

Local Law Filing

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

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

County City Town Village
(Select one.)

of

Volney

FILED
STATE RECORDS

JUN 27 2022

DEPARTMENT OF STATE

Local Law No. 2 of the year 20 22

A local law regulating Recreational Camping Vehicles in the Town of Volney.
(Insert Title)

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

County City Town Village
(Select one.)

of

Volney

as follows:

ARTICLE 1 – INTRODUCTION

Section 100 Enacting Clause

Pursuant to the authority conferred by Article 2 and 3 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Volney hereby adopts and enacts the following law.

Section 105 Title

This law shall be known and may be cited as the “Recreational Camping Vehicle Law of the Town of Volney, New York”.

Section 110 Purpose

This law has been enacted for the purpose of promoting the health, safety and general welfare of the inhabitants of the Town of Volney through the efficient regulation of recreational camping vehicles and to provide minimum standards for their placement, water supply, sewage disposal and use.

Section 115 Authority

By the authority of Article 2 and 3 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Volney is authorized and empowered to approve site placement and regulations of use.

ARTICLE 2 – DEFINITIONS

Section 200 General Definitions

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in present tense include the future, words in the singular include the plural and the plural include the singular, and the word “shall” is intended to be mandatory. As used in this local law, unless the context or subject matter otherwise requires, the following words shall have the following respective meanings:

Section 205 Specific Definitions

Campsite: Land on which one or two recreational camping vehicles are located, established, or maintained for temporary occupancy by the general public as temporary living quarters for recreation, education or vacation purposes.

Campground: Land on which three or more campsites are located, established, or maintained for temporary occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes. Campgrounds located within the Town of Volney shall meet the same standards as required by the Oswego County Health Department.

Dwelling: A building in which people live; a house with cooking, sleeping and sanitary facilities.

Enforcement Officer: Any individual appointed by the Town Board to enforce the provisions of this law.

Lot: A designated parcel, tract or area of land established by deed, plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Occupy: To reside in or use for eating and/or sleeping on an overnight basis.

Permit: Written permission to site a recreational camping vehicle on a lot within the Town of Volney.

Person: The term "person" shall include a corporation, company, association, society, firm, partnership or joint stock Company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

Recreational Camping Vehicle: Any enclosed motor vehicle or trailer used or designed to be used for recreational travel and temporary living and/or sleeping purposes including, but not limited to, motor homes, truck campers, campers, travel trailers, tent trailers or overnight trailers.

Sanitary Sewage Disposal: An approved septic system with leach field, composting toilet, Porta-John or an approved holding tank.

Temporary: A time period of 15 days or less

Vacant Property: A lot that does not contain a dwelling.

ARTICLE 3 – RECREATIONAL CAMPING VEHICLES REGULATIONS

Section 300 Residential Properties

1. A maximum of two (2) recreational camping vehicles may be stored outside (unoccupied and not used for living quarters) when there is a dwelling existing on the same lot, if the recreational camping vehicle is owned by the real property owner or his tenant, or by a family member residing on the same lot.
2. Two (2) recreational camping vehicles may be located on a lot owned by the recreational camping vehicle's owner or by a family member residing on the same lot for occupancy subject to the following conditions:
 - a. On site sanitary sewage disposal is required.
 - b. All other applicable standards of the Oswego County Health Department and the NYS Uniform Fire Prevention and Building Code are met.
 - c. No external modifications or additions may be permanently attached to any recreational vehicle.
 - d. No recreational vehicle shall be used as an addition to a residential or commercial building.
 - e. No recreational vehicle shall be used for any rental purposes.
 - f. No recreational vehicles shall be used for the purpose of housing animals (domestic, wild and/or farm).
 - g. Wood stoves shall not be permitted in any recreational vehicles.

Section 305 Properties Without Dwellings

On a lot without a dwelling, up to two (2) recreational camping vehicles may be located for a maximum of fifteen (15) days during the period March 15th to November 15th without a Recreational Camping Vehicle Permit. For more than a total of fifteen (15) days, a Recreational Camping Vehicle Permit must be obtained. A violation for exceeding the 15-day period will result in a fine of not less than \$200.00. There shall be a \$25.00 per day fine for any day exceeding the 15-day period.

