	-	-
4.40 Adult Oriented Business	-	X/SU/SP	X/SU/SP	X/SU/SP

P Permitted
 X Permitted Subject to Supplementary Regulations (See Article VI)
 SU Permitted with Special Use Permit
 SP Permitted Subject to Site Plan Review
 - Not Permitted

R Residential District
 A Agricultural/Rural Residential District
 C Commercial District
 M Manufacturing District

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

LAND USE	LAND USE DISTRICT			
	R	A	C	M
5. INSTITUTIONAL				
5.1 Place of Worship	SP	SP	SP	-
5.2 School (public or private)	SP	SP	SP	-
5.3 Nursing Home	SP	SP	SP	-
5.4 Convent/Monastery	SP	SP	SP	-
5.5 Group Home	SP	SP	SP	-
5.6 Rest Home	SP	SP	SP	-
5.7 Parsonage/Rectory	P	P	P	-
6. INDUSTRIAL USES				
6.1 Manufacturing	-	SU/SP	SU/SP	SP
6.2 Research Laboratory	-	SU/SP	SP	SP
6.3 Wholesale/Warehouse	-	SU/SP	SP	SP
6.4 Printing/Binding/Publishing	-	SU/SP	SP	SP
6.5 Truck Terminal/Transfer	-	SU/SP	SP	SP
7. CEMETERY USES				
7.1 Cemetery	-	X	-	-
7.2 Crematorium	-	X/SU/SP	-	X/SP
7.3 Caretaker's House	P	P	-	P

P Permitted
 X Permitted Subject to Supplementary Regulations (See Article VI)
 SU Permitted with Special Use Permit
 SP Permitted Subject to Site Plan Review
 - Not Permitted

R Residential District
 A Agricultural/Rural Residential District
 C Commercial District
 M Manufacturing District

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IV

ARTICLE IV: AREA AND BULK REGULATIONS

A. GENERAL

- A.1. After the effective date of this local law, no use shall be commenced, nor any building or structure or part thereof shall be erected, structurally altered, enlarged, rebuilt or moved except in conformance with the provisions of the Area and Bulk Regulations described in this Article for the District in which such use, building or structure is located.
- A.2. The area required for complying with the setback requirements or Density Standard for any Principal Building as defined herein, shall not be counted as providing required open space, land area, or setback for any other use or structure.
- A.3. A new lot or lots may be created through subdivision or combination of an existing lot or lots provided that all resulting lots comply with the area and bulk regulations established in this local law and also comply with the Town Subdivision Law, as amended.
- A.4. With the exception of Personal Wireless Service Facilities which are specifically regulated under Article VI.C.11 Personal Wireless Services Facilities, all steeples, belfries, radio or television antennae (other than dish antennae) customary to residential uses, cupolas, towers, or similar architectural features, firetowers, chimneys, elevator bulkheads, flagpoles, smokestacks, agricultural structures located within a State Certified Agricultural District, and official police and fire radio antennae shall be exempt from the height requirements of this local law provided they do not constitute a public safety hazard.

B. DENSITY STANDARD

- B.1. The Density Standard is the minimum land area required per principal building.
 - B.1.1. The Density Standard for all uses in the R-Residential Districts shall be three (3) acres per principal building.
 - B.1.2. The Density Standard for all uses in the A-Agricultural/Rural Residential District shall be three (3) acres per principal building.
 - B.1.3. The Density Standard for all uses in the C-Commercial Districts shall be one (1) acre per principal building if such buildings are served by municipal water and sewer, three (3) acres per principal building otherwise.
 - B.1.4. The Density Standard for all uses in the M-Manufacturing Districts shall be one (1) acre per principal building if such buildings are served by municipal water and sewer service, three (3) acres per principal building otherwise.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IV

B.2. The density can be satisfied by either of the following:

B.2.1. A minimum lot size sufficient to meet the density standard for the district in which the use is located independently of any other use or property; or

B.2.2. The commitment of land to an irrevocable conservation easement or land conservation trust, dedication to and acceptance by the state, county, town or any village as publicly owned or park land, or other legally enforceable mechanism that guarantees permanent and irrevocable removal of sufficient land area otherwise suitable for development purposes from any and all future development, such that the average area per principal building is equal to or greater than the density standard.

Such irrevocable removal of land from development shall be subject to the approval of the Planning Board as to form and substance of the legal mechanism, conditions on use of such land, and area and location of such land.

B.2.2.1 If the conservation easement, trust, dedication or other legal mechanism subject to Planning Board review and approval involves a subdivision subject to the Town Subdivision Law, said review and approval shall be conducted simultaneously with subdivision review and approval.

B.2.2.2. If the conservation easement, trust, dedication or other legal mechanism subject to Planning Board review and approval involves a use subject to Site Plan Review, said review and approval shall be conducted simultaneously with Site Plan Review.

B.2.2.3. If the conservation easement, trust, dedication or other legal mechanism subject to Planning Board review and approval involves a use subject to neither the Town Subdivision Law nor Site Plan Review, the property owner shall apply directly to the Planning Board for independent review, and approval shall be a condition for issuance of the Certificate of Zoning Compliance pursuant to this law.

B.3. Land irrevocably removed from any and all future development for purposes of satisfying the density standard may be used for any of the following purposes:

B.3.1. Agriculture, farming, pasture, woodlands, or related uses not including buildings or structures.

B.3.2. Active or passive outdoor recreation not including buildings or structures.

B.3.3. Individual or combined septic systems, leach fields or other subsurface sanitary disposal systems.

B.3.4. Unused or vacant land, either maintained or non-maintained.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IV

- B.4. A Principal Building is a building in which the main or principal use of the lot is conducted. If more than one (1) principal building per lot is planned, the lot shall be subject to the requirements of Article IX, Site Plan Review, unless said lot is part of a Farm Operation. For the purposes of applying the Density Standards stated in Section B.1 above, the following shall constitute one principal building:
- B.4.1. All agricultural use structures and one single-family dwelling or mobile home which are part of a Farm Operation, together constitute and count as one principal building.
 - B.4.2. A single family dwelling, or mobile home located outside of a Mobile Home Community, constitutes one principal building.
 - B.4.3. Up to two (2) dwelling units of a two-family or multi-family dwelling, together constitute one principal building.
 - B.4.4. Up to twelve (12) mobile homes located within a Mobile Home Community together constitute one principal building.
 - B.4.5. A tourist cabin or similar structure for rent or hire with more than 300 square feet of net floor area constitutes one principal building.
 - B.4.6. Up to four (4) motel units, hotel units, accommodation units in a tourist home or similar structure, or tourist cabin units for rent or hire in which each individual unit encompasses less than 300 square feet of net floor area, together constitute one principal building.
 - B.4.7. Up to three (3) campsites for the parking of occupied recreational vehicles or travel trailers or the erection of tents or other shelters for temporary residential use together constitute one principal building.
 - B.4.8. For each commercial use or structure for the retail sale, rental or distribution of goods, services or commodities, each 5,000 square feet of gross floor space or portion thereof of such commercial use structure constitutes one principal building.
 - B.4.9. For any industrial or manufacturing use structure, each 8,000 square feet of gross floor area or any fraction thereof shall constitute one principal building.
 - B.4.10. A structure containing a commercial use which is also used as a single family dwelling constitutes one principal building, provided the commercial use does not exceed 2,500 square feet of net floor area.
 - B.4.11. Any other structure not defined in this section which exceeds 1250 square feet of floor space constitutes one principal building.
 - B.4.12. An accessory building or structure in any district, and any agricultural accessory building not used for residential or commercial purposes, does not constitute and shall not count as a principal building.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IV

C. SCHEDULE OF AREA AND BULK REGULATIONS

	MINIMUM LOT WIDTH	MINIMUM FRONT YARD SETBACK (a)	MINIMUM SIDE YARD SETBACK (each side)	MAXIMUM BUILDING HEIGHT
C.1 R-RESIDENTIAL DISTRICTS				
1.1 All Permitted Uses	300 feet (b)	40 feet	20 feet	30 feet
1.2 Use Subject to Special Use Permit	300 feet (b)	40 feet	20 feet	30 feet
C.2 A-AGRICULTURAL/RURAL RESIDENTIAL DISTRICTS				
2.1 All Permitted Uses	300 feet (b)	40 feet	20 feet	50 feet
2.2 Uses Subject to Special Use Permit	300 feet (b)	40 feet	20 feet	30 feet
C.3 C-COMMERCIAL DISTRICTS				
3.1 Without Municipal Water and Sewer Service	300 feet	15 feet	20 feet	40 feet
3.2 With Municipal Water and Sewer Service	100 feet	15 feet	15 feet	40 feet
C.4 M-MANUFACTURING DISTRICTS				
4.1 Without Municipal Water and Sewer Service	300 feet	15 feet	20 feet	40 feet
4.2 With Municipal Water and Sewer Service	100 feet	15 feet	15 feet	40 feet

- (a) Front yard setback shall be measured from the right-of-way line of the street on which the building or structure is located.
- (b) For flag lots, the minimum lot width at the street line shall be fifty (50) feet for the access leg providing driveway or private lane access to the public. The area of the access leg shall be excluded from area calculations for the lot.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE V

ARTICLE V: NON-CONFORMANCE

A. CONTINUATION

- A.1. No use, building or structure which does not conform to all requirements of this local law shall be permitted in the Town of Canajoharie except the following:
 - a. Any non-conforming use, building or structure, other than signs, existing lawfully on the effective date of this law; or
 - b. Any lawful use, building or structure, other than signs, which becomes non-conforming because of subsequent amendment of this law;
- A.2. Certain non-conforming uses, buildings, and structures are subject to additional standards and limitations as specified in this Article.

B. NON-CONFORMING USES

- B.1. Discontinuance or Removal. A non-conforming use which is discontinued or removed for any reason other than fire, flood or other natural disaster for a period of one (1) year or more shall not be re-established. A non-conforming use which is discontinued due to fire, flood or other natural disaster for a period of two (2) years or more, commencing on date of said natural disaster, shall not be re-established. Any subsequent use shall conform to this law. The Zoning Board of Appeals is empowered to extend the two (2) year time period upon receipt of a written request from the owner at least thirty (30) days in advance of the expiration of this time period.
- B.2. Changes. No non-conforming use shall be changed except to a conforming use. When so changed, the non-conforming use may not be resumed.
- B.3. Extension. No non-conforming use shall be enlarged or extended beyond the area occupied by such use on the effective date of this law. A non-conforming use may be extended throughout any part of a building designed for such use if on the effective date of this law a major portion of the building was used for such non-conforming use.

C. NON-CONFORMING BUILDINGS OR STRUCTURES

- C.1. Alterations. A non-conforming building or structure shall not be enlarged, extended or have exterior alterations beyond the limits of the original building or structure, unless such enlargement, extension, or alteration shall be in accordance with the Article IV, Area and Bulk Regulations, for the district in which the building or structure is located.
- C.2. Reconstruction. A non-conforming building may be reconstructed to its original dimensions, subject to Site Plan Review pursuant to Article IX of this local law. The purpose of Site Plan Review is to provide the Planning Board the opportunity to reduce the level of non-conformance of the building. In no case, shall the level of non-conformance be increased, nor does this section imply any modification of this Article as to discontinuance, removal, modification or extension of a non-conforming use.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE V

D. NON-CONFORMING SIGNS

D.1. Any sign of a type not permitted, or of a permitted type exceeding the height or area requirements of this local law shall be modified to conform thereto or removed if any of the following occurs:

- a. There is a change of use of the property where the original use was advertised by the sign; or
- b. There is a change of location of the business being advertised by the sign; or
- c. There is replacement of the sign.

D.2. Immediately upon the occurrence of any of the events described in D.1. above, such signs shall be removed or modified to comply with the requirements of this local law or be subject to all penalties and procedures of Article X, Administration and Enforcement.

E. REPAIRS AND MAINTENANCE

Notwithstanding any of the foregoing regulations, nothing in this section shall be deemed to prevent normal maintenance and repair of any use or building, or the issuance of a Building Permit for major structural alterations or demolitions necessary in the interest of public safety, and pursuant to other applicable sections of this local law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

ARTICLE VI: SUPPLEMENTARY REGULATIONS

A. GENERAL STANDARDS APPLICABLE TO ALL USES

A.1. General Performance Standards Applicable To All Uses

In any district, the following performance standards shall apply, subject to the limitations on the regulation of Farm Operations contained in Section I:D Right-to-Farm.

A.1.1. No offensive or objectionable vibration, noise, or glare shall be noticeable at or beyond the property line.

A.1.2. No activity shall create a physical hazard by reason of fire, explosion, radiation, or other such cause, to persons or property in the same or an adjacent district.

A.1.3. No material of any nature which may contaminate any water supply shall be discharged into any stream or body of water or any public or private disposal system, or into or onto the ground surface.

A.1.4. There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin, or endangers health.

A.1.5. The emission of smoke, fly ash, dust, or other airborne material which can cause damage to the health of persons, animals, plant life, or to other forms of property is prohibited. This provision is not intended to regulate or prohibit the customary use of residential fireplaces, woodburning stoves, coal burning stoves, or smokehouses.

A.2. Accessory Uses and Structures

A.2.1. No accessory uses or accessory structures except fences, berms, flagpoles, or wellhouses and farmstands shall be located in the established front yard.

A.2.2. In all districts, walls and fences shall be permitted except where they are of such a height or location as to interfere with sight clearances required for traffic safety.

A.2.3. Fences or walls shall be required for the enclosure of outdoor storage areas and trash dumpsters accessory to multiple family, commercial, and industrial or manufacturing uses.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

A.3. Parking Requirements

Off-street parking spaces shall be provided subject to the following provisions:

A.3.1. Required Off-Street Parking Spaces:

USE	REQUIRED PARKING SPACES
Single Family Dwelling	Two (2) spaces
Duplex Dwelling	Two (2) spaces per dwelling unit
Multiple Family Dwelling	1.5 spaces per dwelling unit
	A minimum of one (1) space for each . . .
Hotel or Inn	Guest room, plus one space for every three employees for Hotels having over 10 rooms.
Motel	Guest room, plus one space for every three employees.
Church or other place of Public Assembly	3 seats or 50 sq. ft. of seating area where fixed seating is not provided.
School	12 classroom seats or the public assembly requirement above, which ever is greater.
Home Occupation	up to 150 sq. ft. of such use, plus one for each additional 100 sq. ft. or fraction thereof.
Retail Sales and Service	225 sq. ft. of gross floor space.
Offices	400 sq. ft. of gross floor area.
Eating and Drinking places	50 sq. ft. available to patrons.
Funeral Homes	20 sq. ft. of public room area.
Industrial uses	1.5 employees at the largest shift.
Medical Clinic	Employee plus four (4) for each doctor, dentist, or other primary service provider.
Coin Operated Laundry	Two (2) machines for customer use.
Motor Vehicle Repair Facility or Gasoline Station	Employee plus two (2) spaces for each service bay.
Bed-and-Breakfast	Guest Room
Boarding/Rooming House	Guest Room
Nursing Home	Four (4) bed capacity plus one (1) for each 1.5 employees on the largest shift.
Rest Home	Two (2) residents plus one (1) for each 1.5 employees on the largest shift.

A.3.2. Reasonable and appropriate off-street parking requirements for structures and uses not specifically designated in these regulations shall be determined by the Planning Board during Site Plan Review upon consideration of all factors entering into the parking needs of the proposed structure or use.

A.3.3. Areas which may be computed as open or enclosed off-street parking spaces include:

A.3.3.1. any private garage or carport available for parking.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

- A.3.3.2. a driveway within a front yard for a one or two-family residence may count as one (1) parking space.
- A.3.3.3. any parking area under common ownership with the principal use located within 400 ft. of the main entrance of such use. Such vehicle parking area shall be deemed to be required open space associated with the permitted use and shall not be encroached upon.
- A.3.4. Each off-street parking space shall be not less than two hundred (200) square feet in area and, if in a parking lot, shall be a minimum of ten (10) feet wide by twenty (20) feet deep and shall be served by an aisle not less than twenty (20) feet wide for a one-way circulation flow. Entrance and exit lanes shall not be computed as parking space, except for driveways of one- and two-family residences, as in Section A.3.3, above.
- A.3.5. Except in the case of a one- or two-family residence using the drive-way to provide parking, no parking shall be allowed in the established front yard of any use in the R-Residential District.
- A.3.6. Unobstructed access to and from a street shall be provided. Access drives shall be of sufficient width to permit the free flow of cars both entering and leaving the parking area. Access drives for any off-street parking area with a capacity of more than four (4) spaces shall be located in a manner which ensures traffic safety and shall be subject to Site Plan review by the Planning Board. Access drives shall not have a grade in excess of six percent (6%) within twenty-five (25) feet of any street right-of-way line nor ten percent (10%) at any other point.
- A.3.7. All parking areas shall be properly drained and all such areas, except for parking spaces accessory to a one- or two-family dwelling, shall be provided with a surface that minimizes dust, such as paving, crushed stone or gravel.
- A.3.8. One (1) camping trailer, motor home or boat trailer may be stored on a lot provided the trailer or motor home is not stored between the street line and the building line. A second such vehicle may be stored on the same lot provided it is stored in the rear yard or parking area.
- A.3.9. Except for new or used vehicle sale lots where permitted, no more than one (1) vehicle not in current registration shall be stored outdoors, and all such vehicles shall be screened from neighboring properties.

A.4. Off-Street Loading

- A.4.1. Off-street loading berths shall be provided for all uses specified herein subject to the following requirements:

- Gross Floor area less than 10,000 sq. ft. none required
- Gross Floor area between 10,000 and 25,000 sq. ft. one (1) berth

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

- Each additional 25,000 sq. ft. or fraction thereof up 100,000 sq. ft. one (1) berth
- Each additional 50,000 sq. ft. or fraction thereof over 100,000 sq. ft. one (1) berth

A.4.1.1. Public library, museum, or other similar quasi-public institution, community center, hospital or sanitarium, nursing home or convalescent home, institution for children or the aged, or school;

A.4.1.2. Buildings with professional, governmental, or business offices, or laboratory establishments;

A.4.1.3. Retail sales and service establishments;

A.4.1.4. Motels, hotels or similar establishments;

A.4.1.5. Manufacturing, wholesale and storage uses, and dry cleaning and rug cleaning establishments and laundries;

A.4.2. Single structures containing multiple dwelling units shall be provided with loading berths as follows:

- Less than 50 dwelling units in one structure none required
- More than 50 dwelling units in one structure one (1) berth

A.4.3. Reasonable and appropriate off-street loading requirements for structures and uses which do not fall within the categories listed herein shall be determined by the Planning Board upon consideration of all factors entering into the loading needs of each such use during Site Plan Review.

A.4.4. Each required loading berth shall be at least twelve (12) feet wide, thirty-three (33) feet long, and fourteen (14) feet high.

A.4.5. Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as provided in paragraph f., below. Entrances or exits for any loading area shall be located to assure safe access and shall be subject to Article IX, Site Plan Review. No off-street loading berth shall be located in any established front yard.

A.4.6. Joint Facilities: Permitted or required loading berths may be provided in spaces designed to serve jointly two (2) or more adjacent establishments provided that the number of required berths in such joint facilities shall not be less than the aggregate of those required for participating uses.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

A.5. Signs

- A.5.1. No new billboards shall be permitted in any district.
- A.5.2. All signs shall be placed as to not obstruct the vision of motorists entering or leaving the property or adjoining properties. No sign shall project into or over the public right-of-way.
- A.5.3. No sign shall be mounted on or attached to any roof, nor shall any sign extend above the roofline of any building on the site.
- A.5.4. If a sign is illuminated, the source of light shall be shielded from view and shall not be visible from the property line.
- A.5.2. In all districts non-flashing signs are permitted as follows:
 - A.5.2.1. One nameplate, identification or professional sign, not to exceed an aggregate of ten (10) square feet of sign area, showing the name or permitted home occupation of the occupant of the premises.
 - A.5.2.2. One sign not to exceed an aggregate of thirty-two (32) square feet of sign area, during and pertaining to the sale, lease or rental of the land or building.
 - A.5.2.3. One temporary sign not to exceed an aggregate of thirty-two (32) square feet of sign area, during and pertaining to construction, repairs, or alterations to the property.
 - A.5.2.4. Institutional, religious, or community announcement signs, not to exceed thirty-two (32) aggregate feet in area.
 - A.5.2.5. Two (2) farm product signs, each not exceeding thirty-two (32) aggregate feet in area, may be displayed on the property, but only when such products are on sale.
 - A.5.2.6. A business sign or signs directing attention to a business or profession conducted, or a commodity, service or entertainment offered or sold on the premises shall be permitted. Such sign or signs shall not exceed the aggregate of thirty-two (32) square feet in area for hanging, wall and pedestal signs. In the case of a retail center or other group of related buildings, in addition to the general sign, each individual unit may display an identification sign affixed flat against the building which shall no exceed one (1) square foot of area for each foot of building frontage.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

A.6. Protection of Agriculture from Potentially Incompatible Uses

A.6.1. Agricultural Setbacks

The following minimum separation distances between wells and manure sources or manure storage areas shall apply to a farm operation and its neighboring properties:

- | | |
|--|------------------------------------|
| • Temporary manure piles | one hundred (100) feet from well |
| • Lined manure storage ponds or fabricated units | one hundred (100) feet from well |
| • Unlined self-sealing manure storage facilities | three hundred (300) feet from well |
| • Livestock confinement areas or structures | one hundred (100) feet from well |

A.6.2. Required Disclosure

In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides, and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise, and vibration." This disclosure shall be required as a note on a subdivision plat or Site Plan, and may also be required to be made through other means reasonably calculated to inform a prospective purchaser, such as by posting, distribution of handbills, or letter of notification. This section may also be applied to any commercial development which abuts agricultural land, at the discretion of the Planning Board.

A.6.3. Agricultural Data Statement

Any application for a Special Use Permit, Site Plan approval, Use Variance, or Subdivision approval requiring municipal review and approval by the Planning Board or Zoning Board of Appeals that would occur on property within an agricultural district containing a farm operation, or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement as defined in Article XIII. The Planning Board or Zoning Board of Appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the function of farm operations within the agricultural district.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

B. GENERAL STANDARDS APPLICABLE TO ALL USES IN THE R-RESIDENTIAL AND A-AGRICULTURAL/RURAL RESIDENTIAL DISTRICTS

B.1. Accessory Uses and Structures

- B.1.1. No accessory use or structure except fences, flagpoles, berms, landscape plantings, wellhouses or farm stands shall be located in the established front yard.
- B.1.2. An accessory structure may be located in any required side or rear yard, provided:
 - B.1.2.1. Such a structure does not exceed thirty (30) feet in height;
 - B.1.2.2. Such a structure shall be set back no less than ten (10) feet from any lot line;
 - B.1.2.3. All such structures in the aggregate shall not occupy more than thirty (30) percent of the required rear or side yard in which located.
- B.1.3. An accessory structure on that portion of a lot not included in any required yard shall conform with the height regulations for the principal structure(s).
- B.1.4. No accessory structure or use shall project nearer to the street on which the principal structure fronts than does the principal structure except:
 - B.1.4.1. Fences, walls, berms or other landscaping devices.
 - B.1.4.2. Enclosed residential garage structurally and architecturally integrated into the principal structure.
 - B.1.4.3. Farm stands selling agricultural products predominantly produced on the premises, or by the same farm operation on whose land the farm stand is located.

B.2. Corner Lots

On a corner lot, front yards are required on both street frontages, and one (1) yard other than the front yard shall be deemed to be the rear yard and the other(s), the side yard(s).

B.3. Through Lots

On a through lot, front yards are required at all street lines.

B.4. Exceptions to Yard Requirements

- B.4.1. Permitted Obstructions. Cornices or cantilevered roofs may project not more than four (4) feet into a required yard. Belt courses, window sills, and other ornamental features may project not more than six (6) inches into a required yard.
- B.4.2. Entries and Porticos. A roofed-over but completely unenclosed projection in the nature of an entry or portico, not more than eight (8) feet wide may project not more than six (6) feet into a required front, side, or rear yard when the building otherwise complies with all yard requirements of this law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

C. USES SUBJECT TO ADDITIONAL STANDARDS

C.1. Home Occupations

Subject to the issuance of a Special Use Permit pursuant to Article VII, individuals may conduct a business, trade or profession in their residences in those Districts where permitted, subject to the following:

- C.1.1. The activity shall be incidental to and shall not alter the primary use of premises as a residence. In no way shall the premises be altered nor shall the activity in the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of light, noise, sounds, odors or vibration.
- C.1.2. The home occupation shall be conducted in the principal building by the resident. No more than two (2) assistants, not residing on the premises, may be employed in the home occupation.
- C.1.3. The home occupation shall be conducted in an area not exceeding thirty percent (30%) of the floor area of the structure in which it is located.
- C.1.4. The retail sale of goods or articles not produced on the premises is permitted only if they are necessarily incident to the service provided by the home occupation.
- C.1.5. Only equipment which is customary to the home occupation may be used or stored within the structure.
- C.1.6. There shall be no outdoor storage of equipment or materials used in the home occupation.
- C.1.7. In the Residential Districts, no traffic shall be generated in greater volumes than would normally be expected in a residential neighborhood.
- C.1.8. Parking required for the home occupation shall comply with the requirements of Section A.3, Parking, of this Article and shall be met on-site and not in the established front yard.
- C.1.9. No more than one sign meeting the requirements of Section VI.A.5 is permitted.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

C.2. Mobile Homes and Mobile Home Communities

C.2.1. Mobile Homes are subject to all regulations pertaining to detached one family dwellings, in addition to the following standards:

- C.2.1.1. Mobile homes shall be used only as single-family residential dwelling units. They shall not be used as housing for livestock or fowl, or as accessory storage buildings.
- C.2.1.2. New double-wide mobile homes shall be permitted in all land use areas which permit single family dwellings.
- C.2.1.3. New single-wide mobile homes shall be permitted only in Mobile Home Communities, unless they are part of a Farm Operation as defined in Article XIII.
- C.2.1.4. New single-wide mobile homes which are placed on Farm Operations after the effective date of this local law must be removed from the premises within 3 months if the farm is sold for non-agricultural use or discontinued.
- C.2.1.5. Existing single-wide mobile homes located outside of mobile home communities may not be replaced with new single-wide mobile homes. They may be replaced with new double-wide mobile homes, manufactured homes or single family dwellings.
- C.2.1.5. Mobile homes shall be have a minimum size of 840 square feet of gross floor area.
- C.2.1.6. Mobile homes shall be provided with anchors or tie-downs that meet the manufacturer's specifications. These anchors shall be attached to a concrete footing installed below the frost line, or embedded in concrete runners, a concrete slab or a suitable substitute in conformance with the New York State Uniform Fire Prevention and Building Code.
- C.2.1.7. Mobile homes shall meet all current U.S. Department of Housing and Urban Development (HUD) standards and shall bear the seal designating this compliance, or shall be inspected by the Code Enforcement and Zoning Officer and approved as structurally sound and free of heating and electrical system hazards, in conformance with the New York State Uniform Fire Prevention and Building Code.
- C.2.1.8. Mobile homes shall have skirting or screening securely fastened around the perimeter extending to the ground. Such skirting shall be of masonry or a permanent material similar to that sheathing the mobile home, provide adequate ventilation, have a finished exterior appearance and be capable of withstanding extreme weather conditions over extended periods of time. It shall be installed within four months from date of issuance of occupancy permit for the mobile home.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

- C.2.1.5. Any woodstove installed or operated in any such mobile home must be approved by Underwriters Laboratories for mobile home installation.
- C.2.1.6. Any additions, decks or stairs attached to the mobile home must be built in conformance with New York State Uniform Fire Prevention and Building Code Regulations. They must be built of a permanent material and have a finished exterior appearance.
- C.2.1.7. A mobile home must be made habitable and receive a certificate of occupancy within 60 days of installation on the site.
- C.2.1.8. A temporary residential mobile home, placed on a building lot during construction of a permanent residence, requires a Special Use Permit, subject to the requirements of Article VII of this local law. It must be removed from the site within 60 days from the date of issuance of the occupancy permit for the permanent residence.

C.2.2. Mobile Home Community

- C.2.2.1. Any lot on which two or more mobile homes are located, unless such lot is part of a Farm Operation as defined in Article XIII, shall be considered a Mobile Home Community and is subject to the requirements of Article IX, Site Plan Review.
- C.2.2.2. The minimum acreage for a mobile home community is three (3) acres. A maximum of four (4) units per gross acre will be permitted, with a minimum lot size of 6000 square feet per mobile home. All lots within the community shall be pinned by a licensed land surveyor. Individual yard requirements shall be as follows:
 - Front yard -- twenty (20) feet
 - Side yard -- fifteen (15) feet
 - Rear yard -- fifteen (15) feet
- C.2.2.3. All mobile homes within the community shall have vehicular access to the interior road system only, not to an existing exterior street. Interior roads must be built to Town road specifications for minor streets, with a right-of-way of fifty (50) feet and a minimum surface width of eighteen (18) feet.
- C.2.2.4. Two (2) off-street parking spaces must be provided for each mobile home. Additional off-street guest parking areas shall be provided in the community at the rate of one (1) parking space per unit.
- C.2.2.5. Each mobile home lot must have connections for water supply and waste disposal. All water supply and sewage disposal systems must be approved by the New York State Department of Health.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

- C.2.2.6. Each mobile home lot must have an electrical power source. All electrical wiring and fixtures shall be installed and maintained in accordance with the regulations of the New York State Uniform Fire Prevention and Building Code and the local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground. Fuel tanks, where used, shall be placed at the rear of the mobile home at least five (5) feet from any exit, and shall have a safety shut-off at the tank.
- C.2.2.7. Open space areas of at least twenty (20) percent of the total land area shall be set aside as green space suitable for recreation and play purposes.
- C.2.2.8. Sidewalks, lighting and landscaping shall be in keeping with surrounding development, the unique features of the site, and the health and safety of the residents of the mobile home community.
- C.2.2.9. All mobile home communities shall have a vegetative screening strip along public roads and property lines which is of sufficient width and height, once mature, to substantially screen the park, as deemed appropriate by the Planning Board.

C.2.3. Construction Trailers

No more than two (2) construction trailers shall be permitted on the site of construction being pursued subject to a valid Building Permit issued pursuant to this local law, provided:

- C.5.3.1. Construction trailers are used only for office space or storage of materials and equipment and related uses; and
- C.5.3.2. No construction trailer is used for temporary or permanent residential purposes; and
- C.5.3.3. Such construction trailer(s) are removed prior to issuance of a Certificate of Occupancy pursuant to this local law.

C.3. Animal Hospital or Kennel

- C.3.1. All animals shall be housed no closer than one hundred (100) feet from the nearest lot line.
- C.3.2. No accessory or related structures such as dog runs shall be located within one hundred (100) feet from the nearest property line.
- C.3.3. Adequate plantings and bufferings shall be provided and maintained to minimize the impact of inherent nuisances such as noise and odor.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

C.3.4. All animal excrement shall be adequately disposed of, and in no case shall any excrement be deposited or stored within one hundred (100) feet of any lot line.

C.4. Radio and Television Antennas, Towers and Dish Antennas

All antennas, towers and dish antennas shall comply with the following regulations:

C.4.1. Any tower or antenna shall be located a distance from any lot line equal to or greater than its height.

C.4.2. No dish antenna larger than 24" shall be located within any established front yard.

C.4.3. Any guy anchorage or similar device shall be at least ten (10) feet from any property line.

C.4.4. No antenna or antenna tower shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line which serves more than one dwelling, place of business or parcel.

C.5. Ventilation Equipment

All heating/ventilation/air conditioning (HVAC) equipment, and restaurant ventilation equipment for ovens, grills, and dishwashers shall be located and directed in a manner which will not have an adverse impact upon adjacent properties and the general public. Restaurant ventilation equipment shall be cleaned at regular intervals to eliminate odors and fire hazards.

C.6. Cemetery, Crematoria and Related Uses

C.6.1. All cemeteries, mausoleums, and crematoria shall operate under applicable New York State, Montgomery County and Town statutes and ordinances, and all rules and regulations promulgated pursuant to those statutes and ordinances.

C.6.2. All mausoleums, crematoria, and accessory storage facilities shall be located no closer than 200 feet from any lot line, and shall be subject to Site Plan Review.

C.6.3. An accessory caretaker's house shall conform to the setback regulations set forth in the Area and Bulk Regulation, Article IV, pertaining to single family residences in the District in which it is located.

C.7. Quarrying/Soil Mining

C.7.1. Any quarry or soil mining operation which will extract 1000 tons or more of material within any twelve consecutive months shall operate only under a valid mining permit issued pursuant to the New York State Mined Land Reclamation Law and related regulations. No further mining permit from the Town shall be required.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

C.7.2. Any commercial quarrying or soil mining operation which is not subject to the requirements of the New York State Mined Land Reclamation Law and related regulations shall apply to the Zoning Board of Appeals for a Special Use Permit pursuant to Article VII of this law. The issuance of such Special Use Permit shall be subject to the following requirements:

- C.7.2.1. A time schedule for completion of either the entire operation, or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval as part of the Special Use Permit Application.
- C.7.2.2. An operations plan, including the number and types of trucks and other machinery to be used on the site, shall be submitted for approval as part of the Special Use Permit Application.
- C.7.2.3. A restoration and rehabilitation plan showing both existing contours and proposed final contours after operations are completed shall be submitted for approval as part of the Special Use Permit Application.
- C.7.2.4. A performance bond to assure complete restoration and rehabilitation shall be posted in an amount satisfactory to the Planning Board.
- C.7.2.5. A buffered area of not less than two hundred (200) feet shall be established between the operation and any residential land use within 1000 feet and shall be planted to evergreen trees.
- C.7.2.6. Such Special Use Permit shall be restricted to an active working area not to exceed ten (10) acres and to a time not to exceed five (5) years.

