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

Town of Webb

Local Law No. 4 of the year 2013

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

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

(SEE ATTACHED)

**FILED
STATE RECORDS**

NOV 29 2013

DEPARTMENT OF STATE

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

ARTICLE I
Adoption of Code

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Webb, as codified by General Code, and consisting of Chapters 1 through 480, together with an Appendix, shall be known collectively as the “Code of the Town of Webb,” hereafter termed the “Code.” Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Town of Webb” to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Webb, and it is the intention of said Town Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repeal of enactments not included in Code.

All local laws and ordinances of a general and permanent nature of the Town of Webb in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Webb prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.

- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Webb or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Webb.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Webb.
- E. Any local law or ordinance of the Town of Webb providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Webb or any portion thereof.
- F. Any local law or ordinance of the Town of Webb appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Webb or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to December 28, 2010.
- O. Local Law No. 1-1992, pertaining to flood damage prevention.
- P. Local Law Nos. 3-1982 and 1-1984, pertaining to sewer regulations.
- Q. Local Law Nos. 3-1983, 2-1985, 2-1988, 1-1999 and 2-2007, pertaining to the regulation of snowmobiles.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be

adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Webb and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Webb by impressing thereon the Seal of the Town of Webb, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the “Code of the Town of Webb” or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Webb required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Town Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Town of Webb in any manner whatsoever which will cause the legislation of the Town of Webb to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Webb, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)
- C. Nomenclature. In Chapter 448, Water, “Old Forge Water District,” “Old Forge Water District or Thendara Water District,” “Old Forge, Thendara and North Street Water Districts” and “Old Forge Water District, Thendara Water District and North Street Water District” are changed to “Old Forge-Thendara Water District.”

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Webb, such local law to be entitled “General Provisions, Article I, Adoption of Code,” and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

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

**Town of Webb
Code Adoption Local Law**

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

Chapter 46, Ethics.

- A. Section 46-3 is amended to add the definition of “interest” to read as follows:

INTEREST – A direct or indirect pecuniary or material benefit accruing to a Town employee as the result of a contract with the municipality which such Town employee serves. For the purposes of this chapter, a Town employee shall be deemed to have an interest in the contract of:

- A. His/her spouse, minor children and dependents, except a contract of employment with the municipality which such Town employee serves;*
- B. A firm, partnership or association of which such Town employee is a member or employee;*
- C. A corporation of which such Town employee is an officer, director or employee; and*
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such Town employee.*

- B. Section 46-3 is amended to revise the definition of “Town employee” to read as follows:

TOWN EMPLOYEE – An officer or employee of the Town of Webb, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a Town employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief.

- C. Section 46-5I is added to read as follows: “No Town employee shall, directly or indirectly, solicit any gift, or accept or receive any gift having a value of \$75 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of his/her official duties or was intended as a reward for any official action on his/her part.”

Chapter 60, Investment Policy.

Chapter 60 is adopted to read as follows:

Chapter 60

INVESTMENT POLICY

§ 60-1. Title.

This chapter shall be known as the "Town of Webb Investment Policy."

§ 60-2. Applicability.

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

§ 60-3. Objectives.

The primary objectives of the local government's investment activities are, in priority order:

- A. To conform with all applicable federal, state and other legal requirements (legal).*
- B. To adequately safeguard principal (safety).*
- C. To provide sufficient liquidity to meet all operating requirements (liquidity).*
- D. To obtain a reasonable rate of return.*

§ 60-4. Delegation of authority.

The Town Board's responsibility for administration of the investment program is delegated to the Supervisor of the Town of Webb, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

§ 60-5. Participants to act responsibly; conflicts of interest.

- A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town to govern effectively.*
- B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.*
- C. All participants involved in the investment process shall refrain from personal business activities that could conflict with proper execution of the investment program or which could impair their ability to make impartial*

investment decisions.

§ 60-6. Diversification.

It is the policy of the Town to diversify its deposits and investments by financial institution, by investment instrument and by maturity scheduling.

§ 60-7. Transfer of funds to Supervisor; internal controls.

- A. *It is the policy of the Town for all moneys collected by any officer or employee of the government to transfer those funds to the Town Supervisor within three days of deposit or within the time period specified in law, whichever is shorter.*
- B. *The Town Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.*

§ 60-8. Designation of depositories.

- A. *The banks and trust companies authorized for the deposit of monies up to the maximum amounts are Community Bank, N.A. (Old Forge Branch), and Adirondack Bank (Old Forge Branch), each to the maximum amount for which Federal Deposit Insurance Act insurance is available or such other maximum amount as set forth in an approved collateral agreement between the Town and such institutions.*
- B. *The Supervisor is authorized to open municipal savings, day of deposit/day of withdrawal, money market and such other permitted investments as set forth in § 60-11 hereof.*
- C. *The Tax Collector is authorized to open a day-to-day municipal savings account.*
- D. *Other official depositories may be designated by the Town Board at its annual meeting or by resolution of the Town Board at any regular meeting thereof.*

§ 60-9. Collateralizing of deposits.

In accordance with the provisions of General Municipal Law § 10, all deposits of the Town, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- A. *By a pledge of eligible securities with an aggregate market value, as provided by General Municipal Law § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.*

- B. *By an eligible irrevocable letter of credit issued by a qualified bank, other than the bank with the deposits in favor of the government, for a term not to exceed 90 days, with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed-upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.*
- C. *By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.*

§ 60-10. Security and custodial agreements.

- A. *Eligible securities used for collateralizing deposits shall be held by the depository and/or a third-party bank or trust company subject to security and custodial agreements.*
- B. *The security agreement shall provide that eligible securities are being pledged to secure local government deposits, together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town or its custodial bank.*
- C. *The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.*

§ 60-11. Permitted investments.

- A. *As authorized by General Municipal Law § 11, the Town authorizes the*

Town Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow need in the following types of investments:

- (1) Special time deposit accounts.*
 - (2) Certificates of deposit.*
 - (3) Obligations of the United States of America.*
 - (4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.*
 - (5) Obligations of the State of New York.*
 - (6) Obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town.*
 - (7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments.*
 - (8) Certificates of participation (COPS) issued pursuant to General Municipal Law § 109-b.*
 - (9) Obligations of the Town, but only with any moneys in a reserve fund established pursuant to General Municipal Law §§ 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.*
- B. All investment obligations shall be payable or redeemable at the option of the Town within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town within two years of the date of purchase.*

§ 60-12. Authorized financial institutions and dealers.

The Town shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amounts of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be creditworthy. Banks shall provide their most recent consolidated report of condition (call report) at the request of the Town. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank as primary dealers. The Supervisor is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be

evaluated at least annually.

§ 60-13. Purchase of investments.

- A. *The Supervisor is authorized to contract for the purchase of investments.*
- B. *All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investments. All such transactions shall be confirmed in writing to the Town by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law § 10.*
- C. *The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.*

§ 60-14. Repurchase agreements.

Repurchase agreements are authorized, subject to the following restrictions:

- A. *All repurchase agreements must be entered into subject to a master repurchase agreement.*
- B. *Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.*
- C. *Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.*
- D. *No substitution of securities will be allowed.*
- E. *The custodian shall be a party other than the trading partner.*

Chapter 108, Planning Board and Zoning Board of Appeals.

Article I, Alternate Members.

Article I is amended in its entirety to read as follows:

*ARTICLE I
Alternate Members*

§ 108-1. Title; applicability.

- A. *This article shall be known as the "Alternate Members of Planning Board and Zoning Board of Appeals."*
- B. *This article shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board and Zoning Board of Appeals in the Town of Webb.*

§ 108-2. Findings; purpose.

On rare occasions, it is sometimes difficult to maintain a quorum on the Planning Board and/or Zoning Board of Appeals because members are ill, on extended vacation or find they have a conflict-of-interest situation on a specific matter before such Board. In such instances, official business cannot be conducted, which may delay or impede adherence to required time lines. Also, it is essential to have trained members with up-to-date knowledge of what has been or will be discussed by each Board, thereby making available experienced alternates to fill future appointments as needed. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this article.

§ 108-3. Definitions.

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

ALTERNATE MEMBER — An individual appointed by the Town Board to serve on the Town of Webb Planning Board or the Town of Webb Zoning Board of Appeals when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

MEMBER — An individual appointed by the Town Board to serve on the Town of Webb Planning Board or the Town of Webb Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such Planning Board and Zoning Board of Appeals.

PLANNING BOARD — The Planning Board of the Town of Webb as established by the Town Board pursuant to the provisions of § 271 of the Town Law.

ZONING BOARD OF APPEALS — The Zoning Board of Appeals of the Town of Webb as established pursuant to the provisions of § 267 of the Town Law.

§ 108-4. Appointment; term of office; designation; conformance with state law.

- A. *The Town Board of the Town of Webb hereby enacts this article to provide a process for appointing alternate members of the Planning Board and the Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the respective Board.*
- B. *Alternate members of the Planning Board and Zoning Board of Appeals shall be appointed by the Town Board or other duly authorized appointing authority for a term of one or two years.*
- C. *The Chairperson of the Planning Board or Zoning Board of Appeals may*

designate an alternate or substitute for a member when such member is unable to participate on an application or matter before said Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board or Zoning Board of Appeals meeting at which the substitution is made.