ARTICLE 4 – PERMITS

Section 400 Permit Conditions

1. A Recreational Camping Vehicle Permit is required to operate a campsite or campground within the Town of Volney. Any campground with five (5) or more campsites, occupied 60 hours or more in a calendar year must obtain a health permit from the Oswego County Health Department; campgrounds permitted by the department are exempt from obtaining a recreational camping vehicle permit from the Town of Volney.
2. The Code Enforcement Officer may issue a permit upon evidence and verification that the following conditions have been met:
 - a. Sanitary sewage disposal facilities are available.
 - b. All recreational camping vehicles must be set back 40 feet from all lot lines.
 - c. The recreational camping vehicle must remain licensed, registered and inspected for highway use and all times must remain capable of use on public highways.
 - d. No permanent external modifications or additions may be made to any recreational vehicle.
 - e. No more than two occupied recreational camping vehicles shall be located on a single lot outside of a licensed campground.
 - f. No motorized vehicles of any kind shall be occupied unless they are designed and intended for that purpose.
3. The permit shall be for March 15th through November 15th and shall be prominently displayed on the recreational camping vehicle so that it may be seen from the exterior of the vehicle. Failure to remove recreational vehicle and/or comply with the permit will result in a fine of no less than \$200.00 and subject to a \$25.00 per day fine thereafter.
4. Under no circumstance shall a recreational camping vehicle used for occupancy in excess of fifteen (15) days be permitted to be replaced with another recreational camping vehicle without complying with Articles 3 of this local law.

Section 405 Permit Procedures

1. Permit applications shall be obtained from the Code Enforcement Officer
2. The completed application, along with two copies of the proposed site plan drawn to scale or indicating all dimensions, and a non-refundable permit fee of \$75 per

recreational vehicle, or as set by the Volney Town Board, shall be returned to the Code Enforcement Officer. The site plan shall show the current valid registration; dimensions of the lot; the location of all existing buildings; the dimensions and capacities of all existing or proposed sanitary and water facilities; and all natural water courses, ponds or surface drainage patterns.

3. Upon receipt of the application and site plan, the Code Enforcement Officer shall review the application for completeness. The Code Enforcement Officer shall then determine whether requirements of other Town, State or Federal laws apply and whether applicable permits are necessary.
4. Prior to any site preparation, the Code Enforcement Officer may conduct an on-site inspection. To assist the Code Enforcement Officer on the inspection, the applicant may be required to locate stakes on the site in conformity with information shown on the site plan.
5. Upon determination by the Code Enforcement Officer that the proposal has met all the requirements of this law, the Code Enforcement Officer may issue the permit. The Code Enforcement Officer shall file a copy of the permit with the Town Clerk within ten days of the issuance.
6. The cost of any site inspections, tests, or professional consulting needed to comply with the regulations of this law shall be paid by the applicant.
7. All permits shall expire on November 15th.
8. The Volney Town Board may set or change fees for permits and/or fines from time to time by resolution.

Section 410 Permit Transferability

A Recreational Camping Vehicle Permit shall permit the usage of two (2) recreational camping vehicles per lot per year and may be transferred from the original recreational camping vehicle using the lot to any other recreational camping vehicle subsequently using the same lot. Any subsequent recreational camping vehicle shall comply with all of the conditions and requirements of the original permit.

Section 415 Permit Violations

If it is determined by the Code Enforcement Officer that a recreational camping vehicle has not been sited in accordance with the site plan as shown on the application, or that any of the conditions of the application have been violated, the Code Enforcement Officer shall issue a Notice of Violation allowing 15 days from the violation date to be corrected. If the violation or violations have not been corrected to the Code Enforcement Officer's satisfaction after 15 days, then the permit will be revoked and the recreational camping vehicle must be removed within 15

days. Failure to comply will result in an appearance ticket being issued and any applicable fines under this local law.

Section 420 Exemption/Waiver

Special events will exempt from the Recreational Camping Vehicle Law, but not from the New York State Sanitary Code and may still require additional permits from the Oswego County Health Department. This involves events that are held for a short period of time, 1 to 2 days, but not to exceed 7 days on residential properties and/or properties with buildings. A special event could be a Ceremonial Gathering, (i.e., Weddings, Church Event, Family Reunions); Sports Event, (i.e., Race, Fishing Derbys, Bike/Car Rallys); Culture Events (i.e., Concerts). Special Events that have 3 or more recreational camping vehicles on the premises, the property owner must provide a suitable sanitary facility. The property owner shall not charge fees for placing recreational camping vehicles on the property; otherwise they will have to abide by current laws and regulations for operating an approved campground. Recreational camping vehicles remaining on the premises beyond 7 days will be subject to a fine of not less than \$100.00. To obtain this Exemption/Waiver, a Special Event permit must be filed with the Volney Town Clerk not less than 7 days prior to the event. The Town Clerk will promptly e-mail a copy of the permit to the Town Code Enforcement Officer and to the Councilman Liaison. Failure to file for a permit will result in a fine of not less than \$100.00.