C.8. Campsite or Private Camp

- C.8.1. Any campsite or private camp which is to be occupied for a period of more than 14 days shall require prior issuance of a Special Use Permit.
- C.8.2. Such Special Use Permit shall be issued for a period not to exceed thirty (30) days, and shall be issued for no more than two non-consecutive periods in any one calendar year.
- C.8.3. Such campsite or private camp shall be so located that adequate surface drainage will be provided during the period of operation.
- C.8.4. Any toilet facilities or privy shall be:
 - C.8.4.1. Adequate to serve the number of persons to use the campsite, assuming full capacity for the period of the Special Use Permit.
 - C.8.4.2. Located so as to be conveniently available.
 - C.8.4.3. Constructed and maintained so as not to be offensive or unhealthful.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

C.8.4.4. Located, constructed, and maintained so it will not pollute a water supply, surface water, adjacent ground surface, or permit access of flies or rodents to the privy vault or holding tank.

C.8.5. All temporary structures, mobile homes, trailers, tents, and recreational vehicles shall be removed upon expiration of such Special Use Permit, except for one privy structure, which is subject to the following conditions:

C.8.5.1. The privy structure shall be located such that is screened from view from public streets and adjacent properties.

C.8.5.2. The privy vault contents shall be emptied, limed and covered with at least two (2) feet of topsoil, or otherwise adequately disposed of.

C.9. Campground/Recreational Vehicle Campground

C.9.1. No campground or recreational vehicle camp shall be established, located, used, or occupied without prior Site Plan Review pursuant to Article IX of this law.

C.9.2. No campsite shall be closer than one hundred fifty (150) feet to any street line or fifty (50) feet to any lot line.

C.9.3. All campsites and parking areas shall be visually screened from all street and lot lines by landscape plantings, wooded areas, or fences.

C.10. Swimming Pools

All swimming pools shall comply with the following requirements:

C.10.1. No pool shall be located in any established front yard.

C.10.2. Any pool shall be enclosed on all sides by a fence or a wall at least four (4) feet in height. An above-ground pool, with walls at least four (4) feet in height and having retractable stairs which can be locked in place or otherwise secured, does not require a fence or wall.

C.10.3. Provisions shall be made so that draining of said pool shall be accomplished without the use of any public sanitary sewer.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

C.11. Personal Wireless Service Facilities

All Personal Wireless Service Facilities shall comply with the following requirements in addition to all requirements of the underlying zoning districts.

PWSF - Personal Wireless Service Facilities Overlay District

C.11.1. Purpose and Intent:

The PWSF is an overlay district intended to provide a suitable choice of locations for establishment, construction and maintenance of Personal Wireless Service Facilities.

C.11.2. Permitted Uses:

All new Personal Wireless Service Facilities, and all additions and/or modifications to currently existing Personal Wireless Service Facilities, shall be allowed only in the Personal Wireless Service Facilities Overlay District. The Personal Wireless Service Facilities Overlay District shall apply to all property within the following zoning districts: A-Agricultural/Rural Residential; C-Commercial; M-Manufacturing. The Personal Wireless Service Facility Overlay District is excluded from R-Residential district and for 1000' beyond any R-Residential boundary line. In no event shall any Personal Wireless Services Facility be allowed within any zoning district without completing the procedural and other requirements of the Personal Wireless Service Facilities Overlay District.

C.11.3. Underlying Zoning Regulations:

The requirements of the underlying zoning districts shall apply within the Personal Wireless Service Facilities Overlay District unless the provisions set forth in this Section are deemed more stringent than the underlying requirements in which event the provisions set forth in that section shall apply. All structures and facilities accessory to Personal Wireless Service Facilities, including but not limited to equipment sheds, parking areas, anchors, bases and pads, shall comply with the existing setback and dimensional requirements established for principal structures in the underlying zoning district, except for the height of a proposed tower or monopole.

C.11.4. Data Requirements:

Applicants for Site Plan Approval shall file with the Town Clerk six (6) copies, and with the Planning Board, seven (7) copies of the following documents:

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

C.11.4.1. Site Plan

A Site Plan, in conformance with applicable site plan submission requirements and procedures contained in Article IX of the Zoning Law. The Site Plan shall show elevations, height, width, depth, type of materials, color schemes, and other relevant information for all existing and proposed structures, equipment, parking, and other improvements. The Site Plan shall also include a description of the proposed Personal Wireless Service Facilities, and such other information required by Article IX or which the Planning Board may require.

C.11.4.2. Environmental Assessment Form

A completed Environmental Assessment Form (EAF), including the Visual EAF Addendum. Particular attention shall be given to visibility from key viewpoints identified in the Visual EAF Addendum, existing treelines and proposed elevations.

C.11.4.3. Landscape Plan

A Landscape Plan delineating the existing trees or areas of existing trees to be preserved, the location and dimensions of proposed planting areas, including the size, type and number of trees and shrubs to be planted, curbs, fences, buffers, screening elevations of fences and materials used. For towers or monopoles, the Landscaping Plan shall address the criteria set forth herein.

C.11.4.4. Documentation of Proposed Height

Documentation sufficient to demonstrate that the proposed height is the minimum height necessary to provide service to locations which the applicant is not able to serve with existing facilities within and outside the Town.

C.11.4.5. Statement Regarding Co-Location

For new Personal Wireless Service Facilities, a statement by the applicant as to whether construction of the Facility will accommodate co-location of additional Facilities for future users.

C.11.4.6 Structural Engineering Report

A report prepared by a New York State licensed professional engineer specializing in structural engineering as to the structural integrity of the Personal Wireless Service Facility. In the case of a tower or monopole, the Structural Engineering Report shall describe the structure's height and design including a cross section of the structure, demonstrates the structure's compliance with applicable structural standards and describes the structure's capacity, including the number of antennas it can accommodate and the precise point at which the antenna shall be mounted. In

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

the case of an antenna mounted on a existing structure, the Structural Engineering Report shall indicate the ability of the existing structure to accept the antenna, the proposed method of affixing the antenna to the structure, and the precise point at which the antenna shall be mounted.

C.11.4.7. Engineering Analysis of Radio Emissions

An engineering analysis of the radio emissions, and a propagation map for the proposed Personal Wireless Service Facilities. The analysis shall be prepared and signed by a New York State licensed professional engineer specializing in electrical engineering with expertise in radio-communication facilities. The results from the analysis must clearly show that the power density levels of the electromagnetic energy generated from the proposed Facility are within the allowable limits established by the Federal Communications Commission (FCC) which are in effect at the time of the application. If the proposed Personal Wireless Service Facilities would be co-located with an existing Facility, the cumulative effects of the Facilities must also be analyzed. The power density analysis shall be based on the assumption that all antennas mounted on the proposed Facility are simultaneously transmitting radio energy at a power level equal to the maximum antenna power rating specified by the antenna manufacturer.

C.11.4.8. Map of Proposed Coverage and Existing Facilities

A map showing the area of coverage of the proposed Facility and listing all existing Personal Wireless Service Facilities in the town and bordering municipalities containing Personal Wireless Service Facilities used by the applicant, and a detailed report indicating why the proposed Personal Wireless Service Facilities is required to provide service to locations which the applicant is not able to serve with existing Facilities which are located within and outside the Town by co-location and otherwise.

C.11.4.9 Performance Bond or other Security

Prior to Site Plan Approval, a performance bond or other security sufficient to cover the full cost of the removal and disposal of the Personal Wireless Service Facility upon abandonment of said facility shall be determined by an estimate of the Town's designated engineer. Any such security must be provided and maintained pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town attorney as to form, sufficiency and manner of execution. The form of security shall be limited to those permissible under NYS Town Law Section 277, Subsection 9(c) I-V.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

C.11.5. Criteria for Site Plan Applications:

Applicants for Site Plan Review for the establishment of construction of Personal Wireless Service Facilities shall meet all of the following criteria:

C.11.5.1. Necessity

The proposed Personal Wireless Service Facility is required to provide service to locations which the applicant is not able to serve with existing Facilities which are located within and outside the Town by co-location and otherwise.

C.11.5.2. Co-location

The co-location of existing Personal Wireless Service Facilities only within the Personal Wireless Service Facilities Overlay District shall be strongly preferred to the construction of a new Personal Wireless Service Facilities. If a new site for a Personal Wireless Service Facilities is proposed, the applicant shall submit a report setting forth in detail (a) an inventory of existing Personal Wireless Service Facilities within the Personal Wireless Service Facilities Overlay District which are within a reasonable distance from the proposed Facility with respect to coverage, (b) an inventory of existing Personal Wireless Service Facilities in other municipalities which can be utilized or modified in order to provide coverage to the locations the applicant is seeking to serve, and (c) a report on the possibilities and opportunities for co-location as an alternative to a new site. The applicant must demonstrate that the proposed Personal Wireless Service Facilities cannot be accommodated on an existing Facility within the PWSF Overlay District or on an existing Facility in another municipality due to one or more of the following reasons:

- (a) The proposed equipment would exceed the existing and reasonably potential structural capacity of existing and approved Personal Wireless Service Facilities within the Personal Wireless Service Facilities Overlay District, considering existing and planned use for those Facilities.
- (b) The existing or proposed equipment would cause interference with other existing or proposed equipment which could not reasonably be prevented or mitigated.
- (c) Existing or approved Personal Wireless Service Facilities within the Personal Wireless Service Facilities Overlay District or in neighboring municipalities do not have space on which the proposed equipment can be placed so it can function effectively and reasonably, and the applicant has not been able, following a good faith effort, to reach an agreement with the owners of such Facilities.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

- (d) Other reasons make it impractical to place the proposed equipment on existing and approved Personal Wireless Service Facilities within the Personal Wireless Service Facilities Overlay District on existing Facilities in other municipalities.
- (e) Service to the locations to which the applicant seeks to provide service cannot be provided by existing facilities within or outside the Town.

C.11.5.3. Minimum Lot Size

The minimum lot size for a tower or monopole shall be three (3) acres, or the minimum lot size required by the underlying zoning district, whichever is greater.

C.11.5.4. Setbacks

Unless the FCC promulgates rules to the contrary, all Personal Wireless Service Facilities shall be separated from all residential dwellings by a distance of no less than five hundred (500) feet. All lot line (including lease areas) shall be at least 1000' from the road right-of-way. The setbacks from the lot lines shall equal the height of the Personal Wireless Service Facility. Setbacks from towers or monopoles shall be measured from the base of the structure.

C.11.5.5. Security Fencing

Security fencing, showing the location, materials and height, shall be provided around each tower or monopole to secure the site. Access to the structure shall be through a locked gate.

C.11.5.6. Architectural Compatibility

Where a Personal Wireless Service Facility is to be attached to an existing building or structure, such facility shall be integrated into such existing building or structure in such a manner which blends with the architectural characteristics of the building or structure to the maximum extent practicable.

C.11.5.7. Placement

Unless wall-mounted on a existing roof-mounted mechanical enclosure or similar appurtenance, all antennas mounted on a roof shall be located so that visibility of the antenna is limited to the greatest extent practicable. Antennas wall-mounted on a roof mounted mechanical enclosure or similar appurtenance shall not exceed the height of the appurtenance at the point of installation.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

C.11.6. Design Guidelines:

The proposed Personal Wireless Service Facility shall meet the following applicable design guidelines:

C.11.6.1. Finish/Colors

Towers or monopoles not requiring Federal Aviation Administration (FAA) painting or marking shall either have a galvanized finish or be painted gray or blue gray above the surrounding treeline and gray, green or tannish brown below the surrounding treeline.

C.11.6.2. Illumination

No signals, lights or illumination shall be permitted on Personal Wireless Service Facilities unless required by the FAA or other federal, state or local authority.

C.11.6.3. Landscaping for Towers or Monopoles

For towers or monopoles, vegetative screening shall be provided to effectively screen the tower base and accessory facilities. At a minimum, screening shall consist of one row of native evergreen shrubs or evergreen trees capable of forming a continuous hedge. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement toward meeting landscaping requirements. Additional screening may be required to screen portions of the structure from nearby residential property or important views. All landscaping shall be properly maintained to ensure good health and viability.

C.11.6.4. Visibility

All Personal Wireless Service Facilities shall be sited to have minimum adverse visual effect on residential areas, parks or major roadways.

C.11.6.5. Signage

Signage shall be prohibited on Personal Wireless Service Facilities except for signage to identify the Facility which is located along the right-of-way frontage. Except as specifically required by a federal, state or local authority, no signage shall be permitted on equipment Mounting Structures or Antennas.

C.11.7. Construction and Maintenance:

C.11.7.1. Time Limit for Completion

A building permit must be obtained within six(6) months after approval of a Site Plan for a Personal Wireless Service

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

Facility and construction of such Facility must be completed within twelve (12) months of such approval. The Site Plan Approval shall automatically expire in the event that the Code Enforcement and Zoning Officer has not granted such permit and construction of the Facility is not completed with the periods set forth above.

C.11.7.2. Annual Inspections

- (a) Unless otherwise preempted by Federal or State Law, Personal Wireless Service Facilities, including towers, monopoles and antennas, shall be inspected annually at the applicants expense for structural integrity, and a copy of the inspection report shall be promptly transmitted to the Code Enforcement and Zoning Officer. The structural inspection shall be performed by a New York State licensed professional engineer specializing in structural engineering. The structural inspection report shall describe the structural integrity of the Personal Wireless Service Facility, maintenance issues and repairs need or made, if any. In the event that the structural inspection indicates structural deficiencies, then the deficiencies must be remedied within the time reasonably set by the Code Enforcement and Zoning Officer.
- (b) Unless otherwise preempted by Federal or State law, Personal Wireless Service Facilities, including towers, monopoles and antennas, shall be inspected annually at the applicant's expense for radio emissions, and a copy of the inspection report shall be promptly transmitted to the Code Enforcement and Zoning Officer. Radio emission inspection shall be performed by a New York State licensed professional engineer specializing in electrical engineering with expertise in radiocommunication facilities. The radio emission inspection shall describe the power density levels of the electromagnetic energy generated from the Facility, including the cumulative effects of co-located antennas. In the event that the radio emission inspection indicates that the electromagnetic energy generated from the Facility are above the allowable limits stated within applicable FCC or ANSI standards or other applicable state or federal guidelines in effect at the time of the inspection, the applicant shall cease all use of the Facility until such time as it proves to the satisfaction of the Code Enforcement and Zoning Officer that the power density levels of the electromagnetic energy to be generated at the Facility are below the applicable standards.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

3.11.7.3. Abandonment

In the event that the use of any Personal Wireless Service Facility has been discontinued by all operators on such facility for a period of one hundred eighty (180) consecutive days or more, the Facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Code Enforcement and Zoning Officer, who shall have the right to request documentation from the owner/operator of the Facility regarding usage threat. Upon such abandonment, the owner/operator shall remove the Facility at its own expense, and failing prompt removal, the Town may remove the Facility at the owner/operator's expense. All Site Plan Approval variances and approvals of any nature granted by the Town shall automatically expire as of the date of abandonment of the Facility.

C.11.8. Alteration of an Existing Antenna:

Alteration of an existing antenna which results in an increase in the size or height of the antenna shall be permitted only after application to the Planning Board which shall review the matter as if the alteration were an entirely new application for a Site Plan Approval.

C.11.9. Waivers:

The Town of Canajoharie Planning Board reserves the right to waive any section or sections based on factors related to a specific proposal(s). Factors that would be considered are (but are not limited to) co-location, height, location, etc.

C.11.10. Exemption from PWSF:

The following are exempted from the provisions of the Personal Wireless Services Facility Overlay District:

C.11.10.1. Machines and equipment designed and marketed as consumer products, such as walkie-talkies, ham radios not used commercial purposes, remote control toys, and cellular phones;

C.11.10.2. Hand-held, mobile, marine and portable radio-communication transmitters and/or receivers;

C.11.10.3. Two-way radios utilized for temporary or emergency service communications;

C.11.10.4. Two-way radios utilized for government service communications;

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

C.11.10.5. Back-up wireless transmitters connected to an alarm monitoring service that transmits to a remote monitoring center in the event of an emergency when the telephone lines are inoperable, and

C.11.10.6. Over-the-air receive only devices in compliance with FCC rules and standards.

C.12 Manure Storage Facilities

All new Manure Storage Facilities shall be designed and sited according to the recommendations and criteria contained in Natural Resources Conservation Service (NRCS) Conservation Practice Standard No. 313, Waste Storage Facility. Copies of this standard are available from the Town Clerk.

C.13 Adult Oriented Businesses

C.13.1 Adult Oriented Businesses have secondary effects that can have a significant impact on the neighborhood and community in which they are located, particularly when concentrated in any one area. The special regulations deemed necessary to regulate these secondary effects are set forth below. The primary purpose of these regulations is to preserve the community character and quality of life in the Town of Canajoharie. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the contact of any communicative materials, or to deny access by adults to Adult Oriented Businesses.

C.13.2 No Adult Oriented Business shall be located within five hundred (500) feet of the property line of the parcel of land upon which any residence is located.

C.13.3 No Adult Oriented Business shall be located within one thousand (1,000) feet of the property line of the parcel of land upon which any school, child care facility, church or other place of religious worship, public or private park, playground or playing field, bike path, youth center or library, is located.

C.13.4 No Adult Oriented Business shall be located on the same parcel as another Adult Oriented Business, or within one thousand (1,000) feet of the property line of the parcel of land upon which any other Adult Oriented Business is located.

C.13.5 Any building or structure in which an Adult Oriented Business is located may have one exterior sign limited to text to identify the name and purpose of said business, and conforming to all sign regulations in Article VI.A.5 of this local law. In addition, no interior sign, display or advertising of any kind shall be visible from the exterior of such building.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VII

ARTICLE VII: SPECIAL USE PERMITS

A. SPECIAL USE PERMITS

A.1. Purpose of Special Use Permits

It is the policy of the Town of Canajoharie to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment, or the rural character of the Town. Many of the uses listed in Article III.B, Schedule of Land Use Regulations are therefore permitted only upon issuance of a Special Use Permit, in order to ensure that these uses are appropriate to their surroundings.

A.2. No Certificate of Zoning Compliance or Building Permit shall be issued for any use for which a Special Use Permit is required by Article III of this law without prior issuance of a Special Use Permit by the Planning Board.

A.3. No Special Use Permit shall be issued without Site Plan review and approval by the Planning Board pursuant to Article IX.

A.4. No such Special Use Permit shall be granted by the Planning Board unless it finds that the use for which such permit is sought will not be injurious to or incompatible with the surrounding neighborhood or area, or otherwise detrimental to the public welfare. In order to grant a Special Use Permit the Planning Board shall reach a specific finding that:

A. 4.1. The use for which the permit is sought will comply with the land use standards in Article VI, and will be consistent with the purposes and requirements of the land use district in which it is located, as specified in Article II.

A.4.2. Under the circumstances of the particular case and in the location for which the permit is sought, the use will not be injurious, undesirable, incompatible with the surrounding area, or unattractive in appearance.

A.4.3. The use for which the permit is sought is appropriately located with respect to transportation routes, water supply, waste disposal, fire and police protection, and related services.

A.4.4. The number of off-road parking spaces is adequate to serve the proposed use.

A.4.5. Neighborhood character and surrounding property values and land use are reasonably protected.

A.4.6. The use for which the permit is sought will not cause undue traffic congestion or create a traffic hazard.

A.4.7. The use for which the permit is requested will not result in density of development beyond the density limits defined by this local law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VII

A.5. The following standards shall apply to all uses for which a Special Use Permit is required:

A.5.1. The location of all stored materials, equipment, equipment under repair, rubbish, dumpsters and related items shall be behind buildings unless screened from the public roads by fencing or landscaping.

A.6. In authorizing the issuance of a Special Use Permit it shall be the duty of the Planning Board to attach such conditions and safeguards to the Special Use Permit as it deems necessary, helpful, or appropriate to accomplish items A.4.1 to A.4.7 above, inclusive.

B. PROCEDURE

Application for a Special Use Permit shall be made to the Planning Board. All Special Use Permits require Site Plan Review, therefore the procedure for a Special Use Permit shall be the same as that specified for Site Plan Review, Article IX, except that a public hearing is mandatory. Site Plan and Special Use Permit Review should be conducted jointly to save time, effort and repetition of information.

C. APPLICATION, REVOCATION, AND ENFORCEMENT

C.1 A Special Use Permit shall apply to the use for which it has been granted, as well as to any subsequent similar use of the property which complies with all terms and conditions of the Special Use Permit, and does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any other change to a use allowed by a Special Use Permit shall require the granting of a new Special Use Permit or a Special Use Permit amendment.

C.2 A Special Use Permit may be revoked by the Planning Board if the permittee violates any conditions of the Special Use Permit or engages in any construction or alteration not authorized by the Special Use Permit.

C.3 Any violations of the conditions of the Special Use Permit shall be deemed a violation of this Local Law, and shall be subject to enforcement action as provided in Article X:D Violations.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VIII

ARTICLE VIII: PLANNED DEVELOPMENT DISTRICT

A. SCOPE AND PURPOSE

A Planned Development District (PDD) shall be treated as an amendment to this Zoning Law. The PDD is intended to accommodate large scale commercial, manufacturing or mixed uses that will be of benefit to the community but which could not have been anticipated, or the location of which could not have been anticipated, at the time of adoption of this Local Law. The PDD shall not be utilized for the development of solely residential uses.

B. PROCEDURE

B.1. Application for Planned Development District

The applicant for a Planned Development District shall submit the following materials to the Planning Board:

- B.1.1. All materials and information required for Site Plan Review pursuant to Article IX of this law.
- B.1.2. A written explanation of the character and purpose of the Planned Development including the type and density of any housing proposed, commercial or manufacturing uses proposed, open space to be provided, the water and sewage disposal system proposed, a general statement of proposed financing, and an indication of the expected timetable for development.

B.2. Review of Application

B.2.1. Review by Planning Board

The Planning Board shall utilize the procedure for Site Plan Review as described in Article IX of this Local Law until review of the Preliminary Site Plan has been completed, and the Preliminary Site Plan has been approved, approved with modifications, or disapproved.

B.2.2. Recommendation to Town Board

Within thirty (30) days of completion of Preliminary Site Plan review of the Planned Development District pursuant to Article IX of this law, the Planning Board shall recommend to the Town Board approval or disapproval of the PDD.

- B.2.2.1. Such recommendation shall be in the form of a proposed local law amending the Zoning Law and Zoning Map to create the PDD.
- B.2.2.2. Such proposed local law shall include recommended conditions, covenants and/or type and amount of performance guarantees which should be provided by the applicant as conditions of PDD approval.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VIII

B.2.2.3. One such recommended condition shall be, in all cases, Final Site Plan Review and approval by the Planning Board.

B.2.2.4. Said proposed local law shall have as its effective date that date on which the Planning Board issues a finding that all conditions specified in said local law as enacted have been satisfied.

B.3. Approval by Town Board

Within forty five (45) days after receipt from the Planning Board of the proposed local law creating the PDD, the Town Board shall hold a public hearing on the proposal, subject to the notice requirements of Section 264 of the Town Law and Article XIV of this law. Within thirty (30) days of the completion of the public hearing, the Town Board shall approve or disapprove the proposed PDD.

B.3.1. Town Board approval of the PDD, if issued, shall constitute a fully enacted local law amending the Zoning Law and Zoning Map pursuant to the New York State Municipal Home Rule Law.

B.3.2. Upon enactment of the local law creating the PDD, the location of the PDD and the conditions attached to its enactment shall be noted on the Zoning Map, and said local law shall be filed with the Secretary of State pursuant to law.

B.3.3. The effective date of said local law shall be the date on which the Planning Board issues a finding that all conditions for the PDD included in the local law as enacted have been satisfied.

B.4. Referral back to Planning Board

Upon enactment of the local law creating the PDD by the Town Board, said local law shall be referred back to the Planning Board for review as to compliance with the conditions included therein.

B.5. Final Review by Planning Board

B.5.1. Upon receipt of the local law as enacted by the Town Board, the Planning Board shall utilize the procedures for Final Site Plan review pursuant to Article IX of this law.

B.5.2. For purposes of the time periods within which the applicant and the Planning Board must take actions during Final Site Plan submission and review, the date of Preliminary Site Plan Approval shall be considered to be the first regularly scheduled Planning Board meeting following enactment of the local law creating the PDD by the Town Board.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VIII

B.6. Planning Board Findings

B.6.1. Planning Board review of the PDD after enactment shall be limited to determining whether all conditions included in the local law have been satisfied.

B.6.2. Upon written Finding by the Planning Board that all conditions included in the local law creating the PDD have been fully satisfied and filing thereof with the Town Clerk, said local law shall become effective.

C. DEVELOPMENT GUIDELINES

In reviewing proposals for Planned Development Districts, the Planning Board will be guided generally by the following standards:

C.1. No PDD shall be approved which includes solely residential uses. Residential use shall only be permissible in a PDD when it is an integral portion of an overall PDD plan which also includes commercial or manufacturing use.

C.2. The proposed PDD shall have minimum area as follows:

C.2.1. For a commercial PDD, the minimum area shall be three (3) acres.

C.2.2. For a manufacturing PDD, the minimum area shall be ten (10) acres.

C.2.3. For a mixed use PDD, the minimum area shall be ten (10) acres.

C.3. The overall density of any residential areas within a mixed use PDD shall be no more than four (4) dwelling units per acre.

C.4. At least 30 percent of the gross area of the district shall be devoted to open space and/or recreation areas.

C.5. Proposed non-residential uses shall be appropriate in size and suitably located and shall not create any detrimental effects inside or outside the boundaries thereof.

C.6. The proposed PDD shall conform to all requirements and standards of Article IX, Site Plan Review, of this law.

C.7. Such other standards as are deemed appropriate by the Planning Board.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IX

ARTICLE IX: SITE PLAN REVIEW

A. APPLICABILITY

- A.1. No Certificate of Zoning Compliance or Building Permit for any use subject to Site Plan Review shall be issued unless and until a Site Plan has been approved by the Planning Board in accordance with the standards and procedures of this Article.
- A.2. No Special Use Permit shall be issued by the Planning Board unless and until a Site Plan has been approved in accordance with the standards and procedures of this Article.
- A.3. The Planning Board shall not issue a recommendation for approval, with or without conditions or modifications, of any Planned Development District proposal to the Town Board unless and until the Preliminary Site Plan has been approved by the Planning Board in accordance with the standards and procedures of this Article.

B. PROCEDURES AND STANDARDS

B.1. Sketch Plan Conference

A Sketch Plan Conference shall be held between the Planning Board and applicant to review the basic site design concept, to determine the information required for inclusion on the Preliminary Site Plan, and to settle certain procedural questions relative to site plan submittal and review.

B.2. The following information shall be provided by the applicant for consideration at the Sketch Plan Conference:

- B.2.1. An area map showing the parcel subject to site plan review, and all properties, subdivisions, streets and easements within two hundred (200) feet of the boundaries thereof. Such area map shall be oriented to the nearest highway intersection.
- B.2.2. The general slope of the parcel under consideration and a notation giving the estimated percentage of slope on the parcel.
- B.2.3. A written statement and sketch plan describing the proposed development of the site, including any legal steps or mechanisms to remove land from future development in order to comply with the Density Standard of this law.
- B.2.4. Such additional information as needed for other reviews or submittals required under state, federal, or local laws and regulations.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IX

- B.3. The following shall be determined by the Planning Board at the Sketch Plan Conference:
- B.3.1. The general acceptability of the proposed Site Plan pursuant to the requirements of this law.
 - B.3.2. The information from the requirement check list to be included on or with the Preliminary Site Plan to constitute a complete submittal.
 - B.3.4. Whether an outside consultant is needed for review of the Preliminary and/or Final Site Plan:
 - B.3.4.1. The following factors shall be considered in determining the need for such services:
 - a) the complexity and scope of the proposed project;
 - b) unusual or unique conditions on the site and surrounding property;
 - c) whether the Preliminary and Final Site Plans are to be prepared by a landscape architect, architect, professional engineer, or surveyor licensed in the State of New York;
 - d) such other factors as the Planning Board considers relevant.
 - B.3.4.2. If the Planning Board determines that the services of an outside consultant are necessary for review of the Preliminary and/or Final Site Plan, the applicant shall be informed in writing of such determination and of the estimate of reimbursable costs for such services.
 - B.3.5. If requested by the applicant, whether the Sketch Plan as submitted is sufficient to meet the requirements for the Preliminary Site Plan and shall be accepted and/or approved as the Preliminary Site Plan application.
 - B.3.6. The classification of the proposed site plan/project for purposes of SEQR, and the necessary Environmental Assessment Form and supplemental environmental information to be submitted with the Preliminary Site Plan Application.
 - B.3.7. Other reviews, referrals, submittals or notifications required pursuant to federal, state or local laws or regulations.
- B.4. In order to provide for appropriate site visits by its members or consultants, to determine the necessity and/or cost of reimbursable consultant services, or to gather or receive additional information, the Planning Board may recess the Sketch Plan Conference. In such cases, the reconvening of said conference shall be considered a continuation of the same Sketch Plan Conference.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IX

C. PRELIMINARY SITE PLAN

C.1. Pursuant to Sections 7209 and 7307 of the NYS Education Law, the Preliminary Site Plan shall be stamped by an architect, landscape architect, professional engineer or land surveyor licensed in the State of New York unless:

C.1.1. The proposed structure is a farm building to be used directly and solely for agricultural purposes; or

C.1.2. The proposed structure is a residential building of gross floor area of fifteen hundred (1500) square feet or less, not including garages, carports, porches, cellars, or uninhabitable basements or attics; or

C.1.3. The proposed project is an alteration to an existing structure, costing twenty thousand dollars (\$20,000) or less, which does not involve changes affecting the structural safety or public safety thereof.

C.2. The Preliminary Site Plan shall include or be accompanied by such information from the following checklist as deemed necessary by the Planning Board at the Sketch Plan Conference.

C.2.1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;

C.2.2. North arrow, date and written and graphic scale;

C.2.3. Boundaries of the property plotted to scale;

C.2.4. Existing watercourses, flood prone areas as described by the Federal Emergency Management Administration mapping, and New York State regulated wetlands;

C.2.5. Description of existing vegetative cover and location of all existing trees over 8" in diameter;

C.2.6. Location of other significant natural or man-made features of historical, cultural or environmental importance or interest which exist on the site;

C.2.7. Location of existing uses and outlines of structures, drawn to scale, on the site and within one hundred (100) feet of the lot line;

C.2.8. Location and description of other existing development on the site, including fences, landscaping and screening;

C.2.9. Grading and drainage plan, showing existing and proposed contours at an appropriate interval to be specified by the Planning Board and referenced to USGS datum elevations;

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IX

- C.2.10. Location, proposed use and height of all structures;
- C.2.11. Location, size, and planned improvements, if any, of portions of the site to be devoted to open space or recreation areas;
- C.2.12. Location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto;
- C.2.13. Provisions for pedestrian access and sidewalks;
- C.2.14. Location of outdoor storage, if any;
- C.2.15. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- C.2.16. Description of the location of all existing and proposed methods of sewage disposal;
- C.2.17. Description of the location of all existing and proposed methods of securing water;
- C.2.18. Location of fire and other emergency zones and services, including the location of fire hydrants and other sources of water for fire purposes;
- C.2.19. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- C.2.20. Location, size, design and construction materials of all proposed signage;
- C.2.21. Landscape planting plan showing planting areas and specifying plant types;
- C.2.22. Location, design and specification and proposed hours of outdoor lighting, if any;
- C.2.23. Illustrations or sketches of proposed street furniture, if any;
- C.2.24. Proposed financing and/or financial plan, schedule for development, tenure of buildings or structures after construction, and necessary political or legal steps necessary to complete the project including the proposed legal documents or agreements necessary to remove land from future development in order to comply with the Density Standard of this law.
- C.2.25. Other information as deemed necessary by the Planning Board.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IX

D. PLANNING BOARD REVIEW OF PRELIMINARY SITE PLAN

The Planning Board shall review the Preliminary Site Plan and determine whether the applicant has met the following criteria for approval. Where necessary, the Planning Board shall require such modifications of the Site Plan as are determined necessary to meet the criteria for approval.