- D. All provisions of state law relating to Planning Board or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of state or local law relating to training, continuing education, compensation and attendance, shall also apply to alternate members.*

§ 108-5. Supersession of Town Law.

This article is hereby adopted pursuant to the provisions of § 10 of the New York State Municipal Home Rule Law and § 10 of the New York State Statute of Local Governments. It is the intent of the Town Board, pursuant to § 10 of the New York State Municipal Home Rule Law, to supersede the provisions of:

- A. Section 271 of the New York State Town law relating to the appointment of alternate members to town planning boards; and/or*
- B. Section 267 of the New York State Town Law relating to the appointment of alternate members to town zoning boards of appeals.*

Chapter 111, Procurement Policy.

Chapter 111 is adopted to read as follows:

Chapter 111

PROCUREMENT POLICY

§ 111-1. Title.

This chapter shall be known as the "Town of Webb Procurement Policy."

§ 111-2. Evaluation of purchases.

Each purchase to be made by the Town of Webb, or any department thereof, must be initially reviewed to determine whether it is a purchase contract or a public works contract and a good faith effort made to determine whether or not the proposed purchase is subject to competitive bidding pursuant to § 103 of the General Municipal Law. In making that determination, the Town officers, board, department heads or other individuals with the requisite purchasing authority shall consider the reasonably expected aggregate amount of all purchases of the same commodities or services to be made within the fiscal year. A determination

that a purchase is not subject to competitive bidding shall be documented in writing by the individual or board responsible for making the purchase. Such documentation may include written quotes, written notes relating to verbal quotes solicited, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or other appropriate written documentation.

§ 111-3. Purchasing procedure.

All goods and services not subject to competitive bidding will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method which assures that quality goods will be purchased at the lowest responsible price and that favoritism will be avoided.

§ 111-4. Bidding requirement; methods of purchase.

A. *The following methods will be used when required by this policy:*

(1) *Purchase contracts:*

<i>Estimated Amount of Purchase Contract</i>	<i>Method</i>
<i>\$250 to \$2,999</i>	<i>Two verbal quotations or written/FAX quotations</i>
<i>\$3,000 to \$20,000</i>	<i>Three written/FAX quotations or responses to written requests for proposals</i>

(2) *Public works contracts:*

<i>Estimated Amount of Public Works Contract</i>	<i>Method</i>
<i>\$500 to \$6,999</i>	<i>Two verbal quotations or written/FAX quotations</i>
<i>\$7,000 to \$35,000</i>	<i>Three written/FAX quotations or responses to written requests for proposals</i>

B. *A good faith effort shall be made to obtain more than one quotation or proposal. If the purchaser is unable to obtain more than one proposal or quotation, the purchaser will document the attempt made at obtaining proposals or quotations. In no event shall the failure to obtain quotations or proposals be a bar to the procurement.*

C. *Any written request for proposals shall describe the desired goods, quantity*

and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

- D. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to procurement.*
- E. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.*

§ 111-5. Documentation.

- A. Written documentation is required of each action taken in connection with each procurement.*
- B. Written documentation and a written explanation are required whenever a contract is awarded to other than the offeror with the lowest price. This documentation will include an explanation of how the purchase will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.*

§ 111-6. Exceptions.

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- A. Acquisition of professional services;*
- B. Emergencies;*
- C. Sole source situations;*
- D. Goods purchased from agencies for the blind or severely handicapped;*
- E. Goods purchased from correctional facilities;*
- F. Goods purchased from another governmental agency;*
- G. Goods purchased at auction;*
- H. Goods purchased for less than \$250;*
- I. Public works contracts for less than \$500;*
- J. Goods purchased at or below published state or county bid prices;*
- K. Purchases of surplus and secondhand goods from any source. (If alternate proposals are required, the Town is precluded from purchasing surplus or secondhand goods where the best prices may be obtained.)*

§ 111-7. Responsibility for Town purchases.

Pursuant to § 104 of the New York State General Municipal Law, effective January 1, 2009, the Town is including the names of municipal officers responsible for purchasing decisions as follows:

- A. Town Supervisor.*
- B. Town Councilman.*
- C. Town Clerk.*
- D. Town Justice.*
- E. Town Highway Superintendent.*
- F. Town Receiver of Tax.*
- G. Town Assessor.*
- H. Town Code Enforcement Officer.*

§ 111-8. Annual review.

This policy shall go into effect immediately and will be reviewed annually at the organization meeting or as soon thereafter as is reasonably practiced.

Chapter 140, Records.

Article I, Public Access to Records.

Article I is adopted to read as follows:

ARTICLE I
Public Access to Records

§ 140-1. Title.

This article shall be known as the "Public Access to Records Policy Local Law."

§ 140-2. Purpose; construal of provisions.

- A. The people's right to know the process of government decisionmaking and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.*
- B. This article provides information concerning the procedures by which records may be obtained.*
- C. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.*

- D. *Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.*

§ 140-3. Records access officer.

- A. *The Town Board for the Town of Webb is responsible for insuring compliance with the regulations herein and designates the following person as its records access officer:*

*Town Clerk
P.O. Box 157
3140 State Route 28
Old Forge, New York 13420*

- B. *The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.*

- C. *The records access officer shall insure that agency personnel:*

- (1) Maintain an up-to-date subject matter list.*
- (2) Assist persons seeking records to identify the records sought, if necessary, and, when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.*
- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records.*
- (4) Upon locating the records, take one of the following actions:*
 - (a) Make records available for inspection; or*
 - (b) Deny access to the records in whole or in part and explain in writing the reasons therefor.*
- (5) Upon request for copies of records:*
 - (a) Make a copy available upon payment or offer to pay established fees, if any, in accordance with § 140-9; or*
 - (b) Permit the requester to copy those records.*
- (6) Upon request, certify that a record is a true copy.*
- (7) Upon failure to locate records, certify that:*
 - (a) The Town of Webb is not the custodian for such records; or*

- (b) *The records of which the Town of Webb is a custodian cannot be found after diligent search.*

§ 140-4. Availability for public inspection and copying.

Records shall be available for public inspection and copying at:

*Town Clerk's Office
P.O. Box 157
3140 State Route 28
Old Forge, New York 13420*

§ 140-5. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are 9:00 a.m. to 4:00 p.m., Monday through Friday.

§ 140-6. Requests for access to records.

- A. *A written request may be required, but oral requests may be accepted when records are readily available.*
- B. *If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form, either on paper or other information storage medium.*
- C. *A response shall be given within five business days of receipt of a request by:*
- (1) *Informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;*
 - (2) *Granting or denying access to records in whole or in part;*
 - (3) *Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within 20 business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or*
 - (4) *If the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within 20 business days of such acknowledgment, but*

circumstances prevent disclosure within that time, providing a statement in writing within 20 business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

- D. *In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.*
- E. *A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:*
- (1) Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;*
 - (2) Acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;*
 - (3) Furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;*
 - (4) Fails to respond to a request within a reasonable time after the approximate date given or within 20 business days after the date of the acknowledgment of the receipt of a request;*
 - (5) Determines to grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;*
 - (6) Does not grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or*
 - (7) Responds to a request, stating that more than 20 business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.*

§ 140-7. Subject matter list.

- A. *The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to Subdivision 2 of § 87 of the Public Officers Law.*
- B. *The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.*
- C. *The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.*

§ 140-8. Denial of access to records; appeals.

- A. *Denial of access to records shall be in writing, stating the reason therefor, and shall advise the requester of the right to appeal to the Town Board, setting forth its address and phone number of the Town Supervisor.*
- B. *If requested records are not provided promptly, as required in § 140-6 of this article, such failure shall also be deemed a denial of access.*
- C. *The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:*

*Town of Webb Town Board
P.O. Box 157
3140 State Route 28
Old Forge, New York 13420*

- D. *Any person denied access to records may appeal within 30 days of a denial.*
- E. *The time for deciding an appeal by the Town Board shall commence upon receipt of a written appeal identifying:*
 - (1) *The date and location of requests for records;*
 - (2) *A description, to the extent possible, of the records that were denied;
and*
 - (3) *The name and return address of the person denied access.*
- F. *A failure to determine an appeal within 10 business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.*
- G. *The Town Board shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:*

*Committee on Open Government
Department of State
One Commerce Plaza*

*99 Washington Avenue, Suite 650
Albany, New York 12231*

- H. The Town Board shall inform the appellant and the Committee on Open Government of its determination in writing within 10 business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in Subsection G of this section.*

§ 140-9. Fees.

- A. There shall be no charge for:*
- (1) Inspection of records;*
 - (2) Search for records; or*
 - (3) Any certification pursuant to this article.*
- B. Copies may be provided without charging a fee.*
- C. Fees for copies may be charged, provided that:*
- (1) The fee for copying records shall not exceed \$0.25 per page for photocopies not exceeding nine inches by 14 inches;*
 - (2) The fee for photocopies of records in excess of nine inches by 14 inches shall not exceed the actual cost of reproduction; or*
 - (3) An agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the property redactions are made.*
- D. The fee the Town may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:*
- (1) An amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and*
 - (2) The actual cost of the storage devices or media provided to the person making the request in complying with such request; and*
 - (3) The actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when the Town's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.*
- E. When the Town has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from nonelectronic records, the Town shall be required to*

retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with Subsection D(1) and (2) above.

