

# 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 Edmeston, NY

FILED  
STATE RECORDS

JUL 05 2016

DEPARTMENT OF STATE

Local Law No. #1-2016 of the year 2016

A local law LIMITING THE CONSTRUCTION OF PERMANENT OR YEAR ROUND RESIDENTS/  
COMMERCIAL BUSINESS ON SEASONAL TOWN OF EDMESTON ROADS  
(Insert Title)

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

County  City  Town  Village  
(Select one.)

of Edmeston, NY

as follows:

SEE ATTACHED

(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 adopt on by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. #1-2016 of 2016 of the ~~(County)(City)~~ (Town)(Village) of Edmeston was duly passed by the Edmeston Town Board on June 14 2016, in accordance with the applicable provisions of law.

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

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

**3. (Final adopt on 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.)**

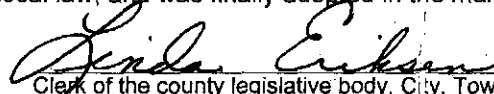
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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: 6/16/16

(Seal)

# TOWN OF EDMESTON

## LOCAL LAW 1-2016 LIMITING THE CONSTRUCTION OF PERMANENT OR YEAR ROUND RESIDENCES ON SEASONAL TOWN OF EDMESTON ROADS

### Section 1 – Title

This Law shall be known as the "Local Law Limiting the Construction of Permanent or Year Round Residences/Commercial Business on Seasonal Town of Edmeston Roads."

### Section 2 – Legislative Authority

This Local Law is enacted pursuant to Section 10, Subdivision 1. (ii) a. of the Municipal Home Rule Law of the State of New York is intended, to the extent inconsistent therewith, to supplement and/or supersede the provisions of the New York State General Municipal Law.

### Section 3 – Purpose

The purpose of this Local Law is to control and limit the issuance of building permits for the construction of permanent residences/commercial business on Town roads which are, or which have in the preceding year, been designated as a seasonal road, so as to enable the Town to better control the Town's cost and obligation to open a specific portion of an existing road for only one or for a few residences.

### Section 4 – Limitation on Issuance of Permit

A. A permit may be issued (provided the applicant agrees in writing to the Savings Provision in Section 5) to construct, modify or otherwise create any structure intended to be, or suitable as, a permanent or year round residence/commercial business on any Town road which is, or during the preceding year, has been designated as a seasonal road unless the driveway or other means of access to the parcel upon which the said structure is to be constructed or modified intersects the seasonal road upon which it is situated, no more than 400 feet distant from that section or portion of the road which is year round (i.e. non-seasonal) road,

B. In the event a residence/commercial business or a Town Road is built or improved so as to enable it to be used as a permanent or year round residence/commercial business, the Town upon request shall improve or otherwise open the seasonal road a maximum of four hundred (400) feet per year so as to eventually enable year round access to the permanent year round residence/commercial business.

### Section 5 – Savings Provision

Notwithstanding the foregoing provisions nothing herein shall prohibit an individual from constructing or improving a structure upon a seasonal road or residing upon a seasonal road, as long as said individual is willing to acknowledge and accept the limited, underdeveloped, un-maintained seasonal nature of the road and accept the responsibility and liability for providing and maintaining their own ingress and egress to their property and structure, under the supervision and written approval of the Highway Superintendent of the Town of Edmeston.