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STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
APR 11 2005

~~County~~
~~City~~ of Mannsville
~~Town~~
Village

Local Law No. 1 of the year 2005

MISCELLANEOUS
& STATE RECORDS

A local law for Zoning Law Superceding Any Previous Zoning Laws and
(Insert Title)
Regulations

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

~~County~~
~~City~~ of Mannsville as follows:
~~Town~~
Village

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

**VILLAGE OF
MANNSVILLE**

ZONING LAW

APRIL 5, 2005

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ARTICLE 1

INTRODUCTORY PROVISIONS

Section 100 Enacting Clause

Pursuant to the provisions of Municipal Home Rule Law, Section 10, and Article 7 of New York State Village Law, the Village Board of the Village of Mannsville, Jefferson County, New York, hereby enacts this local law.

Section 105 Purpose and Authority

The Village of Mannsville Zoning Law is established for the purpose of promoting the public health, safety and welfare, and the most desirable use for which the land in each district may be adapted; for conserving the value of buildings and for enhancing the value of land throughout the Village. Reasonable consideration is given to the best planned use of each district and its peculiar suitability for the particular uses for which it is intended.

Section 110 Short Title

This local law shall be known and may be cited as "The Village of Mannsville Zoning Law".

Section 115 Application of Regulations

No building hereafter shall be erected, moved or altered, and no land shall be used except in conformity with the regulations herein specified for the district in which it is located.

1. No building shall hereafter be erected or altered:
 - a. To exceed the height;
 - b. To accommodate or house a greater number of families
 - c. To have narrower or smaller rear yard, front yard, side yard, inner or outer court than is specified herein for the district in which such building is located.
2. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this law shall be included as part of a yard or other open space similarly required for another building.

ARTICLE 2

DEFINITIONS

1. **CONSTRUCTION OF WORDS:** When used in this law, words in the present tense include the future and words of one gender include all genders. The singular number includes the plural and plural includes the singular. The term "shall" is intended to be mandatory.
2. **DEFINITION:** When used in this law, unless otherwise expressly stated, the following words and terms shall have the meanings indicated.
3. Whenever a word or term is defined to "include" certain matter, such inclusion is intended to be by way of specification and not of limitation.

ACCESSORY STRUCTURE: A building, the use of which is customarily incidental to that of the principal building and which is located on the same lot as that occupied by the main building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use and conducted on the same lot therewith.

AGRICULTURAL OPERATION: The raising for compensation of poultry, crops, livestock, and agricultural or dairy products, fish or game, the term includes plant, crop and tree growing and harvesting animal husbandry, horticulture, forestry, fish for bait or harvest, and the sale at wholesale or retail of the products thereof upon the premises where the same are grown or produced. The term does not include the operation of a hog farm or fur farm.

ALTER: To alter, change or rearrange any structural part of the existing facilities of a building or structure, or enlarge the building or structure whether by extending any side or increasing the height thereof, or to move the same from one location or position to another.

BUILDING: Any structure having a roof supported by columns or by walls which is used or occupied for the shelter, housing or enclosure of animals, persons, or chattels. The term, unless differentiated, includes both principal and accessory buildings.

BUILDING AREA: The total area taken on a horizontal plane at main grade level of the principal building and all accessory buildings, excluding chimneys, uncovered porches, patios, terraces, steps and open areaways.

BUILDING LINE: The foundation line of that face of the building or structure nearest the lot line, excluding chimneys and uncovered porches, patios, terraces,

steps and open areaways.

CAMP: A structure with accommodations for living and sleeping designed for seasonal occupancy having a minimum area of 200 square feet. The term does not include trailer camps.

CAMPGROUND: Any lot, building, structure or part thereof used or occupied by two or more recreation trailers or vehicles which are used for part time living or sleeping purposes.

DANGEROUS USE: The manufacture or, bulk storage or handling of explosives, illuminating gases, lethal or toxic chemicals or other explosives, combustible, inflammable, lethal or toxic substances in such quantities or in such manner as may or does endanger the public safety. The term does not include the operation of a retail gasoline station.

DWELLING: A building used or occupied as living quarters for one or more families. The term does not include tourist accommodations or trailers.

DWELLING UNIT: Any building or portion thereof providing complete living facilities for one family.

ERECT: To erect, construct, build, re-erect, reconstruct, rebuild, or excavate for a building or structure.

FAMILY: One or more persons living together as a single housekeeping unit.

FLOOR AREA: The total horizontal area of all floors of a building excepting the basement and attic thereof measured along the outside exterior walls.

FRONT LOT LINE: The lot line adjoining any street or highway right of way line. If a lot adjoins two or more streets or highways, it shall be deemed to have a front lot line respectively on each.

FRONT YARD: The yard between the front building line and the front lot line and extending the full width of the lot.

FUR FARM: Any lot or building or part thereof used or occupied for raising or keeping for compensation of rabbits, foxes, minks, skunks, or other fur bearing animals.

GASOLINE SERVICE STATION: Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fuels, oils or lubricants, or for the polishing, greasing, washing or servicing of motor vehicles.

HEIGHT: The vertical distance measured from the average elevation of the main grade at the front of the building to the highest point of the roof.