- F. The records access officer shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of the Town's employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.*
- G. The Town may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.*
- H. The records access officer may waive a fee in whole or in part when making copies of records available.*

§ 140-10. Public notice.

A notice containing the title or name and business address of the records access officers and appeals person 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 of general circulation.

Article II, Records Retention and Disposition.

Article II is adopted to read as follows:

ARTICLE II
Records Retention and Disposition

§ 140-11. Title.

This article shall be known as the "Records Retention and Disposition Local Law."

§ 140-12. Program established.

There shall be a records management program established under the aegis of the Town Board and headed by a records management officer (RMO) or his/her designee. The officer will be responsible for administering the noncurrent and archival public records and storage areas for the Town of Webb in accordance with local, state and federal laws and guidelines.

§ 140-13. Records management officer.

The officer shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation, storage and disposition of the noncurrent and archival public records kept, filed or received by the offices and departments of the Town of Webb. The records management officer shall:

- A. Continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the*

maintaining, storing and servicing of archival material, as follows:

- (1) Obsolete and unnecessary records according to New York State records retention and disposition schedules thereby subject to the disposition.*
 - (2) Information containing administrative, legal, fiscal, research, historical or educational value which warrants its permanent retention.*
 - (3) Records not subject to disposition according to state law.*
- B. Establish guidelines for proper records management in any department or agency of the Town of Webb in accordance with local, state and federal laws and guidelines.*
- C. Report annually to the Town of Webb Supervisor and the Town Board on the powers and duties herein mentioned, including but not limited to the cost/benefit ratio of programs effectuated by the department.*
- D. Operate a records management center for the storage, processing and servicing of all noncurrent and archival records for all Town of Webb departments and agencies.*
- E. Establish a Town of Webb archives and perform the following functions:*
- (1) Advise and assist Town of Webb departments in reviewing and selecting material to be transferred to the Town of Webb archives for preservation.*
 - (2) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival materials.*
 - (3) Establish and maintain an adequate repository for the proper storage, conservation, processing and servicing of archival records.*
 - (4) Promulgate rules governing public access to and use of records in the archives, subject to the approval of the Records Advisory Board.*
 - (5) Develop a confidentiality policy for archival records designated confidential, provided that such policy does not conflict with any federal or state statutes.*
 - (6) Provide information services to other Town of Webb offices.*
 - (7) Collect archival materials which are not official Town of Webb records but which have associational value to the Town of Webb or a close relationship to the existing archival collection. Such collecting shall be subject to archive space, staff and cost limitations and to the potential endangerment of such materials if they are not collected by the archives.*

- (8) *Develop a procedure whereby historically important records are to be identified at the point of generation.*

§ 140-14. Records Advisory Board.

There shall be a Records Advisory Board designated to work closely with and provide advice to the records management officer. The Board shall consist of local officials and interested citizens as appointed by the Town Board. The Board shall meet periodically and have the following duties:

- A. To provide advice to the records management officer on the development of the records management program.*
- B. To review the performance of the program on an ongoing basis and to propose changes and improvements.*
- C. To review retention periods proposed by the records management officer for records not covered by state archives schedules.*
- D. To provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.*

§ 140-15. Custody of records.

- A. Each Town of Webb department is the legal custodian of its records and shall retain custody of records deposited in the records center. Records transferred to or acquired by the archives shall be under the custody and control of the archives rather than the department which created or held them immediately prior to being transferred to the archives.*
- B. Records shall be transferred to the archives upon the recommendation of the records management officer, with the approval of the head of the department which has custody of the records and the approval of the Records Advisory Board.*
- C. Records may be permanently removed from the archives at the request of the records management officer or the head of the department which had custody of the records immediately prior to the transfer of those records to the archives, subject to the approval of the Records Advisory Board.*

§ 140-16. Recovery of improperly placed records.

The Town Attorney may take steps to recover local government records which have been alienated from proper custody and may, when necessary, institute action of replevin.

§ 140-17. Disposal of records.

No records shall be destroyed or otherwise disposed of by a department of the Town of Webb unless approval has been obtained from the records management officer. No records shall be destroyed or otherwise disposed of by the records management officer without the express consent of the department head having

authority.

§ 140-18. Definitions.

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

ARCHIVES — Those official records which have been determined by the officer and Advisory Committee to have sufficient historical or other value to warrant their continued preservation by the local government.

RECORDS — Any documents, books, papers, photographs, sound recordings, microforms or any other materials, regardless of physical form or characteristic, made or received pursuant to law or ordinance or in connection with the transaction of official Town of Webb business.

RECORDS CENTER — An establishment maintained by the Town of Webb primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space.

RECORDS DISPOSITION

A. The removal by the Town of Webb, in accordance with approved records control schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:

- (1) The disposal of temporary records by destruction or donation.*
- (2) The transfer of records to the record center/archives for temporary storage of inactive records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation.*

B. The transfer of records from one Town of Webb agency to any other Town of Webb agency.

RECORDS MANAGEMENT — The planning, controlling, directing, organizing, training, promotion and other managerial use and records disposition, including records preservation, records disposal and records centers or other storage facilities.

SERVICING — Making information in records available to any Town of Webb agency for official use or to the public.

Chapter 158, Alcoholic Beverages.

Article I, Possession and Consumption in Public.

Article I is adopted to read as follows:

ARTICLE I

Possession and Consumption in Public

§ 158-1. Title.

This article shall be known as the "Town of Webb Consumption of Alcoholic Beverages Local Law."

§ 158-2. Findings; purpose.

- A. The Town Board of the Town of Webb has determined that the consumption of alcoholic beverages in public places often leads to disorders, nuisances and related problems, as well as the littering of such public places, and is disturbing to the public and threatens peace and good order.*
- B. The purpose of this article is to prohibit the consumption of alcoholic beverages in certain public places in order to prevent disorderly behavior and the littering of public places and to protect the public health, safety and welfare and to promote the public good.*

§ 158-3. Definitions.

As used in this article, unless the context or subject matter otherwise requires, the following words shall have the following meanings:

ALCOHOLIC BEVERAGE — Includes all such beverages as defined in § 3 of the Alcoholic Beverage Control Law of the State of New York, as same may be amended from time to time.

CONTAINER — Any bottle, can, glass, cup or similar receptacle suitable for or used to hold any liquid.

INTENT TO CONSUME — Drinking from the container, with alcohol on the breath of the possessor and/or any circumstances evidencing intent to ultimately consume on any public lands.

PUBLIC PLACE — A place to which the public or a substantial group of persons has access, and includes, but is not limited to, any highway, street, road, sidewalk, parking area, shopping area, place of amusement, playground, park, transportation facility, school, school grounds and hallways, lobbies and other portions of apartment houses, motels or hotels not constituting rooms or apartments designed for actual residence.

SCHOOL GROUNDS — Any building, structure, school bus as defined in § 142 of the New York State Vehicle and Traffic Law, athletic playing field, playground or land contained within the real property boundary lines of a public or private elementary, parochial, intermediate, junior high, vocational or high school.

TRANSPORTATION FACILITY — Any conveyance, premises or place used for or in connection with public passenger transportation, whether by railroad, motor vehicle or any other method.

§ 158-4. Prohibited acts; presumptions.

- A. *Consumption in public places. No person shall, within the Town of Webb, drink or otherwise consume liquor, wine, beer or other alcoholic beverages while such person is in or upon any public place.*
- B. *Possession of open containers. No person shall carry or have in his or her possession, within the Town of Webb, any open bottle, can or open container containing liquor, wine, beer or other alcoholic beverage with the intent of the possessor or another to consume the same in any public place.*
- C. *Presumptions.*
- (1) *The possession of an open, unsealed, resealed or partially full bottle, can or container which contains an alcoholic beverage, unwrapped or with the top exposed, in a public place shall be presumptive evidence that such open bottle or open container is intended to be consumed in a public place.*
 - (2) *Such an open bottle, can or container in any vehicle while in or on any public place shall be presumptive evidence that the same is in the possession of all the occupants thereof.*
 - (3) *The holding of such open bottle, can or container to the mouth in a drinking manner or the placing, throwing or otherwise disposing of such container or its contents in a public place shall be presumptive evidence that the person doing any such act did consume or ingest an alcoholic beverage in a public place.*

§ 158-5. Possession in vehicles.

Any open, unsealed, resealed or partially full bottle, can or container which contains an alcoholic beverage found in any vehicle in any public place shall be prima facie evidence that the same is in possession of the person last having control and custody of said vehicle.

§ 158-6. Exceptions.

The foregoing prohibition against drinking alcoholic beverages in public places or possessing open, unsealed, resealed or partially empty bottles, cans or containers of such alcoholic beverages shall not apply nor be a violation of this article in the event of a gathering in a public park or public facility which has been granted a permit by the Town according to the regulations approved by the Town Board of the Town of Webb, to a building or the portion of a building occupied by a Fire Department, nor to any place licensed by the State of New York to sell alcoholic beverages for on-premises consumption.

