

Local Law Filing

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

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

STATE RECORDS

SEP 14 2020

Town of Neversink

Local Law No. 2 of the year 2020.

DEPARTMENT OF STATE

A local law to amend Section 50-21 of the Code of the Town of Neversink relating to mobile homes to establish a waiver of the Mobile Home Standards set forth in Section 50-21.D.(9)(b)[1] or [2].

Be it enacted by the Town Board of the Town of Neversink as follows:

Chapter 50-21 of the Code of the Town of Neversink is hereby amended to add a paragraph 50-21.E:

“E. Waiver of Mobile Home Standards.

- (i) The Town Board shall have the power, following a determination by the Code Enforcement Officer, to grant a waiver from the provisions of Section 50-21.D.(9)(b)[1] or [2].
- (ii) The burden of proof in connection with all matters relating to a waiver under this subchapter shall be wholly with the applicant.
- (iii) The Town Board shall keep minutes of its proceedings held pursuant to this subchapter and shall record the vote of each member on a waiver request, or if absent or failing to vote, indicating such fact, and shall keep records of its actions.
- (iv) The Town Board shall have the authority to call upon any department, agency or employee of the Town for such information or assistance as shall be deemed necessary to review the waiver request. Such department, agency or employee shall be reimbursed for any expense incurred in providing such assistance.
- (v) The affirmative vote of a majority of the members of the Town Board shall be necessary to grant a waiver under this subchapter.

(vi) A waiver request shall be made within sixty (60) days after the determination by the Code Enforcement Officer that a mobile home fails to meet the standards set forth in Section 50-21.D.(9)(b)[1] or [2] or within sixty (60) days of the effective date of this Local Law for determinations made prior to such effective date.

(vii) The Town Board shall fix a reasonable time for hearing a waiver request under this subchapter and give notice thereof by publication in a newspaper of general circulation in the Town of a notice of such hearing, at least five (5) days prior to the date thereof. In addition, the Town Board shall cause notice of such hearing to be provided to the owners of property within five hundred (500) feet of the parcel upon which the mobile home subject to the waiver request is proposed to be installed as identified by the latest assessment roll of the Town. All costs associated with providing such notice shall be borne by the person seeking the waiver.

(viii) The Town Board shall decide the appeal within sixty-two (62) days after conduct of the hearing on the waiver request.

(ix) The decision of the Town Board on the waiver request should be filed in the Office of the Town Clerk within five (5) days of the day such decision is rendered and a copy thereof mailed to the applicant.

(x) In making its determination on the waiver request, the Town Board shall consider all information relevant to the mobile home subject to the waiver request. The Town Board may request the Town Engineer inspect the mobile home subject to a waiver request and provide the Town Board with a report on the condition of the mobile home. In the event the Town Board engages the Town Engineer to make an inspection and render a report, the cost thereof shall be borne by the applicant.

(xi) The Town Board shall have the authority to impose reasonable conditions and restrictions on a grant of a waiver.

(xii) In no event shall a waiver be granted for a mobile home manufactured prior to January 1, 1978.

(xiii) Any person or persons, jointly or severally, aggrieved by the decision of the Town Board on a waiver request may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after filing the decision by the Town Board on the waiver request in the Office of the Town Clerk.

This local law shall become effective upon filing with the New York State Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2020 of the Town of Neversink was duly passed by the Town Board on September 9, 2020, 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 2020 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2020, and was (approved)(not disapproved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2020, 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 2020 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2020, and was (approved)(not disapproved) (repassed after disapproval) by the _____ on _____ 2020. 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 _____ 2020, 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 2020 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2020, and was (approved)(not disapproved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2020. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2020, in accordance with the applicable provisions of law.~~

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

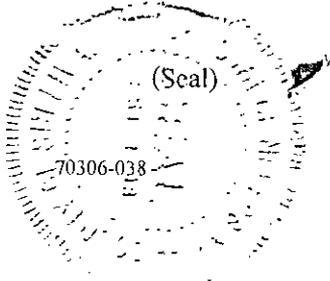
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2020 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ of 2020, 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 2020 of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 2020, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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




Lisa Garigliano, Town Clerk

Dated: September 10, 2020