HOME OCCUPATION: Any accessory use of a service character customarily conducted within a dwelling by the resident thereof which is clearly secondary to the use of the dwelling of living purposes and does not change the character thereof or have an exterior evidence of such secondary use other than a small nameplate and in connection therewith there is not involved the keeping of stock for trade. The office of physician, surgeon, dentist, or insurance offices, convalescent homes, and mortuary establishments, an instructor in violin, piano, and other individual musical instruments who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods shall be deemed to be home occupations, and the occupations of dressmaker, or seamstress, each with not more than one paid assistant shall be deemed to be home occupation.

HOSPITAL: Any hospital, sanitarium, or other institution used or occupied for the care of persons mentally or physically ill, incapacitated or disabled. The term includes nursing and convalescent homes.

LOT: A parcel of land used or occupied or capable of being used or occupied by a building or structure, and the accessory buildings, structures or uses customarily incident to it including such yards as are required by this law.

LOT LINE: Any line dividing one lot from another or bounding a lot.

LOT WIDTH: The mean horizontal distance between the side lot lines measured at right angles to the lot depth.

MOBILE/MANUFACTURED HOME: A structure, transportable in one or more sections, and when installed on site, is a single structure 1,050 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. All portable frame gear and tires are permanently removed at the time of installation. This definition applies to single-wide, double-wide and modular homes.

MOBILE/MANUFACTURED HOME PARK: Any lot on which two or more mobile/manufactured homes are located.

MOTOR VEHICLES, INOPERATIVE: Any motor vehicle which is unregistered for a period of seven successive months or longer.

NON-CONFORMING: Not in conformity with the provision of this law at the time of

the enactment thereof.

NOXIOUS USE: Any use which is noxious, offensive or injurious by reason of the emission of dust, smoke, refuse matter, odor, gas, fumes, noise, or vibration. The term includes the operation of a hog farm, fur farm, slaughtering house or rendering works.

PARCEL: That amount of continuous land falling under a single deed.

PARKING SPACE: An off street space available for the parking of one motor vehicle and having an area of not less than two hundred square feet exclusive of passageways and accesses thereto, and having direct access to a street or highway.

PERMITTED USE: Any use permitted under the provisions for the district in which the land, building, or structure is located.

PRINCIPAL BUILDING: A building in which is conducted the main or principal use of the lot on which such building is located. Decks, porches, steps, open areaways, attached garages and carports and other similar structures shall be considered part of the principal building.

PRINCIPAL USE: The main or principal purpose for which any land, building, or structure is used or occupied.

PUBLIC GARAGE: Any garage operated for gain which is used and occupied for the storage, repair, rental, servicing, adjusting or equipping of automobiles or other motor vehicles.

REAR YARD: The yard between the rear building line and the rear lot line and extending the full width of the lot.

RECREATIONAL FACILITIES, COMMERCIAL: Any lot or building or part thereof used or occupied for bowling alleys, theaters, ice and roller skating rinks, and tennis courts.

RECREATION VEHICLES: Shall include truck campers and camping trailers less than forty-eight feet in length.

SALVAGE YARD: Any lot, building or part thereof used or occupied for the collecting, storage, salvage, processing, dismantling or sale of any of the following materials collected or received from sources off the premises: waste paper, rags, scrap or discarded metals or materials or machinery, equipment or vehicles not in

running condition and parts thereof.

SIDE YARD: The yard between the side lot and the nearest side building line and extending from the rear line of the front yard to the front line of the rear yard.

SIGN-FREESTANDING: Any sign supported by its own base or hung from above in cantilever fashion from a building.

SINGLE FAMILY HOME(PERMANENT): For the purposes of this law, a single family home shall have a minimum of 1,050 square feet of floor area at ground level exclusive of garages, porches and other similar accessory attachments.

STRUCTURE: Any combination of materials which forms a stable construction or fabrication. The term includes platforms, stadiums, towers, post, billboards, and signs, but is not intended to include conventional sidewalks, driveways, curbs or fences, hedges, or walls.

TOURIST ACCOMMODATIONS: Any permanent building or part thereof which is used or occupied for overnight accommodations of transient guests for compensation. The term includes tourist homes, tourist cabins, hotels, autocourts, and motels, but does not include camps or trailer camps.

TRAILER: Any vehicle capable of being propelled or towed on a public highway and so constructed as to permit occupancy thereof as a temporary dwelling for one or more persons. Also known as travel trailers or recreational vehicles which are NOT designed for long term residential use. Not permitted use as permanent residence.

USE: The specific purpose for which any land, building or structure is used or occupied.