§ 158-7. Penalties for offenses.

Any person, upon conviction for a violation of this article, shall be guilty of a violation as defined in the Penal Law of the State of New York, which shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

Chapter 181, Bingo.

Chapter 181 is amended in its entirety to read as follows:

Chapter 181

BINGO

§ 181-1. Conduct authorized.

It shall be lawful for any authorized organization, as defined in § 476 of the General Municipal Law, upon obtaining the required license, to conduct the game of bingo within the territorial limits of the Town of Webb, subject to the provisions of this chapter, Article 14-H of the General Municipal Law and Article 19-B of the Executive Law.

§ 181-2. Sunday games.

Any game of bingo conducted within the Town pursuant to a license issued in accordance with this chapter and the applicable statutes may be operated by authorized organizations on the first day of the week, commonly known as "Sunday."

Chapter 190, Boats and Boating.

Article I, Undocumented Vessels.

- A. Section 190-2 is revised to read as indicated: “No undocumented vessel shall discharge sewage, garbage, effluent, or human waste into ~~that part of the Fulton Chain of Lakes~~ any lake or navigable water located in the Town of Webb.”
- B. Section 190-3 is amended to read as follows:

§ 190-3. Penalties for offenses.

- A. *Violations of § 190-1 of this article shall be an offense, punishable by a fine of not less than \$5 and not more than \$250 or by imprisonment for not exceeding 15 days, or by both such fine and imprisonment.*
- B. *Violations of § 190-2 of this article shall be an offense, punishable by a fine of not less than \$5 and not more than \$500 or by imprisonment for not exceeding 15 days, or by both such fine and imprisonment.*
- C. The definition of “undocumented vessel” in § 190-4 is amended to delete the words “as set forth in § 130, 17.(3)a, of the Town Law.”

Article II, Speed Limits.

- A. Section 190-5A is amended to read as follows: *“No person shall operate a vessel at a speed more than five miles per hour upon, over and along the following designated navigable waters in the Town of Webb, to wit: from the westerly boundary of First Lake to a point or line marked on the south by the northeasterly corner of Tax Map Parcel No. 41.51-3-62 and on the north by the southeasterly corner of Tax Map Parcel No. 41.51-2-73.”*
- B. Section 190-6 is amended to read as follows: *“A violation of this article shall constitute an offense, punishable by a fine not exceeding \$250 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.”*

Article IV, Prevention of Invasive Aquatic Species.

Article IV is adopted to read as follows:

ARTICLE IV
Prevention of Invasive Aquatic Species

§ 190-16. Statutory authority.

This article is adopted pursuant to the authority in § 10 of the Municipal Home Rule Law and in § 130, Subdivision 6, of the Town Law.

§ 190-17. Title.

This article shall be known as the "Town of Webb Aquatic Invasive Species Prevention Law."

§ 190-18. Purpose.

The purpose of this article is to prevent the introduction and spread of aquatic invasive species into and within the waters of the Town of Webb and to thereby protect aquatic native species populations, biodiversity and aquatic recreational activities for the public good.

§ 190-19. Effect of other provisions.

The provisions of this article shall apply in addition to the provisions of any other local or state law or ordinance. Where there is a conflict between two or more laws, the more restrictive provisions of the conflicting laws shall apply.

§ 190-20. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

AQUATIC ANIMALS — An animal that spends part of its life in water, including but not limited to freshwater, estuarine and wetland species.

AQUATIC PLANTS — Plants living in the water or at the shoreline, and includes roots, rhizomes, stems, leaves or seeds, including freshwater, estuarine and wetland species.

BOATER — The operator, paddler or owner of any boat, watercraft (powered or nonpowered), trailer or towing vehicle.

INVASIVE SPECIES — Any species of flora or fauna listed by the New York State DEC as being invasive to the waters of New York State. Such species shall include, but are not limited to, eurasian watermilfoil (*myriophyllum spicatum*), variable-leaf milfoil (*myriophyllum heterophyllum*), water chestnut (*trapa natans*), curly-leafed pondweed (*potamogeton crispus*), Brazilian waterweed (*egeria densa*), zebra mussels (*dreissena polymorpha*) and round goby (*neogobius melanostomus*).

STANDING WATER — Bilge water and other water inside boat compartments that could reasonably be removed by pump or hand.

WATER BODY — Any freshwater or estuarine lake, river, pond, stream or wetland existing in the Town of Webb, whether publicly or privately owned, including the banks and shores thereof.

§ 190-21. Conditions on entering or exiting Town water bodies.

No boater will permit any boat, watercraft, trailer, or tow vehicle to enter or exit a water body located anywhere in the Town of Webb unless the boater removes all aquatic plants and/or animals from inside and outside his/her vehicle, watercraft, trailer, tow vehicle or any other equipment, recreational gear, fishing gear and related items that had previously come in contact with any other water body. The boater must also remove any standing water that is visible to the unaided eye from the boat and trailer before he/she enters a water body in the Town of Webb. Removed aquatic species and water must be discarded a sufficient distance away from the shoreline so as to prevent the possibility of the removed aquatic species and water from entering the water body.

§ 190-22. Exceptions.

This article shall not apply to the following situations, but in no instance shall these exceptions allow the introduction of any invasive species into the waters of the Town of Webb:

- A. Those persons with permission to study or remove invasive species.
- B. Those persons who have legally purchased bait permitted to be used in the water body, provided that the bait is not itself an invasive species.
- C. Exiting the Town of Webb water with harvested fish from that same body of water.
- D. Those persons who have legally taken waterfowl from that same body of water.
- E. Owners and operators of privately owned or commercial watercraft launch facilities when launching watercraft not owned by them. When the owners and operators of private or commercial launch facilities are launching a

watercraft for another person, they shall outwardly inspect in a reasonable fashion all boats, watercraft, trailers, or tow vehicles prior to performing the launch facilities and, if necessary, shall have the owner or operator of that watercraft comply with this article. The owner and operators of private or commercial launch facilities will be under no obligation to provide any cleaning services under this provision and shall have the right to refuse to have a watercraft launched as they deem appropriate.

§ 190-23. Prohibited acts.

No person, whether they are a boater or not a boater, will plant, transplant or introduce any invasive species in, on or around the waters or shorelines of any water body located in the Town of Webb.

§ 190-24. Notice of provisions.

For public and private launch facilities that are available for use while unattended, the owner of the launch facilities shall post a notice of the main elements of this article, or otherwise provide information sufficient to inform people launching watercraft of this article.

§ 190-25. Penalties for offenses.

Any person who violates this article is guilty of a criminal violation and is punishable by a fine of not less than \$50 nor more than \$250 for the first offense and up to a fine of \$500 for the second and any subsequent offense. The Town of Webb and the applicable enforcement agencies may enforce the provisions of this article in any court of competent jurisdiction.

§ 190-26. Administration and enforcement.

- A. *Complaints. Any person may file a complaint with any state, county or local law enforcement officer having jurisdiction.*
- B. *Enforcement. This article may be enforced by the Town of Webb and Town of Inlet Police Department, the Herkimer County Sheriff's Department, the New York State Department of Environmental Conservation, the New York State Police, or any other law enforcement officer having jurisdiction.*

Chapter 203, Circuses, Carnivals and Parades.

Chapter 203 is amended in its entirety to read as follows:

Chapter 203

CIRCUSES, CARNIVALS AND PARADES

§ 203-1. Title.

This chapter shall be known as "Circuses, Carnivals and Parades."

§ 203-2. Definitions.

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

CIRCUSES, STREET SHOWS and FESTIVALS — Any temporary or traveling shows or exhibits held in any building, tent, enclosure or on any lot where the following forms of amusement or entertainment are or may be conducted: riding devices such as Ferris wheels, merry-go-rounds, carousels, whips, roller coasters or similar devices, illusion shows, animal acts, trapeze acts, feats of daring, clowns, mechanical shows, freak shows, sideshows, fun houses or active games of skill such as ball-throwing games, pitch-till-you-win games, swinging-ball games, hoop-throwing games or games of like character.

PARADE — Any march, ceremony, show, exhibition, pageant or procession of any kind or any similar display in or upon any street, park or other public place in the Town.

§ 203-3. Permit required.

No person, firm or corporation shall operate or conduct any circus, street show or carnival or any parade and no such person, firm or corporation shall erect or cause to be erected any temporary structure composed wholly or partly of canvas or similar material within the Town of Webb for use in any such circus, street show or carnival in which there is a seating capacity for more than 30 people without first obtaining a permit therefor from the Town Clerk as herein provided.

§ 203-4. Application for permit.