ARTICLE 5 – VARIANCE/INTERPRETATION PROCEDURE

Section 500 Powers and Duties of Zoning Board of Appeals

The Zoning Board of Appeals, as established by the Town of Volney, shall hear and decide appeals and requests for variances from the requirements of this local law.

1. The Zoning Board of Appeals shall upon appeal from a decision of the Code Enforcement Officer, decide questions involving interpretations of any provision of this local law.
2. The Zoning Board of Appeals shall have the authority to vary strict applications of the requirements of this local law when there is unnecessary hardship in the way of carrying out the strict letter of this local law. The Zoning Board of Appeals shall have the authority to vary or modify the application of any of the regulations or provisions of this local law so that its spirit shall be observed.

Section 505 Conditions for Variances

Variance: Where there is unnecessary hardship in the way of carrying out the strict letter of this local law, the Zoning Board of Appeals shall have the authority to vary or modify the application of any of the regulations or provisions of this Local Law so that its spirit shall be observed. No variance shall be granted, however, unless the Zoning Board of Appeals finds:

- a. That the granting of the variance will be in harmony with the general purpose and intent of this Local Law and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- b. That the hardship claimed is not self-created.
- c. That there is no practical way for the applicant to accomplish the intended objective by observing the regulations specified in this Local Law.
- d. That the variance requested is not self-created and is the minimum necessary to grant relief.

In granting any variance, the Zoning Board of Appeals shall prescribe any conditions that it deems necessary or desirable.

All other subsections shall remain in full force and effect.

Section 510 Procedure for Interpretation or Variance

1. Zoning Board of Appeals shall act in strict accordance with the procedure specified by the Town Law and by this Local Law and the Zoning Laws. All applications made shall be in writing, on forms prescribed by the Board. Every application shall refer to the specific provision of the Local Law involved, and shall set forth the interpretation claimed, use for which the interpretations sought, or details of the variance that is applied for the grounds on which it is claimed that the variance should be granted.
2. Every decision of the Zoning Board of Appeals shall occur after public hearing and be by resolution, which shall contain a full statement of their findings of fact in the case and shall be recorded in their minutes.

Section 515 Required Plan for Variances

An application for a variance shall be accompanied by one set of preliminary plans and other descriptive matter to portray clearly the intentions of the applicant. A copy of the deed for the premises, and a copy of any restrictive covenants applying to the premises shall be provided upon request. These documents shall become part of the record. Such plans shall show location of all buildings, parking access and circulation, open space, landscaping, septic and drainage and all other information necessary to determine if the proposed variance meets the requirements of this Local Law.

Section 520 Compliance for Conditions of a Variance

The Zoning Board of Appeals may condition the granting of a variance upon compliance for certain conditions specified by the Zoning Board of Appeals, compliance with said conditions shall be mandatory throughout the duration of the variance, and failure to conform to said condition, shall be grounds for revocation of the variance. Upon revocation of the variance, the Code Enforcement Officer may institute legal action.

ARTICLE 6 – ACTION TO TERMINATE VARIANCE UPON FAILURE TO COMPLY WITH CONDITIONS IMPOSED

Section 600 Procedure to Terminate

At any time subsequent to the granting of a variance, the Zoning Board of Appeals may commence a proceeding to terminate said variance based upon a failure of the applicant to comply with any condition imposed at the time of the granting of such permit or variance. Such proceeding to terminate shall be brought before the Board which initially granted the variance and shall be an evidentiary hearing.

The chairman of the Board shall rule on all evidentiary matters, and the burden of proof shall be on the Zoning Board of Appeals to prove, by a preponderance of the evidence that the conditions previously imposed have been violated.

After the hearing is completed, the Zoning Board of Appeals shall determine whether such conditions have been violated. To make a finding that such violations have occurred, there must be a concurring vote of a majority of the members of the Board.