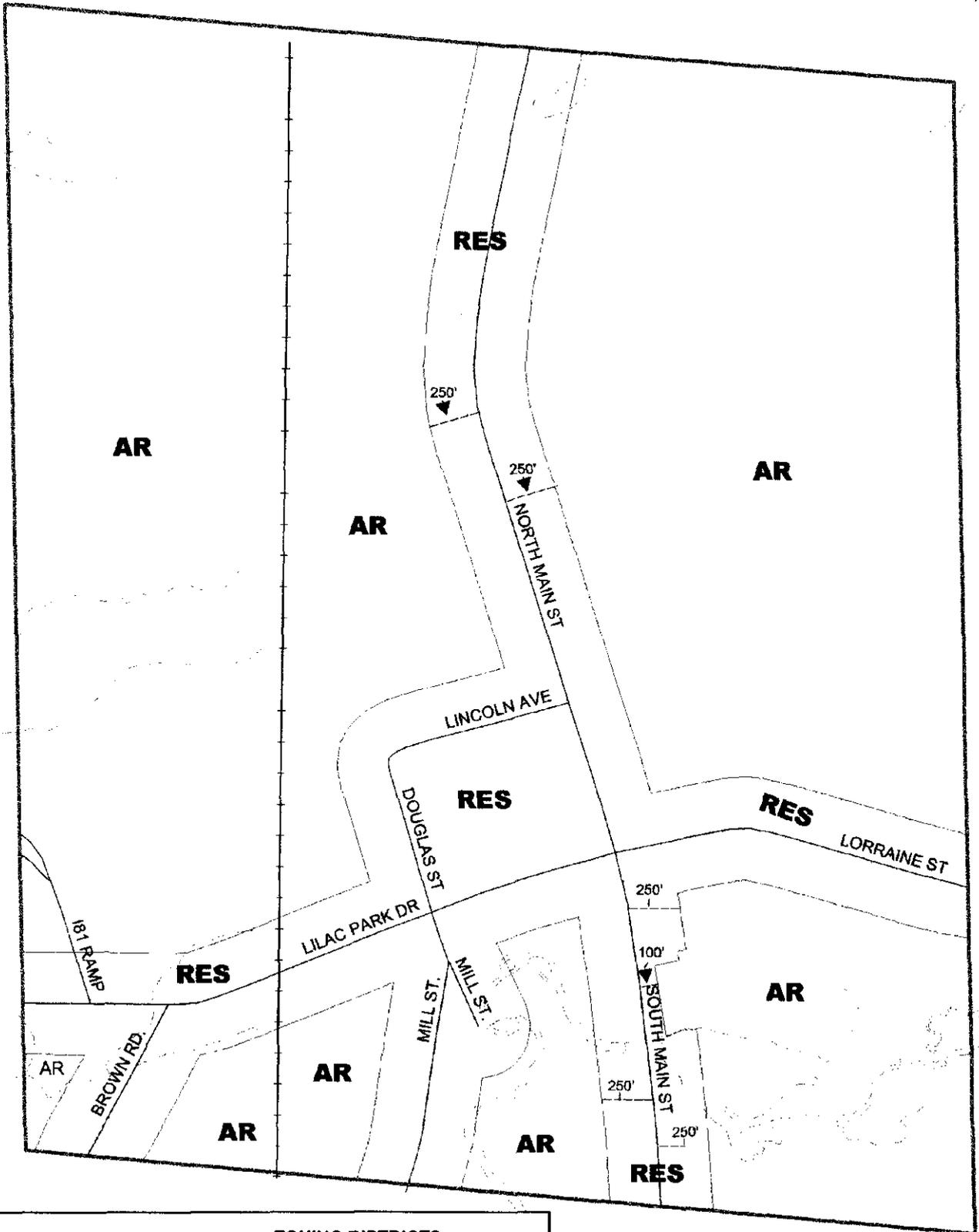
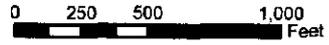
USED OR OCCUPIED: Used or occupied, or intended, arranged, or designed to be used or occupied.

WASTE MATTER: Any refuse, rubbish, waste matter, litter, garbage, decomposable or organic matter, putrescible matter, carcass, sewage, excrement, swill, slops, malodorous or obnoxious liquids or substances, ashes, tin cans, crates, boxes, easily combustible matter or other substances or material offensive to the public or detrimental to its health.

YARD: An unoccupied space open to the sky on the same lot with a building or structure.

VILLAGE OF MANNSVILLE OFFICIAL ZONING MAP

April 5, 2005



ZONING DISTRICTS	
— Boundary	—+— Railroad
- - - Streams	— Streets
RES - Residential	
AR - Agricultural Rural Residence	
<p>The boundary of the RES District is setback 250 feet from the centerline of all streets, except on S Main St where a portion of the District is setback 100 feet.</p>	

Map prepared by the Jefferson County Dept of Planning.

**ARTICLE 3
ZONING DISTRICTS**

ESTABLISHMENT OF

Section 300 Zoning Districts

For the purpose of promoting the health, safety, morals, and the general welfare of the community, the Village of Mannsville is hereby divided in the following districts:

RES - Residential District AR - Agricultural and Rural Resident District

Section 305 Zoning Map

The boundaries of the above named zoning districts are bounded as shown on a map entitled, "Zoning Map, Village of Mannsville", adopted 10/2/87 and certified by the Village Clerk, which accompanies and which with all explanatory matter thereon, is hereby made a part of this law. Any changes in district boundaries or other matter shown on the Zoning Map shall be promptly made on the map with a signed statement describing the nature of the change.

Section 310 Interpretation of District Boundaries

Where uncertainty exists with respect to the exact boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries shown as approximately following the center line of streets or highways shall be constructed to follow such center lines.
2. Boundaries shown as approximately following platted lot lines shall be construed to follow such lot lines.
3. Boundaries shown as following shorelines of streams, lakes, and reservoirs shall be construed to follow such shorelines, and to move with changes in the actual shorelines.
4. Boundaries indicated as parallel to, or extensions of features indicated in subsections 1 above shall be construed to be parallel to, or extensions of, such features.
5. Distance not specifically set forth on the Zoning Map shall be determined by the scale of the map.