Any person, firm or corporation desiring to procure such a permit shall file with the Town Clerk a written application therefor, in duplicate, at least 10 days prior to the opening of such parade, circus, street show or carnival. Such application shall state, among other things:

- A. The name and address of the applicant.*
- B. The location of the principal place of business of such person, firm or corporation.*
- C. The names and addresses of the officers of such firm or corporation.*
- D. The length of time the parade, circus, street show or carnival is to be maintained within the Town and the location requested to be used therefor and the hours of the day or night during which such circus, street show or carnival is to be opened to the public.*
- E. Whether any open flame is intended to be used within any tents or structures and, if so, what precautions are to be taken to render it safe.*
- F. The location of all electrical controls.*
- G. The location of all exits within the structures above defined and the type of*

construction and structural details of the seats and supports.

- H. *The formula of the solution which has been used to flameproof the structures above defined or the name of the concern which has provided such flameproofing and a sworn statement to the effect that such structure has been flameproofed.*
- I. *That fire lanes at least 15 feet wide will be provided between and among the structures at such point or places as the Chief of the Old Forge Fire Department, Inc., Town of Webb Fire District 1, shall designate.*

§ 203-5. Insurance requirements.

The applicant shall furnish evidence that a public liability insurance policy in amounts of not less than \$1,000,000 for one person and \$1,000,000 for any one accident shall be in force and effect at the time any such structure is to be occupied as a place of assembly by the public and likewise covering all rides and other exhibitions and activities in any such circus, street show or carnival.

§ 203-6. Fees.

The applicant shall pay to the Town Clerk fees as set forth from time to time by resolution of the Town Board.

§ 203-7. Site requirements.

A duplicate of any such application shall be delivered to the Chief of the Old Forge Fire Department, Inc., Town of Webb Fire District 1, who shall determine, with the assistance of the Town of Webb Code Enforcement Officer, whenever so requested, if the applicant has made provision in any structure in which the public is invited for:

- A. *Adequate aisles, seats, platforms and poles.*
- B. *Sufficient exits, well-marked and properly lighted.*
- C. *Lighted and unobstructed passageways to areas leading away from the structure.*
- D. *Removal, before the structure is to be used as a place of public assembly, of any pole, rope or other obstruction in any aisle or exit.*
- E. *Proper safeguarding of any use of open flame or its use prohibited.*
- F. *The clearing of straw, dry grass, sawdust and any combustible trash from the structure before it is opened to the public and arrangements made to keep the areas where debris may be expected to accumulate well-serviced, especially under open seats.*
- G. *Adequate fire lanes between and among the structures which shall be at least 15 feet wide and shall be located at such point or places as said Fire Chief shall designate.*

§ 203-8. Issuance of permit.

If the approval of the Fire Chief is secured, the Town Clerk shall, upon the payment of the above-mentioned fee, issue a permit for the purpose requested.

§ 203-9. Revocation of permit.

If the Fire Chief determines that any structure or the premises on which such circus, street show or carnival is located is being maintained in violation of any of the provisions of this chapter or in such a manner to constitute a fire hazard, he or she may summarily revoke the permit.

§ 203-10. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Chapter 233, Disorderly Conduct.

Chapter 233 is amended in its entirety to read as follows:

Chapter 233**DISORDERLY CONDUCT****§ 233-1. Title.**

This chapter shall be known as the "Disorderly Conduct Local Law."

§ 233-2. Findings.

The Town Board of the Town of Webb finds that the effective control of disorderly conduct is essential for the preservation of health, welfare and the safety of its residents and tourists.

§ 233-3. Acts constituting disorderly conduct.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

- A. He engages in fighting or in violent, tumultuous or threatening behavior; or*
- B. He makes unreasonable noise; or*
- C. In a public place, he uses abusive or obscene language or makes an obscene*

gesture; or

- D. *Without lawful authority, he disturbs any lawful assembly or meeting of persons; or*
- E. *He obstructs vehicular or pedestrian traffic; or*
- F. *He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or*
- G. *He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.*

§ 233-4. Prohibited acts.

- A. *No person shall use offensive, disorderly, threatening, abusive or insulting language or conduct or behave himself or herself in an offensive, disorderly, threatening or insulting manner in or upon any public sidewalk, street, highway, parking lot, bathing beach or other public place in the Town of Webb.*
- B. *No person or persons shall act or conduct themselves in such a manner as to annoy, disturb, interfere with, obstruct or be offensive to others in or upon any public sidewalk, street, highway, parking lot, bathing beach or other public place in the Town of Webb.*
- C. *No person shall congregate in or upon any public sidewalk, street, highway, parking lot, bathing beach or other public place in the Town of Webb in such a manner as to annoy, disturb, interfere with, obstruct or be offensive to others.*

§ 233-5. Acts by minors.

Any person under the age of 18 years of age who congregates upon public land which is adjacent to and encompasses the Old Forge Pond in the Town of Webb after 9:00 p.m. at night and prior to 5:30 a.m. in the morning, unaccompanied by a parent or guardian, shall be deemed to be in violation of this chapter, and such act shall constitute disorderly conduct.

§ 233-6. Penalties for offenses.

Any person violating the provisions of this chapter, upon conviction, shall be guilty of a violation as defined in the Penal Law of the State of New York and shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

Chapter 269, Games of Chance.

Section 269-4 is added to read as follows: *“The conduct of games of chance on Sundays is authorized, and licenses issued by the Town Clerk should specifically so provide,*

except as is otherwise provided in Article 9-A of the General Municipal Law, and in no event shall such games of chance be conducted on Easter Sunday, Christmas Day or New Year's Eve."

Chapter 316, Lakes and Waterways.

Article I, Use of Old Forge Pond Docks.

Section 316-3 is revised to read as indicated: *"A violation of this article shall constitute an offense, punishable by a fine of not less than \$25 nor more than \$250 or by imprisonment for not exceeding ~~10~~ 15 days, or by both such fine and imprisonment."*

Article II, Parking and Launching of Vessels on Lake Trail.

Section 316-8 is added to read as follows: *"A violation of this article shall constitute an offense, punishable by a fine of not more than \$250 or by imprisonment for not exceeding 15 days, or by both such fine and imprisonment."*

Chapter 320, Littering.

Chapter 320 is adopted to read as follows:

Chapter 320

LITTERING

§ 320-1. Title.

This chapter shall be cited and may be referred to hereinafter as the "Littering Law of the Town of Webb."

§ 320-2. Legislative intent.

It is the intention of the Town Board of the Town of Webb by the adoption of this chapter to prevent the maintenance of any parcel of real property in the Town of Webb in a cluttered or unclean condition which renders it aesthetically offensive or creates the potential for a public nuisance or a public health hazard.

§ 320-3. Definitions; word usage.

A. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

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

LITTER — Garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to the public health, safety and welfare; this includes the abandoning of vehicles or the stripping and junking of any vehicles.

PARK — A park, reservation, playground, beach, recreation center or any other

public area in the Town, owned or used by the Town and devoted to active or passive recreation.

PERSON — Any individual, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC PLACE — All publicly owned property, including any and all streets, sidewalks, highways, basements, boulevards, alleys or other public ways; any and all public parks, squares, spaces, grounds, buildings and school property; posts, hydrants, trees, street lamps, utility poles and traffic signs; and anything affixed thereto and thereover.

REFUSE — All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, automobile parts and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

TOWN — The Town of Webb.

B. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

§ 320-4. Littering prohibited.

No person shall throw, deposit or place or permit to be deposited or scattered in or upon any street, lot, sidewalk or other public place, or upon any private property within the Town, any litter or other material of any kind, except in public or private receptacles for collection or in official Town dumps.

§ 320-5. Placement in receptacles.

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

§ 320-6. Sweeping into public places; sidewalk maintenance.

No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property or places of business shall keep the sidewalk in front of their premises free of litter.

§ 320-7. Littering in parks and water bodies.

No person shall throw, deposit or place or permit to be deposited or scattered in or upon any park property or upon any pond, lake, stream or other body of water in a park or elsewhere within the Town any litter or other material of any kind.

All such material is to be deposited in public receptacles, where available, and where receptacles are not available, litter is to be removed from the park by the person responsible for its presence and properly disposed of elsewhere. All litter or other such material shall be placed in receptacles in such a manner as to prevent it from being carried or deposited by the elements upon any part of the park or upon any street or other public place.

§ 320-8. Penalties for offenses; additional remedies.

- A. *Any person who shall violate any of the provisions of this chapter shall be guilty of a violation of this chapter. In addition to any other penalty or remedy herein provided, each and every violation of this chapter shall be punishable by a maximum fine of \$250 or a maximum term of imprisonment of 15 days, or both.*
- B. *In the case of continuing violation of this chapter, each week that such violation exists shall constitute a separate and distinct offense.*
- C. *In addition to all other remedies provided for herein, the Town Board may also enforce obedience to this chapter by injunction or by any other remedy available to it by virtue of the judicial process.*
- D. *The remedies contained within this chapter shall further not be exclusive, but shall be in addition to any other remedy provided by law, so long as not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this chapter preclude the pursuit of any and all other remedies, and the same are intended to be cumulative.*

Chapter 331, Notification of Defects.

- A. Section 331-2 is amended to change “five days” to “10 days.”
- B. Section 331-3 is amended to read as follows: *“The Town Clerk of the Town shall keep an indexed record, in a separate book, of all written notices which the Town Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon, any Town highway, bridge, culvert or sidewalk, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.”*

Chapter 400, Solid Waste.