- D.1. Adequacy of layout and design of vehicular and pedestrian access and circulation including intersections, road widths, pavement surfaces, traffic controls, walkway structures, and overall pedestrian convenience.
- D.2. Adequacy of layout and design of off-street parking, loading, lighting, signage, and general relationship with proposed and existing structures.
- D.3. Adequacy of stormwater and drainage facilities, water supply, and sewage disposal facilities.
- D.4. Adequacy of type and use of trees, shrubbery and other landscape elements for aesthetic, screening or buffering purposes and the relationship with existing trees and vegetation, which shall be incorporated to the maximum possible extent.
- D.5. Adequacy of provision of open space and recreational areas, when appropriate.
- D.6. Adequacy of protection of adjacent properties from noise, glare, unsightliness or other objectionable features.
- D.7. Adequacy of provisions for emergency vehicular zones and fire fighting access.
- D.8. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding, slippage, and/or erosion.
- D.9. For new construction, the layout and location of underground cables, such as electric, telephone, cable T.V., etc.
- D.10. Adequacy and appropriateness of legal mechanisms proposed to remove land from future development in order to comply with the Density Standard of this law.

E. SEQRA COMPLIANCE

Upon receipt of application materials it deems to be complete, the Planning Board shall initiate the New York State Environmental Quality Review process. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this Local Law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to NYCRR Section 617.8(b)(1) or the issuance of a negative declaration.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IX

F. CONSULTANT REVIEW

The Planning Board may consult with the Code Enforcement and Zoning Officer, Fire Chief, the Superintendent of Highways, the Town Attorney, the Town Board, other Local and County Officials and/or the Board's designated private consultants, in addition to representatives of federal and state agencies, including, but not limited to the Soil Conservation Service, NYS Department of Transportation, NYS Department of Environmental Conservation and NYS Office of Parks, Recreation, and Historic Preservation to assist in the review of the Preliminary Site Plan. If a consultant is retained by the board, the applicant shall agree to pay his/her fees, as specified in Article IX.K Reimbursable Costs.

G. PUBLIC HEARING

The Planning Board, if it deems appropriate, may conduct a public hearing on the Preliminary Site Plan. Such public hearing shall be conducted within thirty (30) days of the receipt of the complete Preliminary Site Plan and application for its approval and shall be advertised in the official newspaper of the Town at least five (5) days before the public hearing.

- G.1. Time of submission shall be the date on which the Preliminary Site Plan, all supplemental materials required by the Planning Board, the final determination and finding pursuant to SEQR, the payment due on the estimated amount of reimbursable costs and all applicable fees are received by the Planning Board.
- G.2. In those cases where the Planning Board is required to refer the application for Site Plan approval to any outside planning agency for review pursuant to New York State Law, the time within which the Planning Board must take action(s) shall not begin until receipt by the Planning Board of the recommendation of said outside agency or the expiration of the allotted time for such review.

H. PLANNING BOARD ACTION ON THE PRELIMINARY SITE PLAN

- H.1. Within sixty (60) days of said public hearing, if held, or from the date of receipt of the complete Preliminary Site Plan and application for approval, the Planning Board shall approve, approve with modifications, or disapprove the Preliminary Site Plan.
- H.2. If no action is taken on the Preliminary Site Plan within the prescribed time period, the completed Preliminary Site Plan shall be considered approved as submitted.
- H.3. If the Preliminary Site Plan is disapproved, the Planning Board shall state in writing and for the public record the reasons for such denial. In such case, the Planning Board may recommend further study of the Site Plan and resubmission to the Planning Board after revision or redesign.
- H.4. If the Preliminary Site Plan is approved with modifications, the inclusions of all such modifications in the Final Site Plan shall be considered a condition of approval, and no Final Site Plan shall be considered for approval without inclusion of such modifications.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IX

I. FINAL SITE PLAN

After approval of the Preliminary Site Plan by the Planning Board, the applicant shall submit a Final Site Plan subject to the following requirements:

- I.1. The Final Site Plan shall be submitted no more than six (6) months after approval of the Preliminary Site Plan. If the prescribed time period has elapsed or conditions have changed substantially in the interim, the Planning Board may, at its sole discretion, require resubmission of the Preliminary Site Plan for further review and revision prior to accepting the Final Site Plan for review.
- I.2. The Final Site Plan shall conform substantially to the Preliminary Site Plan as approved, and shall incorporate all modifications that may have been required by the Planning Board as conditions of approval. All such required modifications shall be clearly indicated on the Final Site Plan.
- I.3. The following information, in addition to that included in or as conditions of approval of the Preliminary Site Plan, shall be included in the complete Final Site Plan submitted for approval:
 - a. Record of application for and approval status of all necessary permits from State and County Officials;
 - b. Detailed sizing and final material specifications of all required improvements;
 - c. An estimated project construction schedule.
- I.4. If the Preliminary Site Plan is approved as submitted and without modifications required and if it includes all additional information required for a complete Final Site Plan, the Planning Board may, at its sole discretion, accept the approved Preliminary Site Plan as the Final Site Plan for their review.

J. REFERRAL TO COUNTY PLANNING BOARD

- J.1. Pursuant to General Municipal Law, Article 12B, Sections 239-m and 239-n, upon receipt of application materials it deems to be complete, the Planning Board shall refer to the Montgomery County Planning Board any application for a Site Plan review affecting real property within 500 feet of any municipal boundary, the boundary of any existing or proposed county or state park or any other recreation area, the right-of-way of any existing or proposed county or state roadway, the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines, the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, or the boundary of a farm operation located in an Agricultural District as defined in Article 25AA of Agriculture and Markets Law.
- J.2. No action shall be taken on Site Plans referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Board's review.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IX

- J.3. A majority-plus-one vote of the Planning Board shall be required approve any Site Plan which receives a recommendation of disapproval from he County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

K. PLANNING BOARD ACTION ON FINAL SITE PLAN

- K.1. Within sixty (60) days of receipt of the complete Final Site Plan and application for approval, the Planning Board shall approve or disapprove the Final Site Plan.
- K.2. The prescribed time period for Planning Board action may be extended with the mutual agreement of the Planning Board and applicant or if other reviews, referrals, submittals, or notifications required under federal, state, or local laws or regulations have not been completed.
- K.3. If no decision is made within the prescribed time period or extensions thereto, the Final Site Plan shall be considered approved as submitted.
- K.4. If the Final Site Plan is disapproved, the Planning Board shall present the reasons for disapproval in writing to the applicant and for the public record.
- K.5. Upon Planning Board approval of the Final Site Plan and payment by the applicant to the Town of all fees and reimbursable costs, the Planning Board shall forward one copy of the Final Site Plan with its approval to the Zoning Board of Appeals, Code Enforcement and Zoning Officer, and/or the Town Board, as appropriate.

L. REIMBURSABLE COSTS

- L.1. Costs or fees incurred by the Planning Board for necessary consultant services or other extraordinary expenses in connection with the review of any application for a Special Permit, Site Plan approval, or State Environmental Quality Review, shall be paid by the applicant. Such costs may include staff costs or consultant fees covering planning, engineering, environmental analysis, legal review, and other technical services required for a proper and thorough professional review of the application.
- L.2. An estimate of these fees shall be provided to the applicant at the beginning of the project. Such reimbursable costs shall be in addition to any application fee schedule established by the Planning Board.
- L.3. The Planning Board may require that the applicant pay the estimated fees in advance into an escrow fund established to cover the reasonable costs of reviewing such application.
- L.4. The project applicant must pay all bills for reimbursable costs and estimated fees within 30 days of receipt. The Planning Board will not proceed with the review process if the applicant fails to pay outstanding bills within this deadline.
- L.5. No Certificate of Zoning Compliance or Building Permit shall be issued for any proposed construction for which fees or reimbursable costs are lawfully due to the Town and unpaid.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE X

ARTICLE X: ADMINISTRATION AND ENFORCEMENT

A. CODE ENFORCEMENT AND ZONING OFFICER

The position of Code Enforcement and Zoning Officer is hereby created. The Town Supervisor shall appoint the Code Enforcement and Zoning Officer, subject to approval of the Town Board, to administer and enforce the provisions of this Local Law.

The Code Enforcement and Zoning Officer shall have the following powers and duties:

A.1. Rules, Regulations, Forms and Fee Schedules

The Code Enforcement and Zoning Officer, subject to the approval of the Town Board, shall have the authority to make and adopt such rules, regulations, forms and fee schedules as deemed necessary for the proper enforcement and administration of this Local Law and to secure its stated purposes and intent. Such rules, regulations, forms and fee schedules shall not be in conflict with the provisions of this Local Law or any other Local Law of the Town of Canajoharie nor shall they have the effect of waiving any provisions of this Local Law or any other Local Law. Such rules, regulations, forms and fee schedules shall be submitted to the Town Board by the Code Enforcement and Zoning Officer, which shall move to approve, reject, or modify such rules, regulations, forms, and fee schedules within thirty (30) days after submission. Failure to act within the prescribed time period shall be construed to constitute approval. The rules, regulations, forms and fee schedules as submitted to and approved by the Town Board shall be on file and available to the public.

A.2. Issuance of Permits

The Code Enforcement and Zoning Officer shall issue the following certificates and permits upon fulfillment of the requirements of this local law and of applicable federal, state or other local laws:

A.2.1. Certificates of Zoning Compliance, pursuant to this Article;

A.2.2. Building Permits, pursuant to this Article;

A.2.3. Certificates of Occupancy, pursuant to this Article;

A.2.4. Such other permits as may be established by amendment to this local law.

A.3. Inspections

The Code Enforcement and Zoning Officer or his duly authorized representative shall have the right to enter any building or enter upon any land at any reasonable hour as necessary in the execution of his duties, provided that:

A.3.1. The Code Enforcement and Zoning Officer shall notify, or attempt to notify, the owner and/or tenant before conducting any inspection;

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE X

A.3.2. The Code Enforcement and Zoning Officer or his duly authorized representative shall display identification signed by the Town Clerk upon commencing an inspection;

A.3.3. Inspections shall be conducted in the presence of the owner or his representative or tenant, unless it is deemed to be an emergency by the Code Enforcement and Zoning Officer, or the owner or his representative cannot or will not meet with the Code Enforcement and Zoning Officer.

Nothing in this section is meant to supersede any constitutional consideration.

A.4. Records

The Code Enforcement and Zoning Officer shall maintain files, open and available to the public at the Town Office Building, of all applications for Certificates of Zoning Compliance, Building Permits, Certificates of Occupancy and other permits, along with any and all plans submitted, as well as final certificates and permits. The Code Enforcement and Zoning Officer shall also maintain records of every complaint of a violation of the provisions of this Local Law and action taken as a result of such complaints.

A.5. Reports

The Code Enforcement and Zoning Officer shall submit to the Town Board at least quarterly, for insertion into the Board minutes, a written report summarizing all permits or certificates which have been issued, all permits and certificates which have been denied, and the number of violations recorded by him.

B. PERMITS AND CERTIFICATES

B.1. Certificate of Zoning Compliance

Each Certificate of Zoning Compliance issued shall state that the proposed structure and land use comply with all provisions of this local law.

B.1.1. In all Districts, a Certificate of Compliance is required whenever:

B.1.1.1. Any structure coming under the provisions of this local law is erected, reconstructed, structurally altered, moved, or demolished, except that an accessory structure may be demolished without permit;

B.1.1.2. Any change in use occurs in an existing building;

B.1.1.3. Any change in use occurs in a non-conforming building;

B.1.1.4. Any vacant land is changed in use or a use is established.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE X

B.1.2. Nothing in this provision shall be interpreted to supersede the requirements of any local law enacted by the Town Board to administer the NYS Uniform Fire Prevention and Building Code.

B.1.3. All applications for a Certificate of Zoning Compliance shall be accompanied by:

B.1.3.1. Such sketch plans and supporting documentation as the Code Enforcement and Zoning Officer may require to determine compliance with this local law; and

B.1.3.2. Payment of the fee required for such certificate by the fee schedule established or to be established pursuant to Section A.1. of this Article.

B.1.4. No less than (7) nor more than thirty (30) days after receipt of the complete application, the Code Enforcement and Zoning Officer shall either issue or deny the Certificate of Zoning Compliance. If the Certificate of Compliance is denied, the Code Enforcement and Zoning Officer shall notify the applicant in writing of the reasons for denial.

B.1.5. If both a Certificate of Zoning Compliance and a Building Permit are required, application for each may be made simultaneously.

B.2. Building Permit

B.2.1. In all Districts, a Building Permit issued by the Code Enforcement and Zoning Officer or his duly authorized representative shall be required to erect, reconstruct, restore, structurally alter or demolish any structure, to add additional residential or commercial units or area, or to commence site work or excavation in preparation therefore, except that an accessory structure may be demolished without permit. Normal maintenance of any structure shall not require a Building Permit.

B.2.2. No Building Permit shall be issued unless:

B.2.2.1. The proposed construction, restoration, alteration, demolition, or addition conforms fully with all provisions of this local law or has received a variance from the Board of Appeals; and

B.2.2.2. A Certificate of Zoning Compliance has been issued pursuant to this local law; and

B.2.2.3. The proposed construction, restoration, alteration, demolition, or addition conforms with the requirements of the NYS Building Code, and other applicable federal, state and local laws and regulations.

B.2.3. Every application for a Building Permit shall contain all information as required, and must be accompanied by:

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE X

- B.2.3.1. A plot plan showing the exact measurement from the street and lot lines to the foundation or structure;
 - B.2.3.2. Complete plans for the proposed construction, restoration, alteration, demolition, or addition.
 - B.2.3.3. Payment of the fee required for such permit by the fee schedule established or to be established pursuant to Section A.1. of this Article.
- B.2.4. The Building Permit application and all supporting documentation shall be submitted in such a number of copies as may be required by the Code Enforcement and Zoning Officer by general rule. Upon issuance of a Building Permit, the Code Enforcement and Zoning Officer shall return one copy of all filed documents to the applicant.
- B.2.5. No less than seven (7) nor more than thirty (30) day after receipt of the completed application, the Code Enforcement and Zoning Officer or his duly authorized representative shall issue or deny the Building Permit. If the permit is denied, the Code Enforcement and Zoning Officer shall notify the applicant in writing of the reasons for its denial.
- B.2.6. If both a Certificate of Zoning Compliance and a Building Permit are required, application and publication may be made simultaneously.
- B.3. Conditions for Issuance of Permits:
 - B.3.1. No Building Permit or Certificate of Zoning Compliance shall be issued for the construction or alteration of any building upon a lot without access to a street or highway, except in the A-Agriculture/Rural Residential District subject to the conditions of Article III, Section A.2 of this law.
 - B.3.2. A Building Permit or Certificate of Zoning Compliance for any structure subject to Site Plan Review shall be issued only in strict conformity with the plans approved by the Planning Board.
 - B.3.3. A Building Permit or Certificate of Zoning Compliance issued for any structure permitted subject to a variance granted by the Board of Appeals shall be issued only in strict accordance with all conditions prescribed by the Board of Appeals.
- B.4. The Building Permit shall be posted conspicuously and continuously on the work site until the construction project is substantially complete.
- B.5. Every Building Permit shall expire if the work authorized has not commenced within six (6) months after the date of issuance, or has not been completed within eighteen (18) months from such date for construction costing less than one million dollars (\$1,000,000) and has not been completed within twenty four (24) months from such date for construction costing in excess of such amount.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE X

- B.6. If no amendments to the Zoning Law or to other codes or regulations affecting the property have been enacted in the interim, the Code Enforcement and Zoning Officer may authorize in writing the extension of either of the above periods for an additional six (6) months, following which no further work is to be undertaken without a new building permit application and issuance.

B.7. Certificate of Occupancy

In all districts, no building or structure for which a Building Permit has been issued, shall be occupied or used unless the Code Enforcement and Zoning Officer issues a Certificate of Occupancy. The Certificate of Occupancy shall state that the building or structure fully complies with the requirements of the NYS Building Code, this local law, the terms of any variance or site plan approval granted in accordance with this local law, and other applicable federal, state or local laws.

C. REQUIRED INSPECTIONS

During the course of construction of any project subject to a Building Permit under this local law, the Code Enforcement and Zoning Officer or his authorized representative shall make on-site inspections of work in progress at least as follows:

- C.1. As soon as the foundation of a building or of any addition to an existing building is staked or marked, and before the foundation is laid, inspection sufficient to ascertain that said structure complies with the area and Bulk Regulations of Article IV of this law or any variance issued by the Board of Appeals.
- C.2. At such times during the course of construction as will permit the observation of the foundation, structural elements, electrical systems, plumbing systems, heating, ventilation and air conditioning systems, fire protection and detector systems, and exit features;
- C.3. At such other times and for such other purposes as required to comply with the NYS Building Code and its implementing regulations and other applicable federal, state or local laws and regulations.
- C.4. Upon substantial completion of the entire project and prior to issuance of a Certificate of Occupancy.

D. VIOLATIONS

D.1. Complaints

Any person may file a complaint with the Code Enforcement and Zoning Officer regarding a violation of this local law.

- D.1.1. All such complaints shall be in writing.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE X

D.1.2. All such complaints shall be investigated by the Code Enforcement and Zoning Officer and a written report prepared thereon within ten (10) days.

D.1.3. One copy of such report shall be forwarded to the Board of Appeals and one copy shall be maintained in the files of the Code Enforcement and Zoning Officer and shall be available for public inspection.

D.2. Notice of Violation

Where a violation of this local law is determined to exist, the Code Enforcement and Zoning Officer shall serve a Notice of Violation in person or by certified mail, return receipt requested, on the owner, agent or contractor of the building or lot where such violation has been committed or shall exist, and on the lessee or tenant of the part of or of the entire building, structure or lot where such violation has been committed or shall exist; and on the agent, architect, contractor or any other such person who takes part or assists in such violation or who maintains any building, structure, or lot in which any such violation shall exist.

D.2.1. Such Notice of Violation shall include the following:

D.2.1.1. The specific violation;

D.2.1.2. The time period during which such violation must be corrected;

D.2.1.3. If, in the judgment of the Code Enforcement and Zoning Officer, circumstances require it, a Stop Work Order.

D.2.2. Such Notice of Violation shall require the removal of the violation within no less than seven (7) days nor more than thirty (30) days after service of the notice.

D.2.3. In cases where the removal of the violation within thirty (30) days would be manifestly impossible, the Code Enforcement and Zoning Officer shall apply to the Board of Appeals for determination of a reasonable period of time within which such violation shall be removed.

D.2.4. If those persons notified shall fail to remove such violation within the allotted time period, the Code Enforcement and Zoning Officer shall charge them with violation of this law before the appropriate court of law.

D.3. Stop Work Order:

D.3.1. If, in the judgment of the Code Enforcement and Zoning Officer, work in progress is in violation or will result in violation of the NYS Building Code, this local law, or terms or conditions of any permit, variance, or site plan approval issued pursuant to this local law, and continuation of such work in progress will or may result in increased violation, irreparable harm, or structures or conditions impossible or unlikely to be removed or corrected, the Code Enforcement and Zoning Officer

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE X

shall serve a Stop Work Order on the owner, agent, architect, contractor, and/or any other person involved or assisting in such work in progress and shall post a copy of said Stop Work Order in a conspicuous place on the subject work site.

D.3.2. Upon service or posting of such Stop Work Order, all further work on the subject work site shall cease, except such as is necessary to secure the site and materials, until the violation causing such order has been corrected or removed and the Code Enforcement and Zoning Officer has served notice in writing that the Stop Work Order has been lifted.

D.3.3. No person shall remove a Stop Work Order posted on a work site unless and until the Code Enforcement and Zoning Officer has served notice in writing that such Stop Work Order has been lifted.

D.3.4. Continuation or resumption of work on a work site subject to a Stop Work Order lawfully served and/or posted by the Code Enforcement and Zoning Officer shall constitute a separate violation of this local law and shall be subject to all penalties described in this Article.

D.3.5. In the case of an Appeal for Interpretation to the Zoning Board of Appeals intended to resolve questions of alleged violations giving rise to a Stop Work Order, the Zoning Board of Appeals may hear the appeal within seventy-two (72) hours of application for said appeal, and shall render a decision within forty-eight (48) hours of the completion of said hearing.

D.4. Appearance Ticket

The Code Enforcement and Zoning Officer shall, where appropriate, issue an appearance ticket as provided by the Penal Law of the State of New York.

D.5. Fines

Persons found guilty of violation of this local law shall be subject to fine not to exceed three hundred fifty dollars (\$350) for the first violation. Subsequent violations within a period of five years shall be subject to fine or imprisonment or both pursuant to Section 268 of the Town Law. Each and every week such violation continues after the allotted period of time for its removal shall be deemed a separate and distinct violation.

D.6. Other Remedies:

In addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, demolition, moving, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or lot, or to prevent an illegal act, conduct, business or use in or about such premises.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XI

ARTICLE XI: BOARD OF APPEALS

A. CREATION, APPOINTMENT AND ORGANIZATION

A.1. Creation

Pursuant to Section 267 of the Town Law, the Town Board shall appoint a five (5) member Board of Appeals to interpret and judge the application of provisions of this local law and to grant or deny variance requests.

A.2. Term of Office

A.2.1. Pursuant to Section 267 of the Town Law, the term of each member of the Zoning Board of Appeals shall be five (5) years, expiring at the end of the official year.

A.2.2. Vacancies shall be filled by appointment by the Town Board for the unexpired term.

A.2.3. The Town Board shall designate the Chairperson of the Board of Appeals.

A.3. Organization

A.3.1. General Operations

A.3.1.1. Subject to Town Board approval, the Board of Appeals shall make, promulgate and adopt written rules, procedures, and forms necessary for the proper execution of its duties and for securing the intent of this local law.

A.3.1.2. The Board of Appeals may employ the clerical or other staff necessary for the proper function of the Board.

A.3.1.3. The Town Board shall provide operating expenses for the Board of Appeals. Board of Appeals expenditures shall not exceed the amount of appropriations.

A.3.2. Meetings

A.3.2.1. The Board of Appeals shall hold meetings at the call of the Chairperson or at other times the Board may determine.

A.3.2.2. All meetings shall be subject to the open meetings law.

A.3.2.3. The Chairperson or acting Chairperson in the absence of the Chairperson, has the power to administer oaths and compel the attendance of witnesses

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XI

A.3.3. Minutes

- A.3.3.1. The Board of Appeals shall keep proper minutes of its meetings and records of its examinations and other official actions.
- A.3.3.2. The minutes shall show how each member voted on every question. The minutes shall also indicate if a member is absent or fails to vote.
- A.3.3.3. The Board of Appeals shall file a record of all determinations with the Town Clerk for the public record.

B. POWERS AND DUTIES

The Board of Appeals shall have all the powers and duties prescribed by law and more particularly specified by this local law. None of the following provisions shall be deemed to limit any power of the Board that is conferred by law.

B.1. Appeal for Interpretation

Upon appeal from a decision, order, requirement or determination made by the Code Enforcement and Zoning Officer, the Board of Appeals shall have the power to decide any of the following questions:

- B.1.1. The meaning of any portion of the text of this local law or of any condition or requirement specified or made under the provisions of this local law.
- B.1.2. The exact location of any district boundary shown on the Zoning Map.
- B.1.3. The appropriate category of use to be applied to any use or proposed use not specifically identified and/or defined in this law.

B.2. Appeal for Variance

Upon appeal from a decision of the Code Enforcement and Zoning Officer, the Board of Appeals shall have the power to vary or modify the application of any of the regulations or provisions of this local law relating to the use, construction or alteration of structures, or the use of land, so that the spirit of the local law shall be observed, public safety and welfare secured, and substantial justice done. Variances shall be granted only under the following circumstances:

B.2.1. For Area Variances

The appellant shall demonstrate the presence of exceptional physical conditions whereby strict application of the requirements of Article IV, Area and Bulk Regulations, would result in practical difficulties.

- B.2.1.1. Conditions which may demonstrate practical difficulties include an exceptionally irregular, narrow, shallow, or steep lot.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XI

B.2.2.2. Such conditions shall be peculiar to the land or structure for which the Area Variance is requested.

B.2.2.3. Such conditions shall not have resulted from any act of the applicant.

B.2.2. For Use Variances

The applicant shall conclusively demonstrate that strict application of requirements of Article III, Use Regulations or Article VI, Supplementary Regulations would impose unnecessary hardship in such a way as to deprive the owner of any and all use of the land or structure for which the Use Variance is requested.

Demonstration of unnecessary hardship must include all of the following elements established on the public record before the Board of Appeals:

B.2.2.1. That the applicant is deprived of all economic use or benefit from the property or structure if used only for a purpose allowed in that zoning district without variance, which deprivation must be established by competent financial evidence;

B.2.2.2. That the use to be authorized by the variance will not alter the essential character of the locality;

B.2.2.3. That the alleged hardship relating to the property is due to unique circumstances and not to general conditions in the neighborhood; and

B.2.2.4. That the conditions creating the unnecessary hardship shall not have resulted from any act of the appellant or owner nor shall the owner have acquired the land or structure with actual or constructive knowledge that the desired use was not permitted without variance.

B.2.3. For All Variances

In granting any variance the Board of Appeals shall be governed by the following considerations:

B.2.3.1. No variance shall be granted if the Board determines that the harm caused by such a variance is greater than the benefit to the community.

B.2.3.2. No variance shall be granted solely for reasons of additional financial gain to the owner of the land or building involved. The fact that the improvements already existing at the time of the application are old, obsolete, outmoded, or in disrepair, or the fact that the property is then unimproved, shall not be deemed to make the plight of the property unique or to contribute thereto.

B.2.3.3. The variance, as granted by the Board of Appeals, shall be the minimum variance that will accomplish the purpose applied for.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XI

- B.2.3.4. The variance, as granted by the Board of Appeals, shall not substantially alter the essential character of the locality, or constitute a grant of special privilege which is inconsistent with the limitations on other properties in the district.
- B.2.3.5. The Board of Appeals shall attach such conditions and safeguards to any variance granted as may be required in order that the result of its action may be as nearly as possible in accordance with the spirit and intent of this local law.
- B.2.3.6. The Board of Appeals shall prescribe any and all additional conditions that it deems to be necessary or desirable.
- B.2.3.7. Where the Board of Appeals finds the zoning classification of a particular property to constitute deprivation of the reasonable use of the land or buildings and finds the same condition applies generally to other land or buildings in the same neighborhood or zoning district, the Board shall immediately call this condition to the attention of the Town Board.
- B.2.3.8. Unless a complete application for a Certificate of Zoning Compliance and Building Permit has been submitted within ninety (90) days of the date of the granting of a variance, such variance shall become null and void.

B.3. Procedure

The powers and duties of the Board of Appeals shall be exercised in accordance with Section 267 of the Town Law, the procedures specified by this local law, and their own By-Laws.

- B.3.1. All appeals and applications made to the Board of Appeals shall be in writing in a form prescribed by the Board of Appeals and shall be accompanied by a fee as set forth in the fee schedule established by resolution of the Town Board on recommendation of the Board of Appeals, payable to the Town Clerk, for not less than the actual and necessary costs of advertising and holding a public hearing. The Board of Appeals may, in its discretion, recommend to the Town Board a refund to the applicant for part or all of the fee paid in the event that an appeal under Section B (1), Appeal for Interpretation, is partially or wholly successful. The fee filed in connection with application under, Section B(2), Appeal for Variance, shall not be returnable regardless of the disposition of the case by the Board.
- B.3.2. The Board of Appeals shall not decide upon any appeal for variance or interpretation of this local law without first holding a public hearing, notice of which shall include the property location for which the variance or interpretation is requested and the nature of the request for variance or interpretation and shall be given by publication in the official newspaper of the date, time and place of the

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XI

hearing. In addition to the published notice, the Board of Appeals shall notify by mail at least five (5) days before the hearing all owners of property which lie within two hundred (200) feet of the property for which relief is sought and to such other owners as the Board of Appeals may deem advisable.

B.3.3. The Board of Appeals shall schedule a hearing on each appeal for variance or interpretation within forty-five (45) days from receipt of the appeal. The Board of Appeals shall render its decision on each appeal within sixty-two (62) days following the public hearing.

B.3.4. Fifteen (15) days prior to the date of any public hearing, the Secretary of the Board of Appeals shall transmit to the Secretary of the Planning Board a copy of any appeal or application, together with a notice of the hearing.

B.3.5. Expedited Review

Only in the case of an Appeal for Interpretation intended to resolve questions giving rise to a Stop Work Order, the Board of Appeals shall expedite review as follows:

B.3.5.1. The Board of Appeals may, at its discretion, hear the appeal without formal public hearing or published notice and without notifying property owners within 200 feet, but shall give notice to the extent practical.

B.3.5.2. The Board of Appeals shall hear the appeal within seventy-two (72) hours of receipt of the application for appeal by its chairperson.

B.3.5.3. The Board of Appeals shall render a decision within forty-eight (48) hours of the completion of the appeal hearing.

B.3.5.4. Under no circumstances can a variance of any kind be granted under expedited review procedures.

B.4. Referral to Montgomery County Planning Department: In accordance with Section 239 (1) and (m) of Article 12 B of the General Municipal Law, unless modified by written agreement between the Town Board and the Montgomery County Planning Department, the Board of Appeals shall refer any Appeal for Variance to the Montgomery County Planning Board when the action affects property located within 500 feet of:

- Municipal boundary,
- Boundary of any existing or proposed county or state park or any other recreation area,
- Right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway,

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XI

- Existing or proposed right-of-way of any stream or drainage channel owned by the county, or for which the county has established channel lines,
- Existing or proposed boundary of any county or state-owned land on which a public building or institution is situated, or
- (If a Use Variance) the boundary of a farm operation located in an agricultural district, as defined by Article 25AA of Agriculture and Markets Law.

Such referral shall be made at least fifteen (15) days prior to the date of the public hearing.

If within thirty (30) days the Montgomery County Planning Department recommends modification or disapproval, the Board of Appeals may act contrary to the recommendation only by a vote of a majority plus one of the entire Board and by adopting a resolution fully setting forth reasons for such contrary action.

In addition, the Board of Appeals shall send notification of any pending Appeal for Variance for any property located within 500 feet of a municipal boundary to the Clerk of that municipality not later than ten (10) days prior to the date of the public hearing.

- B.5. Relief from decisions of the Board of Appeals - An appellant aggrieved by any decision of the Board of Appeals may apply to the New York State Supreme Court for relief under Article 78 of the Civil Practice Law and Rules of New York State, pursuant to Section 267 of the Town Law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XII

ARTICLE XII: PLANNING BOARD

A. CREATION, APPOINTMENT AND ORGANIZATION

A.1. Creation

Pursuant to Section 271 of the Town Law, the Town Board shall appoint a seven (7) member Planning Board, which shall be responsible for continuing long-range planning activities and for such duties as are specified in this local law.

A.2. Term of Office

Pursuant to Section 271, the term of each member of the Planning Board shall be seven (7) years, expiring at the end of the official year.

Vacancies shall be filled by appointment by the Town Board for the unexpired term.

The Town Board shall designate the Chairperson of the Planning Board, or upon failure to do so, the Planning Board may select a Chairperson from its membership.

A.3. Organization

A.3.1. General Operations

A.3.1.1. The Planning Board may adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under Article 16 of the Town Law, under the Subdivision Law or Zoning Law of the Town of Canajoharie or any other statute, subject to approval by resolution of the Town Board when so provided by the Town Law.

A.3.1.2. The Planning Board may employ the clerical or other staff necessary for proper function of the Board.

A.3.1.3. The Town Board shall provide operating expenses for the Planning Board. Planning board expenditures shall not exceed the amount of the appropriations.

A.3.2. Meetings

A.3.2.1. The Planning Board shall hold meetings at the call of the Chairperson or at other times the Board may determine.

A.3.2.2. All meetings shall be subject to the Open Meetings Law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XII

A.3.3. Minutes and Records

- A.3.3.1. The Planning board shall keep proper minutes of its meetings and records of its examination, official actions, advisory reports, and general studies.
- A.3.3.2. The minutes shall show how each member voted on every question. The minutes shall also indicate if a member is absent or fails to vote.
- A.3.3.3. The Planning Board shall file a record of all determinations with the Town Clerk for the public record.

B. Powers and Duties

The Planning Board shall have all the powers and duties prescribed by law and more particularly specified by this local law. None of the following provisions shall be deemed to limit any power of the Board that is conferred by law:

B.1. Master Plan

The Planning Board may prepare and change a comprehensive master plan for the Town pursuant to Section 272-a of the Town Law. The master plan and all modifications shall be on file in the office of the Planning Board, and the Planning Board shall file certified copies in the offices of the Town Clerk and the Code Enforcement and Zoning Officer.

B.2. Investigations

The Planning Board shall have the full power and authority to make investigations, maps and reports, and all resulting recommendations of all matters relating to the planning and development of the Town, pursuant to Section 275 of the Town Law.

B.3. Site Plan Review

The Planning Board shall be responsible for the proper implementation of Article IX, Site Plan Review, of this local law.

B.4. Special Use Permits

The Planning Board shall be responsible for the proper implementation of Article VII, Special Use Permits, of this local law.

B.5. Subdivision Approval

The Planning Board shall be responsible for the review and approval of subdivision plats in accordance with the Town Subdivision Law and this local law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XII

B.5. Report on Specific Referrals from the Board of Appeals and the Town Board.

The Planning Board shall conduct a review of any matter referred to it and shall submit a written report to the referring body as required by the provisions of this Law or the Town Law.

B.6. Periodic Review of Land Use Regulations

At intervals of not more than five (5) years, the Planning Board shall re-examine the provisions of this local law and the location of district boundary lines and shall submit a report to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or welfare.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

ARTICLE XIII: DEFINITIONS

Unless otherwise expressly stated, the following terms shall for the purpose of this local law have the meaning herein indicated. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot." The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged, or designed to be occupied or used". The word "shall" is mandatory and not optional. All other words used in this local law shall carry their customary meanings.