Section 315 Lots in Two Districts

Where a district boundary line divides a lot in single or joint ownership, existing at the time of enactment of this law, the use authorized on, and the district

requirements of, the least restricted portion of such lot shall be construed as extending to the entire lot.

Section 320 Uniformity

Within each district, the regulations established by this law shall be minimum regulations and shall be applied uniformly to each class or kind of structure or land.

ARTICLE 4		DISTRICT REGULATIONS
Section 400 Land Use Controls		
Residential District - RES		
PURPOSE	PERMITTED USES	SPECIAL PERMIT USES
To provide for the development of residential neighborhoods occupied by all forms of residential development including Mobile/Manufactured Home Parks.	One-Family Dwellings Two-Family Dwellings Multi-Family Dwellings Mobile/Manufactured Homes Home Occupations as defined herein. Schools Religious Institutions Non-profit recreational facilities	Commercial Recreational Facilities Eating & Drinking Establishments Municipal, County, State or Federal Use Retail Liquor and Food Stores Marine and Over Terrain Recreational Vehicles and Access Shopping Center Similar Uses
Agricultural & Rural Residence District - AR		
PURPOSE	PERMITTED USES	SPECIAL PERMIT USES

<p>The Agricultural and Rural Residence Districts are primarily for agriculture and suburban residential uses.</p>	<p>Agriculture Horticultural Home Occupation as defined herein. One-Family Dwelling Two-Family Dwelling Individual Mobile/Manufactured Home Multi-Family Dwelling Accessory Buildings</p>	<p>Motor Courts and Motels Mobile/Manufactured Home Parks Air Landing Fields Heliports Animal Hospital, Riding Academy and Public Stable Cemetery Church or Parish Crematorium Drive-In Theater Educational Institution Hospital, Nursing Home and Sanitarium Quarrying of Stone, Sand & Gravel Sanitary Landfills Contractor Shop and Service Motor Vehicle Service Station, Public Garages, Welding and Machine Shops Automobile Junkyards Above Ground Commercial Storage Tanks over 550 gallons Industrial Plant, Truck Terminals Eating & Drinking Establishments and Food Stores Municipal, County, States or Federal Uses Farm Machinery and Supplies Other Uses</p>
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ARTICLE 4 DISTRICT REGULATIONS

Section 405 Lot Dimensional Regulations

Table 1 Residential District

Use	Min. Lot Size	Min. Lot Width	Front Yard	Rear Yard	Side Yard
One-Family Dwelling Semi-Attached Dwelling Mobile/Manufactured Home	9,000 s. f.	75'	*	20'	15'
Two-Family Dwelling Pair of Semi-Detached Dwellings	14,000 s. f.	100'	*	20'	
Multi-Family Dwelling with 3 or 4 units	6,000 s. f. per unit	125'	*	20'	50' total, min. 20'
Multi-Family Dwelling with +4 units	5,000 s. f. per unit	125'	*	20'	50' total, min. 20'
Non-Residential Building other than garage or accessory structure			*	20'	60' total **
Special Uses	15,000 s. f.				
Accessory Structure			*	20*	15'

* **Front Yards:** See Section 520.

** For each foot in height over 35 feet the total of the two side yards shall be increased by two feet.

ARTICLE 4

DISTRICT REGULATIONS

Section 405 Lot Dimensional Regulations

Table 2 Agricultural & Rural Residence

Use	Minimum Lot Size	Minimum Lot Width	Front Yard	Rear Yard	Side Yard
One-Family Dwelling Two-Family Dwelling Individual Mobile/Manufactured Home Pair of Semi-Detached Dwellings	17,500 s. f.	100'	30'	50'	15'
Multi-Family Dwelling with 3 or 4 units	8,000 s. f. per unit	200'	30'	50'	15'

Accessory Structures						30'	30'
Special Uses		20,000 s. f.					
Air Landing Field, Drive In Theater		5 acres					
Shopping Center		3 acres					

ARTICLE 5

GENERAL REGULATIONS

Section 500 Corner Lots

In the case of a corner lot, both yards abutting the street shall be considered front yards. The minimum width of the lot at the building line parallel to the street considered to be the front street line shall be 100 feet.

When a building or property extends through a block from street to street, the front yard requirements shall be observed on both streets.

Section 505 Signs and Billboards

Whenever located and whatever their nature, signs shall conform to the following:

1. No sign shall exceed 25 feet in height or extend above the facade of a building to which it is attached.
2. A maximum of one free standing sign with an area of 32 square feet or less shall be allowable per parcel or one such sign every 750 feet whichever is less restrictive.
3. Advertising display upon a building or other surface shall be limited to a total of 32 square feet.
4. On either side of a highway a distance of one half mile must be maintained between signs which are visible from the highway and are larger than 32 square feet in area. The distance between signs on opposing sides of the highway shall be of no consequence. In matters of setback from the street or road, required yards and other such respects, free standing signs larger than 32 square feet shall be regarded as buildings within the maximum meaning of this law.

Section 510 Inoperative Automobiles

No inoperative automobiles shall be kept on the premises for a period longer than 45 days, unless enclosed within a structure or behind a concealing fence.

ARTICLE 6

USE SPECIFIC STANDARDS

Section 600 Individual Mobile/Manufactured Homes

1. Every mobile home shall bear a date plate affixed in the manufacturing facility, bearing not less than the following standards:

A. The statement: "This mobile home is designed to comply with the Federal Mobile Home Construction and Safety Standards in force at the time of manufacture." or have a stamped plan from a licensed engineer certifying the mobile home as complying with current Federal construction codes.