Chapter 400 is amended in its entirety to read as follows:

Chapter 400**SOLID WASTE****§ 400-1. Title.**

This chapter shall be known as the "Solid Waste Local Law."

§ 400-2. Findings.

The Town of Webb accepts the mandate of the County of Herkimer, the Oneida-Herkimer Solid Waste Management Authority and the State of New York to provide for the regular and reliable collection of solid waste and recyclable material and to participate in the integrated program for the appropriate disposal of such waste and materials consistent with the current laws and regulations.

§ 400-3. Purpose; applicability.

This compulsory program is designed to dispose of all solid waste and/or recyclable material in an appropriate and acceptable manner. No person, persons or organizations will be exempt from participating in the program.

§ 400-4. Definitions.

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

AUTHORITY — The Oneida-Herkimer Solid Waste Management Authority.

BOARD — The Town Board of the Town of Webb.

CONSTRUCTION AND DEMOLITION DEBRIS — Waste resulting from construction, remodeling, repair and demolition of structures, road building and land clearing. Such wastes are not limited to bricks, concrete, stones, road spoils, paving material, lumber, shingles, drywall, insulation material and tree and brush stumps.

COUNTY — The County of Herkimer.

GARBAGE — Putrescible waste, both animal and vegetable, resulting from the handling, storage, sale, preparation, cooking and/or serving of foods. Household garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

GREEN WASTE — Grass clippings, leaves, cuttings, weeds and other debris from tree and shrubbery trimming.

HAZARDOUS WASTES — Includes pesticides, pesticide residue and all containers containing the same, used motor oil, automobile batteries, paint, tar, and chemicals, waste, oil or other materials determined by the Authority or Superintendent to be hazardous.

INFECTIOUS WASTE — As defined in 6 NYCRR Part 360, as amended.

LARGE HOUSEHOLD FURNISHINGS — All other large and/or bulky articles used in the home and which equip it for living (such as chairs, sofas, tables, beds, carpets, etc.).

MAJOR APPLIANCES — Large and/or bulky household mechanisms (such as refrigerator, washer, dryer, stove, etc.) ordinarily operated by gas or electric current.

RECYCLABLE MATERIAL(S) — Any material which, under any applicable law, is not hazardous and which may be separated from the waste stream and held for its material recycling or reuse value.

RECYCLABLES — Any material designated, from time to time, by the county or the Authority pursuant to contract with the county which, under any applicable law or regulation, is not hazardous and which is separated from the waste stream and held for its material recycling or reuse value.

SOLID WASTE — All putrescible and nonputrescible solid wastes, including, but not limited to, material or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection or being accumulated, stored or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as manufacturing by-products, including, but not limited to, garbage, refuse, industrial, commercial and agricultural waste, sludge from air or water pollution control facilities or water supply treatment facilities, rubbish, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the Commissioner of Environmental Conservation.

SOURCE SEPARATION — The segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

SUPERINTENDENT — The Town of Webb Department of Public Works Superintendent.

VEHICULAR TIRES — Tires from cars and trucks, and their casings.

§ 400-5. General regulations and restrictions.

No person shall dispose of garbage, rubbish, trash or recyclables, except pursuant to the following regulations:

- A. All garbage, trash and refuse shall be placed in clear, transparent plastic bags, not exceeding 40 pounds in weight or 40 gallons in capacity.*
- B. Recyclable materials, as designated by the Authority, shall be separated in accordance with Authority regulations and be placed in recyclable bins*

approved by the Authority.

- C. *All garbage bags and recyclable bins shall be placed alongside the curb or roadside, not earlier than 6:00 a.m. on the morning of the scheduled pickup.*
- D. *Prior to placing the bags or bins at the curb or roadside, all of the waste shall be source-separated and packaged in accordance with the regulations established by the Authority and the Superintendent.*
- E. *All bags, bins, garbage and recyclable material not picked up or collected shall be removed from the curb or roadside area prior to 6:00 p.m. on the day of collection. The Town of Webb will not pick up unbagged garbage lying on the ground, whether or not caused by animals, birds or any other causes.*
- F. *The Town of Webb will not pick up any unbagged garbage or recyclable material not in bins. Any garbage or debris left lying on the ground, whether caused by animals, birds or other cause, shall be the responsibility of the property owner.*

§ 400-6. Collection schedule.

- A. *Garbage and recyclable materials shall be collected at the curb or roadside once a week, according to a schedule to be established by the Superintendent.*
- B. *Major appliances, large household furnishings and vehicular tires may be delivered to the transfer station operated by the Town of Webb on at least two days a year, as established by the Superintendent.*
- C. *Construction and demolition debris shall be deemed the responsibility of the contractor or property owner and may be delivered to the Authority's material recovery facility in Utica, New York.*
- D. *Green waste shall be deemed to be the responsibility of the contractor or property owner and may be delivered to the Authority's material recovery facility in Utica, New York.*
- E. *No hazardous or infectious wastes or materials shall be collected by the Town.*

§ 400-7. Dumpsters.

The property owner or lessee of any property, with the permission of the Superintendent, may use a dumpster to collect or accumulate garbage, and the Town will collect the garbage from the dumpster upon the following conditions:

- A. *The property owner or lessee must source-separate as required by this chapter.*
- B. *No dumpster shall be located in or on a public right-of-way. Dumpsters shall be set back a minimum of 20 feet from any road or right-of-way and a*

minimum of one foot from any property line.

- C. *Where possible, the dumpsters shall be enclosed by a solid fence, hedge, shrubbery or the like.*
- D. *The property owner must maintain a minimum of three feet of clear space around the dumpster. Plowing and/or shoveling of snow around and on top of the dumpster is the responsibility of the owner, not the Town. Snow must be removed around the gates and enclosures so that there can be access to the dumpster.*
- E. *The Board may require removal of any dumpster deemed to be unsightly, a public nuisance or not properly cleaned or maintained or a threat to public health on three days' notice to the users thereof.*

§ 400-8. Prohibited acts.

- A. *No person shall place, throw or deposit, or cause to be placed, thrown or deposited, any garbage, solid waste, refuse, recyclables, papers, trash, hazardous or infectious waste or other material, the collection and disposal of which is regulated by this chapter, upon any sidewalk, street, alley, lane, gutter or any public ground in the Town of Webb or into any stream or upon the banks of any stream running through or adjacent to said Town.*
- B. *No person shall place, throw or deposit, or cause to be placed, thrown or deposited, any garbage, solid waste, refuse, recyclables, papers, trash, hazardous or infectious waste or other material, the collection and disposal of which is regulated by this chapter, upon the private property of another person.*
- C. *No person shall bury or burn, or cause to be buried or burned, any garbage, solid waste, refuse, recyclables, papers, trash, hazardous or infectious waste or other material, the collection and disposal of which is regulated by this chapter, within the Town limits, unless authorized to do so in writing by the appropriate public authorities.*
- D. *No person shall bring in, place or deposit, or cause to be brought into, placed or deposited, in the Town any garbage, solid waste, refuse, recyclables, papers, trash, hazardous or infectious waste or other material, the collection and disposal of which is regulated by this chapter, originating outside the Town for the purpose of disposing of the same in the Town or for the purpose of having the same collected by the Town or its agents or contractors.*
- E. *No person who is a resident of the Town, or owner, lessee or person in control of real property within the Town, shall permit any person to bring in, place or deposit garbage, solid waste, refuse, recyclables, papers, trash, hazardous or infectious waste or other material, the collection and disposal of which is regulated by this chapter, originating outside the Town on any real property owned or leased by him or her or under his or*

her control.

- F. No person shall dispose of garbage or recyclables originating within the Town, except in accordance with the procedures set forth in this chapter, in front of the person's property where he or she resides, and no person shall dispose of any garbage, solid waste, refuse, recyclables, papers, trash, hazardous or infectious waste or other material, the collection and disposal of which is regulated by this chapter, on another's property, public property or in any public receptacle.*

§ 400-9. Presumed responsibilities.

- A. In the case of a single residence, it shall be presumed that the occupant or person in charge is responsible for compliance with this chapter.*
- B. In the case of commercial or industrial properties, it shall be presumed that the occupant or person in charge is responsible for compliance with this chapter.*
- C. In the case of multiple residences, it shall be presumed that the occupant or person in charge is responsible for compliance with this chapter.*

§ 400-10. Penalties for offenses.

- A. Any person who shall violate any provision of this chapter shall be punished as follows:*
- (1) For conviction of a first violation, by a fine of not less than \$100 nor more than \$250 or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment;*
 - (2) For conviction of a second violation, both of which were committed within a period of one year, by a fine of not less than \$500 nor more than \$1,000 or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment;*
 - (3) For conviction of a third or subsequent violation, all of which were committed within a period of one year, by a fine of not less than \$1,000 nor more than \$2,000 or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment.*
- B. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation.*

Chapter 407, Streets and Sidewalks.

Article I, Entrances and Openings.