Accessory Building or Use:

A building or use clearly incidental or subordinate to, and customary in connection with, the principal building or use on the same lot.

Adult Home: see Rest Home.

Adult Oriented Business:

Whenever used in this local law, the words "Adult Oriented Business" or "Adult Oriented Businesses" apply to the following types of establishments, and any others which exclude or restrict minors by reason of age:

Adult Bookstore or Video Store:

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides or video tapes and which establishment excludes or restricts minors by reason of age.

Adult Entertainment Cabaret:

A public or private nightclub, bar, restaurant, or similar establishment which presents topless or bottomless dancers, strippers, male or female impersonators, exotic dancers, or other similar entertainment, and which establishment excludes or restricts minors by reason of age.

Adult Motel:

A motel which excludes or restricts minors by reason of age, and which makes available to its patrons in their rooms films, slide shows or videotapes, which if presented in a public movie theatre would exclude or restrict minors by reason of age.

Adult Theatre:

A theater that customarily presents motion pictures, films, videotapes or slide shows, and that excludes or restricts minors by reason of age.

Massage Establishment:

Any establishment having a fixed place of business where massages are administered, including but not limited to massage parlors, sauna baths and steam baths, and which excludes or restricts minors by reason of age. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or massage therapist, or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Peep Show:

A theatre which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, and which excludes or restricts minors by reason of age.

Agricultural Data Statement:

An identification of farm operations within an agricultural district located within five hundred feet of the boundary of property upon which an action requiring municipal review and approval is proposed, as provided in Section 305-a of Agriculture and Markets Law. An agricultural data statement shall include the following information: the name and address of the applicant, a description of the proposed project and its location, the name and address of any owner of land within the agricultural district whose land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed, and a tax map or other map showing the site of the proposed project relative to the location of the farm operations identified in the Agricultural Data Statement.

Agriculture:

The raising of crops, animals or animal products, horticultural or nursery products for gain, including the sale of farm produce and agricultural products at the premises where produced.

Animal Hospital:

Premises for the medical and/or surgical care of sick or injured animals with or without accessory boarding accommodations for convalescence. The term animal hospital shall also include veterinary clinic.

Alteration:

Any change, rearrangement or addition to a building, or any modification in construction or in building equipment, excluding normal maintenance and repairs.

Antenna:

A device used in communications which converts radio frequency electrical energy to radiated electromagnetic energy and vice versa in a transmitting station, an antenna is the device from which radio waves are emitted.

Apartment: See Dwelling, Multiple.

Applicant:

The person, persons, corporations, etc. who is the owner(s) of the property, or their designated agent.

Automobile Repair Shop: See Motor Vehicle Repair Facility.

Bar: See Tavern/Nightclub.

Basement:

That space of a building which is partly below grade, which has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

Bed-and-Breakfast, Tourist Home:

An owner-occupied private dwelling in which at least one (1) room, but not more than six (6) rooms are offered for rent for the accommodation of transient guests. In addition, meals may be served.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Billboard:

Any sign which exceeds thirty-two (32) square feet in area, and which directs attention to a business, commodity, service, entertainment, or attraction, sold, offered, or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally upon such lot.

Boarding or Rooming House:

A private dwelling in which at least three (3) but not more than six (6) rooms are offered for rent, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained.

Building:

Any structure of more or less permanent construction, which is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing, protection, or enclosure of persons, animals, property or business activity.

Building Line:

A line drawn at the front main wall of a building, excluding steps, porches, patios, eaves, cornices or other projections, and extending from lot line to lot line.

Campground/Recreational Vehicle Camp:

A property providing four (4) or more sites for the parking of occupied travel trailers and/or recreational vehicles, or the erection of tents or other shelters serving as temporary residences, as defined by Part 7 of the NYS Sanitary Code, and all buildings and facilities pertaining thereto.

Campsite or Private Camp:

The temporary residential use of land on which no permanent structure or mobile home is constructed, placed, or located, and not more than three (3) temporary structures, mobile homes, tents or recreational vehicles are located for a period of more than fourteen (14) days, for recreational, vacation, or hunting use.

Car Wash:

Premises regularly used for washing, cleaning or polishing motor vehicles for compensation.

Cellar:

Any space in a building the structural ceiling level of which is less than four (4) feet above the average finished grade.

Coin Operated Laundry:

Premises equipped with individual clothes washing and drying and/or dry cleaning machines which are operated by the customers themselves.

Co-location:

The mounting of Personal Wireless Service Facilities used by two or more persons, firms or corporations on the same equipment mounting structure.

Commercial Laundry or Dry Cleaners:

Premises equipped with machines for washing and drying and/or chemically cleaning and pressing clothes. Commercial laundry or dry cleaners also include premises which serve only as customer drop-off and pick-up locations, and which send customer's clothes off premises for cleaning and pressing.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Conservation:

The protection or management of land in a natural state, including management practices such as clearing and re-planting, stream channel maintenance, and erosion control, among others.

Coverage:

The area covered by all buildings on a lot, expressed as a percentage of the total lot area.

Drive-In:

Premises constructed to cater to the motoring public, whether or not serving pedestrians as well as the automobile trade, and providing curb and/or window counter service.

Drive-In Movies:

An open lot, together with appurtenant facilities, where motion pictures are shown to paying customers seated in automobiles or on outdoor seats.

Dwelling:

A building containing one or more dwelling units capable of being used for long-term, year-round human habitation. The term dwelling shall not include boarding house, hotel, nursing home, hospital, camp, etc., designed, planned or used for relatively transient occupancy.

Dwelling, Duplex:

A one-family dwelling separated by a party wall from only one (1) adjacent dwelling unit.

Dwelling, Multi-Family:

A building or portion thereof containing three (3) or more dwelling units, sharing common sewer and water services.

Dwelling, Single Family:

A detached building containing one (1) dwelling unit only, in which no more than one (1) room is offered for rent.

Dwelling, Row or Attached:

A multi-family dwelling structure with party walls separating individual dwelling units from adjacent units, each unit having separate water and sewer service.

Dwelling, Two-Family:

A detached building containing two (2) dwelling units only.

Dwelling Unit:

A building or an entirely self-contained portion thereof, containing complete housekeeping facilities for only one (1) family, including any domestic servants employed on the premises, having no enclosed space (other than vestibules, entrance, or other hall ways or porches) or cooking or sanitary facilities in common with any other dwelling unit and in which no more than one (1) room is offered for rent to other than family members. A boarding or rooming house, convalescent home, fraternity or sorority house, dormitory, hotel, inn, lodging, nursing, or other similar homes, or other similar structure, shall not be deemed to constitute a dwelling unit.

Equipment Mounting Structure:

Any structure used primarily to support reception or transmission equipment including, but not limited to, antenna support structures, towers and monopoles.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Family:

One (1) or more persons occupying a dwelling unit as a single housekeeping unit.

Farm Operation:

The land and on-farm buildings, equipment, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise.

For the purposes of Article VI.C.2 "Mobile Homes and Mobile Home Communities" a Farm Operation shall not include any farm having less than \$10,000 gross sales in the year preceding the date on which the owner applies for a building permit to erect a mobile home as an accessory use. In addition the occupant of a mobile home as an accessory use must be a full-time employee of the Farm Operation whose total documented compensation including salary, lodging, board, etc. is not less than \$10,000 per year.

Farm Market:

A market outlet, located off-site of a farm operation, for the sale of produce, plants, food products, and related items to the general public.

Farm Stand:

A structure, either temporary or permanent and either attached to the ground or movable, intended for the sale to the general public of agricultural products predominantly produced on the premises, or by the same farm operation on whose land the farm stand is located.

Fence:

An unroofed enclosing structure erected for the purpose of preventing passage or view.

Flag Lot:

A lot with access from the main portion of the building lot to the public street along a narrow strip of land, or access leg, on which an access drive or private lane is or will be constructed, said access leg to remain in the private ownership of one or more owners.

Flag Lot Access Leg:

The narrow strip of land along which an access drive or private lane is or will be constructed to provide access from a public street to the building area of the flag lot, the area of said access leg to be excluded from calculations of lot area and setbacks for purposes of this local law.

Floor Area, Gross:

The sum of the gross horizontal area of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings or uses.

Floor Area, Net:

The actual square footage of an area used for gathering people together, not including accessory or other areas used for different purposes or the thickness of walls. Such area is normally enclosed by walls or other dividers.

Frontage:

The horizontal distance between the side lot lines measured along the street line.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Fuel Oil Storage:

Premises used for the storage of fuel oil, kerosene, or other combustible fuel in tanks for the sale by motor vehicle or other means of conveyance to purchasers at some other location, and excluding gasoline storage tanks used at gasoline stations for retail sales, or tanks used by individuals when fuel is not sold.

Garage:

Premises used for storage, display, sale, rental, service or repair of motor vehicles.

Garage, Private:

An accessory garage used by the occupants of a principal structure for storage of one or more vehicles or boats and within which no business, occupation, service or industry is conducted for profit.

Gasoline Station:

A commercial establishment which includes the sale and delivery of gasoline or other fuel for the propulsion of motor vehicles. A gasoline station may include accessory sale and installation of oil or other substances, tires, batteries, and other motor vehicle accessories. A gasoline station may also conduct minor vehicle repairs. A gasoline station may also include a quick stop retail store provided the store is an integral part of the gasoline station.

Gross Floor Area: See Floor Area, Gross.

Group Home:

A dwelling or facility which is occupied by unrelated persons who may be handicapped, developmentally disabled, or emotionally disturbed, or in need of special services, conditions, or circumstances for day-to-day living, and which is supervised by paid or volunteer live-in staff.

Home Occupation:

A profession or occupation conducted within a dwelling or accessory structure thereto for profit by persons residing therein.

Hotel:

A structure, whether owner-occupied or not, in which at least seven (7) rooms are offered for rent for the overnight accommodation of transient guests. Such hotel may or may not serve meals to such guests or include restaurant, tavern or meeting facilities.

Illumination, Direct:

Illumination which incorporates any artificial lighting as an inherent part or feature or which depends for its illumination on transparent or translucent material or electricity or radio-activated or gaseous material or substance.

Illumination, Indirect:

Illumination with an artificial light which is separated from and is not an intrinsic part of the sign itself.

Junk Yard:

A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal or other scrap or discarded material; or for the collecting, dismantling, storage, or salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. A junk yard shall mean and include a "junk yard" within the meaning of General Municipal Law Section 136.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Kennel:

Premises used for the sale, harboring, breeding, or care of dogs for compensation.

Landscape Planting:

The functional and aesthetic planting and maintenance of trees, shrubbery and flowers in relationship to man-made structures and the existing natural landscape elements.

Laundromat: See Coin Operated Laundry.

Livestock:

Animals including, but not limited to, domestic animals such as sheep, goats, cattle, swine and horses which are kept on a farm.

Lot:

Any parcel of land, not necessarily coincident with a lot or lots shown on a map of record, which is occupied or which is to be occupied by a building and its accessory buildings, together with the required open spaces appurtenant to such building or group of buildings.

Lot, Corner:

A lot at the junction of, and abutting on, two (2) or more intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. A lot abutting a curved street shall be deemed to be a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Depth:

The minimum distance from the street line of a lot, or in the case of a flag lot the front lot line excluding the access leg, to the rear lot line of such lot. (See Yard).

Lot, Flag: See Flag Lot.

Lot Line:

Any boundary of a lot other than a street line.

Lot Line, Rear:

The lot line generally opposite to the street line; if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the street line not less than ten (10) feet long lying farthest from the street line. (See Yard).

Lot Width:

The dimension measured along the required front yard setback line at substantially right angles to the depth of the lot. (See Yard).

Manufacturing:

The fabrication, alteration, processing, finishing, handling or assembly of raw materials and packaging, warehousing, and storage of articles in quantity.

Manure Storage Facility:

A waste impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure to store animal and or other organic waste.

Massage Establishment: See Adult Oriented Business.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Medical Clinic:

Any structure or group of structures occupied by medical practitioners, including but not limited to Doctors, Dentists, Chiropractors, Opticians, Optometrists, etc. and related services for the purpose of providing health services to people on an outpatient basis.

Minor:

A person less than seventeen (17) years of age.

Mobile Home:

A one-family dwelling on a permanent chassis, transportable in one or more sections, which is equipped for year-round occupancy and contains the same plumbing, heating and electrical systems as immobile housing. A "single-wide" mobile home consists of one self-contained unit. A "double-wide" mobile home consists of two sections which are designed to be joined into one integral unit at the site.

Mobile Home, Temporary Residential:

Any trailer or mobile home placed temporarily on an approved residential lot for residential use during construction of a permanent residence for which a building permit has been issued.

Mobile Home Community:

A parcel of land which has been planned and improved for the placement of two or more mobile homes for non-transient use.

Manufactured Home:

A structure made of prefabricated sections manufactured at another location, transported to the site, and assembled on a foundation to form a permanent dwelling unit, and which meets all New York State requirements concerning factory-manufactured housing. A manufactured home is constructed using building materials and techniques which are similar to conventional housing. Manufactured homes include panelized homes, modular homes, and pre-cut homes. Manufactured homes differ from mobile homes in that they are not transportable after installation and do not have a permanent axle. For the purposes of this local law, manufactured homes shall be considered to be single family dwellings.

Motel:

Any building or group of buildings containing rooms or apartments that are rented or hired out for sleeping purposes for compensation primarily to a transient clientele, and which rooms have direct outside access (the term "outside access" to include access to open or screened porches); including groups designated as motor inn, tourist cabins, or roadside hotel.

Motor Vehicle Repair Facility:

A commercial establishment which repairs or replaces motor vehicle engines, body parts, or electrical or mechanical systems, including but not limited to:

- body reconstruction or repair, welding, spray painting, or interior alterations or repairs;
- repair or replacement of all or part of clutch, transmission, differential, axle, springs or frame;
- repair or replacement of engines or radiator.

Motor Vehicle Sales Lot:

Premises used for the display of new or used automobiles or trucks or related automobile equipment for sale.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Non-Conforming Building:

A building which contains a use permitted in the district in which it is located, but which does not conform to the district regulations for: lot area, width, or depth; front side or rear yard dimensions; maximum height; lot coverage; or minimum habitable floor area per dwelling unit.

Non-Conforming Use:

A use, whether of a building or tract of land or both, lawfully existing on the effective date of this local law which does not conform to the use regulations or supplementary regulations of the District in which it is located.

Non-Profit Organization:

Any corporation or association which is organized or conducted exclusively for religious, charitable, hospital, educational, moral or mental improvement of men, women or children, or cemetery purposes, or for two or more such purposes, or which is organized or conducted exclusively for bible tract, benevolent, missionary, infirmary, public playground, scientific, literary, bar association, medical society, museum, environmental and conservation, patriotic, or historical purposes, for the enforcement of laws relating to children or animals, or for two or more such purposes, and used exclusively for carrying out thereupon one or more of such purposes either by the owning corporation or association, or by another such corporation or association.

Nuisance:

Any thing or act that annoys or disturbs unreasonably, hurts a person's use of his or her property, or violates the public health, safety, or welfare.

Nursery School:

A premises licensed by New York State and operating under the applicable provisions of the NYS Education Law and the Social Services Law for the organized care and supervision of pre-school children. The term nursery school includes kindergarten, day care center, day school, home day care center, and the like. It shall not however, be construed to include informal child care in the home, whether for compensation or not.

Nursing Home:

A facility in which persons not related to each other are housed, fed, and furnished with long-term nursing care, medical services, and related therapeutic services necessary to maintain their health, and such care is normally provided within the facility by persons paid to provide such care.

Occupant:

The person in occupancy, in possession or in control of premises, or using premises.

Owner:

Owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of such building or premises.

Owner/Operator:

Person, persons, corporation, etc. that owns and/or operates the business or facility.

Parking Lot:

Land which is open or semi-enclosed by structures and which is used to provide off-street parking.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Parking Space, Off-Street:

A space which is out of the public right-of-way and adequate for parking one motor vehicle.

Passive Recreation:

Outdoor activities for individual relaxation and enjoyment not requiring special playing surfaces or in-place equipment. Passive recreation includes such activities as hiking, fishing, picnicking, etc.

Peep Show: See Adult Oriented Business.

Personal Service:

Establishments to provide services related to personal care. A barber shop, beauty salon, masseur, shoe repair or tailor would be examples of personal service establishments.

Personal Wireless Service:

Commercial mobile services, wireless telecommunication services using duly authorized devices which do not require individual licenses (excluding the provision of direct-to-home satellite services), and common carrier wireless exchanges including cellular radiotelephone, specialized mobile radio system and personal communication services.

Personal Wireless Services Facility:

A facility for the provision of Personal Wireless Services. A Personal Wireless Service Facility includes but is not limited to, an Antenna Equipment Mounting Structure and accessory buildings and equipment. For the purposes of the Zoning Law, a Personal Wireless Service Facility shall not be included within the definition of a "Public Utility" Station or structure as specified in the Zoning Law, since Personal Wireless Service Facilities, although they are facilities operated by public utilities with certain rights under the laws of the United States and the State of New York are exclusively regulated as such by Article VI.3.11 of the Zoning Law.

Pets:

Animals including customary household companions such as dogs, cats, and birds.

Professional Office:

Premises used as a work place by an architect, or landscape architect, doctor, accountant, lawyer, engineer, or similar professional. A real estate broker, insurance agents or similar business person is included within this category.

Principal Building:

A building in which the main or principal use of the lot on which said building is located is conducted.

Public Utility Station or Structure :

A facility other than a Personal Wireless Service Facility for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or government agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage, collection of other such services to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include offices or administration buildings. For purposes of the Zoning Law, Personal Wireless Services Facility, defined separately in the Zoning Law, shall not be governed by the Zoning regulations which apply to the broader definition of Public Utility station or structures but shall be governed by the regulations of the Personal Wireless Services Facilities Overlay District which specifically regulates this category of public utilities.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Public Water, Public Sewer:

Sewage disposal and water supply systems owned and maintained by a municipal corporation, public sewer district, or public water district.

Recreational Vehicle:

A vehicle or portable structure standing on wheels, whether or not self-propelled, and used as temporary living and sleeping accommodations for travel, camping or recreational purposes. The term recreational vehicle also includes travel trailer.

Residence:

A structure or portion thereof used as a dwelling unit.

Rest Home or Retirement Home:

A facility in which no more than fifteen (15) persons not related to each other are housed and fed by persons paid for providing such services, and where nursing care and medical services are not normally provided within the facility.

Restaurant:

Premises in which food is prepared and served to seated customers. While alcoholic beverages may also be served, the primary business of the establishment is the preparation of meals.

Retail:

Sale of goods, wares, commodities or services to ultimate customers for direct consumption and not for resale.

Right-of-Way:

The property subject to an easement permanently established for the passage of persons or vehicles.

Screening:

A properly maintained combination of fences, rows of trees, hedges and other means to block the view and buffer noise generated by activities on a lot from other properties in the vicinity and from the street.

Sign:

Any structure or part of a structure, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, graphics, marking, or representing an announcement, direction, or advertisement. Excluded from this definition are signs which are solely devoted to prohibiting trespassing, hunting or fishing.

Sign Area:

The area of the surfaces within which all the elements of the sign displayed can be framed or outlined, but excluding structural members used only for support.

Sign, Illuminated:

A sign which is lit directly or indirectly by light of a constant intensity.

Stable:

Premises used primarily for the sale, care, boarding, and/or training of horses belonging to persons other than the property owner or tenant, or for trail rides, riding lessons, horse shows, riding demonstrations or other equestrian activities for compensation.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Story:

That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and level of the next higher finished floor, or, if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

Story, Half:

Any space partially within the roof framing, where the clear height of not more than fifty (50) percent of such space between the top of the floor beams and the structural ceiling level is seven foot (7') six inches (6") or more.

Street:

A street is one of the following: an existing Town, County or State highway or street; a street shown on an approved subdivision final plat; a street shown on the Official Map of the Town; any other right-of-way legally designated for public use for passage of motor vehicle traffic.

Street Line:

The boundary of the right-of-way of the public street or of the private lane, right-of-way, or easement, or of the flag lot access leg extended as indicated by dedication or deed of record.

Structure:

Any combination of materials forming any construction, except where entirely underground so as to permit the use of the ground above the same as if no building was present; the term "structure" shall include the term "building" as well as the following:

- (a) Signs,
- (b) Fences,
- (c) Wall, other than retaining walls projecting above the ground not more than three (3) feet at the higher ground level and not more than six-and one-half (6½) feet at the lower ground level,
- (d) Radio and television receiving and transmitting towers and antennae, except for such antenna installed on the roof of a "building" and extending not more than twenty (20) feet above the highest level of the roof of such "building" and
- (e) Porches, outdoor bins, and other similar "structures".
- (f) Pools, tanks, and other containment vessels for liquid storage or use.

Swimming Pool:

Any outdoor water containment vessel in or above the ground and open to the sky holding water to a depth greater than eighteen (18) inches, having a surface area greater than one hundred (100) square feet, and used or intended to be used for swimming or bathing. Ponds or lakes, either natural or artificial, are not swimming pools.

Tavern/Nightclub:

A premises licensed under the laws of New York State for sale of alcoholic beverages and their consumption on the premises. Live entertainment may also be provided on a regular basis. The availability of food is incidental to the principal activity of selling alcoholic beverages.

Through Lot:

An interior lot having frontage on two approximately parallel, or converging streets - not a corner lot.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Usable Open Space:

All unenclosed portions of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than twenty-five (25) percent is roofed for shelter purposes only, the minimum dimension of which is forty (40) feet, and which is available and accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation.

Use, Accessory:

A use customarily incidental and supplemental and clearly subordinate and secondary to the principal use located on the same lot.

Use, Permitted:

A use allowed as a matter of right in a district.

Use, Principal:

The primary or predominant use of a lot or parcel.

Variance:

A modification of the use and/or bulk regulations of this local law in an individual case where, due to specific facts and conditions relating to a particular property, literal application and strict enforcement would result in unnecessary hardship or practical difficulty that would deprive the owner of the reasonable use of the land or structures.

Variance, Area:

A variance of the requirements of Article IV - Area and Bulk Regulations - to authorize the commencement on a particular lot of a permitted use due to practical difficulties which could not feasibly be established without relief from the dimensional requirements pertaining to the district.

Variance, Use:

A variance of the requirements of Article III, Use Regulations, or Article VI, Supplementary Regulations, to allow the establishment of a use not permitted in the district without variance.

Town:

The Town of Canajoharie, Montgomery County, New York.

Wholesale:

Sale of relatively large quantities of goods, wares, commodities or services to retailers for resale and not for direct consumption.

Yard, Front:

An unoccupied ground area, open to the sky, between the street line and a line drawn parallel thereto along the front wall of the building, extending from lot line to lot line.

Yard, Line:

A line drawn parallel to a street or lot line at a distance there from equal to the respective yard dimension required by this local law.

Yard, Rear:

An unoccupied ground area, open to the sky, between the rear lot line and a line drawn parallel thereto along the rear of the building, extending from lot line to lot line.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIII

Yard, Side:

An unoccupied ground area, open to the sky, between any lot line other than a street or rear lot line, and a line drawn parallel thereto along the side of the buildings, between and not including any portion of the front and rear yards.

Yard, Required:

Any yard measured between a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this local law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIV

ARTICLE XIV: AMENDMENTS

A. GENERAL

In accordance with Sections 264 and 265 of the Town Law, this local law or any part thereof, may be changed, amended, supplemented or repealed, from time to time, by the Town Board upon its own motion, upon public petition, or upon recommendation by the Planning Board or Board of Appeals.

B. PROCEDURE

The procedure for amending this local law shall be as follows:

- B.1. All petitions for any amendments to the text of this local law or to district boundaries designated on the official zoning map shall be filed with the Town Clerk in writing and in a form required by the Town Board.
- B.2. Proposed amendments are actions subject to SEQOR. Prior to formal consideration and public hearing, the Town Board shall make a determination as to the type of action, lead agency status, and environmental significance or nonsignificance in accordance with Article 8 of the NYS Environmental Conservation Law.
- B.3. Unless the amendment proposed is initiated by the Town Planning Board, the Town Board shall refer all such proposals and all pertinent information to the Planning Board no less than forty five (45) days prior to the required public hearing for report and recommendations, to be considered by the Town Board prior to its public hearing. A full statement of the reasons behind the recommendations shall accompany the Planning Board's Report, specifically including:
 - B.3.1. For a proposed amendment to, or change in, the text of this local law:
 - B.3.1.1. Whether the change is consistent with the goals and principals embodied in the Town Master Plan, as may be in force and effect at the time, and/or in local law as to the particular districts concerned;
 - B.3.1.2. Which areas, land uses, buildings, and establishments in the Town will be directly affected by such change and in what way they will be affected;
 - B.3.1.3. The indirect implications of such change and its effect on other regulations; and
 - B.3.1.4. Whether such proposed amendment is consistent with the aims of the development policies of the Town, as enunciated in this local law, and with any Master Plan as prepared by the Planning Board.
 - B.3.2. For a proposed amendment involving a change in the Zoning Map:
 - B.3.2.1. Whether the uses permitted by the proposed change would be appropriate in the area concerned;

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XIV

- B.3.2.2. Whether adequate public facilities and services, including schools, roads, water service, sewer service, and drainage facilities exist or can be reasonably expected to be created, to serve the needs of any additional uses likely to be constructed as a result of such change;
 - B.3.2.3. Whether the proposed change is in accord with any existing or proposed plans in the vicinity; and
 - B.3.2.4. The effect of the proposed amendment upon the growth of the Town as envisaged by the development policies of the Town.
- B.3.3. If the Planning Board fails to make a recommendation within forty-five (45) days of receiving the report, the Town Board may act without the Planning Board's report. The forty-five (45) day period may be extended by agreement of the Planning Board and the Town Board.
- B.4. By resolution adopted at a meeting of the Town Board, the Town Board shall fix the time and place of a public hearing on the proposed amendment, and cause notice to be given in accordance with provisions of Section 264 of the Town Law. All notices of public hearing shall specify the nature of any proposed amendment, the land or district affected, and the date when and the place where the public hearing will be held. At least ten (10) days notice of the time and place of such hearing shall be published in the official newspaper.
- B.5. All proposals within the criteria of Section 239 (l) and (m) of the General Municipal Law shall be referred by the Town Clerk to the Montgomery County Planning Department no less than forty five (45) days prior to the scheduled public hearing for report and recommendation to be considered by the Town prior to the public hearing, unless such requirement for review is modified by written agreement between the Town Board and the Montgomery County Planning Department.

If the Montgomery County Planning Department recommends modification or disapproval, the Town Board may act contrary to the recommendation only by a vote of a majority plus one of the entire Board and by adopting a resolution fully setting forth reasons for such contrary action.

C. PROTEST BY OWNERS

Pursuant to Section 265 of Town Law, if a protest against the proposed amendment is presented to the Town Board, duly signed and acknowledged, by the owners of twenty percent (20%) or more of the area of land included in the proposed amendment, or the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet therefrom, or by owners of twenty percent (20%) or more of the area of land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, the amendment shall require the approval of at least three-fourths ($\frac{3}{4}$) of the members of the Town Board.

D. EFFECTIVE DATE

In accordance with the procedure set forth in Section 27 of Municipal Home Rule Law, this local law or any amendments thereto shall take effect immediately upon filing with the New York State Secretary of State, unless a different time shall be prescribed therein.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE XV

ARTICLE XV: INTERPRETATION AND APPLICATION

A. INTERPRETATION AND APPLICATION

The provisions of this local law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except where specifically provided to the contrary, it is not intended by this local law to repeal, abrogate, annul, or in any way to impair or interfere with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings, structures, shelter, or premises, nor is it intended by this local law to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties, provided, however, that where this local law imposes a greater restriction upon the use of a building or premises or requires larger open spaces than are imposed or required by any other statute, local law, rule, regulation, or permit, or by any easement, or agreement, the provisions of this local law shall control.

B. SEPARABILITY

If the courts decide that any term, section or provision of this local law is unconstitutional or invalid, the decision shall not affect the validity of the local law as a whole or any part other than the part decided to be unconstitutional or invalid.

C. VIOLATIONS

Violations of this local law or of any rules, regulations or procedures established pursuant to this local law shall be subject to the provisions of applicable law, and to the provisions of Article X, Section D, of this Local Law.

D. EFFECTIVE DATE

In accordance with the procedure set forth in Section 27 of the Municipal Home Rule Law, this local law or any amendments thereto shall take effect immediately upon filing with the New York State Secretary of State, unless a different time shall be prescribed therein.

E. REPEALER

This local law shall supercede Local Law No. 3 of the year 1992, the Zoning Law of the Town of Canajoharie. All provisions of any other local law or ordinance which are inconsistent with the provisions of this local law are hereby repealed.



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

NOV 4 2000

ALEXANDER F. TREADWELL
SECRETARY OF STATE

EDZ

November 1, 2000

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE, NY 13317-0180

RE: Town of Canajoharie, Local Law 2, 2000, filed 10/25/2000

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

Sincerely,

Joseph P. Brozowski

Joseph P. Brozowski
Principal Clerk
State Records & Law Bureau
(518) 474-2755

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

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

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

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

ofCanajoharie.....

Local Law No. 2 of the year 19 2000

A local law A Local Law Establishing an Economic Development Zone Exemption for Real Property in the Town of Canajoharie

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

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Canajoharie

as follows:

BE IT ENACTED by the Town Board of the Town of Canajoharie as follows:

SECTION 1. Intent

The Town Board of the Town of Canajoharie of Montgomery County hereby desires to establish an economic development zone exemption for real property constructed, altered, installed or improved within the Town of Canajoharie in the Amsterdam-Florida-Glen Economic Development Zone pursuant to Article 18-B of the General Municipal Law.

SECTION 2. Amsterdam-Florida-Glen Economic Development Zone Exemption

The Town of Canajoharie hereby grants an economic development zone exemption from taxation and special ad valorem levies by the Town of Canajoharie in the Amsterdam-Florida-Glen Economic Development Zone designated in the Town, pursuant to Article 18-B of the General Municipal Law for the period and to the extent provided in Section 485-e of the Real Property Tax Law.

SECTION 3. Permissive Referendum

This Local Law is subject to a permissive referendum, and will be submitted to a vote of qualified electors of the Town of Canajoharie, if, within 45 days after the date on which it was so adopted, there is filed with the Clerk of the Town of Canajoharie a petition protesting against this Local Law, signed and authenticated as required by Section 24 of the Municipal Home Rule Law, by qualified electors of the Town of Canajoharie registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for Governor at the last gubernatorial election held in said Town.

SECTION 4. Effective Date

This Local Law will become effective upon filing thereof pursuant to the provisions of Section 27 of the Municipal Home Rule Law.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(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. 2 of ~~19~~ 2000 of the (County)(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on August 25, 19 2000 and was ~~(approved)(not disapproved)(repassed after disapproval)~~ by the ~~XX~~ 19 2000 Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of October 10, 19 2000 in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

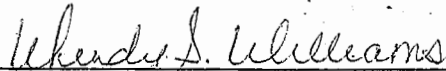
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 4, above.

(Seal)

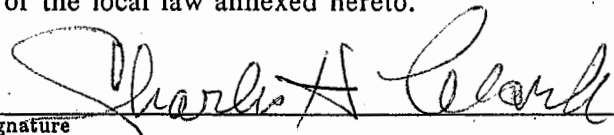

~~Clerk of the County of Montgomery, State of New York, Town of Canajoharie~~
~~XXXXXX~~

WENDY WILLIAMS
Date: _____
October 16, 2000

(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 _____ MONTGOMERY

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 _____
CHARLES H. CLARK
Attorney
Title _____

County _____
City _____ of Canajoharie
Town _____
Village _____
Date: _____
October 16, 2000



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

OCT 26 2000
OCT 26 2000

ALEXANDER F. TREADWELL
SECRETARY OF STATE

October 20, 2000

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE, NY 13317-0180

RE: Town of Canajoharie, Local Law 1, 2000, filed 10/11/2000

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

Sincerely,

Appointed assessor Law

Joseph P. Brozowski

Joseph P. Brozowski
Principal Clerk
State Records & Law Bureau
(518) 474-2755

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

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

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

~~County~~

~~City~~

Town

of Canajoharie

~~Village~~

Local Law No. 1 of the year 19 2000

A local law Abolishing the elected positions of assessors and
providing for (Insert Title) the appointed assessor in the town of Canajoharie

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

~~County~~

~~City~~

Town

~~Village~~

of Canajoharie as follows:

SECTION 1. Pursuant to the authority granted under Section 328 of the Real Property Tax Law of the State of New York, the positions of elected assessors in the Town of Canajoharie are hereby abolished, effective January 1, 2001, and from and after said date there shall be one assessor for the Town, to be appointed as provided by Section 310 of the Real Property Tax Law.

SECTION 2. This Local Law shall be subject to permissive referendum in accordance with the procedures set forth in Section 24 of the Municipal Home Rule Law of the State of New York.