B. Reference to the structural zone and wind zone for which the home is designed. Every mobile home shall bear data relative to the heating and insulation zone and outdoor design temperature.

2. Skirting

A. Each manufactured home shall be provided with a skirt to screen space between the manufactured home and the ground.

B. Such skirts shall be of permanent material to provide a finished exterior appearance.

C. The material used shall be fire resistant.

Section 605 Replacement of Individual Mobile/Manufactured Homes

All replacements of Mobile/Manufactured Homes must meet the same requirements as stated in the Zoning Law.

Section 610 Mobile/Manufactured Home Parks

Mobile/Manufactured Home Parks are prohibited in the Village.

Section 615 Motor Courts or Motels

Motor Courts or Motels shall conform to the following requirements:

1. The minimum land area per establishment shall be 50,000 square feet and minimum width of the lot at the front building line shall be 200 feet.

2. No rental structure or part thereof shall be placed closer to any street or road center line right of way than 75 feet or closer than 50 feet to any other established or marked right of way line, or closer to a side or rear property line than 25 feet. The least restrictive requirement shall apply.
3. Automobile parking space shall be provided to accommodate not less than one car for each rental unit. No part of such parking space shall be closer to any right of way than 50 feet.
4. Each rental unit shall be supplied with hot and cold running water and equipped with a flush toilet. All sanitary facilities shall be approved by the NYS Department of Health.
5. No outdoor swimming pool shall be placed closer to a street center line than 100 feet for closer than 75 feet from any other marked or established right of way line, or closer to a side or rear property line than 25 feet.
6. The property is to be appropriately landscaped, particularly at the front and sides.

Section 620 Motor Vehicle Service Stations, Public Garages Welding and Machine Shops

The following requirements must be met:

1. All motor vehicle service stations shall be so arranged and all gasoline pumps shall be so placed as to require all servicing on the premises no closer to any street or road center line right of way than 40 feet or closer than 15 feet to any other marked or established right of way line and no gasoline pump shall be placed closer to any side property line than 30 feet.
2. No inoperative motor vehicle shall be kept on the premises of a motor vehicle service stations for longer than two weeks unless enclosed within a structure.
3. All waste material shall be stored within a structure or enclosed within fencing so as not to be visible from off the property.

Section 625 Farms

1. No person, firm or corporation shall cause or permit any turkeys, chickens, ducks, geese or other fowl, swine, sheep, goats, cattle or horses, or dogs kenneled for commercial purposes, to be kept, pastured, penned, or fenced in any barn, building, pen , or other enclosure within 1,000' of any church or other place of worship or within one thousand feet of any other person's property

without first obtaining the written permission of the owner's and mortgagees of all such property located within 1,000' thereof and the filing of said permission with the Village Clerk.

2. No person, firm or corporation shall cause or permit manure or droppings from turkeys, chickens, ducks, geese or other fowl to be accumulated or spread on any land or property within the Village of Mannsville.

Section 630 Quarrying of Stone, Sand, & Gravel

The Village of Mannsville recognizes that sand, gravel, rock, and mineral resources within its area are necessary and beneficial to the economy of the Village and welfare of its citizens. To provide utilization of these resources in a manner compatible with nearby residential and agricultural areas and to insure restoration of commercial excavation areas in such a manner as to conform with the Village development plan, except when incidental to the construction of a building on the same lot, the excavation, processing or sale of top soil, earth, sand or gravel, clay or other natural mineral deposits, or the quarrying of any kind of rock formation hereafter is subject to the following conditions:

1. Before issuing a permit for such use, the Village Board of Appeals shall find that such excavations or quarrying will not endanger the stability of adjacent land or structures or constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic, or other conditions. The Village Board of Appeals may specify any reasonable requirements to safeguard the public health, safety and welfare in granting such permits.
2. The slope of material and such top soil, sand, gravel, clay, and other earth shall not exceed the normal angle of repose of such material.
3. Extraction processing and storing of sand and gravel shall not be conducted within 100 feet of an existing street or highway, or within 30 feet of the right of way line of any existing public utility; nor shall such operations be conducted within 100 feet of the boundary of any zone where such operations are not permitted; nor shall operations be conducted within 30 feet of the boundary of an adjoining property not in mining use but within an area in which mining is permitted.
4. A plan for restoration and rehabilitation of a commercial earth excavation area or borrough pit shall accompany the application for a permit and shall assure conformance with the public health, safety and welfare. The Village Zoning Appeals Board, upon approval of such plan, shall require a performance bond or letter of credit to assure rehabilitation of commercial excavation sites in

conformance therewith.

5. A plan for safeguarding the public health, safety and welfare in commercial rock or mineral excavation areas shall accompany the application for a permit and shall be approved by the Village Zoning Appeals Board.
6. Where topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the excavated area in accordance with the restoration plan. Such overburden stockpiles shall be treated to minimize the effects of erosion by wind or water upon public roads, streams, or adjacent land uses and shall not be sold or removed from the property.
7. Notwithstanding any other provisions of this Law, a natural products or commercial excavation operation existing prior to the time of the adoption of this law, shall be subject to the provisions of this law except that said operation shall not be subject to provisions as contained herein for a period of five years from the date of the adoption of this law after which time these provisions shall be in full force and effect.