Upon a finding of such violations or violation, the Zoning Board of Appeals must take one of the following actions:

1. Declare the variance terminated and commence any enforcement proceedings as permissible under Local Law as if the original permit had not been granted.
2. Continue the variance under the same terms and conditions previously imposed.
3. Impose new or other conditions or revoke prior conditions placed upon the variance; however, such new conditions shall not take effect, nor shall any existing conditions be revoked until after a public hearing is held at which time all members of the public may be heard. During the interim period between the date of the determination of the Board and the date of the public hearing, all conditions of the initial permit or variance shall be continued in effect.

ARTICLE 7 – MISCELLANEOUS PROVISIONS

Section 700 Enforcement, Violations and Penalties

1. The Town Board and its Enforcement Officer are hereby authorized to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this law.
2. Any person who shall violate any provision of this law shall be guilty of a violation as defined in Article 10 of the Penal Law and shall, upon conviction, be subject to a fine of not more than \$500 or to imprisonment for not more than 15 days or to both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.

3. Compliance with this law may also be compelled and violations restrained by order or by injunction of a Court of competent jurisdiction. Any person who violates any provision of this law shall also be subject to a civil penalty of not more than \$500, to be recovered by the Town in a civil action and each week's continued violation shall be for this purpose a separate and distinct violation.
4. In addition to any other penalties imposed or other available remedies available to the Town, the Town Board may conduct a hearing to determine whether such violation constitutes a significant public health or safety issue. Such hearing shall be on a minimum of 10 days' notice to the owner, which notice may be served personally or by certified mail, return receipt requested, to the last known address of the owner or show on the last completed tax roll.
 - a. Such notice shall specify the date, time and place of the hearing, the purpose of the hearing, the nature of the alleged violation, the owner may be present and participate in the hearing individually and/or through counsel, the fact that if the Town does determine that there is a significant health, safety or welfare issue, that it may enter the property to remove the violation, and that all costs so incurred, including legal expenses, which will be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.
 - b. The Town shall conduct a hearing on the date and time indicated in the notice and shall make findings of fact. Based on such findings, the Town Board shall determine whether any remedial action is required.
 - c. The Town Board shall notify the owner of its decision in the same manner as the notice of hearing. If no corrective action is taken within 10 days of such notice being either mailed or personally served upon the owner, then the Town Board may authorize entry onto the property to do such remediation work or removal of the building and may charge all costs so incurred, including legal expenses, as a tax against the land.
5. In addition to all other penalties and remedies available to the Town under this section, the Town shall have the authority, upon resolution, to make an application at a special term of the Supreme Court in the judicial district in which such property is located for an order determining the violation to be a public nuisance, directing that it shall be removed by either the owner or the Town and imposing a fine of \$100 per day for each day the property remains in violation. In the event the Town is authorized to remove the violation, the costs so incurred, including legal expenses, shall be a tax against the land on which such building is located in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

6. The hearing process outlined in Section 700 subdivision 4 is not an administrative remedy that must be exhausted before proceeding to Supreme Court. The Town Board for the Town of Volney shall have the discretion to determine which enforcement alternative is appropriate under the circumstances of each case and shall have the discretion to determine whether to pursue more than one enforcement alternative.

Section 705 Abandonment of Variances

A variance shall continue until such time as it is voluntarily terminated, terminated by action of the appropriate issuing agency, or is terminated by abandonment. For the purposes of this section, a variance shall be considered to be abandoned when it has been abandoned or discontinued for a period of 12 consecutive months or for a total of 18 months in any three-year period. A determination may be entered that said variance has been abandoned after a hearing in accordance with the procedures set forth in Section 9, unless said business is seasonal which shall consist of being open at least two months a year for purposes seasonally related.

Section 710 Severability

Should any portion whatsoever of this Local Law be held invalid or unenforceable for any reason, by any Court of competent jurisdiction, such portion shall be deemed severable, but only to the extent of such holding, and such holding shall not affect the remaining portions thereof.

Section 715 Conflicts

A conflict between the requirements of this law and the requirements of any other ordinance, local law, rule or regulation, statute, or other provision of law shall be resolved by giving effect to the provision imposing the more restrictive requirement or higher standard.

Section 720 Effective Date

This local law shall be effective upon filing in the office of the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 22 of the ~~(County)(City)(Town)(Village)~~ of Volney was duly passed by the Town Board on June 16, 20 22, in accordance with the applicable provisions of law.

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

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

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

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

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

Michelle Vant

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

Date: June 21, 2022

(Seal)