SECTION 3. This Local Law shall take effect 45 days after its adoption, or if a petition is filed pursuant to Section 24 (1) of the Municipal Home Rule Law, upon its approval by a majority of the qualified electors of the Town of Canajoharie voting on proposition therefore, and upon filing certified copies thereof in the Office of the Secretary of State.

SECTION 4. Insofar as the provisions of this local law are inconsistent with the provisions of any other local law or act, the provisions of this local law shall be controlling.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(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. 1 of ~~19~~ 2000 of the ~~(County)(City)(Town)(Village)~~ of Canajoharie was duly passed by the Town Board on August 3, 192000 and was (approved)(not disapproved)(repassed after disapproval) by the ~~XX~~ 9-3 Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of September 17, 192000.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 4, above.

Wendy S. Williams
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: September, 2000

(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 MONTGOMERY

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.

Charles H. Clark
Signature CHARLES H. CLARK
Town Attorney
Title

~~County~~
~~City~~ of Canajoharie
Town
~~Village~~

Date: September 27, 2000



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

ALEXANDER F. TREADWELL
SECRETARY OF STATE

June 22, 1999

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE, NY 13317-0180

RE: Town of Canajoharie, Local Law 2, 1999, filed 06/16/99

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

Sincerely,

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

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

JGD:ml

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

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

~~XXXXX~~
~~XXXX~~
Town
~~XXXXX~~
Village

of Canajoharie
Local Law No. 2 of the year 19 99

A local law Regulating the Establishment of Adult Oriented Businesses
in the (Insert Title) Town of Canajoharie

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

~~XXXXX~~
~~XXXX~~
Town
~~XXXXX~~
Village

of Canajoharie as follows:

Section 1. Legislative Intent

In the Fall of 1998 the Town Board of Canajoharie directed the Town Planning Board to investigate the need for land use controls to regulate the establishment of adult oriented businesses. Because there are no adult oriented businesses currently operating in the Town of Canajoharie, their potential secondary effects could only be assessed by studying their effects in other communities.

The Town Planning Board, with the aid of the Montgomery County Planning Department Municipal Assistance Program, reviewed adult use studies and regulations from many municipalities in New York State. The Town of Ellicottville was the most similar to the Town of Canajoharie in size and rural residential character. In both Towns, the majority of the land area is in the Agricultural-Rural Residential District, with low density housing on large rural lots. The Ellicottville Adult Business Study, completed in January 1998, concludes that adult oriented businesses could have a negative impact on the character of a community, and on the aesthetic qualities and property values of its residential areas.

After careful review of these studies the Planning Board and Town Board do hereby find that adult oriented businesses could result in potential adverse effects on the Town's rural residential character, as well as its schools, places of worship, parks and recreational resources, and civic and cultural facilities. The regulation of Adult Oriented Businesses is appropriate and necessary. The purpose of these regulations is to allow adult oriented businesses in the Town, but minimize their potential for harmful secondary effects by buffering them from the most sensitive land uses and by preventing their concentration.

Section 2. SEQR Determination

The Town Board determined, as lead agency pursuant to the State Environmental Quality Review Act (SEQR), that passage of this local law will not have a significant effect on the environment and thereby issued a negative declaration on June 3, 1999.

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

Section 3. Application

This local law shall apply to all areas of the Town of Canajoharie.

Section 4. Amendments to the Zoning Law of the Town of Canajoharie

The following changes to local law No. 3 of the year 1992, entitled The Zoning Law of the Town of Canajoharie, are hereby made:

1. Article III.B: "Schedule of Land Use Regulations" is hereby amended by adding the following sub-section:

	R	A	C	M
4.42 Adult Oriented Business	-	X/SU/SP	X/SU/SP	X/SU/SP

2. Article VI: "Supplemental Regulations" Section C: "Uses Subject to Additional Standards" is hereby amended by adding subsection VI.C.15 as follows:

C.15 Adult Oriented Businesses

C.15.1 Adult Oriented Businesses have secondary effects that can have a significant impact on the neighborhood and community in which they are located, particularly when concentrated in any one area. The special regulations deemed necessary to regulate these secondary effects are set forth below. The primary purpose of these regulations is to preserve the community character and quality of life in the Town of Canajoharie. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, or to deny access by adults to Adult Oriented Businesses.

C.15.2 No Adult Oriented Business shall be located within five hundred (500) feet of the property line of the parcel of land upon which any residence is located.

C.15.3 No Adult Oriented Business shall be located within one thousand (1,000) feet of the property line of the parcel of land upon which any school, child care facility, church or other place of religious worship, public or private park, playground or playing field, bike path, youth center or library, is located.

C.15.4 No Adult Oriented Business shall be located on the same parcel as another Adult Oriented Business, or within one thousand (1,000) feet of the property line of the parcel of land upon which any other Adult Oriented Business is located.

C.15.5 Any building or structure in which an Adult Oriented Business is located may have one exterior sign limited to text to identify the name and purpose of said business, and conforming to all sign regulations in Article VI.A.5 of this local law. In addition, no interior sign, display or advertising of any kind shall be visible from the exterior of such building.

3. Article XIII: "Definitions" is hereby amended by adding the following definitions:

Adult Oriented Business:

Whenever used in this local law, the words "Adult Oriented Business" or "Adult Oriented Businesses" apply to the following types of establishments, and any others which exclude or restrict minors by reason of age:

Adult Bookstore or Video Store:

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides or video tapes and which establishment excludes or restricts minors by reason of age.

Adult Entertainment Cabaret:

A public or private nightclub, bar, restaurant, or similar establishment which presents topless or bottomless dancers, strippers, male or female impersonators, exotic dancers, or other similar entertainment, and which establishment excludes or restricts minors by reason of age.

Adult Motel:

A motel which excludes or restricts minors by reason of age, and which makes available to its patrons in their rooms films, slide shows or videotapes, which if presented in a public movie theatre would exclude or restrict minors by reason of age.

Adult Theatre:

A theater that customarily presents motion pictures, films, videotapes or slide shows, and that excludes or restricts minors by reason of age.

Massage Establishment:

Any establishment having a fixed place of business where massages are administered, including but not limited to massage parlors, sauna baths and steam baths, and which excludes or restricts minors by reason of age. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or massage therapist, or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

Peep Show:

A theatre which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, and which excludes or restricts minors by reason of age.

Minor:

A person less than seventeen (17) years of age.

Residence:

A structure or portion thereof used as a dwelling unit.

Section 5. Penalties

Persons found guilty of any violation of this local law shall be subject to all fines and penalties as specified in Article X.D: "Violations" of the Zoning Law of the Town of Canajoharie.

Section 6. Validity

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part of this local law which can be given effect without such part or parts.

Section 7. Effective Date

This local law shall take effect upon filing with the Secretary 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. 2 of 19 99 of the ~~(County)(City)~~(Town)(Village) of Canajoharie was duly passed by the Town Board on June 3 19 99, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 _____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ 19 _____, (Elective Chief Executive Officer*) in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 _____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 19 _____. Such local law was (Elective Chief Executive Officer*) submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19 _____, in accordance with the applicable provisions of law.

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

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

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ____1____, above.

Wendy S. Williams
Clerk of the ~~County Legislative Body, City, Town or Village~~
or officer designated by local legislative body
Wendy S. Williams

(Seal)

Date: June 14, 1999

(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 Montgomery

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.

Charles H. Clark
Signature Charles H. Clark
Town Attorney
Title

~~County~~
~~XXXX~~
~~XXXX~~ of Canajoharie
Town
~~Village~~
~~XXXXXX~~

Date: June 14, 1999



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

ALEXANDER F. TREADWELL
SECRETARY OF STATE

May 6, 1999

MAY 8 1999

Charles H. Clark
Clark Law offices
103 West Main St.
P.O. Box 180
Canajoharie, NY 13317-0180

Dear Mr. Clark:

We are in receipt of your letter dated April 23, 1999 requesting information on Town of Canajoharie. Local Law No. 1, 1999 was filed March 8, 1999 in regards to residency requirements of appointed town officials.

If we may be of any further assistance to you, please don't hesitate to contact me.

Sincerely,

Janice G. Durfee

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

JGD/hn

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

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

~~County~~

~~City~~

~~Town~~

~~Village~~

of Canajoharie

Local Law No. 1 of the year 1999

A local law REGARDING RESIDENCY REQUIREMENTS OF APPOINTED TOWN OFFICIALS
(Insert Title)

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

~~County~~

~~City~~

~~Town~~

~~Village~~

of Canajoharie as follows:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Town Board of the Town of Canajoharie that any appointed official of the Town of Canajoharie, need not be a resident of the Town of Canajoharie or of the County of Montgomery, unless otherwise specified on appointment, and the provisions of Section 23 of the Town Law and Section 3 of the Public Officers Law, regarding residency requirements of appointed Town Officials, shall not be applicable thereto.

SECTION 2. RESIDENCE OF APPOINTED TOWN OFFICERS. Any official of the Town of Canajoharie, hereafter appointed by the Town Board or by the Supervisor of the Town of Canajoharie, shall not be required to be a resident of the Town of Canajoharie or of the County of Montgomery, unless otherwise specified by the appointing official or body at the time of appointment.

SECTION 3. EFFECTIVE DATE. This Local Law shall take effect upon filing thereof with the Secretary of State of the State of New York pursuant to Section 27 of the Municipal Home Rule Law.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 99 of the ~~(County)(City)(Town)(Village)~~ of Canajoharie was duly passed by the Town Board on March 4 19 99, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

Wendy S. Williams

X_____X Town or _____ Clerk
or officer designated by local legislative body

(Seal)

Date: March 4, 1999

(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 Montgomery

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.

Charles H. Chen
Signature

Town Attorney
Title

County _____
 City of Canajoharie
 Town _____
 Village _____

Date: 3/4/99

NOV 19 1998



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

ALEXANDER F. TREADWELL
SECRETARY OF STATE

November 16, 1998

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE, NY 13317-0180

RE: Town of Canajoharie, Local Law 4, 1998, filed 11/09/98

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

Sincerely,

Janice G. Durfee

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

JGD:ml

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

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

~~County~~ Canajoharie
~~City~~
Town of
~~Village~~

Local Law No. 4 of the year 19 98

A local law amending Local Law No. 1 of the Town of Canajoharie for the year 1978 relative to the access to public records and fees therefor.

Town Board

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

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

Local Law No. 1 for the year 1978 of the Town of Canajoharie is hereby amended as follows:

1. Section 4 of such law is amended to read as follows:
Section 4. Location. Records shall be available for public inspection and copying at the Town Offices, presently located at 12 Mitchell Street, Canajoharie, New York 13317, the location at which such records are kept.
2. The first sentence of Section 5 of such law is hereby amended to read as follows:
The Town of Canajoharie does have daily regular business hours which are posted.
3. Paragraphs (a) and (b)(1) of Section 6 of such law are hereby amended to read as follows:
(a) Any request for Town records is required to be in writing, stating the date, the signature and address of the person requesting such records and a specific description of each requested record, which request may be hand delivered, mailed or faxed to the records management officer. This requirement may be waived by the records management officer. Copies will be mailed at the prepaid expense of the requesting party or may be picked up by the requesting party during regular business hours. There will be no faxing of copies.
(b)(1) Except under extraordinary circumstances, officials shall respond to a request for records no more than five (5) days after receipt of the request.
4. Paragraph 8(b) of such law is amended to add the following:
No advance money will be held by the records management officer for further copies. Copy fees for requested records may be required to be paid in advance of copying at the discretion of the records management officer.
5. This local law shall take effect on filing thereof with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 19 98 of the ~~(County)(City)(Town)(Village)~~ of Cana Joharie was duly passed by the Town Board on 11/5 19 98, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

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

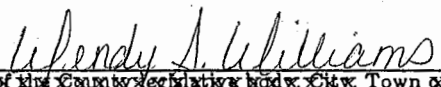
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

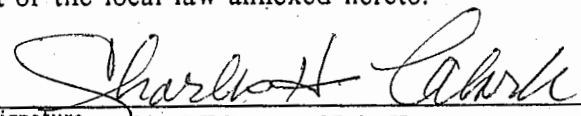

~~Clerk of the County Legislative Body, City, Town or Village Clerk~~
~~or officer designated by local legislative body~~
WENDY S. WILLIAMS
Date: 11/6/98

(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 MONTGOMERY

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 CHARLES H. CLARK
Attorney _____
Title _____

~~XXXXX~~
~~XXXXX~~ of Canajoharie
Town _____
~~XXXXX~~
Date: November 6, 1998



SEP 18 1998

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

ALEXANDER F. TREADWELL
SECRETARY OF STATE

September 15, 1998

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE, NY 13317-0180

RE: Town of Canajoharie, Local Law 3, 1998, filed 09/09/98

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

Sincerely,

Janice G Durfee

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

JGD:ml

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

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

~~County~~
~~City~~ of Canajoharie
Town
~~Village~~

Local Law No. 3 of the year 19 98

A local law regulating and controlling dogs in the Town and providing
(Insert Title) penalties for violation thereof.

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

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

SEE ATTACHED.

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

Section 1. Purpose.

The Town of Canajoharie, New York, finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons and damage to property and created a nuisance within the town. The purpose of this Law is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs within the town.

Section 2. Statutory authority.

This Law is enacted pursuant to the provisions of §124 of Article 7 of the Agriculture and Markets Law.

Section 3. Title.

The title of this Law shall be "Dog Control Law of the Town of Canajoharie."

Section 4. Definitions.

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

AT LARGE - Any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be "at large" if it is accompanied by and under the immediate supervision and control of the owner or other responsible person.

HARBOR - To provide food or shelter to any dog.

OWNER - Any person who harbors or keeps any dog. In the event that any dog found in violation of this Law shall be owned by a person under eighteen (18) years of age, the "owner" shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

Section 5. Prohibited acts.

It shall be unlawful for an owner of any dog to permit or allow such dog, in the Town of Canajoharie, to:

- (a) be at large;

(b) engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably and habitually annoy any person;

(c) cause damage or destruction to property, other than the property of the owner of such dog;

(d) chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury; or

(e) habitually chase, run alongside of or bark at motor vehicles or bicycles.

Section 6. Enforcement.

This Law shall be enforced by any dog control officer, peace officer, when acting pursuant to his special duties, or any police officer.

Section 7. Complaint procedure.

Any person who observes a dog in violation of this Law may file a complaint under oath with a Justice of the Town of Canajoharie, specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this Law.

Section 8. Appearance tickets.

Any dog control officer, peace officer, when acting pursuant to his special duties, any police officer having reasonable cause to believe that a person has violated this Law, shall have authority to issue and serve upon such person an appearance ticket for such violation.

Section 9. Penalties for offenses.

Any person convicted of a violation of this Law shall be deemed to have committed a violation and shall be subject to a fine not exceeding Fifty Dollars (\$50.00) or imprisonment for a period not exceeding thirty (30) days.

Section 10. This law shall take effect upon filing thereof pursuant to the provisions of Section 27 of the Municipal Home Rule Law.

(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. 3 of 19 98 of the ~~(County)(City)(Town)(Village)~~ of Canajoharie was duly passed by the Town Board on September 3, 1998, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

Wendy S. Williams

Clerk of the ~~County~~ ~~City~~ ~~Town or Village~~ Clerk
or officer designated by local legislative body

Wendy Williams

Date: 9/4/98

(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 Montgomery

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.

Charles H. Clark

Signature

Charles H. Clark

Attorney

Title

~~County~~

~~City~~ of Canajoharie

~~Town~~

~~Village~~

Date: Sept 5, 1998



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

ALEXANDER F. TREADWELL
SECRETARY OF STATE

*Rec'd
Received
7-25-98
CA*

July 22, 1998

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE, NY 13317-0180

RE: Town of Canajoharie, Local Law 2, 1998, filed 07/14/98

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

Sincerely,

Janice G. Durfee

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

JGD:ml

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

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

~~COUNTY~~~~CITY~~

Town

~~VILLAGE~~

of Canajoharie

Local Law No. 2 of the year 19 98

A local law Authorizing a town officer or employee to elect to receive cash payment
(Insert Title) in lieu of medical insurance coverage.

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

~~COUNTY~~~~CITY~~

Town

~~Village~~

of Canajoharie as follows:

Section 1. Effective on and after the 1st day of January, 1998, any officer or employee of the Town of Canajoharie, presently covered or entitled to be covered by the Town health insurance plan, shall be entitled to receive cash payment from the Town in amount not exceeding the cost to the Town of providing such health insurance, upon filing a written election with the Town Clerk of the Town, electing to opt out of such health insurance plan and electing to receive cash payment from the Town in lieu of such health insurance coverage. Such election shall remain in effect until a written revocation thereof by such officer or employee has been filed with the Clerk of the Town.

Section 2. This local law shall take effect upon filing thereof pursuant to Section 27 of the Municipal Home Rule Law.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1998 of the ~~(County)(City)(Town)(Village)~~ of Canajoharie was duly passed by the Town Board on July 2, 1998 1998, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

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

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

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

Wendy S. Williams
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: July 2, 1998

(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 Montgomery

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

Signature

Town Attorney

Title

~~County~~
~~City~~ of Canajoharie
~~Town~~
~~Village~~

Date: _____

orig to go
to Town Clerk
copy for file



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

ALEXANDER F. TREADWELL
SECRETARY OF STATE

APR 10 1998

April 7, 1998

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE, NY 13317-0180

RE: Town of Canajoharie, Local Law 1, 1998, filed 03/24/98

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

Sincerely,

Janice G Durfee

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

JGD:ml

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

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

~~County~~~~City~~

Town

~~Village~~

of Canajoharie

Local Law No. 1 of the year 19 98

A local law authorizing appointment of non-resident as deputy town clerk
(Insert Title)

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

~~County~~~~City~~

Town

~~Village~~

of Canajoharie as follows:

Whereas, Subdivision 10 of Section 30 of the Town Law authorizes the town clerk of each town to appoint not more than three deputies and

Whereas, the Town Clerk of the Town of Canajoharie has had difficulty from time to time in locating qualified residents of the Town to serve as deputy town clerk, this local law is hereby enacted:

Section 1. The Town Clerk of the Town of Canajoharie may appoint not more than three residents or non-residents of the Town of Canajoharie as deputies as provided in Subdivision 10 of Section 30 of the Town Law.

Section 2. This local law shall take effect upon filing pursuant to the provisions of Section 27 of the Municipal Home Rule Law.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1998 of the ~~(County)~~(City)(Town)(Village) of Canajoharie was duly passed by the Town Board on March 5 1998, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

(Seal)

Wendy Williams
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Wendy Williams, Town Clerk
Date: March 6, 1998

(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 Montgomery

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.

Charles H. Clark
Signature Charles H. Clark
Town Attorney
Title

~~County~~
~~City~~ of Canajoharie
~~Town~~
~~Village~~
~~XXXX~~
Date: March 6, 1998

*subscribed
out to Town Clerk*



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

JAN 16 1998

ALEXANDER F. TREADWELL
SECRETARY OF STATE

January 13, 1998

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE, NY 13317-0180

RE: Town of Canajoharie, Local Law 2, 1997, filed 12/29/97

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

Sincerely,

Janice G Durfee

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

JGD:ml

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

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

~~County~~XX

~~City~~XX

Town of

Canajoharie

~~Village~~XX

Local Law No. 2 of the year 1997

A local law Amending Local Law No. 3 of the year 1992 establishing a personal workers service facility overlay district and changing existing standards for radio and (Insert Title) television antennae, towers and dish antennae.

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

~~County~~XX

~~City~~XX

Town of

Canajoharie

as follows:

~~Village~~XX

Local Law number 3 for the year 1992 of the Town of Canajoharie is hereby amended to read as follows:

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

Article II - Establishment of Land Use District

A. Establishment and Names

Add: Personal Wireless Service Facility - Personal Wireless Service Facilities Overlay District

D. Statement of Purpose

Add: B.5 Personal Wireless Service Facilities Overlay District

The purpose of the Personal Wireless Services Facilities Overlay District is to provide a suitable choice of locations for the establishment, construction and maintenance of Personal Wireless Services Facilities, while protecting the integrity of the established neighborhoods of the Town of Canajoharie.

Article IV: Area and Bulk Regulations

Add: A.4 With the exception of Personal Wireless Services Facilities which are specifically regulated under Article VI: Supplemental Regulations, Section C. Uses Subject to Additional Standards, Subsection C.14. Personal Wireless Services Facilities, all.....(first sentence).

Article VI: Supplemental Regulations; C. Uses Subject to Additional Standards

Amend: C.7. Radio and Television Antennas, Towers and Dish Antenna
Radio and television antennas, and dish antennas, except those customarily associated with residential radio and television reception, shall require that a Certificate of Zoning Compliance and a Building Permit be issued prior to installation.

Amend: C.7.5. Only one such structure of each type shall exist per housing unit. A Housing Unit is defined as any room or group of rooms intended to be occupied as separate living quarters. Any additional structures per Housing Unit require site plan approval from the Planning Board

Add: C.14 Personal Wireless Services Facilities

All Personal Wireless Services Facilities shall comply with the following requirements in addition to all the requirements of the underlying zoning requirements.

C.14.1: PWSF - Personal Wireless Service Facilities Overlay District

A. **Purpose and Intent:** The PWSF is an overlay district intended to provide a suitable choice of locations for establishment, construction and maintenance of Personal Wireless Service Facilities.

B. **Permitted Uses:** All new Personal Wireless Service Facilities, and all additions and/or modifications to currently existing Personal Wireless Service Facilities, shall be allowed only in the Personal Wireless Service Facilities Overlay District. The Personal Wireless Service Facilities Overlay District shall apply to all property within the following zoning districts: A-Agricultural/Rural Residential; C- Commercial; M-Manufacturing. The Personal Wireless Service Facility Overlay District is excluded from R-Residential district and for 1000' beyond any R-Residential boundary line. In no event shall any Personal Wireless Services Facility be allowed within any zoning district without completing the procedural and other requirements of the Personal Wireless Service Facilities Overlay District.

C. **Underlying Zoning Regulations:** The requirements of the underlying zoning districts shall apply within the Personal Wireless Service Facilities Overlay District unless the provisions set forth in this Section are deemed more stringent than the underlying requirements in which event the provisions set forth in that section shall apply. All structures and facilities accessory to Personal Wireless Service Facilities, including but not limited to equipment sheds, parking areas, anchors, bases and pads, shall comply with the existing setback and dimensional requirements established for principal structures in the underlying zoning district, except for the height of a proposed tower or monopole.

D. **Data Requirements:** Applicants for Site Plan Approval shall file with the Town Clerk six (6) copies, and with the Planning Board, seven (7) copies of the following documents:

1. Site Plan. A Site Plan, in conformance with applicable site plan submission requirements and procedures contained in Article IX of the Zoning Law. The Site Plan shall show elevations, height, width, depth, type of materials, color schemes, and other relevant information for all existing and proposed structures, equipment, parking, and other improvements. The Site Plan shall also include a description of the proposed Personal Wireless Service Facilities, and such other information required by Article IX of the Zoning Law or the Planning Board may require.

2. Environmental Assessment Form. A completed Environmental Assessment Form (EAF), including the Visual EAF Addendum. Particular attention shall be given to visibility from key viewpoints identified in the Visual EAF Addendum, existing treelines and proposed elevations.

3. Landscape Plan. A Landscape Plan delineating the existing trees or areas of existing trees to be preserved, the location and dimensions of proposed planting areas, including the size, type and number of trees and shrubs to be planted, curbs, fences, buffers, screening elevations of fences and materials used. For towers or monopoles, the Landscaping Plan shall address the criteria set forth herein.

4. Documentation of Proposed Height. Documentation sufficient to demonstrate that the proposed height is the minimum height necessary to provide service to locations which the applicant is not able to serve with existing facilities within and outside the Town.

5. Statement Regarding Co-Location. For new Personal Wireless Service Facilities, a statement by the applicant as to whether construction of the Facility will accommodate co-location of additional Facilities for future users.

6. Structural Engineering Report: A report prepared by a New York State licensed professional engineer specializing in structural engineering as to the structural integrity of the Personal Wireless Service Facility. In the case of a tower or monopole, the Structural Engineering Report shall describe the structure's height and design including a cross section of the structure, demonstrates the structure's compliance with applicable structural standards and describes the structure's capacity, including the number of antennas it can accommodate and the precise point at which the antenna shall be mounted. In the case of an antenna mounted on an existing structure, the Structural Engineering Report shall indicate the ability of the existing structure to accept the antenna, the proposed method of affixing the antenna to the structure, and the precise point at which the antenna shall be mounted.

7. Engineering Analysis of Radio Emissions. An engineering analysis of the radio emissions, and a propagation map for the proposed Personal Wireless Service Facilities. The analysis shall be prepared and signed by a New York State licensed professional engineer specializing in electrical engineering with expertise in radio-communication

facilities. The results from the analysis must clearly show that the power density levels of the electromagnetic energy generated from the proposed Facility are within the allowable limits established by the Federal Communications Commission (FCC) which are in effect at the time of the application. If the proposed Personal Wireless Service Facilities would be co-located with an existing Facility, the cumulative effects of the Facilities must also be analyzed. The power density analysis shall be based on the assumption that all antennas mounted on the proposed Facility are simultaneously transmitting radio energy at a power level equal to the maximum antenna power rating specified by the antenna manufacturer.

8. Map of Proposed Coverage and Existing Facilities. A map showing the area of coverage of the proposed Facility and listing all existing Personal Wireless Service Facilities in the town and bordering municipalities containing Personal Wireless Service Facilities used by the applicant, and a detailed report indicating why the proposed Personal Wireless Service Facilities is required to provide service to locations which the applicant is not able to serve with existing Facilities which are located within and outside the Town by co-location and otherwise.

9. Performance Bond or other Security. Prior to Site Plan Approval, a performance bond or other security sufficient to cover the full cost of the removal and disposal of the Personal Wireless Service Facility upon abandonment of said facility shall be determined by an estimate of the Town's designated engineer. Any such security must be provided and maintained pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town attorney as to form, sufficiency and manner of execution. The form of security shall be limited to those permissible under NYS Town Law Section 277, Subsection 9(c) I-V.

E. **Criteria for Site Plan Applications:** Applicants for Site Plan Review for the establishment of construction of Personal Wireless Service Facilities shall meet all of the following criteria:

1. Necessity. The proposed Personal Wireless Service Facility is required to provide service to locations which the applicant is not able to serve with existing Facilities which are located within and outside the Town by co-location and otherwise.

2. Co-location. The co-location of existing Personal Wireless Service Facilities only within the Personal Wireless Service Facilities Overlay District shall be strongly preferred to the construction of a new Personal Wireless Service Facilities. If a new site for a Personal Wireless Service Facilities is proposed, the applicant shall submit a report setting forth in detail (x) an inventory of existing Personal Wireless Service Facilities within the Personal Wireless Service Facilities Overlay District which are within a reasonable distance from the proposed Facility with respect to coverage, (y) an inventory of existing Personal Wireless Service Facilities in other municipalities which can be utilized or modified in order to provide coverage to the locations the applicant is seeking to serve, and (z) a report on the possibilities and opportunities for co-location as an alternative to a new site. The applicant must demonstrate that the proposed Personal Wireless Service Facilities cannot be accommodated on a existing Facility within the Personal Wireless Service Facilities Overlay District or on an existing Facility in another municipality due to one or more of the following reasons:

(a) The proposed equipment would exceed the existing and reasonably potential structural capacity of existing and approved Personal Wireless Service Facilities within the Personal Wireless Service Facilities Overlay District, considering existing and planned use for those Facilities.

(b) The existing or proposed equipment would cause interference with other existing or proposed equipment which could not reasonably be prevented or mitigated.

(c) Existing or approved Personal Wireless Service Facilities within the Personal Wireless Service Facilities Overlay District or in neighboring municipalities do not have space on which the proposed equipment can be placed so it can function effectively and reasonably, and the applicant has not been able, following a good faith effort, to reach an agreement with the owners of such Facilities.

(d) Other reasons make it impractical to place the proposed equipment on existing and approved Personal Wireless Service Facilities within the Personal Wireless Service Facilities Overlay District on existing Facilities in other municipalities.

(e) Service to the locations to which the applicant seeks to provide service cannot be provided by existing facilities within or outside the Town.

3. Minimum Lot Size. The minimum lot size for a tower or monopole shall be three (3) acres, or the minimum lot size required by the underlying zoning district, whichever is greater.

4. Setbacks. Unless the FCC promulgates rules to the contrary, all Personal Wireless Service Facilities shall be separated from all residential dwellings by a distance of no less than five hundred (500) feet. All lot line (including lease areas) shall be at least 1000' from the road right-of-way. The setbacks from the lot lines shall equal the height of the Personal Wireless Service Facility. Setbacks from towers or monopoles shall be measured from the base of the structure.

5. Security Fencing. Security fencing, showing the location, materials and height, shall be provided around each tower or monopole to secure the site. Access to the structure shall be through a locked gate.

6. Architectural Compatibility. Where a Personal Wireless Service Facility is to be attached to an existing building or structure, such facility shall be integrated into such existing building or structure in such a manner which blends with the architectural characteristics of the building or structure to the maximum extent practicable.

7. Placement. Unless wall-mounted on a existing roof-mounted mechanical enclosure or similar appurtenance, all antennas mounted on a roof shall be located so that visibility of the antenna is limited to the greatest extent practicable. Antennas wall-mounted on a roof mounted mechanical enclosure or similar appurtenance shall not exceed the height of the appurtenance at the point of installation.

F. Design Guidelines: The proposed Personal Wireless Service Facility shall meet the following applicable design guidelines:

1. Finish/Colors. Towers or monopoles not requiring Federal Aviation Administration (FAA) painting or marking shall either have a galvanized finish or be painted gray or blue gray above the surrounding treeline and gray, green or tannish brown below the surrounding treeline.

2. Illumination. No signals, lights or illumination shall be permitted on Personal Wireless Service Facilities unless required by the FAA or other federal, state or local authority.
3. Landscaping for Towers or Monopoles. For towers or monopoles, vegetative screening shall be provided to effectively screen the tower base and accessory facilities. At a minimum, screening shall consist of one row of native evergreen shrubs or evergreen trees capable of forming a continuous hedge. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement toward meeting landscaping requirements. Additional screening may be required to screen portions of the structure from nearby residential property or important views. All landscaping shall be properly maintained to ensure good health and viability.
4. Visibility. All Personal Wireless Service Facilities shall be sited to have minimum adverse visual effect on residential areas, parks or major roadways.
5. Signage. Signage shall be prohibited on Personal Wireless Service Facilities except for signage to identify the Facility which is located along the right-of-way frontage. Except as specifically required by a federal, state or local authority, no signage shall be permitted on equipment Mounting Structures or Antennas.

G. Construction and Maintenance

1. Time Limit for Completion. A building permit must be obtained within six(6) months after approval of a Site Plan for a Personal Wireless Service Facility and construction of such Facility must be completed within twelve (12) months of such approval. The Site Plan Approval shall automatically expire in the event that the Building Inspector has not granted such permit and construction of the Facility is not completed with the periods set forth above.
2. Annual Inspections.
 - (a) Unless otherwise preempted by Federal or State Law, Personal Wireless Service Facilities, including towers, monopoles and antennas, shall be inspected annually at the applicants expense for structural integrity, and a copy of the inspection report shall be promptly transmitted to the Building Inspector. The structural inspection shall be performed by a New York State licensed professional engineer specializing

in structural engineering. The structural inspection report shall describe the structural integrity of the Personal Wireless Service Facility, maintenance issues and repairs need or made, if any. In the event that the structural inspection indicates structural deficiencies, then the deficiencies must be remedied within the time reasonably set by the Building Inspector.

(b) Unless otherwise preempted by Federal or State law, Personal Wireless Service Facilities, including towers, monopoles and antennas, shall be inspected annually at the applicant's expense for radio emissions, and a copy of the inspection report shall be promptly transmitted to the Building Inspector. Radio emission inspection shall be performed by a New York State licensed professional engineer specializing in electrical engineering with expertise in radiocommunication facilities. The radio emission inspection shall describe the power density levels of the electromagnetic energy generated from the Facility, including the cumulative effects of co-located antennas. In the event that the radio emission inspection indicates that the electromagnetic energy generated from the Facility are above the allowable limits stated within applicable FCC or ANSI standards or other applicable state or federal guidelines in effect at the time of the inspection, the applicant shall cease all use of the Facility until such time as it proves to the satisfaction of the Building Inspector that the power density levels of the electromagnetic energy to be generated at the Facility are below the applicable standards.

3. Abandonment. In the event that the use of any Personal Wireless Service Facility has been discontinued by all operators on such facility for a period of one hundred eighty (180) consecutive days or more, the Facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Inspector, who shall have the right to request documentation from the owner/operator of the Facility regarding usage threat. Upon such abandonment, the owner/operator shall remove the Facility at its own expense, and failing prompt removal, the Town may remove the Facility at the owner/operator's expense. All Site Plan Approval variances and approvals of any nature granted by the Town shall automatically expire as of the

I. Alteration of an Existing Antenna. Alteration of an existing antenna which results in an increase in the size or height of the antenna shall be

permitted only after application to the Planning Board which shall review the matter as if the alteration were an entirely new application for a Site Plan Approval.

J. Waivers. The Town of Canajoharie Planning Board reserves the right to waive any section or sections based on factors related to a specific proposal(s). Factors that would be considered are (but are not limited to) co-location, height, location, etc.