Section 635 Sanitary Landfills

1. Each site shall have a minimum land area of 5 acres and must be approved by the New York State Department of Health as conforming to the State's Sanitary code.
2. No refuse disposal shall take place within 100 feet of a public road.

Section 640 Automobile Junkyards

1. No building or structure shall be erected or plot of ground be used, or any existing building or plot of ground shall be used within the limits of the Village of Mannsville, for the purpose of establishing a junk yard, so called auto grave yard, or the accumulation of junk, auto or machinery parts or bodies, refuse or litter, unless such building structure, or plot of ground be situated more than 250 feet from any dwelling or apartment house or place of human habitation, or building used for business purposes, and unless such building or structure or plot of ground so used for the purpose herein stated shall be so situated more than 1500 feet from any State, County, Town, or other road or street or highway within the Village of Mannsville.

Section 645 Temporary Uses and Structures

Temporary permits may be issued by the Zoning Enforcement Officer for a period not exceeding one year, for nonconforming uses incident to housing and construction projects, including such structures and uses as a storage of building materials and machinery, the processing of building materials, and a real estate office located on the tract being offered for sale, provided such permits are conditions upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit. Such permits may be renewed yearly upon application to the Zoning Enforcement Officer for an additional period of one year.

ARTICLE 7

SPECIAL USE PERMITS

Section 700 Authority

Pursuant to authority delegated in accordance with Section 7-725-b of the Village Law of the State of New York, the village board hereby authorizes the zoning board of appeals to grant special use permits as set forth in this law.

Section 705 Applicability

Uses requiring a special use permit shall be controlled by the regulations in this Article in addition to the regulations which apply in each district or for specific uses. No zoning permit or certificate of compliance shall be issued for any use or structure requiring a special use permit until approval has been granted by the zoning board of appeals.

Section 710 Application Requirements

An application for project review shall be made on forms prescribed by the village. Five copies, minimum, of all materials shall be submitted to the board by the applicant. Extra copies as may be deemed necessary by the zoning board of appeals may be required. The following information shall be required of all applications, unless specifically waived by the zoning board of appeals:

1. Name and address of applicant and owner, if different, and of the person responsible for the preparation of such drawing;
2. Date, north arrow, written and graphic scale;
3. Boundaries of the area plotted to scale, including distances, bearings, and areas;
4. The current zoning classification of the property, including the exact zoning boundary if in more than one district;
5. A complete outline of existing or proposed deed restrictions or covenants applying to the property;
6. Location and ownership of all adjacent lands as shown on the latest tax records;
7. A written description of all proposed uses on the site, including all activities, and including the number and distribution by type of all dwelling units;

8. Location, name, and existing width and right-of-way of adjacent roads, including traffic circulation patterns;
9. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use adjoining the property;
10. Location, size, design of the following: existing and proposed buildings, driveways, parking and loading areas, outdoor storage areas, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening, buffer areas, snow storage areas; walls and fences, energy distribution facilities, fire lanes and other emergency zones;
11. Plans for controlling soil erosion and sedimentation during development;
12. Plans for grading and drainage showing existing and proposed contours of five foot intervals;
13. Significant or outstanding natural features of the property (e.g. wetlands, streams, high-water lines, cliffs, dense vegetation, etc.);
14. Designation of the amount of gross floor area and gross leaseable area proposed for each nonresidential use;
15. Project construction schedule and staging phases, if applicable;
16. An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), pursuant to 6 NYCRR Part 617, where required;
17. An agricultural data statement, pursuant to Village Law Section 7-739, when applicable;
18. A statement with the name, address and the nature and extent of the interest of any state employee, or any officer or employee of the village in the application pursuant to General Municipal Law Section 809, when applicable;
19. Other elements integral to the proposed development as considered necessary by the zoning board of appeals including identification of any federal, state, or county permits required for the project's execution;
20. Application fee as stated in the fee schedule adopted by the village.

Section 715 Pre-Submission Conference

The applicant is encouraged to request and attend a pre-submission conference with the zoning board of appeals prior to formal submission of an application. This conference may be used to discuss rough conceptual drawings, proposed uses, the possible waiver of submission requirements, the review procedure and the criteria that the project must meet.

Section 720 Waiver of Requirements

The zoning board of appeals is empowered to waive, when reasonable, any application requirements for the approval, approval with modifications or disapproval of special use permits submitted for approval. Such waiver may be exercised in the event requirements are found not to be requisite in the interest of the public health, safety or general welfare and inappropriate to a particular site plan or special use permit. The reasons for, and the scope of any such waiver granted by the zoning board of appeals shall be in writing and entered into the minutes of the board.

Section 725 Public Hearing

Once a completed application has been formally accepted by the zoning board of appeals at a public meeting of the board, the board shall have a maximum of 62 days to hold a public hearing on the application to entertain public comment. This time period may be extended upon the mutual consent of the zoning board of appeals and the applicant.

Section 730 Public Hearing Notice

At least five days advance public notice of the hearing shall be published in a newspaper in general circulation in the village. A notice of the hearing shall be mailed to the applicant at least ten days before the hearing. The notice shall also be mailed to any farm operations listed on the agriculture data statement.