Section 407-5 is amended to read as follows: *“Any person, firm or corporation violating this article shall be liable to a fine of not less than \$25 nor more than \$250 or imprisonment for a term not to exceed 15 days, or both, for each day of violation, to be recovered by the Town Highway Superintendent and paid to the Town, and such person, firm or corporation may also be removed therefrom as a trespasser by the Town Highway Superintendent upon petition to the County Court of the county or to the Supreme Court of the state.”*

Chapter 410, Subdivision of Land.

Section 410-3P(1) and (2)(a) and the definition of “major subdivision” in § 410-2 are amended to change “§ 281” to “§ 278.”

Chapter 419, Taxation.

Article I, Exemption for Disabled Persons with Limited Incomes.

Section 419-3 is amended to change “\$13,000” to “\$29,000.”

Article III, Senior Citizens Exemption.

A. Section 419-7 is amended to change “\$15,000” to “\$29,000.”

B. Section 419-8 is amended to revise the table to read as follows:

<i>Annual Income</i>	<i>Percentage of Exemption</i>
<i>More than \$29,000 but less than \$30,000</i>	<i>45%</i>
<i>\$30,000 or more, but less than \$31,000</i>	<i>40%</i>
<i>\$31,000 or more, but less than \$32,000</i>	<i>35%</i>
<i>\$32,000 or more, but less than \$32,900</i>	<i>30%</i>
<i>\$32,900 or more, but less than \$33,800</i>	<i>25%</i>
<i>\$33,800 or more, but less than \$34,700</i>	<i>20%</i>

Chapter 435, Vehicles and Traffic.

Article I, Speed Limits.

Article I is amended in its entirety to read as follows:

*ARTICLE I
Speed Limits*

§ 435-1. Speed limits established; penalties for offenses.

A. *The speed limit for both directions of traffic on or along any Town road, street or highway is hereby established at the rate of speed of 25 mph.*

- B. *A violation of this article shall be a traffic infraction, punishable as provided in Vehicle and Traffic Law § 1800.*

Article II, Stop Intersections.

Article II is amended in its entirety to read as follows:

ARTICLE II
Stop Intersections

§ 435-2. Stop intersections established; penalties for offenses.

- A. *The intersections described below are hereby designated as stop intersections, and stop signs shall be installed as follows:*

<i>Stop Sign On</i>	<i>Direction of Travel</i>	<i>At Intersection of</i>
<i>Adams Street</i>	<i>Both</i>	<i>Garmon Avenue</i>
<i>Adams Street</i>		<i>NYS Route 28</i>
<i>Bayshore Road</i>		<i>Fletcher Road</i>
<i>Beech Street</i>	<i>Both</i>	<i>Forge Street</i>
<i>Beech Street</i>		<i>NYS Route 28</i>
<i>Birch Street</i>	<i>Both</i>	<i>Beech Street</i>
<i>Birch Street</i>	<i>Both</i>	<i>Maple Street</i>
<i>Birch Street</i>		<i>Spruce Street</i>
<i>Bisby Road</i>		<i>Joy Tract</i>
<i>Carter Road</i>		<i>Rondaxe Road</i>
<i>Cayuga</i>		<i>Hollywood Hills Road</i>
<i>Central Avenue</i>		<i>Lakeview Avenue</i>
<i>Central Avenue</i>		<i>NYS Route 28</i>
<i>Charles Stevens Road</i>		<i>NYS Route 28</i>
<i>Cliff Road</i>		<i>Hollywood Hills Road</i>
<i>Codling Street</i>		<i>NYS Route 28</i>
<i>Copper Lake Road</i>		<i>NYS Route 28</i>
<i>County Road (Old Mill)</i>		<i>NYS Route 28</i>
<i>Covey Road</i>		<i>Big Moose Road</i>
<i>Crosby Boulevard</i>		<i>Garmon</i>
<i>Crosby Boulevard</i>	<i>Both</i>	<i>NYS Route 28</i>

<i>Crosby Boulevard</i>		<i>Park Avenue</i>
<i>Dan Bar Acres Road</i>	<i>Both</i>	
<i>Darts Lake Road</i>		<i>Big Moose Road</i>
<i>Delaware Road</i>		<i>NYS Route 28</i>
<i>East Avenue</i>		<i>Lakeview Avenue</i>
<i>Elm Street</i>		<i>Green Bridge Road</i>
<i>Elm Street</i>		<i>Maple Street</i>
<i>Fern Avenue</i>		<i>Riverside Drive</i>
<i>Fifth Street</i>		<i>NYS Route 28</i>
<i>Fishermans</i>		<i>Joy Tract</i>
<i>Fletcher Road</i>		
<i>Forest Lane</i>		<i>Lakeview Avenue</i>
<i>Fulton Street</i>		<i>Hotel Street</i>
<i>Fulton Street</i>		<i>Lakeview Avenue</i>
<i>Fulton Street</i>		<i>NYS Route 28</i>
<i>Gilbert Street</i>		<i>Garmon Avenue</i>
<i>Gilbert Street</i>	<i>Both</i>	<i>NYS Route 28</i>
<i>Glenmore Road</i>		<i>Martin Road</i>
<i>Green Bridge Road</i>		<i>Joy Tract</i>
<i>Grey Avenue</i>		<i>Crosby Boulevard</i>
<i>Grey Avenue</i>		<i>Harvey Street</i>
<i>Grove Trail</i>		<i>NYS Route 28</i>
<i>Harvey Street</i>	<i>Both</i>	<i>Fern Avenue</i>
<i>Harvey Street</i>		<i>Garmon Avenue</i>
<i>Hemlock Road</i>		<i>NYS Route 28</i>
<i>Heroux Pit Road</i>		<i>NYS Route 28</i>
<i>Herreschoff Trail</i>		<i>NYS Route 28</i>
<i>Higby Road</i>		<i>Big Moose Road</i>
<i>Highland Avenue</i>		<i>North Street</i>
<i>Highland Avenue</i>		<i>Riverview</i>
<i>Hollister Road</i>		<i>NYS Route 28</i>
<i>Hollywood Hills Road</i>		<i>North and south end</i>
<i>Hotel Street</i>		<i>NYS Route 28</i>
<i>Indian Point Road</i>		

<i>Indian Road</i>		<i>Hollywood Hills Road</i>
<i>Kopps Road</i>		<i>Big Moose Road</i>
<i>Lakeview Avenue</i>		<i>NYS Route 28</i>
<i>Lamberton Street</i>		<i>Fulton Street</i>
<i>Lamberton Street</i>		<i>Park Avenue</i>
<i>Main Street</i>	<i>Both</i>	<i>Hollywood Road</i>
<i>Martin Road</i>		<i>Big Moose Road</i>
<i>McCauley Mount Road</i>		<i>Bisby Road</i>
<i>McKeever Road</i>		<i>NYS Route 28</i>
<i>McLymond Street</i>		<i>NYS Route 28</i>
<i>McLymond Street</i>		<i>Pullman Avenue</i>
<i>Middle Branch Street</i>		<i>NYS Route 28</i>
<i>Minnehaha</i>		<i>Scusa Road</i>
<i>Moose River Road</i>		<i>NYS Route 28</i>
<i>Morrow Point Road</i>		<i>Hollywood Hills Road</i>
<i>Nat Foster</i>		<i>Fishermans Trail</i>
<i>Nat Foster</i>		<i>Joy Tract</i>
<i>North Street</i>		<i>NYS Route 28</i>
<i>Okara Road East</i>		<i>NYS Route 28</i>
<i>Okara Road West</i>		<i>NYS Route 28</i>
<i>Old Big Moose Road</i>	<i>Both</i>	
<i>Old Indian Trail</i>	<i>Both</i>	<i>Joy Tract</i>
<i>Oneida Road</i>		<i>Hollywood Hills Road</i>
<i>Onekio Road</i>		<i>NYS Route 28</i>
<i>Onondaga Road</i>		<i>NYS Route 28</i>
<i>Otter Trail</i>		<i>Joy Tract Road</i>
<i>Outlook Terrace</i>		<i>NYS Route 28</i>
<i>Palisades</i>		<i>NYS Route 28</i>
<i>Palisades East</i>		<i>NYS Route 28</i>
<i>Palisades West</i>		<i>NYS Route 28</i>
<i>Park Avenue</i>		<i>Joy Tract</i>
<i>Pawnee Road</i>		<i>NYS Route 28</i>
<i>Petrie Road</i>	<i>Both</i>	<i>South Shore Road</i>

<i>Pine Street</i>		<i>Fifth Street</i>
<i>Pullman</i>		<i>River Street</i>
<i>Quarry Avenue</i>		<i>NYS Route 28</i>
<i>Railroad Avenue</i>	<i>Both</i>	<i>Joy Tract</i>
<i>Riverside Drive</i>		<i>Harvey Street</i>
<i>Riverside Drive</i>		<i>Sheard Street</i>
<i>Russell Road</i>		<i>NYS Route 28</i>
<i>Russell Street</i>		<i>Joy Tract Road</i>
<i>Scusa Road</i>	<i>Both</i>	<i>NYS Route 28</i>
<i>Seneca Road</i>		<i>Hollywood Hills Road</i>
<i>Sequoia Road</i>		<i>NYS Route 28</i>
<i>Sheard Street</i>	<i>Both</i>	<i>NYS Route 28</i>
<i>Shore Lane</i>		<i>Big Moose Road</i>
<i>Sonne Road</i>	<i>Both</i>	
<i>South Rondaxe Road</i>		<i>Rondaxe Road</i>
<i>South Shore Acres</i>		<i>South Shore Road</i>
<i>Spring Street</i>	<i>Both</i>	<i>NYS Route 28</i>
<i>Spring Street</i>		<i>Pullman Avenue</i>
<i>Te an oge Road</i>		<i>Hollywood Hills Road</i>
<i>Tuttle Road</i>		<i>NYS Route 28</i>
<i>Twitchell Road</i>		<i>Big Moose Road</i>
<i>Watson Road</i>		<i>NYS Route 28</i>
<i>West Avenue</i>		<i>NYS Route 28</i>
<i>William Street</i>		

B. *A violation of this article shall be a traffic infraction, punishable as provided in Vehicle and Traffic Law § 1800.*

Article III, All-Night Parking on Town Property.