K. Exemption from PWSFOD. The following are exempted from the provisions of the Personal Wireless Services Facility Overlay District:

1. Machines and equipment designed and marketed as consumer products, such as walkie-talkies, ham radios not used commercial purposes, remote control toys, and cellular phones;
2. Hand-held, mobile, marine and portable radiocommunication transmitters and/or receivers;
3. Two-way radios utilized for temporary or emergency service communications;
4. Two-way radios utilized for government service communications;
5. Back-up wireless transmitters connected to an alarm monitoring service that transmits to a remote monitoring center in the event of an emergency when the telephone lines are inoperable, and
6. Over-the-air receive only devices in compliance with FCC rules and standards.

Article X: Administration and Enforcement

B. Permits and Certificates

Add to B.5.: Specific antenna, microwave dishes and related equipment permitted and certified with approved Personal Wireless Service Facilities are exempt.

Article XIII: Definitions

Add:

Antenna : a device used in communications which converts radio frequency electrical energy to radiated electromagnetic energy and vice versa in a transmitting station, an antenna is the device from which radio waves are emitted.

Applicant: the person, persons, corporations, etc. who is the owner(s) of the property.

Co-location: the mounting of Personal Wireless Service Facilities used by two or more persons, firms or corporations on the same equipment mounting structure.

Owner/Operator: person, persons, corporation, etc. that owns and/or operates the business or facility.

Equipment Mounting Structure: any structure used primarily to support reception or transmission equipment including, but not limited to, antenna support structures, towers and monopoles.

Personal Wireless Service: commercial mobile services, wireless telecommunication services using duly authorized devices which do not require individual licenses (excluding the provision of direct-to-home satellite services), and common carrier wireless exchanges including cellular radiotelephone, specialized mobile radio system and personal communication services.

Personal Wireless Services Facility: a facility for the provision of Personal Wireless Services. A Personal Wireless Service Facility includes, but is not limited to, an Antenna Equipment Mounting Structure and accessory buildings and equipment. For the purposes of the Zoning Law, a Personal Wireless Service Facility shall not be included within the definition of a "Public Utility" Station or structure as specified in the Zoning Law, since Personal Wireless Service Facilities, although they are facilities operated by public utilities with certain rights under the laws of the United States and the State of New York, are exclusively regulated as such by Article VI, C.14 of the Zoning Law.

Public Utility Station or Structure: A facility other than a Personal Wireless Service Facility for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or government agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage, collection of other such services to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include offices or administration buildings. For purposes of the Zoning Law, Personal Wireless Services Facility, defined separately in the Zoning Law, shall not be governed by the Zoning regulations which apply to the broader definition of Public Utility station or structures but shall be governed by the regulations of the Personal Wireless Services Facilities Overlay District which specifically regulates this category of public utilities.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1997 of the ~~(County)(City)~~(Town)(Village) of Cana Joharie was duly passed by the Town Board on 11-12 1997, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 19____,
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 19____. Such local law was
(Elective Chief Executive Officer*)
submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1997 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 _____ 1997, 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 1997 of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 1997, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

Cecilia Russell-Hall
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: December 5, 1997

(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 Montgomery

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.

Charles H. Clark
Signature
Town Attorney
Title

~~County~~
~~City~~ of Canajoharie
~~Town~~
~~Village~~

Date: December 5, 1997



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

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
ACTING SECRETARY OF STATE

May 2, 2011

Town Clerk

RE: Town of Canajoharie, Local Law 1 1997, filed on July 14, 1997

Dear Sir/Madam:

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

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

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

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

~~County~~

~~City~~

Town

~~Village~~

of Canajoharie

Local Law No. 1 of the year 19 97

A local law in relation to the classification of low volume town roads; the establishment of maintenance and rehabilitation guidelines for such roads and the procedure to be followed to designate particular roads according to classification.

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

~~County~~

~~City~~

Town

~~Village~~

of Canajoharie

as follows:

(See page 2)

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

Section 1. Legislative purpose. The Town of Canajoharie hereby enacts this local law for the purpose of reducing the cost of maintaining and rehabilitating low volume town roads while providing that such roads, when used in a manner consistent with the road classification, will be safe for the users thereof. While there are generally accepted standards for the design, maintenance and rehabilitation of high volume roads, there are no such comparable standards for roads over which a relatively low volume of traffic passes. In the event there can be a savings in the cost of maintaining or rehabilitating a road that has relatively few vehicles traveling over it, the money saved could be spent on more intense maintenance of roads over which travel is greater. The result could be greater overall safety for the general public. Since the town resources to be expensed for highways is limited, it is incumbent upon the town to utilize such limited resources in a manner which targets expenditures on the most heavily traveled roads. It is for such purposes that this local law is enacted.

Section 2. The town superintendent of highways upon finding it to be in the best interests of the town, may classify one or more of the roads or portions thereof as one of the following types of roads: low volume collector; residential access; farm access; resource/industrial access; agricultural land access; recreational land access or minimum maintenance road. However, no road shall be finally determined to be a minimum maintenance road until so designated by the town board by local law. The classification of any road or designated portion thereof shall be consistent with the definitions of such type of road as set forth in section nine (9) of this local law. Upon classification of any road or portion thereof by the town superintendent such designation shall be filed in the office of the town clerk and a copy shall be presented to each member of the town board by the town clerk within ten (10) days of such filing. Such designation shall be accompanied by a finding by the town superintendent, which shall contain the information upon which the highway superintendent relied when designating such road or portion thereof. The town board may, at a town board meeting following the filing of such designation, adopt a resolution accepting such designation except that the designation of a minimum maintenance road shall be by local law as provided in section three (3) of this local law. Upon the adoption of such resolution, the road or portion thereof shall be classified as determined by the town highway superintendent and such town highway superintendent shall take into consideration the guidelines for maintaining such road or portion thereof as set forth in section nine (9) of this local law.

Section 3. Notwithstanding the provisions of section two (2) of this local law no road or portion thereof shall be designated as a minimum maintenance road except after following the procedures set forth in sections three (3) and five (5), inclusive.

- a. The town superintendent of highways shall submit to the town board a recommendation that a road or portions thereof should be designated as a minimum maintenance road. No road or portion thereof shall be recommended as a minimum maintenance road by the town superintendent of highways unless the traffic volume is less than fifty (50) vehicles per day as determined by the town superintendent of highways and such road or portion thereof is an agricultural land access road or a recreational land access road, and that such road or portion thereof does not provide farm centers of operation and/or year-round residences with principal motor vehicle access to goods and services necessary for the effective support of such farms and/or year-round residences.
- b. The town upon the approval of such recommendation shall, by local law, designate such road or portion thereof as a minimum maintenance road.
- c. At least ten days before the public hearing on such local law, written notice of such hearing shall be served by certified mail upon every owner of real property, as determined by the latest completed assessment roll, abutting such road or portion thereof to be designated a minimum maintenance road.
- d. No local law designating a minimum maintenance road shall be effective until signs pursuant to sections five (5) and ten (10) of this local law are first posted advising the public that such road is a minimum maintenance road.
- e. No road or portion thereof, once designated a minimum maintenance road, shall be determined to have been abandoned pursuant to the provisions of subdivision one (1) of section two hundred five of the highway law until at least six (6) years have elapsed since the termination of the designation of said road or portion thereof as a minimum maintenance road.
- f. Prior to any public hearing relating to the adoption of a local law designating a low volume road or portion thereof as a minimum maintenance road, the town board shall issue findings that such road or portion thereof should be designated a minimum maintenance road. Such findings shall include but not be limited to:
 1. the volume and type of motor vehicle traffic on such road;
 2. a determination that the property owners of land abutting the road shall continue to have reasonable access to their property;
 3. a determination that the users of the road or portion thereof, traveling at a reasonable and prudent speed under the circumstances, shall not be placed in a hazardous situation;
 4. a determination that such road, or portion thereof, does not constitute a farm access road as defined pursuant to section nine (9) of this local law, and
 5. a determination that such road, or portion thereof, does not constitute access to a year-round residence.

Such findings shall be on file in the office of the town clerk and be available for public inspection for at least 60 days before the public hearing on the local law.

Section 4. School board and planning board review. A copy of the findings in section three (3) shall also be sent to the board of education of the central school and to the town and county planning boards of the town and county in which each road or road segment is located. Such school board and planning boards shall review the findings and within forty-five (45) days file with the town clerk a resolution recommending such road designation or, in the event such designation is not recommended, the school board or planning board shall set forth in a resolution the reasons for not recommending such designation. The town board may, by resolution, accept, accept in part or reject the recommendations of either the school board or town planning board or county planning board prior to any vote upon the proposed local law. In the event the school board, county planning board or town planning board takes no action upon the findings issued by the town board, the town board shall consider such inaction as a recommendation for the proposed minimum maintenance designation.

Section 5. Posting of signs. Appropriate signs shall be placed by the Town Superintendent of Highways on a minimum maintenance road. Such signs shall notify and advise motorists of the need to exercise caution when traveling such road and shall conform to the manual of uniform traffic control devices. Properly posted signs shall be prima facie evidence that adequate notice of a minimum maintenance road designation has been given to the public.

Section 6. Minimum maintenance practices. Minimum maintenance roads shall be maintained in a manner determined by the town highway superintendent to be consistent with the volume and type of traffic traveling on such road. Normal road maintenance practices such as, but not limited to paving, patching, blading, dragging or mowing may be done less frequently depending upon the existing condition and use of the road as shall be determined by the town superintendent of highways. The guidelines for the method and manner of maintaining a minimum maintenance road are set forth in section nine (9) of this local law.

Section 7. Discontinuance of minimum maintenance road. Any person or persons owning or occupying real property abutting a road or portion thereof which has been designated a minimum maintenance road may petition the town board to discontinue the designation of such road or portion thereof as a minimum maintenance road. Such petition shall be filed with the clerk of the town. Such petition shall identify the road or portion thereof to be discontinued as a minimum maintenance road and set forth the reasons for such discontinuance. The town board shall hold a public hearing upon

such petition within thirty days (30) after its receipt; at least ten (10) days public notice shall be given prior to the conduct of such public hearing. At least ten (10) days before the public hearing on such petition, written notice of such public hearing shall be served by certified mail upon every owner of real property, as determined by the latest assessment roll, abutting such road or portion thereof. In the event the town board, after such public hearing, determines that such road or portion thereof shall continue as a minimum maintenance road, no further petition may be submitted pursuant to this section until the lapse of at least two (2) years from the date of the filing of the petition. In the event it is determined that such road shall be discontinued as a minimum maintenance road, the town board, by local law, shall discontinue such road or portion thereof as a minimum maintenance road and such discontinuance shall take place six (6) months after the commencement of the next succeeding fiscal year.

8. Notwithstanding the provisions of section seven (7) of this local law, the town board may adopt a local law discontinuing such minimum maintenance road designation in the event it determines such discontinuance to be in the public interest.

9. The following tables and accompanying data are hereby made a part of this local law and shall be used as guides by the town superintendent of highways to classify low volume roads in the Town of Canajoharie and shall be used to enable the town superintendent to determine the guidelines he may follow to enable him to determine the manner in which low volume roads may be designed, maintained and operated.

CLASSIFICATION FOR LOW VOLUME ROADS AND GUIDELINES FOR THEIR DESIGN, MAINTENANCE, AND OPERATION

The following classifications have been developed to establish a close relationship between the uses of low volume roads and their design, maintenance and operation and are hereby adopted by the Town of Canajoharie. The classifications identify the significant use characteristics, including traffic volumes, vehicle types and seasonal use characteristics, that are present on New York State's low volume roads. Guidelines for the design, maintenance and traffic control have been developed that are closely matched to those use characteristics. Such guidelines shall be used by the town superintendent of highways.

Land use adjacent to the road shall be the basis for classification because it is a convenient and accurate way of identifying the kind of use that a low volume road serves.

A low volume road is a road with zero to 400 vehicles per day.

Low Volume Road Classifications in the Town of Canajoharie.

- Low Volume Collector—collects traffic from any of the other classifications and channels it to higher level roads, such as arterials and interstates.
- Residential Access—provides access to residences. The traffic volume generated depends on the number of residences. All year access for fire trucks, ambulances and school buses should be provided.

- **Farm Access**--provides access to a farm's center of operations including the residence. Traffic volume is generally low, but may include occasional heavy trucks and farm equipment.
- **Resource/Industrial Access**--provides access to industrial or mining operations. Traffic volume can vary and can include heavy trucks and significant numbers of employees' cars.
- **Agricultural Land Access**--provides access to farm land. Traffic volumes are low and vary seasonally. These roads should accommodate farm equipment that can be up to 20 feet wide.
- **Recreation Land Access**--provides access to recreational land including seasonal dwellings and parks. Volumes of traffic can vary with the type of recreation facility and season of the year, and may include recreational vehicles.
- **Minimum Maintenance Road**--a low-volume road or road segment which may be of a seasonal nature, having an average traffic volume of less than fifty vehicles per day which principally or exclusively provides agricultural or recreational land access. A road, or road segment, which has been so designated may be maintained at a level which allows such road to remain passable and functional in accordance with standards contained in this section of the Guidelines. In no way shall the term "minimum maintenance" be construed to mean "no maintenance" or "abandonment". Further, such term shall not apply to those roads, or road segments, which provide farm access as previously defined, or access to an individual year-round residence.

The guidelines for rehabilitation design shall include three rehabilitation design types. Rehabilitation Design Type A is an all purpose road on which vehicles can pass without a reduction in speed. Rehabilitation Design Type B is an area service, two lane road on which vehicles may have to reduce their speeds to pass. Rehabilitation Design Type C is an area service, one lane road on which either of two passing vehicles must slow, stop or briefly leave the roadway to allow the other to pass.

Vehicle interaction characteristics shall be considered by the town superintendent of highways as the basis for assigning the design types to the respective Classifications. Vehicle size (as determined by the absence or presence of significant truck traffic) and traffic volumes (of either greater or equal to 50 vehicles per day, or less than 50 vehicles per day) are the criteria used. The 50 vehicle per day threshold is used because, at fewer than 50 vehicles per day, vehicle interactions become so infrequent that the effect on vehicle operation is negligible.

The guidelines to be followed by the town superintendent of highways for maintenance shall include provisions for a minimum maintenance designation that allows a reduced level of maintenance on roads which are used for agricultural or recreational land access.

The guidelines for traffic control parallel the maintenance guidelines. They may include recommendations for signs on normally maintained roads and a minimum maintenance road sign shall be posted at the entrance points to minimum maintenance roads. The only other signs recommended for minimum maintenance roads are those mandated by Law (for all roads).

TABLE 1

LOW VOLUME ROAD CLASSIFICATION

ROAD USE			GUIDELINES		
Road Classification	Vehicle Type	ADT ⁽¹⁾	Rehabilitation Design Type	Maintenance	Traffic Control
Low Volume Collector	All vehicles	50-400 <50	A B	Normal	MUTCD ⁽²⁾
2. Residential Access	Cars, emergency and service vehicles	50-400 <50	B C	Normal Normal	MUTCD MUTCD
3. Farm Access	Cars, light trucks, occasional heavy trucks, farm equipment	250-400 <250	A B	Normal Normal	MUTCD MUTCD
4. Resource/Industrial Access	Trucking employees cars	50-400 <50	A B	Normal Normal	MUTCD MUTCD
5. Agricultural Land Access	Occasional farm equipment seasonal		C	Min. Maint.	MUTCD
6. Recreational Land Access	Cars, R.V's Seasonal	50-400 <50	B C	Normal Min. Maint.	MUTCD MUTCD

Note:

⁽¹⁾ Average Daily Traffic

⁽²⁾ "Manual of Uniform Traffic Control Devices" Supplemented by "Traffic Sign Handbook for Low Volume Roads" New York State Department of Transportation Traffic and Safety Division, June 1985.

TABLE 2

DESIGN GUIDELINES FOR ROAD REHABILITATION BY ROAD TYPE

Type A All Purpose Road		Type B Area Service 2-Way 2 Lane Road	Type C Area Service Single Lane 2-Way Road
Minimum Width Traveled Way	18 feet ⁽¹⁾	16 feet ⁽¹⁾	10 feet ⁽²⁾
Shoulder	2 feet	2 feet	
Opposing Vehicle Interactions	All vehicles pass with no speed reductions	1. Trucks cannot meet without reducing speed. 2. Cars cannot meet trucks without reducing speed. 3. Cars pass with almost normal speed.	All vehicles require special widening for passing.
Operating Speed ⁽³⁾	45 mph or greater	25 mph to 45 mph	40 mph or less
Typical Surface Material ⁽⁴⁾	Asphaltic Concrete ADT>150	Asphaltic Concrete ADT>100	Usually unsurfaced
	Aggregate ADT<150	Aggregate ADT<100	
Surface Condition	No adverse effect on operating speed	May cause reduction in operating speed	Reduced operating speed

¹ Add 2ft. to the traveled way if significant truck traffic is present.

² If farm vehicles are present, maintain 20 foot horizontal clearance. Widening of traveled way should be provided at approximately 1000 foot intervals to allow vehicles to pass.

³ Applicable to normal maintenance roads.

⁴ ADT thresholds recommended based on economic analysis, "Economic Evaluation of Pavement Design for Low Volume Roads," Proceedings of the Third International Low Volume Road Conference 1983, Cornell University.

TABLE 3

CROSS SLOPE DRAINAGE CRITERIA, BY SURFACE TYPE

Surface Type	Range in Cross Slope
High (asphalt, etc.)	1.5%–2.0%
Intermediate (surface treated)	1.5%–3.0%
Low (unpaved)	2.0%–6.0%

- **Clear Zone**--The width of the roadside area that should be studied for possible hazard mitigation measures varies with the operating speed, traffic level and degree of curvature of the road. Desirable clear zones are indicated below. (Clear zone is measured from the edge of the traveled way.)

Type A Road--a 10-foot clear zone is desirable.

Type B Road--a 2-foot to 5-foot clear zone is desirable; a 10-foot clear zone on the outside of sharp curves and on curves at the bottom of long grades is desirable.

Type C Road--a 2-foot clear zone is desirable; a wider clear zone on the outside of sharp curves is suggested. On minimum maintenance roads a clear zone may not be provided.

Hazard mitigation measures to be considered include:

- Improved delineation of the road including edgelines, delineators and reflectors.
- Guiderail
- Berms and earth work
- Drainage modifications
- Removal of the hazard

Property owners should recognize the legal right of local government to remove fixed objects within the right of way of the road.

Guiderail-- New York State Department of Transportation Guiderail and Bridge rail designs are intended for high volume, high speed highways and are often too expensive for many low volume road applications. Alternative designs that are less expensive and adequately tested to assure performance may be used on low volume roads.

TABLE 4

**MAINTENANCE ACTIVITIES FOR LOW VOLUME ACTIVITIES
AND MINIMUM MAINTENANCE TOWN ROADS**

Activity	Normal Maintenance Roads	Minimum Maintenance Roads
Surface Maintenance		
Crack Sealing Patching and Potholes Surface Seals Thin Overlays Snow Removal Shoulder Maintenance Blading	As necessary On demand As necessary As necessary Roads kept clear Grading cleaning Regular	Maintain in manner determined by town highway superintendent consistent with volume and type of traffic and in the manner stated in section seven of this local law. Infrequent
Roadside Maintenance		
Cleaning Mowing Brush Control Guide Rail Maint Drainage: -Structure -Ditches Slopes	As necessary Regular Site Distance maintained Regular As necessary Positive drainage maintained Repair failures	Maintain in manner determined by town highway superintendent consistent with volume and type of traffic and in the manner stated in section seven of this local law.
Bridges		
Cleaning Lubrication Painting Deck Drainage	As necessary to preserve bridge As necessary to preserve bridge As necessary to preserve bridge As necessary to preserve bridge As necessary to preserve bridge	Maintain in manner determined by town highway superintendent consistent with volume and type of traffic and in the manner stated in section seven of this local law.
Signs	MUTCD ⁽¹⁾	MUTCD ⁽¹⁾

Note:

⁽¹⁾ MUTCD is the Manual of Uniform Traffic Control Devices.

Surface Maintenance

Crack Sealing - manually pouring hot asphalt, with or without a fiber reinforcement material, into road surface cracks that have first been cleaned of all loose debris, vegetation, etc. The cracks may occur at construction joints, utility cuts, or just be random due to the effects of time, weather, loads, etc. Crack sealing has been found to be a very cost-effective measure, because it prevents the entry of water into the base course and subgrade. By blocking the entry of water, crack sealing indirectly strengthens the load supporting capability of the road.

Patching and Potholes - placement and compaction of asphalt concrete into surface defects, such as potholes, which have first been cut back to sound material and cleaned of loose debris, water, etc. While a certain amount of this work will have to be done on an emergency basis during inclement weather to provide a safe road, expedient patches should be replaced with permanent patches using proper methods and materials when conditions are favorable. Extensive patching and potholes is an indication that a pavement has reached the end of its functional life, and the road should be scheduled for rehabilitation in accordance with the guidelines set forth in this local law.

Surface Seals - also known as "chip seals," this method involves spraying a rapid-setting emulsified asphalt onto the road surface, followed immediately by the placement of a single layer of clean, crushed stone particles. A pneumatic, rubber-tired compactor is used to press the stones into the asphalt before the emulsion sets up. Chip sealing is used where the surface cracking is more extensive, while manual crack sealing is used where the cracking is less extensive. Chip sealing may also be used to enhance skid resistance on a slippery road. Where water entry is prevented by the surface seal, some strengthening of the road will result.

Thin Overlays - while "thin" is a relative term, it is used here to refer to hot-mix or cold-mix overlay shaving a thickness of 1 ½ inches or less. This method adds more to the structural capability of the pavement than does a chip seal. However, it performs much the same function as a chip seal, although it can be expected to have a more lasting effect. When a thin overlay is placed on a paved road, it is customary to use a tack coat to promote a bond between the old surface and the overlay. According to the Asphalt Institute, the tack coat should be sprayed from a distributor, allowing adequate time for it to become "tacky" before paving. Traffic should be kept off the tacked area before paving. They recommend using an SS-1 or a CSS-1 asphalt emulsion diluted 50-50 with water, and applied at a rate of 0.05 to 0.15 gallons per square yard. Application of tack coat at higher rates should be avoided, as this can lead to slippage of the overlay or "bleeding" and loss of skid resistance on the surface of the overlay.

Snow Removal - Snow and ice control are performed to foster safety and to expedite travel during the winter months. Blading of snow is done to remove it from the roadway to prevent the buildup of ice. Abrasives (sand, usually mixed with salt) are used to enhance trafficability during a storm or immediately afterward when a thin layer of ice or snow remains on the road. Salt is used to lower the melting temperature of the ice, and to diminish the bond of the ice on the road surface.

Shoulder Maintenance - activities may differ depending on whether the shoulder is paved or unpaved. The objective is to keep the surface smooth so that moving vehicles can leave the main roadway safely, and also to assure that water from the road will move across the shoulder and into the ditch or gutter. It is particularly important to remove the accumulated winter maintenance abrasives from the shoulders to prevent the retention of water near the edge of the pavement.

Blading - for aggregate roads and unpaved shoulders, blading removes potholes, corrugations, and other surface defects, rendering the surface smoother and safer to travel on. Blading is usually preceded by scarification to a depth slightly deeper than the deepest surface defects. Blading should be used to establish

a cross-slope of 4 to 6 percent ($\frac{1}{2}$ to $\frac{3}{4}$ inch per foot) for good drainage and to reduce the development of potholes in the aggregate surface.

Regraveling - the addition of aggregate materials to re-establish the crown and grade of the road. This activity is commonly done at the same time as blading, but less frequently. The new aggregate is needed periodically to make up for materials that have been lost due to traffic, water erosion, dusting, and blading losses.

Dust Palliation - application of water, calcium chloride, sodium chloride (salt), lignin sulfonate, or other non-toxic chemicals to bind the surface and prevent loss of dust. Dust loss leads to the gradual erosion of the road surface, reducing its thickness and load supporting capability. Dust can make summertime travel hazardous when traffic volumes are sufficient to require passing maneuvers. Sometimes the use of dust palliatives will reduce the need for blading and regraveling to a sufficient degree to be highly cost-effective.

Roadside Maintenance

Cleaning - picking up litter and other roadside debris, principally for aesthetic reasons, but also to protect the flow capacity of culverts and ditches.

Mowing - cutting grass and weeds. This is particularly important near driveways and intersections, to provide a clear line of sight for traffic.

Brush Control - cutting woody shrubs to prevent encroachment onto the right-of-way. This is important to provide adequate sight distance, particularly around the inside of curves, and at driveways and intersections.

Guiderail Maintenance - replacement of damaged, ineffective guiderail. This may also involve use of herbicides to retard the growth of weeds and shrubs in front of and immediately behind the guiderail.

Drainage - cleaning debris from the inlets and outlets around culverts, and cleaning ditches to maintain flow capacity. When possible, ditches should be cleaned in the late spring of the year, so that vegetation will be quickly re-established to protect against erosion. At other times, reseeding may be necessary for erosion protection.

Slope Maintenance - remove landslide debris, cut and remove trees from fill slopes, protect against erosion due to runoff from the road surface or ditches, seed slopes to retard erosion.

Bridges

Bridge Maintenance - cleaning of drainage scuppers, lubrication of pins and bearings, painting of beams and railings, cleaning and patching of deck surface defects, removal of winter maintenance abrasive and salt residues, protection of bridge abutments against scour and erosion, inspection of abutments, clearance of the waterway to maintain flow capacity.

Signs

Sign Maintenance - clearance of shrubs and trees obstructing visibility, replacement of damaged signs, verification that signs are used and placed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

Section 10. Guidelines for Traffic Control on Low Volume and Minimum Maintenance Roads. This section lists guidelines for traffic control on low volume and minimum maintenance roads. It describes methods of traffic control that are cost effective and promote safety.

Signs on Low Volume Roads

The town superintendent of highways is authorized in Section 1682 of the Vehicle and Traffic Law to decide conditions to which drivers are to be alerted with traffic control devices. It is mandatory to provide signs indicating weight restrictions, low clearances, dead-end roadways, railroad crossings and road closures. These are specified elsewhere in Law. On low volume roads subject to normal maintenance activities, the decision regarding the need for other signs should be based on the principle of positive guidance. In essence, this principle suggests that hazard warnings be provided whenever a driver cannot anticipate a hazard in time to react safely.

When a the town superintendent of highways decides that a condition on a town road is potentially hazardous, appropriate signing, in conformance with the NYSMUTCD, is to be provided. The New York State Department of Transportation's "Traffic Sign Handbook for Low Volume Roads" may be helpful in determining the type and location of signs to be used, once the need for a sign has been established.

Features that are inconsistent with the general driving environment should be identified and analyzed for the possible installation of signs. Identification can be made by driving over the road and noting if a reduction in speed is necessary or if a surprising or unanticipated feature is encountered. Such things as isolated curves or narrow bridges, especially those with limited sight distance, should be evaluated for a "surprise" factor. Signs at every curve are generally not necessary on low volume roads as drivers are cognizant of conditions. Signs should be restricted to those features that the town superintendent of highways determines are inconsistent with the general highway environment and cannot be anticipated early enough for drivers to take appropriate defensive action. Records of all determinations should be made and properly filed for future reference.

Signs on Designated Minimum Maintenance Roads

1. Design of road signs. The NYS Department of Transportation has designed signs for posting minimum maintenance roads. Such signs notify and advise motorists that reduced levels of maintenance are in effect. These signs are contained in the NYS Manual of Uniform Traffic Control Devices.
2. Installation of signs. Minimum maintenance road signs shall be installed at each end of the minimum maintenance section and immediately beyond intersections with other public roads. The maximum distance between signs should not exceed two miles. Additional installation conditions are set forth in the Manual. Posting of minimum maintenance road signs will not relieve the town of its responsibility to post other legally-required signs such as railroad crossings, dead ends, bridge capacity, low clearance and road closures.

Section 11. This local law shall take effect upon filing thereof pursuant to the provisions of Section 27 of the Municipal Home Rule Law.

(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 1997 of the ~~(County)(City)(Town)(Village)~~ of Canajoharie was duly passed by the Town Board on July 3 1997, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

(Seal)

Diane Rumrill-Hall
~~Clerk of the County of Montgomery, State of New York, Town of Canajoharie~~
~~XXXXXX designated by XXXX legislative body~~
DIANE RUMRILL-HALL, Town Clerk
Date: *July 11, 1997*

(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 MONTGOMERY

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.

Charles H. Clark
Signature CHARLES H. CLARK

Town Attorney

Title

~~County~~
~~City~~ of Canajoharie
~~Town~~
~~Village~~

Date: *July 10, 1997*

NYS DEPARTMENT OF STATE
BUREAU OF STATE RECORDS
162 Washington Avenue
Albany, NY 12231-0001

DATE: 6/15/94

MUNICIPALITY		
Town of Canajoharie		
LOCAL LAW(S) NO.	YEAR	FILING DATE
1	1994	6/13/94

RECEIVED JUN 17 1994

Local Law Acknowledgment

CHARLES H. CLARK
103 WEST MAIN STREET
PO BOX 180
CANAJOHARIE NY 13317

The above-referenced material was received
and filed by this office as indicated.

Additional local law filing forms will be
forwarded upon request.

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

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

~~County~~

~~City~~

Town

~~Village~~

Local Law No. 1

of the year 19⁹⁴

amending subparagraphs H.1 and H.2 of Article III of Local Law No.2 for the
A local law year 1992 relative to Major Subdivisions and Minor Subdivisions
(Insert Title)

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

~~County~~

~~City~~

Town

~~Village~~

of Canajoharie as follows:

Section 1. Subparagraphs H.1 and H.2 of such law are hereby amended to read as follows:

H.1 For any Major Subdivision, no Application for resubdivision shall be accepted for consideration by the Planning Board for a period to be determined by the Planning Board as a condition of Final Plat Approval, said period to be not less than five (5) years, nor more than ten (10) years.

H.2 For any Minor Subdivision, no Application for resubdivision shall be accepted for consideration by the Planning Board for a period to be determined by the Planning Board as a condition of Final Plat Approval, said period to be not less than one (1) year, nor more than five (5) years.

Section 2. This local law shall take effect on filing thereof with the Secretary of State.

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

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

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1994 of the ~~(County)(City)(Town)(Village)~~ of Canajoharie was duly passed by the Town Board on June 2, 1994, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

local law concerning Charter revision proposed by petition.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
of the County of _____, State of New York, having been submitted to
the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of
section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the
qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns
of said county considered as a unit voting at said general election, became operative.

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

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



Diane Rumrill-Hall
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Diane Rumrill-Hall, Town Clerk
Date: June 9, 1994

(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 Montgomery

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.

Charles H. Clark
Signature CHARLES H. CLARK
Attorney
Title

~~SEAL~~

~~XXXX~~

Town

~~XXXXXX~~

Date: June 9, 1994

NYS DEPARTMENT OF STATE
BUREAU OF STATE RECORDS
162 Washington Avenue
Albany, NY 12231-0001

DATE: 4/6/92

MUNICIPALITY		
town of canajoharie		
LOCAL LAW(S) NO.	YEAR	FILING DATE
1	1992	4/3/92

Local Law Acknowledgment

CHARLES CLARK
103 WEST MAIN STREET
CANAJOHARIE NY 13317

The above-referenced material was received
and filed by this office as indicated.

Additional local law filing forms will be
forwarded upon request.

DOS-236 (Rev. 6/90)

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

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

~~County~~~~City~~~~Town~~~~Village~~

County of Canajoharie

Local Law No. 1 of the year 19 92.

A local law amending the Zoning Ordinance of the Town of Canajoharie to provide (Insert Title) for Special Use Permits for certain uses in Agricultural Districts and for Temporary Residential Trailer use in such Town

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

~~County~~~~City~~~~Town~~~~Village~~

County of Canajoharie as follows:

Section 1:

Article III of the Zoning Ordinance of the Town of Canajoharie is hereby amended to add the following definition immediately following the definition for Trailer Camp:

TRAILER, TEMPORARY RESIDENTIAL:

a. Any trailer or mobile home placed temporarily on an approved residential lot for residential use during construction of a permanent residence for which a building permit has been issued; or

b. Any mobile home located on an actively operating farm for the residential use of farm labor employed thereon.

Section 2:

Article V, Section 8 of the Zoning Ordinance of the Town of Canajoharie is hereby amended to add Section 8 (C), to read as follows:

- (C) 1. Uses permitted upon issuance of a Special Use Permit by the Board of Appeals pursuant to Article XI, Section 32, paragraph 3, of this law:
- a. Retail store or shop.
 - b. Agriculture equipment repair facility.
 - c. Home occupation.
 - d. Antique, craft, or flea market.

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

- e. Music festival, arts festival or other temporary public gathering.
- f. Roadside agricultural stand.
- g. Temporary residential trailer.

2. No Special Use Permit shall be issued without prior site plan review and approval by the Planning Board pursuant to Article XIII.

Section 3:

Article XI, Section 32 - Powers and Duties, is hereby amended to read as follows:

SECTION 32-POWERS AND DUTIES.