Section 735 County Planning Board Review

Pursuant to General Municipal Law Section 239-m, at least 10 days before the

hearing, or where the hearing has been waived, before final action, the zoning board of appeals shall refer all special use permits to the County Planning Board that fall within 500 feet of the following:

1. the boundary of the village;
2. a state or county park or recreation area;
3. a state or county highway or expressway;
4. a state or county owned drainage channel;
5. state or county land where a public building or institution is located; or
6. the boundary of a farm operation located within an agricultural district.

If the County Planning Board does not respond within 30 days from the time it received a full statement on the referral matter, then the zoning board of appeals may act without such report. However, any County Planning Board report received after such 30 days but two or more days prior to final action by the referring body, shall be subject to the provisions of an extraordinary vote upon recommendation of modification or disapproval. If the County Planning Board recommends modification or disapproval of a proposed action, the referring board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

Section 740 State Environmental Quality Review

The zoning board of appeals shall be responsible for the completion of an environmental assessment form (EAF) for each application, and for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application. The zoning board of appeals shall complete its environmental review and make an environmental determination prior to final action on the application.

Section 745 Final Decision

The final decision by the zoning board of appeals must be made within 62 days following the close of the public hearing. The decision shall be in writing, specifying any conditions that may be attached to an approval, the reasons that the zoning board of appeals approved, approved with modifications or disapproved the proposal, and the motions/vote of the zoning board of appeals. This time period may also be extended upon the mutual consent of the zoning board of appeals and the applicant.

Section 750 Filing of Decision

All decisions shall be filed in the office of the village clerk within five business days of final action, and a copy mailed to the applicant. Within 30 days of final action on any matter referred to the County Planning Board, the zoning board of appeals shall file a report of the final action with the County Planning Board.

Section 755 Conditions on Approval

In its approval, the zoning board of appeals shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan. Upon approval of the project, any such conditions must be met in connection with the issuance of permits by the enforcement officer.

Section 760 Area Variance

Notwithstanding any provisions of law to the contrary, where a proposed project contains one or more dimensional or physical features which do not comply with the zoning law, application may be made to the zoning board of appeals for an area variance without the necessity for a decision or determination of the enforcement officer.

ARTICLE 8

NON-CONFORMITIES

1. Every structure or use not conforming to the regulations of the district in which it is located at the time of adoption of this law, shall be a "Nonconforming Use".
2. A nonconforming use may be continued subsequent to adoption of this law but the structure shall not be enlarged or altered in a way which increases its nonconformity, and use shall not be enlarged or increased to occupy a greater land area.
3. A nonconforming use may be extended throughout any parts of a building which were manifestly or designed for such use at the time of adoption of this law.
4. Nothing in this law shall be deemed to prevent the strengthening or restoring to a safe condition of any structure declared unsafe by any public official.
5. A nonconforming structure or use may not be altered, rebuilt, except in conformity with the regulations for the district in which it is located if:
 - a. It has once been changed to conforming use
 - b. A nonconforming use of the structure or land has ceased for a consecutive period of twelve months or for twenty-four months during any three year period.
 - c. Whenever an area is transferred from a district of one classification to a district of a different classification, the above regulations shall apply to nonconforming uses created by such transfer.

However, the above shall not apply to prevent construction of a one family dwelling on a lot existing prior to the date of the enactment and not adjoined at the side by other unoccupied land in the same ownership having an area of not less than 9,000 square feet and a width at the front building line of not less than 75 feet.

ARTICLE 9

ADMINISTRATION

Section 900 Zoning Enforcement Officer

1. This law shall be enforced by the Zoning Enforcement Officer, who shall be appointed by the Village Board.
2. The Zoning Enforcement Officer's authorities shall include:
 - A. Approve and/or deny zoning permits.
 - B. Scale and interpret zone boundaries on Zoning Maps.
 - C. Approve and/or deny Certificates of Compliance.
 - D. Refer projects for special use permits and appeal matters to the Zoning Board of Appeals.
 - E. Revocation of a zoning permit where there is false, misleading or insufficient information. Revocation of a zoning permit and/or certificate of compliance where the applicant has not done what was proposed on the application.
 - F. Issue stop work orders for noncompliance with this zoning law.
 - G. The Zoning Officer shall report at regular Village Board meetings the number of zoning permits issued.

Section 905 Certificate of Compliance

1. No land shall be occupied and no building or structure constructed, erected, extended, used or changed in use until the Zoning Officer issues a certificate of compliance stating that the building, structure or proposed use complies with the provisions of this law. The certificate shall be issued within ten (10) days after the use has been approved as complying with this law.
2. The Zoning Officer shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
3. Under such rules and regulations as may be established by the Zoning Board of Appeals, a temporary certificate of compliance for not more than thirty (30) days

for a part of the building may be issued by the Zoning Officer. Such temporary certificate may be renewed upon request for an additional thirty (30) days.

Section 910 Zoning Permits

1. No building or structure shall be erected, added to or structurally altered until a permit therefore has been issued by the Zoning Inspector, except upon a written order of the Board of Appeals, no such building permit shall be issued for any building where said construction, addition , or alteration or use thereof would be in violation of any of the provisions of this law.
2. There shall be submitted with all applications for Zoning Permit (2) two copies of a layout of plot plan showing the dimensions of the lot being built upon, the size and location on the lot of the building and accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this law, including but not limited to New York Health Dept. approval of sewage and water systems where appropriate.