Section 435-7 is amended to read as follows: *“A violation of this article shall constitute a violation, punishable by a fine of not less than \$25 nor more than \$250 or by imprisonment for not exceeding 10 days, or by both such fine and imprisonment.”*

Article IV, Snow and Emergency Parking.

Section 435-9 is amended to read as follows: *“A violation of this article shall constitute a violation, punishable by a fine of not less than \$25 nor more than \$250 or by imprisonment for not exceeding 10 days, or by both such fine and imprisonment.”*

Article VI, Parking Prohibited Certain Times.

A. Section 435-15 is amended to read as follows:

§ 435-15. Parking prohibitions.

No vehicle shall be left unattended and parked for any period on any part of the roads or streets hereinafter described, including the shoulders thereof, at any time, for the following certain time periods:

A. *Year-round:*

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
<i>Crosby Boulevard</i>	<i>East</i>	<i>From the intersection of New York State Route 28 (Main Street) northerly approximately 175 feet to the northeast corner of Tax Map Lot No. 041.51-1-56</i>
<i>Crosby Boulevard</i>	<i>West</i>	<i>From the intersection of New York State Route 28 (Main Street) northerly approximately 140 feet to the northeast corner of Tax Map Lot No. 041.51-4-15.1</i>
<i>Forge Street</i>	<i>South</i>	<i>From the corner of Van Auken's Inne, proceeding southwest, intersecting Birch Street (including the ninety-degree bend), to the rear access to Van Auken's Inne</i>
<i>Gilbert Street</i>	<i>East</i>	<i>From Main Street to Park Avenue</i>
<i>Gilbert Street</i>	<i>West</i>	<i>From Main Street, in the direction toward Park Avenue, approximately 160 feet to the northeast corner of the athletic field</i>
<i>Lakeview Avenue</i>	<i>East</i>	<i>From Route 28 to the boathouse parking area</i>
<i>No. 4 Road in Stillwater</i>	<i>Southeast</i>	<i>From the intersection of Big Moose Road to the Department of Environmental Conservation parking lot</i>
<i>Park Avenue</i>	<i>North</i>	<i>From the intersection of Gilbert Street easterly approximately 70 feet to the southwest corner of Tax Map Lot No. 041.58-3-35</i>
<i>Park Avenue</i>	<i>South</i>	<i>From what is known as the northeast end of the Little League field (which also is the northwest corner of Tax Map Lot No. 041.51-3-33) easterly to the intersection of Crosby Boulevard and Park Avenue</i>

B. *Seasonal, October 15 through and including April 15:*

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
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Crosby Boulevard West From the intersection of Crosby Boulevard and Route 28, proceeding northerly to the intersection of Crosby Boulevard and Fern Avenue

Gilbert Street East From Main Street to Garmon Avenue
Information Center and Municipal Office Building parking lot between the hours of 2:00 a.m. and 7:00 a.m.

Park Avenue South From the intersection of the westerly side of Gilbert Street with the southerly side of Park Avenue to the northeast end of what is known as the Little League field (the northwest corner of Tax Map Lot Number 041.51-3-33)

Park Avenue South From the intersection of Gilbert Street and Park Avenue easterly to the intersection of Park Avenue and Crosby Boulevard

Town of Webb Professional Office Building (Health Center) parking lot between the hours of 2:00 a.m. and 7:00 a.m.

C. *Seasonal, April 16 through and including October 14:*

Name of Street Side Location

Birch Street Southwest From its intersection with Forge Street, proceeding southeasterly to its intersection with Beech Street

B. Section 435-16 is amended to read as follows:

§ 435-16. Time-restricted parking.

Parking will be permitted, but limited to a duration of no more than 90 minutes, on the following roads or streets:

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
<i>Gilbert Street</i>	<i>West</i>	<i>From the northeast corner of the athletic field in the direction of and to Park Avenue</i>

- C. Section 435-17 is amended to read as follows: *“A violation of this article shall constitute a violation, punishable by a fine of not less than \$25 nor more than \$250 or by imprisonment for not exceeding 10 days, or by both such fine and imprisonment.”*

Chapter 448, Water.

Article I, Access to Independence Lake.

Section 448-2 is amended to read as follows: *“Any violation of this article shall be a misdemeanor, punishable by a fine not exceeding \$1,000 or imprisonment not exceeding one year, or by both such fine and imprisonment.”*

Article II, Water Emergencies.

Section 448-4 is amended to read as follows: *“A violation of this article shall constitute an offense, punishable by a fine not exceeding \$250 or by imprisonment for not exceeding 15 days, or by both such fine and imprisonment.”*

Article III, Water District Rules and Regulations.

- A. Section 448-6 is amended to revise the definition of “district” to read as follows: *“The Old Forge-Thendara Water District, as legally formed, merged and extended.”*
- B. Section 448-24 is amended to read as follows: *“No person shall disturb or displace a valve box so that the valve stem cannot be reached by the key. No person shall cover a valve box in any way so as to make it inaccessible. Any valve boxes located at improper grade should be reported to the office or to the Superintendent of Public Works.”*
- C. Section 448-27 is amended to read as follows: *“For the infraction of any of its rules or regulations, including, but not limited to, the nonpayment of water rent, the water district may shut off the water from any premises where the violation occurs after proper notice has been served on the customer. Said notice shall be sent by registered or certified mail to the customer’s address as it appears on the records of the water district and shall be posted on the premises. The district shall allow a period of 14 days from the date of posting and mailing for correction before the water is shut off.”*
- D. Section 448-34B is amended to read as follows: *“Schedule of water rates and charges. Water rates and charges are a part of these rules and regulations and shall be determined and established by the Town Board acting as Commissioners of the Old Forge-Thendara Water District.”*

- E. Section 448-34F is amended to read as follows: *“Change of rates. The Town Board acting as Commissioners of the Old Forge-Thendara Water District reserves the right to change the water rates and charges.”*

Chapter 480, Zoning.

- A. Section 480-9D(1) is amended to change “§ 281 of the Town Law” to “§ 278 of the Town Law.”
- B. Section 480-12G is amended to revise the last sentence thereof to read as indicated: *“No sign of any kind whatsoever shall be inscribed upon or attached to that part of any roof above or other structure which extends above the permitted building height.”*
- C. Section 480-12I(1) is amended to change “§ 281 of the Town Law” to “§ 278 of the Town Law.”
- D. Section 480-18B(5) is added to read as follows: *“Shall meet all applicable criteria for accessory structures.”*
- E. Section 480-39B(1) is amended to change “three copies of a layout or plot plan” to “two copies of a layout or plot plan.”
- F. Section 480-39D is amended to change “a period of two years” to “a period of 12 months.”
- G. Section 480-42D is amended to change “10 days” to “five days.”
- H. Appendix A, Board of Appeals, Item III, Board of Appeals Procedures, Paragraph I, Hearing on Appeal, is amended to change “10 days” to “five days.”

CERTIFICATION

TOWN OF WEBB

Office of the Town Clerk

I, **Nanci Russell**, Town Clerk of the Town of Webb, New York, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the Town Board of the Town of Webb, and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitutes the Code of the Town of Webb, County of Herkimer, State of New York, as adopted by local law of the Town Board on November 12, 2013.

Given under my hand and the Seal of the Town of Webb, County of Herkimer, State of New York, this 14th day of November 2013, at the municipal offices of the Town of Webb.

s/**Nanci Russell**


Town Clerk

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout 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 20 13 of the ~~(County) (City)~~
(Town) (Village) of Webb was duly passed by the (Name of Legislative Body)
Town Board on November 12 20 13, 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 (Name of Legislative Body)
_____ on _____ 20 _____, and was (approved) (not approved) (repassed
after disapproval) by the (Elective Chief Executive Officer*) _____ and was deemed duly
adopted 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 (Elective Chief Executive Officer*) _____ 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.

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

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

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

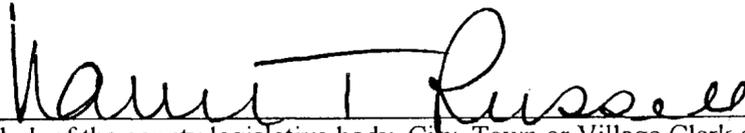
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: November 14, 2013