The Board of Appeals shall have all the powers and duties prescribed by law and by this ordinance, which are more particularly specified as follows:

1. INTERPRETATION. Upon appeal from a decision of the Enforcement Officer to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

2. SPECIAL EXCEPTIONS. To grant Special Exceptions for any of the uses for which this ordinance requires the obtaining of such Special Exception from the Board of Appeals.

No such Special Exception shall be granted by the Board of Appeals unless it finds that the use for which such Special Exception is sought will not, in the circumstances of the particular case and under any conditions that the Board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board of Appeals shall find that:

- a. It is reasonably necessary for the public health or general interest or welfare.
- b. It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.
- c. The off-street parking spaces required are adequate to handle expected use.
- d. Neighborhood character and surrounding property values are reasonably safeguarded.
- e. Use thereof will not cause undue traffic congestion or create a traffic hazard.

3. SPECIAL USE PERMITS. To issue Special Use Permits for any use for which this ordinance requires the obtaining of such permits from the Board of Appeals.

a. No such Special Use Permit shall be granted by the Board of Appeals unless it finds that the use for which such permit is sought will not be injurious to or incompatible with the surrounding neighborhood or area. The Board of Appeals shall reach a specific finding that:

- (1) Under the circumstances of the particular case and in the location for which the permit is sought, the use will not be injurious, undesirable, incompatible with the surrounding area, or unattractive in appearance.
- (2) The use for which the permit is sought is appropriately located with respect to transportation routes, water supply, sewage disposal, fire and police protection, and related services.
- (3) The number of off-road parking spaces is adequate to serve the proposed use.
- (4) Neighborhood character and surrounding property values and land use are reasonably protected.
- (5) The use for which the permit is sought will not cause undue traffic congestion or create a traffic hazard.
- (6) The following standards shall apply to all uses in agricultural districts for which a Special Use Permit is required:
 - (a) All off-road parking shall be located at the side or rear of buildings unless screened from public roads by vegetative plantings, appropriate fencing, or natural topography.
 - (b) All signage shall be constructed of wooden materials, and none shall include interior (direct) lighting.
 - (c) No sign shall exceed four (4) feet in height or thirty two (32) feet in area.
 - (d) No moving or flashing lights or signs shall be permitted.
 - (e) No banners, flags, pennants or moving devices shall be used to identify or attract attention to the site or its use.

- (f) The location of all stored materials, equipment, equipment under repair, rubbish, dumpsters and related items shall be behind buildings unless screened from the public roads by fencing or landscaping.
- b. The Board of Appeals shall attach such conditions to the Special Use Permit as it deems necessary, helpful, or appropriate to accomplish items a(1) to a(5) above, inclusive.
- c. Such Special Use Permit shall be issued for a specified period of time to be determined by the Board of Appeals:
 - (1) In no case shall any Special Use Permit be issued or renewed for a period longer than twenty four (24) months.
 - (2) At any time prior to expiration of a Special Use Permit, such permit may be renewed if, in the judgement of the Board of Appeals, the use has complied with all conditions of the previously issued permit.
 - (3) At the time of renewal, the Board of Appeals shall add such additional conditions as it deems necessary, helpful or appropriate to items a(1) to a(5) above, inclusive.
- d. The Special Use Permit shall be a personal right of the person to which it is issued and shall not be conveyed or transferred to any other party.

4. **VARIANCES.** To vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building for a use permitted in the district.

No variance in the strict application of any provision of this ordinance shall be granted by the Board of Appeals unless it finds:

- a. That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.

- b. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
- c. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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

Section 4:

Zoning Schedule A of this Ordinance is hereby amended as follows:

- A. The heading of column (3) shall read as follows: "Uses permitted as a Special Exception by the Board of Appeals".
- B. Column (3a) is hereby added. The heading of column (3a) shall read as follows: "Uses permitted upon issuance of a Special Use Permit by the Board of Appeals".
- C. The following rows are added to the A Agricultural district in columns (1) to (13), inclusive, immediately below the words, "Mobile home court" in column (3).

(1)	(2)	(3)	(3a)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	
			Retail Store or Shop	3 acres	350	30	2%	35	50	40	100	20		
			Agricultural Equipment Repair Facility	3 acres	350	30	2%	35	50	40	100	20		
			Home Occupation	--	--	--	--	--	--	--	--	--		
			Antique, Craft, or Flea Market	3 acres	350	30	2%	35	50	50	50	50		
			Roadside Agricultural Stand	--	--	--	--	--	--	--	--	--		
			Music or Arts Festival or other temporary public gathering	25 acres	As required by Board of Appeals									
			Temporary Residential Trailer	3 acres	350	--	--	--	50	25	150	25		

Section 5:

Article XIII - MISCELLANEOUS is hereby renumbered to be Article XIV.

Section 6:

Article XIII, is hereby added, to read as follows:

ARTICLE XIII - SITE PLAN REVIEW

Section 43: Applicability

Prior to the issuance of a Special Use Permit by the Board of Appeals, a Site Plan shall be submitted to the Planning Board for its review and approval in accordance with the standards and procedures outlined below. Upon approval of the Site Plan by the Planning Board, the approved Site Plan shall be returned to the Zoning Board of Appeals for final consideration of the Special Use Permit Application.

Section 44: Procedures and Standards

A. Sketch Plan Conference

A Sketch Plan Conference shall be held between the Planning Board and applicant to review the basic site design concept, to determine the information required for inclusion on the Preliminary Site Plan, and to settle certain procedural questions relative to site plan submittal and review.

B.1. The following information shall be provided by the applicant for consideration at the Sketch Plan Conference:

- a. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets and easements within two hundred (200) feet of the boundaries thereof. Such area map shall be oriented to the nearest highway intersection.
- b. The general slope of the parcel under consideration and a notation giving the estimated percentage of slope on the parcel.
- c. A written statement and sketch plan describing the proposed development of the site.
- d. Such additional information as needed for other reviews or submittals required under state, federal, or local laws and regulations.

B.2. The following shall be determined by the Planning Board at the Sketch Plan Conference:

- a. The information from the requirement check list to be included on the Preliminary Site Plan to constitute a complete submittal.
- b. The contour interval (if any) to be used on the Preliminary Site Plan.
- c. The necessity for outside consultant services for review of the Preliminary and/or Final Site Plan:
 - 1) The following factors shall be considered in determining the need for such services:
 - a) the complexity and scope of the proposed project;
 - b) unusual or unique conditions on the site and surrounding property;
 - c) whether the Preliminary and Final Site Plans are to be prepared by a landscape architect, architect, professional engineer, or surveyor licensed in the State of New York;
 - d) such other factors as the Planning Board considers relevant.
 - 2) The following decisions shall be made:
 - a) whether an outside consultant shall be engaged for review of the Preliminary and/or Final Site Plan;
 - b) the ceiling on reimbursable costs to be collected from the applicant.
 - 3) If the Planning Board determines that the services of an outside consultant are necessary for review of the Preliminary and/or Final Site Plan, the applicant shall be informed in writing of such determination and of the ceiling on reimbursement costs for such services.
- d. If requested by the applicant, whether the Sketch Plan as submitted is sufficient to meet the requirements for the Preliminary Site Plan and shall be accepted and/or approved as the Preliminary Site Plan application.

B.3. At the Sketch Plan Conference, the Planning Board shall inform the applicant of all additional reviews, referrals, submittals, or notifications required pursuant to federal, state, or local laws or regulations.

B.4. In order to provide for appropriate site visits by its members or consultants, to determine the necessity and/or cost of reimbursable consultant services, or to gather or receive additional information, the Planning Board may recess the Sketch Plan Conference. In such cases, the reconvening of said conference shall be considered a continuation of the same Sketch Plan Conference.

C. Preliminary Site Plan

C.1. Pursuant to Sections 7209 and 7307 of the NYS Education Law, the Preliminary Site Plan shall be prepared by a landscape architect, architect, professional engineer or land surveyor licensed in the State of New York unless:

- a. The proposed structure is a farm building to be used directly and solely for agricultural purposes, not including retail sales of agricultural products; or
- b. The proposed project is alteration to an existing structure, costing ten thousand dollars (\$10,000) or less, which does not involve changes affecting structural safety or public safety thereof.

C.2. The Preliminary Site Plan, shall include such information from the following checklist as deemed necessary by the Planning Board at the Sketch Plan Conference.

- a. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- b. North arrow, date, and written and graphic scale;
- c. Boundaries of the property plotted to scale;
- d. Existing watercourses, flood prone areas as described by the Federal Emergency Management Administration mapping, and New York State regulated wetlands;
- e. Description of existing vegetative cover and location of all existing trees over 12" in diameter;
- f. Location of other significant natural or man-made features of historical or cultural interest which exist on the site;

- g. Location of existing uses and outlines of structures drawn to scale on the site and within one hundred (100) feet of the lot line;
- h. Location and description of other existing development on the site, including fences, landscaping and screening;
- i. Grading and drainage plan, showing existing and proposed contours at an appropriate interval to be specified by the Planning Board and referenced to USGS datum elevations;
- j. Location, proposed use and height of all structures;
- k. Location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto;
- l. Provisions for pedestrian access and sidewalks;
- m. Location of outdoor storage, if any;
- n. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- o. Description of the location and method of sewage disposal;
- p. Description of the location and method of securing water;
- q. Location of fire and other emergency zones and services, including the location of fire hydrants and other sources of water for fire purposes;
- r. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- s. Location, size, design and construction materials of all proposed signage;
- t. Landscape planting plan showing planting areas and specifying plant types;
- u. Location, design and specification and proposed hours of outdoor lighting, if any;
- v. Illustrations or sketches of proposed street furniture, if any;

W. Other information as deemed necessary by the Planning Board.

D. Planning Board Review of Preliminary Site Plan

The Planning Board shall review the Preliminary Site Plan and shall determine whether the applicant has met the following criteria for approval. Where necessary, the Planning Board shall require such modifications of the Site Plan as are determined necessary to meet the criteria for approval.

- D.1. Adequacy of layout and design of vehicular and pedestrian access and circulation including intersections, road widths, pavement surfaces, traffic controls, walkway structures, and overall pedestrian convenience.
- D.2. Adequacy of layout and design of off-street parking, loading, lighting, signage, and general relationship with proposed and existing structures.
- D.3. Adequacy of stormwater and drainage facilities, water supply, and sewage disposal facilities.
- D.4. Adequacy of type and use of trees, shrubbery and other landscape elements for aesthetic, screening or buffering purposes and the relationship with existing trees and vegetation, which shall be incorporated to the maximum possible extent.
- D.5. Adequacy of protection of adjacent properties from noise, glare, unsightliness or other objectionable features.
- D.6. Adequacy of provisions for emergency vehicular zones and fire fighting access.
- D.7. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding, slippage, and/or erosion.
- D.8. For new construction, the layout and location of underground cables, such as electric, telephone, cable T.V., etc.

E. Consultant Review

The Planning Board may consult with the Building Inspector, Fire Chief, the Superintendent of Highways, the Town Board, other Local and County Officials and/or the Board's designated private consultants, in addition to representatives of federal and state agencies, including, but not limited to the Soil Conservation

Service, NYS Department of Transportation, NYS Department of Environmental Conservation and NYS Office of Parks, Recreation, and Historic Preservation to assist in the review of the Preliminary Site Plan.

F. Public Hearing

The Planning Board, if it deems appropriate, may conduct a public hearing on the Preliminary Site Plan. Such public hearing shall be conducted within thirty (30) days of the receipt of the completed Preliminary Site Plan and application for its approval and shall be advertised in the official newspaper of the Town at least five (5) days before the public hearing.

G. Planning Board Action on the Preliminary Site Plan

G.1. Within sixty (60) days of said public hearing, if held, or from the date of receipt of the complete Preliminary Site Plan and application for approval, the Planning Board shall approve, approve with modifications, or disapprove the Preliminary Site Plan.

G.2. If no action is taken on the Preliminary Site Plan within the prescribed time period, the completed Preliminary Site Plan shall be considered approved as submitted.

G.3. If the Preliminary Site Plan is disapproved, the Planning Board shall state in writing and for the public record the reasons for such denial. In such case, the Planning Board may recommend further study of the Site Plan and resubmission to the Planning Board after revision or redesign.

G.4. If the Preliminary Site Plan is approved with modifications, the inclusions of all such modifications in the Final Site Plan shall be considered a condition of approval, and no Final Site Plan shall be considered for approval without the inclusion of such modifications.

H. Final Site Plan

After approval of the Preliminary Site Plan by the Planning Board, the applicant shall submit a Final Site Plan subject to the following requirements:

H.1. The Final Site Plan shall be submitted no more than six (6) months after approval of the Preliminary Site Plan. If the prescribed time period has elapsed or conditions have changed substantially in the interim, the Planning Board may, at its sole discretion, require resubmission of the Preliminary Site Plan for further review and revision prior to accepting the Final Site Plan for review.

H.2. The Final Site Plan shall conform substantially to the Preliminary Site Plan as approved, and shall incorporate all modifications that may have been required by the Planning Board as conditions of approval. All such required modifications shall be clearly indicated on the Final Site Plan.

H.3. The following information, in addition to that included in or as conditions of approval of the Preliminary Site Plan, shall be included in the complete Final Site Plan submitted for approval:

a. Record of application for and approval status of all necessary permits from State and County Officials;

b. Detailed sizing and final material specifications of all required improvements;

c. An estimated project construction schedule.

H.4. If the Preliminary Site Plan is approved as submitted and without modifications required and if it includes all additional information required for a complete Final Site Plan, the Planning Board may, at its sole discretion, accept the approved Preliminary Site Plan as the Final Site Plan for their review.

I. Planning Board Action on Final Site Plan

I.1. Within sixty (60) days of receipt of the complete Final Site Plan and application for approval, the Planning Board shall approve or disapprove the Final Site Plan.

I.2. The prescribed time period for Planning Board action may be extended with the mutual agreement of the Planning Board and applicant or if other reviews, referrals, submittals, or notifications required under federal, state, or local laws or regulations have not been completed.

I.3. If no decision is made within the prescribed time period or extensions thereto, the Final Site Plan shall be considered approved as submitted.

I.4. If the Final Site Plan is disapproved, the Planning Board shall present the reasons for disapproval in writing to the applicant and for the public record.

I.5. Upon Planning Board approval of the Final Site Plan and payment by the applicant to the Town of all fees and reimbursable costs, the Planning Board shall forward one copy of the Final Site Plan with its approval to the Zoning Board of Appeals and Building Inspector.

J. Reimbursable Costs

J.1. Costs or fees incurred by the Planning Board for necessary consultant services or other extraordinary expenses in connection with the review of a proposed Site Plan shall be paid by the applicant, provided that the necessity of such services and a ceiling upon such fees or expense has been determined by the Planning Board at the Sketch Plan Conference, and the applicant has been informed of the fee ceiling in writing.

J.2. Such reimbursable costs shall be in addition to any application fee schedule established by the Planning Board and shall be paid prior to the release of the approved Final Site Plan to the Building Inspector.

J.3. No building permit shall be issued for any proposed construction for which fees or reimbursable costs are lawfully due to the Town and unpaid.

91012\CORR\009

(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 1992 of the ~~(County)(City)(Town)(Village)~~ of Canajoharie Town Board was duly passed by the Town Board on March 26 1992, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

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

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

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

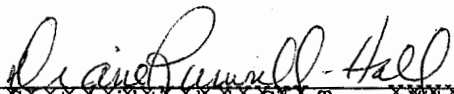
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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



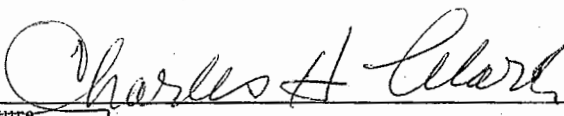
~~Clerk of the County Legislative Body, City, Town or Village Clerk~~
or officer designated by local legislative body
Diane Rumrill-Hall
Date: March 31, 1992

(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 Montgomery

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



Signature

Attorney

Title

~~County~~
~~City~~ of Canajoharie
~~Town~~
~~Village~~ ~~xxxxxxx~~

Date: _____

Date 2/1

Local Law(s) No. 1

Year 1990

Municipality Town of Canajoharie

RECEIVED FEB 16 1990

Please be advised that the above-referenced material was received and filed by this office on 2/12/90.

Additional forms for filing local laws with this office will be forwarded upon request.

NYS Department of State
Bureau of State Records

DOS-236(4/87)

(Please use this Form for Filing your Local Law with the Secretary of State)

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

~~County~~
~~City~~ of CANAJOHARIE
~~Town~~
~~Village~~

Local Law No.1..... of the year 1990.....

A local law AMENDING THE ZONING ORDINANCE OF THE TOWN OF CANAJOHARIE
TO REGULATE MOBILE HOMES (Insert title)

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

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

Section 1. The Zoning Ordinance of the Town of Canajoharie is hereby amended to add a new Section, to be Section 12A, to read as follows:

Section 12A MOBILE HOMES. Any mobile home located or placed in the Town of Canajoharie shall be of a minimum size of 720 square feet and shall be placed on a concrete slab at least six (6) inches in thickness, reinforced by one-quarter inch wire mesh. Any such mobile home shall have a four (4) foot by ten (10) foot area for outside stairs. Skirting shall be installed and maintained completely around the base thereof. Two (2) tie downs shall be provided for each ten (10) linear feet length of the mobile home. Any woodstove installed or operated in any such mobile home must be approved by Underwriters Laboratories for mobile home installation and shall have an outside air source.

Section 2. All ordinances and local laws and all parts of ordinances and local laws inconsistent with this local law are hereby repealed.

Section 3. This local law shall take effect on the filing hereof pursuant to Section 27 of the Municipal Home Rule Law.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. ...1... of 19 90
~~County~~
~~City~~ of Canajoharie Town Board
of the Town of was duly passed by the
~~Village~~ (Name of Legislative Body)
on February 1, 19 90 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the
~~Village~~ (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the
~~Village~~ (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19, in accordance with the applicable
annual provisions of law.

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

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

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

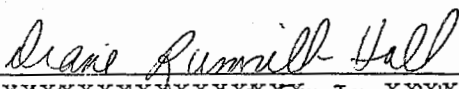
5. (County local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of ^{§36} ~~§37~~ of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on 19..... became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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


XXXXXXXXXXXXXXXXXXXXX City, Town or Village Clerk XX
XXXXXXXXXXXXXXXXXXXXX
DIANE RUMRILL-HALL

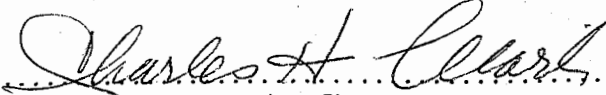
Date: February 8, 1990

(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 ...MONTGOMERY.....

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.


CHARLES H. CLARK Signature
Town Attorney.....
Title

Date: February 8, 1990

~~CORNY~~
~~CITY~~ of ..Canajoharie.....
Town
~~VILLAGE~~

Date 1/9/90
Local Law(s) No. 3
Year 1989
Municipality Town of Canajoharie

RECEIVED JAN 10 1990

Please be advised that the above-referenced material was received and filed by this office on 1/3/90.

Additional forms for filing local laws with this office will be forwarded upon request.

NYS Department of State
Bureau of State Records

DOS-236(4/87)

3 are

(Please Use this Form for Filing your Local Law with the Secretary of State)

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

~~County~~
~~City~~
Town
~~Village~~

ofCANAJOHARIE.....

Local Law No.3..... of the year 19 89

A local lawamending the Zoning Ordinance of the Town of Canajoharie to...
(Insert title)
provide a minimum lot size for residential lots.

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

~~County~~
~~City~~
Town
~~Village~~

CANAJOHARIE

as follows:

SECTION 1. The provisions of Schedule A, contained in Section 12 of Article VI of the Zoning Ordinance of the Town of Canajoharie, applicable to one family dwellings in an R-1 Residence District, are hereby amended to provide that the minimum lot size areas in feet or acres shall be 122,500 square feet or 3 acres and that the minimum width of any such lot shall be 350 feet.

SECTION 2. This local law shall take effect on the filing thereof in accordance with Section 27 of the Municipal Home Rule Law.

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

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 3 of 19 89 of the ~~County~~ ~~City~~ of Canajoharie was duly passed by the Town Board (Name of Legislative Body) on May 4 19 89 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the ~~County~~ ~~City~~ of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19 _____ not disapproved and was approved by the _____ Elective Chief Executive Officer* repassed after disapproval and was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the ~~County~~ ~~City~~ of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19 _____ not disapproved and was approved by the _____ Elective Chief Executive Officer* repassed after disapproval on _____ 19 _____ Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting permissive general thereon at the special election held on _____ 19 _____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the ~~County~~ ~~City~~ of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19 _____ not disapproved and was approved by the _____ Elective Chief Executive Officer* repassed after disapproval on _____ 19 _____ Such local law was subject to a permissive referendum and no valid petition requesting such referendum was filed as of _____ 19 _____, in accordance with the applicable provisions of law.

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

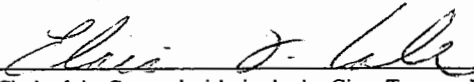
5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of ~~§36~~^{§37} of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on 19..... became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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


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

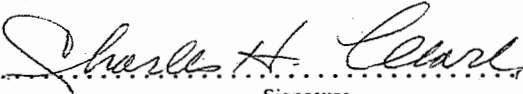
Date: December 13, 1989

(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 ...MONTGOMERY.....

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


.....
Signature
..... TOWN ATTORNEY.....
Title

Date: December 13, 1989

~~COUNTY~~
~~CITY~~ of ...CANAJOHARIE.....
Town
Village

Date 6 9

Local Law(s) No. 2
Year 1989
Municipality Town of Canajoharie

RECEIVED JUN 22 1989

Please be advised that the above-referenced material was received and filed by this office on 6/16/89.

Additional forms for filing local laws with this office will be forwarded upon request.

NYS Department of State
Bureau of State Records

383602-004 (4/87)

(Please Use this Form for Filing your Local Law with the Secretary of State)

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

County
~~City~~ of CANAJOHARIE
Town of
~~Village~~

Local Law No.²..... of the year 19 ..89.....

A local law amending Section 3.2 and Section 5.3 of Local Law No. 1 for the
year 1987 (Insert title)

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

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

Section 1. Section 3.2 and Section 5.3 of Local Law No. 1 for the year 1987, known as the Flood Damage Prevention Law, are hereby amended to provide as follows:

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study Town of Canajoharie, New York, Montgomery County" dated July 6, 1982 with Flood Insurance Rate Maps enumerated on Map Index No. 360442 0001-0045 dated January 6, 1983 and with accompanying Flood Boundary and Floodway Maps enumerated on Map Index No. 360442 0005 dated January 6, 1983.

The above documents are, hereby adopted and declared to be a part of this local law and are filed at the Town Office, Church Street, Canajoharie, New York.

5.3 FLOODWAYS

Located within areas of special flood hazard are areas designated as floodways (see definition, Section 2.0). The floodway is an extremely hazardous area due to high velocity flood waters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by Section 3.2 and Section 4.3-2, all encroachments including fill, new construction, substantial improvements, and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Section 2. This local law shall take effect on the filing thereof pursuant to Section 27 of the Municipal Home Rule Law.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19 89.....
~~County~~
~~City~~ of Canajoharie was duly passed by the Town Board.....
~~Town~~ (Name of Legislative Body)
~~Village~~
on April 10 19 89..... in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
~~County~~
~~City~~ of was duly passed by the
~~Town~~ (Name of Legislative Body)
~~Village~~
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
~~County~~
~~City~~ of was duly passed by the
~~Town~~ (Name of Legislative Body)
~~Village~~
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive
general
thereon at the special election held on 19, in accordance with the applicable
annual
provisions of law.

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

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

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

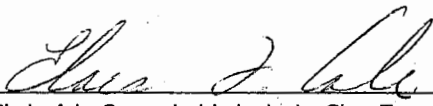
5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of ^{§36}§37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special}general election held on 19..... became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Date: April 18, 1989

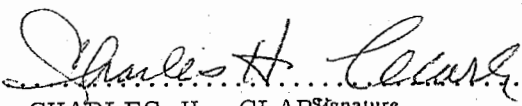

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body
Elois F. Cole
Town Clerk

(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 MONTGOMERY

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.


CHARLES H. CLARK
.....
Title
TOWN ATTORNEY
~~xx~~COUNTY~~xx~~
~~CITY~~ of Canajoharie
Town
~~Village~~

Date: April 17, 1989

Date _____

Local Law(s) No. 1

Year 1989

Municipality Town of Canajoharie

Please be advised that the above-referenced material was received and filed by
this office on 4/24/89.

Additional forms for filing local laws with this office will be forwarded upon
request.

NYS Department of State
Bureau of State Records

383602-004 (4/87)

(Please Use this Form for Filing your Local Law with the Secretary of State)

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

~~County~~
~~City~~ of Canajoharie
~~Town~~
~~Village~~

Local Law No. of the year 19 89

A local law AMENDING THE SUBDIVISION REGULATIONS OF THE TOWN OF CANAJOHARIE
(Insert title)

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

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

Section 1. Paragraph E of Section IV (Procedure) of the Subdivision Regulations of the Town of Canajoharie is hereby amended to provide that the filing fee per lot shall be \$10.00 and the maximum filing fee shall be \$200.00 per plat.

Section 2. All regulations, ordinances or local laws or parts thereof, inconsistent with this local law, are hereby repealed.

Section 3. This local law shall take effect on the filing hereof pursuant to Section 27 of the Municipal Home Rule Law.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. ...1.... of 19 89....
~~County~~
~~City~~
of the ~~Town~~ of Canajoharie was duly passed by theTown Board.....
~~Village~~ (Name of Legislative Body)
on April 6 19 89.... in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
~~County~~
~~City~~
of the ~~Town~~ of was duly passed by the
~~Village~~ (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
~~County~~
~~City~~
of the ~~Town~~ of was duly passed by the
~~Village~~ (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19, in accordance with the applicable
annual provisions of law.

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

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

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

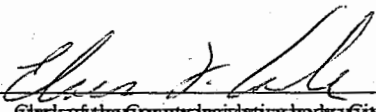
5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of ^{§36}§37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special}general election held on 19..... became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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



~~Clerk of the County legislative body, City, Town or Village Clerk or~~
~~afficer designated by local legislative body~~

Elois F. Cole, Town Clerk

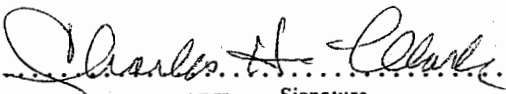
Date: *April 18, 1989*

(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 MONTGOMERY

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.


.....
CHARLES H. CLARK Signature
.....
Town Attorney
.....
Title

Date: *April 17, 1989*

~~County~~
~~City~~ of Canajoharie
~~Town~~
~~Village~~

Local Law(s) No. 1
Year 1987
Municipality Town of Canajoharie

7/2/87
RECEIVED JUL 6 1987

Please be advised that the above-referenced material was received and filed by this office on 6/1/87.

Additional forms for filing local laws with this office will be forwarded upon request.

NYS Department of State
Bureau of State Records

(Please Use this Form for Filing your Local Law with the Secretary of State)

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

~~XXXXX~~
~~County~~
~~City~~ of Canajoharie
~~Town~~
~~Village~~
Local Law No. One (1) of the year 19 87

A local law FLOOD DAMAGE PREVENTION
(Insert title)
as authorized by the New York State Constitution, Article IX, Section 2, and
Environmental Conservation Law, Article 36.

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

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

FLOOD DAMAGE PREVENTION LOCAL LAW

SECTION 1.0 STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

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

1.2 STATEMENT OF PURPOSE

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

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

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

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

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

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

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, AI-99, V, VO, VE, or VI-30. It is also commonly referred to as the base floodplain or 100-year floodplain.

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

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

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

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

"Cellar" - has the same meaning as "Basement".

"Coastal high hazard area" means the area subject to high velocity waters including, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI - 30, VE, VO or V.

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

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

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

- (1) the overflow of inland or tidal waters;

- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

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

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation data is provided.

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

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

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

"Floodway" - has the same meaning as "Regulatory Floodway".

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

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

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

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

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

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

"Mobile home" - has the same meaning as "Manufactured home".

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

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

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

"100-year Flood" - has the same meaning as "Base Flood".

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

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

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

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

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

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

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

- (1) any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

SECTION 3.0
GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

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

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM), or Flood Insurance Rate Map (FIRM) No. H360570820-01 through 04 dated May 3, 1974 is hereby adopted and declared to be a part of this Local Law. The FHBM or FIRM is on file at
Town Office, Church Street, Village of Canajoharie in said Town.

3.3 INTERPRETATION, CONFLICT WITH OTHER LAWS

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

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

3.4 SEVERABILITY

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

3.5 PENALTIES FOR NON-COMPLIANCE

No structure shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions or conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Canajoharie

from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

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

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

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

4.2 ESTABLISHMENT OF DEVELOPMENT PERMIT

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

4.2-1 APPLICATION STAGE.

The following information is required where applicable:

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

4.2-2 CONSTRUCTION STAGE.

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

4.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

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

4.3-1 PERMIT APPLICATION REVIEW

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

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 5.1-4(4) in order to administer Section 5.2, SPECIFIC STANDARDS and Section 5.3 FLOODWAYS.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor including basement or cellar of all new or substantially improved

structures, and whether or not the structure contains a basement or cellar.

- (2) For all new or substantially improved floodproofed structures:
 - (i) obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed; and
 - (ii) maintain the floodproofing certifications required in Sections 5.1 and 5.2.
- (3) Maintain for public inspection all records pertaining to the provisions of this local law including variances, when granted, and Certificates of Compliance.

4.3-4 ALTERATION OF WATERCOURSES

- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, NY 10278.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FHRM, FIRM OR FBFM BOUNDARIES

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

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

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

4.3-6 STOP WORK ORDERS

- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop work order by the Local Administrator. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.
- (2) All floodplain development found noncompliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop work order by the Local Administrator. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.

4.3-7 INSPECTIONS

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

4.3-8 CERTIFICATE OF COMPLIANCE

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

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

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1. GENERAL STANDARDS

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

5.1-1 ANCHORING

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

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

5.1-3 UTILITIES

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

- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters.
- (4) On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 SUBDIVISION PROPOSALS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or 5 acres.

5.1-5 ENCROACHMENTS

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

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2(1) BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD and Section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any resident structure shall:

- (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.

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

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

5.2-2 NONRESIDENTIAL CONSTRUCTION

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

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

relation to mean sea level) to which the structure is floodproofed.

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

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

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

5.3 FLOODWAYS

Located within areas of special flood hazard are areas designated as floodways (see definition, Section 2.0). The floodway is an extremely hazardous area due to high velocity flood waters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by Section 4.32-, all encroachments including fill, new construction, substantial improvements, and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the Town of Canajoharie shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

- (4) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
- (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xxi) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.2(4) and the purpose of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided item (i-xii) in Section 6.2(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this local law.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met;
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk.

6.3 REPEAL

Any local law or resolution, previously enacted by the Town Board of the Town of Canajoharie and inconsistent with this local law is hereby repealed.

6.4 EFFECTIVE DATE

This law shall take effect upon filing thereof pursuant to Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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 1987
~~County~~
of the ~~City~~ of Canajoharie was duly passed by the Town Board
~~Village~~ (Name of Legislative Body)
on April 2, 1987 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19_____ not disapproved
and was approved by the _____
repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19_____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19_____ not disapproved
and was approved by the _____
repassed after disapproval Elective Chief Executive Officer *
on _____ 19_____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19_____, in accordance with the appli-
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____ on _____
Town (Name of Legislative Body)
Village
_____ 19_____ not disapproved
and was approved by the _____ on _____
repassed after disapproval Elective Chief Executive Officer *
_____ 19_____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

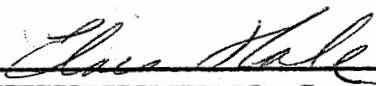
I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special}~~general~~ election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one (1) above.


~~Clerk of the County legislative body, City, Town or Village Clerk~~
~~Officer designated by local legislative body~~

Date: April 7, 1987


(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 MONTGOMERY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
Town Attorney
Title

Date: April 7, 1987

County
City of Canajoharie
Town
Village

Date:

8/12/85

Dear Sir/Madam:

Please be advised that Local Law(s) No. 3
of 1985 of the Town of Canajoharie
was/were received and filed on 8/9/85

Additional forms for filing local laws with this office will be forwarded upon request.

NYS Department of State
Bureau of State Records

RECEIVED AUG 15 1985

383602-004 (12/82)



(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

~~Village~~

of Canajoharie

Local Law No. Three (3) of the year 19 85

A local law amending the Zoning Ordinance of the Town of Canajoharie, New York
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

of Canajoharie

as follows:

Section 1. The Zoning Ordinance of the Town of Canajoharie and the zoning map, if any, forming a part thereof are hereby amended to provide that the zoning classification of the property of Clark D. Douglass and Sandra L. Douglass, located in the Town of Canajoharie and lying between old New York Route #10 and new New York Route #10 (being identified as Section 94, Block 1, Lot 7 on the current tax map) is hereby changed from A - Agricultural District to C-1 Commercial District.