Section 915 Zoning Board of Appeals

1. **Creation, Appointment, and Organization:** A Zoning Board of Appeals is hereby created, consisting of five (5) members. The Village Board shall appoint the members of the Board of Appeals on a staggered term basis in conformance with Village Law. The Village Board shall appoint a chairman and vice-chairman; and the Board of Appeals shall select a secretary and prescribe rules for the conduct of its affairs.
2. **Powers and Duties:** The Board of Appeals shall have all the power and duties as prescribed in Village Law and by this Law.
 - A. Review of Special Permits.
 - B. Interpretations, requirements, decisions, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such local law and to that end shall have all the powers of the administrative official from whose order, requirement, or decision the appeal is taken.
 - C. Use variance.
 - a. The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such local law, shall have the power to grant use variances, authorizing a use of the land which

otherwise would not be allowed or would be prohibited by the terms of the local law.

- b. No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (4) That the alleged hardship has not been self-created.
- c. The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. Area Variance

- a. The zoning board of appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of the local law, to grant area variances from the area or dimensional requirements of such local law.
- b. In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created

by the granting of the area variance;

(2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

(3) Whether the requested area variance is substantial;

(4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

(5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

c. The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

3. Procedure

1. Meetings, minutes, records. Meetings of such board of appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. Such board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

2. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order requirement, decision or determination of the board of appeals shall be filed in the office of the Town Clerk within five (5) business days and shall be a public record.

3. Assistance to board of appeals. Such board shall have the authority to call

upon any department, agency or employee of the town for such assistance as shall be deemed necessary and as shall be authorized by the town board.

4. Hearing appeals. Unless otherwise provided by local law or ordinance, the jurisdiction of the board of appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of the local law adopted pursuant to this article. Such board shall have the authority to call upon any department, agency or employee of the town for such assistance as shall be deemed necessary and as shall be authorized by the town board. Such department, agency or employee shall be reimbursed for any expenses incurred as a result of such assistance. The concurring vote of a majority of the members of the board of appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the town.
5. Time of appeal. Such appeal shall be taken within sixty days after the filing of any order, requirement, decision, interpretation or determination of the administrative officer charged with the enforcement of such local law by filing with such administrative official and with the board of appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken. The costs of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal.
6. Stay upon appeal. An appeal shall stay all proceeding in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such local law, from whom the appeal is taken, certifies to the board of appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
7. Hearing on appeal. The board of appeals shall hold a public hearing within sixty-two (62) days from the official submission date of the appeal or other matter referred to it and give public notice thereof by the publication in a

paper of general circulation in the town of a notice of such hearing, at least ten (10) days prior to the date thereof.

8. **Time of decision.** The board of appeals shall decide upon the appeal within sixty-two days after the conduct of said hearing. The time within which the board of appeals must render its decision may be extended by mutual consent of the applicant and the board.
9. **Filing of decision and notice.** The decision of the board of appeals on the appeal shall be filed in the office of the town clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
10. **Notice to park commission or planning agency.** At least ten (10) days before such hearing, the board of appeals shall mail notices thereof to the parties; to the regional state park commission having jurisdiction over any state park or parkway within five hundred feet of the property affected by such appeal; and to the county, metropolitan or regional planning agency, as required by section two hundred thirty nine-m of the general municipal law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in subdivision one of GML Section 239-m.
11. **Compliance with State Environmental Quality Review Act.** The board of appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes of Rules and Regulations.

Section 920 Violations and Penalties

- A. Whenever a violation of this law occurs, the Zoning Officer, Village, or any person may file a complaint. All such complaints shall be filed with the Zoning Officer who shall record the complaint and immediately investigate the complaint. If he finds the complaint valid, the Zoning Officer shall then issue a stop work order, requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time, the Village shall take action to compel compliance.
- B. Pursuant to Municipal Home Rule Law Section 10 and Village Law Section 7-714, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the

provisions of this law shall, upon conviction, be deemed guilty of a violation punishable by a fine not exceeding three hundred and fifty dollars (\$350.00). Each week an offense is continued shall be deemed a separate violation of this law.

- C. In addition to the penalties above, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

Section 925 Amendments

The Village Board may from time to time by Local Law amend, supplement or repeal the regulations and provisions of this law in accordance with NYS Village Law Section 7-706.

Section 930 Interpretation and Separability

In their interpretation and application, the provisions of this law shall be held to be minimal requirements, adopted for the promotion of public health, morals, safety, or the general welfare. Whenever the requirements of this law are at variance with the requirements of any other lawfully adopted rules, regulations, or laws, the most restrictive or that imposing the higher standards shall govern. Should any section or provisions of this law be decided by the Courts to be unconstitutional or invalid, such decision shall not effect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 935 Effective Date

The provisions of this law shall take effect 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 2005 of the ~~(County)(City)(Town)~~(Village) of Mannsville was duly passed by the Village Board on April 5, 2005, 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.

Cynthia L. Wood

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

CYNTHIA L. WOOD, VILLAGE CLERK, VILLAGE OF MANNVILLE

Date: April 5, 2005

(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 OSWEGO

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 TIMOTHY M. MCCLUSKY

Title VILLAGE ATTORNEY

~~County~~
~~City~~
~~Town~~ of Mannsville
Village

Date: 4/7 2005