

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 Osceola

FILED
STATE RECORDS

FEB 24 2016

DEPARTMENT OF STATE

Local Law No. 1 of the year 2016

A local law known as the Recreational Camping Vehicle Law of the Town of Osceola, New York
(Insert Title)

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

County City Town Village
(Select one.)

of Osceola

as follows:

See Attached



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

ARTICLE 1. INTRODUCTION

Section 100. Enacting Clause

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

Section 105. Title

This law shall be known and may be cited as the "Recreation Camping Vehicle Law of the Town of Osceola, 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 Osceola 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 Municipal Home Rule Law of the State of New York, the Planning Board of the Town of Osceola 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 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

Campground: Land on which two 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. A "camping unit" shall be considered any tent, lean-to, cabin or similar structure, or recreational camping vehicle, excluding mobile homes, established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

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.

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

Lot: A designated parcel, tract or area of land established by deed, plat, subdivision, or as otherwise permitted space 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 Osceola.

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 over-night trailers.

Sanitary Sewage Disposal: An approved Septic System with leach field, composting toilet, Porta-John or County-permitted Certified Holding Tank.

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

ARTICLE 3. RECREATIONAL CAMPING VEHICLE 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. A maximum of two (2) recreational camping vehicles may be located on a lot owned by the registered recreational camping vehicle's owner or by a family member for occupancy subject to the following conditions:

- a. If potable and sanitary water is supplied, then it shall meet the standards of NYS Department of Health State Sanitary Code Appendix 5-B or as subsequently amended is available.
- b. On-site sanitary sewage disposal is required.
- c. The lot area and setbacks for the property zone are met.
- d. All other applicable standards of the Lewis County Health Department and the NYS Uniform Fire Prevention and Building Code 19 N.Y.C.R.R. Subchapter A are met.
- e. No external modifications or additions may be permanently attached to any recreational vehicle.
- f. No recreational vehicle shall be used as an addition to a residential or commercial building.
- g. No recreational vehicles shall be used for any rental purposes.

Section 305. Properties without Dwellings

1. On a lot without a dwelling one (1) recreational camping vehicle may be located for less than a total of any thirty (30) days during the period of April 1st to March 31st without a Recreational Camping Vehicle Permit. For more than a total of thirty (30) days, a Recreational Camping Vehicle Permit must be obtained.

ARTICLE 4. PERMITS

Section 400. Permit Conditions

1. The Code Enforcement Office may issue a permit upon evidence and verification that the following conditions have been met:
 - a. A potable and sanitary water supply is available.
 - b. Sanitary sewage disposal facilities, as defined, are available.
 - c. The lot area and setbacks for the property zone are met.
 - d. The recreational camping vehicle must remain licensed, registered and inspected for highway use and all times must remain capable of use on public highways.
 - e. No permanent external modifications or additions may be made to any recreational vehicle.

- f. No more than two occupied recreational camping vehicles shall be located on a single lot outside of a licensed campground.
 - g. No motorized vehicles of any kind shall be occupied unless they are designed and intended for that purpose.
2. The permit shall be for April 1st through March 31st and shall be prominently displayed on the recreational camping vehicle so that it may be seen from the exterior of the vehicle.
- a. Any recreational camping vehicles which are not in compliance as of the date of adoption of this law or subsequent amendments shall come into compliance within six (6) months of adoption of this local law.

Section 405. Permit Procedures

1. Permit applications shall be obtained from the Enforcement Office.
2. The completed application, along with two copies of the proposed site plan drawn to scale or indicating dimensions, and a nonrefundable Permit fee of \$100 per each recreational vehicle, or as set by the Osceola Town Board, shall be returned to the 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 Enforcement Officer shall review the application for completeness. The 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 Enforcement Office shall conduct an on-site inspection. To assist the 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 Enforcement Officer that the proposal has met all the requirements of this law, the Enforcement Officer may issue the Permit. The Enforcement Officer shall file a copy of the Permit with the Town Clerk within ten days of the issuance.
6. The costs 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 March 31st.
8. The Osceola Town Board may set or change fees for permits from time to time by Resolution.
9. The Osceola Town Board may issue a waiver of permit requirements.

Section 410. Permit Transferability

A Recreational Camping Vehicle Permit shall permit the usage of two (2) recreational camping vehicles per lot of land 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 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 Enforcement Officer shall issue a Notice of Violation allowing 15 days for the violation to be corrected. If the violations have not been corrected to the Enforcement Officer's satisfaction at that time, an appearance ticket shall be issued.

ARTICLE 5. MISCELLANEOUS PROVISIONS

Section 500. 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 of Osceola in a civil action and each week's continued violation shall be for this purpose a separate and distinct violation.

Section 505. Severability

The provisions of this law are severable and the invalidity of a particular provision shall not invalidate any other provision.

Section 510. 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 515. 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. 1 of 2016 of the Town of Osceola was duly passed by the Town Board on _____ 2016, in accordance with the applicable provisions of law.

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

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

3. (Final 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 (Elective Chief Executive Officer*) 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.

Helen Hall

Helen Hall
Town Clerk of the Town of Osceola

Date: Feb 10, 2016

(Seal)