Section 2. This law shall take effect upon filing hereof pursuant to Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 3 of 19 85
~~County~~
of the ~~City~~ of Canajoharie was duly passed by the Town Board
Town (Name of Legislative Body)
~~Village~~
on August 1 19 85 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19 _____ not disapproved
and was approved by the _____
repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19 _____ not disapproved
and was approved by the _____
repassed after disapproval Elective Chief Executive Officer *
on _____ 19 _____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19 _____, in accordance with the appli-
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the City of _____ was duly passed by the _____ on _____
Town (Name of Legislative Body)
Village
_____ 19 _____ not disapproved
and was approved by the _____ on _____
repassed after disapproval Elective Chief Executive Officer *
_____ 19 _____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19 _____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph One (1)..... above.


~~.....~~
~~.....~~
Elois F. Cole

Date: August 1, 1985

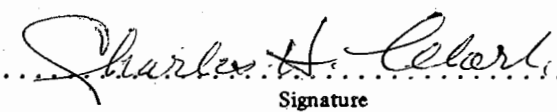
(Seal)

(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 MONTGOMERY.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


.....
Signature
Town Attorney
.....
Title

Date: August 6, 1985

County
City of Canajoharie
Town
Village

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

~~Village~~

of Canajoharie

Local Law No. Two (2) of the year 1985

A local law ESTABLISHING AN ELECTRICAL CODE FOR THE TOWN OF CANAJOHARIE
(insert title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

of Canajoharie as follows:

Section 1. Title.

This Local Law shall be known as The Electrical Code of the Town of Canajoharie.

Section 2. Statement of Purpose.

Since there is danger to life and property inherent in the use of electrical energy, this electrical Local Law is enacted to regulate the installation, alteration of wiring for electric light, heat or power and signal systems operating on 50 volts or more, in or on all real property within the Town of Canajoharie.

Section 3. National Code Adopted.

All electrical installations heretofore mentioned shall be made in conformity with the requirements of the National Electric Code except when the provisions of this Local Law or any other local law, ordinance or building code of the Town of Canajoharie shall otherwise prescribe, in which event compliance with the provisions of such local law, ordinance or building code shall be recognized as proper compliance with this Local Law. The requirements of the National Electric Code shall be those known as National Fire Protection Association Pamphlet #70, as approved and adopted by the American Standards Association and as amended.

Section 4. Electric Inspector.

The Chief Inspector, and each of the duly appointed Inspectors of The New York Board of Fire Underwriters are hereby authorized and deputized as agents of the Town of Canajoharie to make inspection and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Town of Canajoharie.

Section 5. Duties of the Electrical Inspector.

It shall be the duty of any such Inspector, described in Section 4 hereof, to report in writing to the Chief Building Inspector, whose duty it shall be to enforce all the provisions of this Code, all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code, and of all local laws, ordinances and the building code as referred to in this Local Law insofar as any of the same apply to electrical wiring. Such Inspector shall make inspections and reinspections of electrical installations in and on properties in the Town of Canajoharie upon the written or oral request of an authorized official or officer of the Town as herein provided. Such Inspector is authorized to make inspections and reinspections of electrical wiring installation devices, appliances and equipment, in and on properties within the Town of Canajoharie where he deems it necessary for the protection of life and property. In the event of an emergency, it is the duty of such Inspector to make electrical inspections upon the written or oral request of an official or officer of the Town of Canajoharie. It shall be the duty of such Inspector to furnish written reports to the proper officials of the Town of Canajoharie and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection to authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with this Local Law and direct that a copy of the certificate of compliance be sent to the Town of Canajoharie to the attention of the Building Inspector.

Section 6. Violations of the Local Law.

It shall be a violation of the Local Law for any person, firm or corporation to install or cause to be installed, or to alter electrical wiring for light, heat or power in or on properties in the Town of Canajoharie until an application for inspection has been filed with The New York Board of Fire Underwriters and for a person, firm or corporation to connect or cause to be connected electrical wiring, in or on properties for light, heat or power, to any source of electrical energy supply, prior to the issuance of a temporary certificate, or a certificate of compliance, by the New York Board of Fire Underwriters.

Section 7. Penalty for Violations.

Any person, firm or corporation who shall violate any of the provisions of this Local Law or any rule or regulations made pursuant thereto shall be guilty of disorderly conduct and shall be a disorderly person, and upon conviction thereof may be punished by a fine of not more than Two Hundred Fifty Dollars and each day on which such violation continues shall constitute a separate offense. Such violations shall be enforceable in the Town Court of the Town of Canajoharie.

Section 8. Local Law Not Applicable in Certain Cases.

The provisions of this Local Law shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment, or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose. This Local Law shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York.

Section 9. No Waiver or Assumption of Liability.

(Section 9. Continued)

This Local Law shall not be construed to relieve or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances, or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Town of Canajoharie or the New York Board of Fire Underwriters be deemed to have assumed any such liability by reason of any inspection made pursuant to the Local Law.

Section 10. Separability Clause.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town Board of the Town of Canajoharie hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 11. Repealing Provisions.

All Ordinances and Local Laws and parts of Ordinances and Local Laws inconsistent with this Local Law are hereby repealed.

Section 12. Effective Date.

This Local Law shall take effect on the filing hereof pursuant to Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19 85
of the ~~County~~ ~~City~~ Town of Canajoharie was duly passed by the Town Board
~~Village~~ (Name of Legislative Body)
on May 2 19 85 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the ~~City~~ Town of _____ was duly passed by the _____
~~Village~~ (Name of Legislative Body)
on _____ 19 _____ not disapproved
and was approved _____ by the _____
repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the ~~City~~ Town of _____ was duly passed by the _____
~~Village~~ (Name of Legislative Body)
on _____ 19 _____ not disapproved
and was approved _____ by the _____
repassed after disapproval Elective Chief Executive Officer *
on _____ 19 _____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19 _____, in accordance with the appli-
annual
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the ~~City~~ Town of _____ was duly passed by the _____ on _____
~~Village~~ (Name of Legislative Body)
_____ 19 _____ not disapproved
and was approved _____ by the _____ on _____
repassed after disapproval Elective Chief Executive Officer *
_____ 19 _____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19 _____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of ^{§ 36} § 37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} general election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.



~~Clerk of the County legislative body, City Town or Village Clerk or~~
~~officer designated by local legislative body~~

Date: May 2, 1985

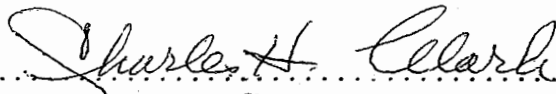
(Seal)

(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 MONTGOMERY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Town Attorney

Title

Date: May 2, 1985

~~County~~
~~City~~ of Canajoharie
~~Town~~
~~Village~~

Date: 4/16/85

Dear Sir/Madam:

Please be advised that Local Law(s) No. 1 of 85 of the Town of Canajoharie was/were received and filed on 1/22/85

Additional forms for filing local laws with this office will be forwarded upon request.

NYS Department of State
Bureau of State Records

RECEIVED APR 18 1985

383602-004 (12/82)

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Canajoharie
Town
Village
Local Law No. One (1) of the year 19 85

A local law REDUCING THE AMOUNT OF EXEMPTION PROVIDED BY SECTION 458-a OF THE REAL
PROPERTY TAX LAW (Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Canajoharie
Town
Village
as follows:

Section 1. Pursuant to the authority of paragraph (d) of subdivision 2 of section 458-a of the Real Property Tax Law, the amount of exemption provided by paragraphs (a), (b) and (c) of such subdivision 2 is hereby reduced as follows:

- | | | |
|------------------------|---|-------------|
| a) War Veteran | - | \$ 9,000.00 |
| b) Combat Zone Veteran | - | 6,000.00 |
| c) Disabled Veteran | - | 30,000.00 |

Section 2. This local law shall take effect immediately upon filing in the office of the Secretary of State.

(If additional space is needed, please attach sheets of the same size as this and number each)

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 85
~~County~~
of the ~~City~~ of Canajoharie was duly passed by the Town Board
~~Town~~ (Name of Legislative Body)
~~Village~~
on January 17 19 85 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19 _____ and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19 _____ and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
on _____ 19 _____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive _____
general
thereon at the special election held on _____ 19 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the City of _____ was duly passed by the _____ on _____
Town (Name of Legislative Body)
Village
_____ 19 _____ and was approved _____ by the _____ on _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
_____ 19 _____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19 _____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

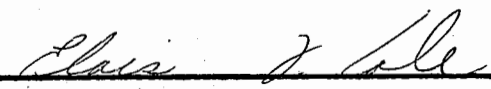
I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ...One... (1)..... above.


~~Clerk of the County legislative body, City, Town or Village Clerk or~~
~~officer designated by local legislative body~~

Date: January 17, 1985

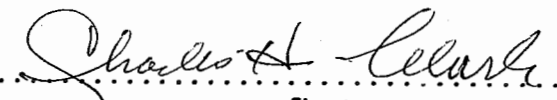
(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OFMONTGOMERY.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


.....
Signature
.... Town Attorney,
Title

Date: January 18, 1985

County
City ofCanajoharie.....
Town
~~Village~~

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~-County--~~
~~-City--~~ of Canajoharie, New York
~~-Town~~
~~-Village--~~

Local Law No. 1 of the year 19 82

A local law to be known as the Flood Damage Prevention Law
(Insert title)

Be it enacted by the Town Board
(Name of Legislative Body) of the

~~-County--~~
~~-City--~~ of Canajoharie, New York as follows:
~~-Town~~
~~-Village--~~

A local law to be known as the Flood Damage Prevention Law:

Sections -

- 1.0. Authorization, Findings, Purpose and Methods.
- 1.1. Statutory Authorization.
- 1.2. Findings of Fact.
- 1.3. Statement of Purpose.
- 1.4. Methods of Reducing Flood Losses.
- 2.0. Definitions.
- 3.0. General Provisions.
- 3.1. Lands to which this law applies.
- 3.2. Basis for establishing the areas of special flood hazard.
- 3.3. Penalties for noncompliance.
- 3.4. Abrogation and greater restrictions.
- 3.5. Interpretation.
- 3.6. Warning and disclaimer of liability.

(If additional space is needed, please attach sheets of the same size as this and number each)

- 4.0. Administration.
- 4.1. Establishment of Development Permit.
- 4.2. Designation of the Zoning Enforcement Officer, Town of Canajoharie.
- 4.3. Duties and responsibilities of the Zoning Enforcement Officer.
- 4.3-1. Permit Review.
- 4.3-2. Use of other base flood data.
- 4.3-3. Information to be obtained and maintained.
- 4.3-4. Alternation of Watercourses.
- 4.3-5. Interpretation of FIRM Boundaries.
- 4.4. Variance Procedure.
- 4.4-1. Appeal Board.
- 4.4-2. Conditions for Variances.
- 5.0. Provisions for Flood Hazard Reduction.
- 5.1. General Standards.
- 5.1-1. Anchoring.
- 5.1-2. Construction Materials and Methods.
- 5.1-3. Utilities.
- 5.1-4. Subdivision Proposals.
- 5.2. Specific Standards.
- 5.2-1. Residential Construction.
- 5.2-2. Nonresidential Construction.
- 5.3. Floodways.
- 6.0. Effective Date.

Section 1.0

Authorization, Findings, Purpose and Methods.

1.1 AUTHORIZATION

The Legislature of the State of New York has in Article IX, Section 2 of the New York State Constitution delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Board of the Town of Canajoharie, State of New York, does ordain as follows:

1.2 FINDINGS OF FACT

- (1) The flood areas of the Town of Canajoharie are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To insure that potential buyers are notified that property is in an area of special flood hazard; and,
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this law includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 2.0

Definitions

Unless specifically defined below, words or phrases used in this law shall be interpreted so as to give them the meaning they have in common usage and to give this law its most reasonable application.

"Appeal" means a request for a review of the Zoning Enforcement Officer's interpretation of any provision of this law or a request for a variance.

"Area of shallow flooding" means a designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this law.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Mobile home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this law.

"New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this law.

"Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start

encroachment provisions of Section 5.3(1) are met.

4.3-2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, hereof, the Zoning Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Sections 5.2-1, hereof, and 5.2-2, hereof.

4.3-3 Information to be Obtained and Maintained

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new substantially improved floodproofed structures:
(i) verify and record the actual elevation (in relation to mean sea level); and
(ii) maintain the floodproofing certifications required in Section 4.1(3).

(3) Maintain for public inspection all records pertaining to the provisions of this law.

4.3-4 Alteration of Watercourses

(1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 Interpretation of FIRM Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 Appeal Board

(1) The Zoning Board of Appeals, as established by the Town of Canajoharie, shall hear and decide appeals and requests for variances from the requirements of this law.

(2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Enforcement Officer in the enforcement or administration of this law.

(3) Those aggrieved by the decision of the Zoning Board of Appeals, or any taxpayer, may appeal such decision to the Supreme Court, as provided in Section 7-712(3) of Consolidated Laws of New York State.

(4) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this law, and;

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the necessity to the facility of a waterfront location, where applicable;

- (v) the importance of the services provided by the proposed facility to the community;
- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Upon consideration of the factors of Section 4.4-1(4) and the purposes of this law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this law.

(6) The Zoning Enforcement Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 Conditions for Variances

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

- (i) a showing of good and sufficient cause;
- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.4-1(4), or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 5.0

Provisions for Flood Hazard Reduction

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 Anchoring

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground

anchors. Special requirements shall be that:

- () over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
- (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
- (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
- (iv) any additions of the mobile home be similarly anchored.

5.1-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in Section 4.3-2, Use of Other Base Flood Data, the following standards are required:

5.2-1 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot or more above base flood elevation.

5.2-2 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot or more above the level of the base flood elevation; or,

(1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 4.3-3(2).

5.2-3 Mobile Homes

(1) Mobile homes shall be anchored in accordance with Section 5.1-1(2).

(2) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

(i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one foot or more above the base flood level;

(ii) adequate surface drainage and access for a hauler are provided; and,

(iii) in the instance of elevation on pilings, that:

-lots are large enough to permit steps,

-piling foundations are placed in stable soil no more than ten feet apart, and

-reinforcement is provided for pilings more than six feet above the ground level.

(3) No mobile home shall be placed in a floodway, except in an existing mobile home park or an existing mobile home subdivision.

5.3 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(3) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

(4) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

6.0 EFFECTIVE DATE

This law shall take effect upon filing thereof pursuant to Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 82
of the ~~City~~ Town of Canajoharie was duly passed by the Town Board
~~Village~~ (Name of Legislative Body)
on December 23, 19 82 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the ~~City~~ Town of _____ was duly passed by the _____
~~Village~~ (Name of Legislative Body)
on _____ 19 _____ not disapproved _____ by the _____
and was approved _____ Elective Chief Executive Officer *
repassed after disapproval _____
and was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the ~~City~~ Town of _____ was duly passed by the _____
~~Village~~ (Name of Legislative Body)
on _____ 19 _____ not disapproved _____ by the _____
and was approved _____ Elective Chief Executive Officer *
repassed after disapproval _____
on _____ 19 _____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
of the ~~City~~ Town of _____ was duly passed by the _____ on _____
~~Village~~ (Name of Legislative Body)
_____ 19 _____ not disapproved _____ by the _____ on _____
and was approved _____ Elective Chief Executive Officer *
repassed after disapproval _____
_____ 19 _____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19 _____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Chris Haley

Clerk of the ~~County Legislative Body~~ ~~County Town or Village Board~~
officer designated by local legislative body

Date: December 30, 1982

(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 MONTGOMERY

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.

Charles H. Carl
Signature

Town Attorney

Title

Date: December 30, 1982

~~County~~

~~County~~

Town

~~Village~~

of Canajoharie

DATE: June 25, 1980

Dear Sir/Madam:

Please be advised that Local Law (s) No. 1
of 1980 of the Town of Canajoharie
was/were received and filed on June 19, 1980.
Additional forms for filing local laws with this office will be
forwarded upon request.

Sincerely yours,



Beatrice S. Frederick
Director
State Records & Law Bureau

RECEIVED JUN 26 1980

BSF/bh

G224-093 (4/80)

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Canajoharie
~~Town~~
~~Village~~
Local Law No. 1 of the year 19 80

A local law to be known as the Seized Dog Retention Law
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Canajoharie as follows:
~~Town~~
~~Village~~

Section 1. This law shall be known and referred to as the Seized Dog Retention Law of the Town of Canajoharie.

Section 2. Any contract now in existence or hereafter entered into between the Town of Canajoharie and Animal Shelter Association, Inc. or any other person, firm or agency, for the retention and care of dogs seized in such Town, shall provide that any such seized dog will be retained and cared for, pursuant to such contract, for a period of time not less than that set forth in Article 7 of the Agriculture and Markets Law and not more than ninety (90) days.

Section 3. The Supervisor of the Town of Canajoharie shall forthwith enter into an amended contract with Animal Shelter Association, Inc. for calendar year 1980 providing the time periods set forth in Section 2 hereof.

Section 4. This local law shall take effect upon the filing thereof pursuant to Section 27 of the Municipal Home Rule Law.

(If additional space is needed, please attach sheets of the same size as this and number each)

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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 1980
~~County~~
of the ~~City~~ of Canajoharie was duly passed by the Town Board
~~Town~~ (Name of Legislative Body)
~~Village~~
on June 5, 1980 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19_____ not disapproved by the _____
and was approved repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19_____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19_____ not disapproved by the _____
and was approved repassed after disapproval Elective Chief Executive Officer *
on _____ 19_____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19_____, in accordance with the appli-
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____ on
Town (Name of Legislative Body)
Village
_____ 19_____ not disapproved by the _____ on
and was approved repassed after disapproval Elective Chief Executive Officer *
_____ 19_____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

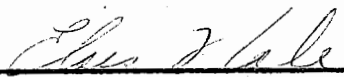
I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
of the City of..... having been submitted to referendum pursuant to the
provisions of § 36
§ 37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority
of the qualified electors of such city voting thereon at the ^{special}
general election held on
..... 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the
County of, State of New York, having been submitted to the Electors at the
General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Muni-
cipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the
cities of said county as a unit and of a majority of the qualified electors of the towns of said county
considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate
certification.)

I further certify that I have compared the preceding local law with the original on file in this office
and that the same is a correct transcript therefrom and of the whole of such original local law, and was
finally adopted in the manner indicated in paragraph 1 above.



-- Clerk of the County legislative body, City, Town or Village Clerk or --
-- officer designated by local legislative body --

Date: June 18, 1980.


(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 MONTGOMERY

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
... Charles H. Clark, Town Attorney ...
Title

Date: June 18, 1980

~~County~~
~~City~~ of Canajoharie
Town
~~Village~~

MARIO M. CUOMO
Secretary of State



STATE OF NEW YORK

DEPARTMENT OF STATE

162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

July 20, 1977

RECEIVED JUL 21 1977

*make copy for our
file - original to be
filed with
town clerk*

Charles H. Clark, Esq.
103 West Main Street
Canajoharie, N. Y. 13317

Dear Sir / Madam:

Please be advised that Local Law(s) No. 1
of 1977 of the Town of Canajoharie
was/~~was~~ received and filed on July 15, 1977.

We are enclosing additional forms for your future
use when filing local laws.

Very truly yours

MARIO M. CUOMO
Secretary of State

by:

James C. Aube
Chief Clerk
State Records and Law Bureau

cc: State Comptroller
Division of Municipal Affairs

G109-006 (4/77)

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County-
-City- of CANAJOHARIE
Town
-Village-

Local Law No. 1 of the year 19 77

A local law providing for written notification of defects and obstructions
(Insert title)
on town highways, bridges, culverts and sidewalks in the Town of
Canajoharie

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
-City- of CANAJOHARIE as follows:
Town
Village

Section 1. No civil action shall be maintained against the Town of Canajoharie or the superintendent of highways of such Town for damages or injuries to person or property sustained by reason of any highway, bridge, culvert or sidewalk being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert or sidewalk was actually given to the town clerk or town superintendent of highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; but no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert or sidewalk unless written notice thereof, specifying the particular place, was actually given to the town clerk or town superintendent of highways and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2. The town superintendent of highways shall transmit in writing to the town clerk within five days after the receipt thereof all written notices received by him pursuant to this local law and subdivision 2 of section 65-a of the Town Law. The town clerk shall cause all written notices received by him or her pursuant to this local law and subdivision 2 of section 65-a of the Town Law, to be presented to the town board within five days of the receipt thereof or at the next succeeding town board meeting whichever shall be sooner.

(If additional space is needed, please attach sheets of the same size as this and number each)

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1977.
County
of the ~~City~~ of Cana. Joharie was duly passed by Town Board
Town (Name of Legislative Body)
Village--
on July 7 1977 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by _____
Town (Name of Legislative Body)
Village
on _____ 19____ not disapproved
and was approved by the _____
repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19____ not disapproved
and was approved by the _____
repassed after disapproval Elective Chief Executive Officer
on _____ 19____. Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19____, in accordance with the appli-
annual
cable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____ on _____
Town (Name of Legislative Body)
Village
_____ 19____ not disapproved
and was approved by the _____ on _____
repassed after disapproval Elective Chief Executive Officer
_____ 19____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 the 19 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 paragraph¹..... above.

Eloise Hency

~~Clerk of the Board of Supervisors, City, Town or Village~~ Clerk or Officer
designated by Local Legislative Body

Date: July 13, 1977

(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 MONTGOMERY

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.

Charles H. Clark

(Title of Officer) Town Attorney-Town of Canaj.

County-

-City-- of Canajoharie

Town

Village

Dated: July 13, 1977



STATE OF NEW YORK

DEPARTMENT OF STATE

162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

May 23, 1978

Charles H. Clark, Esq.
103 West Main Street
Canajoharie, NY 13317

Dear Sir / Madam:

Please be advised that Local Law(s) No. 1
of 1978 of the Town of Canajoharie
was ~~never~~ received and filed on May 15, 1978.

We are enclosing additional forms for your future
use when filing local laws.

Very truly yours

MARIO M. CUOMO
Secretary of State

By:

James C. Aube
James C. Aube (11)
Chief Clerk
State Records
& Law Bureau

cc: State Comptroller
Division of Municipal Affairs

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of CANAJOHARIE
--Village

Local Law No. 1 of the year 19 78

A local law providing for public access to records of the Town of Canajoharie.
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Canajoharie as follows:
Town
Village

See attached.

(If additional space is needed, please attach sheets of the same size as this and number each)

Section 1. Purpose and scope.

The purpose of this Law is to grant the people the information and knowledge provided for in the "Freedom of Information Act" of the State of New York; and the scope of this Law is to be coextensive with the scope of such Act.

Section 2. Designation of records access officers.

(a) The Town Supervisor and the Town Superintendent of Highways are severally responsible for insuring compliance with the regulations herein, as follows:

(i) as to the matters pertaining to the office of the Supervisor, and of the Town Board, the following persons are designated as records access officers:

- (1) The Fiscal Officer, and
- (2) The Town Clerk.

(ii) as to matters pertaining to the Town Highway Department, the Town Superintendent of Highways is designated as records access officer.

(b) Records access officers are responsible for insuring appropriate response to public requests for access to records. However, the public shall not be denied access to records through officials who have in the past been authorized to make records or information available.

Records access officers shall assure that personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist the requester in identifying requested records, if necessary.

(3) Upon locating the records, take one of the following actions in accordance with Section 6 (b):

- (i) Make records promptly available for inspection; or,
- (ii) deny access to the records in whole or in part and explain in writing the reasons therefor.

(4) Upon request for copies of records:

- (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8: or,
- (ii) Permit the requester to copy those records.

(5) Upon request, certify that a transcript is a true copy of records copied.

(6) Upon failure to locate records, certify that:

- (i) The Town of Canajoharie is not the legal custodian for such records, or

- (ii) The records of which such records access officer is a legal custodian, after diligent search, cannot be found.

Section 3. Designation of fiscal officer.

(a) The Supervisor is designated the fiscal officer, who shall certify the payroll and respond to requests, in accordance with Section 6 (b), for an itemized record setting forth the name, address, title and salary of every officer or employee of the Town of

(b) The fiscal officer shall make the payroll items listed above available to any person including bona fide members of the news media as required under section 88 (1) (g), (1) (i), and (10) of the said Freedom of Information Law, or amendments thereto.

Section 4. Location.

Records shall be available for public inspection and copying at the Town Office located at 29 Church Street, Canajoharie, New York,

the location where they are kept.

Section 5. Hours for public inspection.

The Town of Canajoharie does have daily regular business hours, which are 9 A.M. to 4 P. M.

The following procedures for making an appointment to inspect and copy records are therefore established;

(a) As to matters pertaining to Town funds, payrolls, expenditures and other fiscal matters, appointment shall be made with the Town Supervisor.

(b) As to matters pertaining to the Town Highway Department, appointment shall be made with the Town Superintendent of Highways.

(c) As to all other matters of the Town, appointment shall be made with the Town Clerk.

The Town Clerk shall keep posted, at all times, at the Town offices aforesaid, a current list showing the names, address, and telephone numbers of the Supervisor, Superintendent of Highways, and Town Clerk.

Section 6. Requests for public access to records.

(a) Where a request for records is required, such request may be oral or in writing. However, written requests shall not be required for records that have been customarily available without

written request.

(b) (1) Except under extraordinary circumstances, officials shall respond to a request for records no more than five business days after receipt of the request, whether the request is oral or in writing.

(2) If, because of extraordinary circumstances, more than five business days are required to respond to a request, receipt of the request shall be acknowledged within five business days after the request is received. The acknowledgment shall state the reason for the delay and estimate the date when a reply will be made.

(c) A request for access to records should be sufficiently detailed to identify the records. Where possible, the requester should supply information regarding dates, titles, file designation or other information which may help identify the records.

However, a request for any or all records falling within a specific category conforms to the standard that records be identifiable.

(d) (1) A current list, by subject matter, of all records produced, filed, or first kept or promulgated after September 1, 1974, shall be available for public inspection and copying. The list shall be sufficiently detailed to permit the requester to identify the file category of the records sought.

(2) The subject matter list shall be updated periodically and the date of the most recent updating shall appear on the first page. The updating of the subject matter list shall not be less than semi-annual.

(e) No records may be removed by the requester from the office where the record is located without the permission of the respective records access officer with or by whom such records are kept.

Section 7. Denial of access to records.

(a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to hear appeals.

(b) If requested records are not provided promptly, as required in section 6 (b) of these regulations, such failure shall also be deemed a denial of access.

(c) The position of records appeals officer is hereby created, such position to be filled by a majority of the Town Board, to serve at the pleasure of the Town Board, without compensation; except that all necessary expenses of such office, and the discharge of the duties thereof, shall be a Town charge, payable from the General Fund. Such records appeals officer shall hear appeals for denial of access to records under said Freedom of Information Law.

(d) The time for deciding an appeal by the records appeals officer shall commence upon receipt of written appeal identifying:

- (1) The date of the appeal.
- (2) The date and location of the requests for records.

(3) The records to which the requester was denied access.

(4) Whether the denial of access was in writing or was by failure to provide records promptly as required by Section 6 (b).

(5) The name and return address of the requester.

(e) The records appeals officer shall inform the requester of his decision in writing within seven business days of receipt of an appeal.

(f) A final denial of access to a requested record, as provided for in subdivision (e) of this section, shall be subject to court review, as provided for in article 78 of the Civil Practice Law and Rules.

Section 8. Fees.

(a) There shall be no fee charged for:

(1) inspection of records.

(2) search for records.

(3) any certification pursuant to this part.

(b) The respective records access officer shall charge such fee for providing copies of records pursuant to a schedule to be determined from time to time by the Town Board. In no event shall any fee be set forth in such schedule as shall provide for a fee greater than the actual or approximate cost of making and providing such copies.

Section 9. Public notice.

A notice containing the job title or name and business address of the records access officers and fiscal officer; the name, job title, business address and telephone number of the appeal person or persons or body; and the location where records can be seen or

copied, shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper or general circulation.

Section 10. Severability.

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

Section 11. Effective date.

This local law shall take effect upon the filing thereof in compliance with Section 27 of the Municipal Home Rule Law.

Eloise Hency
Town Clerk
Town of Canajoharie

Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No.1..... of 19...78

County
of the City- of Canajoharie was duly passed by the Town Board
Town (Name of Legislative Body)
--Village
on May 4, 19 78 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, * or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....

County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....

County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer *
on 19..... Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....

County
of the City of was duly passed by the on
Town (Name of Legislative Body)
Village
..... 19..... not disapproved
and was approved by the on
repassed after disapproval Elective Chief Executive Officer *
..... 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

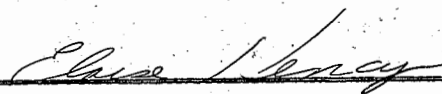
I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the County legislative body, City, Town or Village Clerk or
officer designated by local legislative body.

Date: May 12, 1978

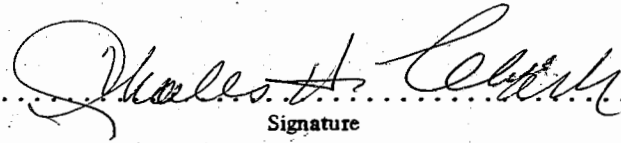
(Seal)

(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 MONTGOMERY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
Town Attorney
Title

Date: May 12, 1978

County
City of Canajoharie
Town
Village

SEAL OF THE STATE OF NEW YORK
JAN 3 1975
ALBANY, NEW YORK

FILED

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County Canajoharie
~~City~~ of CANAJOHARIE
Town _____
~~Village~~ _____

Local Law No. 1 of the year 19 74

A local law Increasing the salary of the Superintendent of Highways
(Insert title)

Be it enacted by the Town Board of the _____
(Name of Legislative Body)

County _____
~~City~~ of Canajoharie as follows:
Town _____
~~Village~~ _____

A local law, to be known as Local Law No. 1 for the year 1974, increasing the salary of the Superintendent of Highways of the Town of Canajoharie.

Be it enacted by the Town Board of the Town of Canajoharie as follows:

Section 1. Effective on January 1, 1975, the annual salary of the Superintendent of Highways of the Town of Canajoharie shall be the sum of \$9,200.00.

Section 2. This local law will take effect forty-five days after its adoption.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1974
County
City of Canajoharie was duly passed by Town Board
Town (Name of Legislative Body)
Village
on November 7 1974 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
County
City of _____ was duly passed by _____
Town (Name of Legislative Body)
Village
on _____ 19____ not disapproved
and was approved by the _____
repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
County
City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19____ not disapproved
and was approved by the _____
repassed after disapproval Elective Chief Executive Officer
on _____ 19____. Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19____, in accordance with the appli-
cable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1974
County
City of Canajoharie was duly passed by the Town Board of Canajoharie
Town (Name of Legislative Body)
Village
on November 7 1974 not disapproved
and was approved by the _____
repassed after disapproval Elective Chief Executive Officer
on December 22 1974. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
December 22 1974, in accordance with the applicable provisions of law.

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 election held on 19..... became operative.

(County local law concerning adoption of Charter.)

6. I hereby certify that the local law annexed hereto, designated as Local Law No. of 197 of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Elmer Henry Town Clerk

Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer designated by Local Legislative Body

Date: *Jan 16, 1975*

(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 Montgomery

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.

Charles H. Clarke
(This of Officer) *Town Attorney*

County
City of Canaan
Town
Village

Dated: *Jan 16, 1975*

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~County~~
~~City~~ of CANAJOHARIE, NEW YORK
~~Town~~
~~Village~~
Local Law No. 1 of the year 19 71

A local law to provide for retention of elected assessors in the Town of Canajoharie.
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Canajoharie as follows:
~~Town~~
~~Village~~

Section 1. Pursuant to the provisions of section fifteen hundred and fifty-six of the real property tax law, the three offices of assessor of the Town of Canajoharie, shall continue and shall be elective as provided by the law in effect immediately prior to the effective date of said section fifteen hundred and fifty-six.

Section 2. After a public hearing thereon as provided by the Home Rule Law of the State of New York, this Local Law shall be submitted for the approval of the electors of the Town of Canajoharie at a Special election to be held in accordance with the provisions of the municipal Home Rule Law, except that such Special Election shall be held not later than July 1, 1971.

Section 3. This Local Law shall become effective on the twentieth day after approval thereof by the electors of the Town of Canajoharie at the Special Election specified in Section 2 hereof and after filing and publication as required by said Municipal Home Rule Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by
Town (Name of Legislative Body)
Village
on 19..... in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No.¹ of 19...⁷¹..
County
of the City of Canajoharie was duly passed by the Town Board of the said Town of
Town (Name of Legislative Body)
Village Canajoharie
on April 1 19⁷¹..
~~not disapproved~~
~~and was approved~~ by the no such officer
~~repassed after disapproval~~ Elective Chief Executive Officer
~~on~~ ~~19xx~~.. Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
~~permissive~~ general
thereon at the special election held on June 15th 19...⁷¹.., in accordance with the appli-
~~annual~~
cable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the on
Town (Name of Legislative Body)
Village
..... 19..... not disapproved
and was approved by the on
repassed after disapproval Elective Chief Executive Officer
..... 19...... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of ^{§ 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 the 19 became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Chaise Henry
Town Clerk of the ~~Board of Supervisors, City, Town or Village Clerk or Officer~~ designated by Local Legislative Body of Canajoharie

Date: June 29th, 1971

(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 MONTGOMERY

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.

Bert H. B...
(Title of Officer) Town Attorney
~~County~~
~~City~~ of Canajoharie
Town
~~Village~~

Dated: June 29th, 1971