

REGULAR MEETING AND PUBLIC HEARINGS  
SEPTEMBER 13, 2011

A Regular Meeting and Public Hearings of the Town Board of the Town of Somerset, County of Niagara and the State of New York were held at the Town Hall, 8700 Haight Road, Barker, New York on the 13<sup>h</sup> day of September 2011.

Present:     Richard J. Meyers ----- Supervisor  
              Randall J. Wayner ----- Councilman  
              Daniel E. Engert ----- Councilman  
              Gary R. Alt ----- Councilman  
              Robin R. Jansen ----- Councilman  
              Rebecca A. Connolly ----- Clerk  
              Kenneth J. Bigelow ----- Supt. of Highways  
              Melvin H. Denny ----- Supt. Water/Sewer/Grounds  
              Morgan L. Jones Jr. ----- Counsel  
              Randy D. Roeseler ----- Engineer

Attended by: Approximately 4 people

Supervisor Meyers called the meeting to order at 7:00PM with the Pledge to the Flag.

**PUBLIC HEARINGS –**

1. **Proposed Local Law #1-2011 Code Administration & Enforcement Law**
2. **Proposed Local Law #2-2011 Special Use Permit Law**
3. **Proposed Local Law #3-2011 Noise Law**

Notice of said hearings was duly published in the Lockport Union-Sun & Journal on August 31, 2011 with same being posted at the Town Hall on the same date.

Supervisor Meyers opened the public hearings at 7:01PM.

Clerk Connolly read notice of hearings and stated the neighboring municipalities and the Niagara County Planning Board were notified of said hearings.

**1. CODE ADMINISTRATION AND ENFORCEMENT**

Supervisor Meyers asked for comments on the Code Administration and Enforcement Law.

With no one desiring to be heard, Supervisor Meyers closed the hearing at 7:05PM.

**2. SPECIAL USE PERMIT**

Supervisor Meyers opened the hearing on Special Use Permits at 7:06PM and asked for comments.

With no one desiring to be heard, Supervisor Meyers closed the hearing at 7:06PM.

**3. NOISE**

Supervisor Meyers opened the hearing on the proposed Noise Law at 7:07PM and asked for comments.

Joseph Fox, 9125 Somerset Drive, asked what necessitated the noise law and does it include the Village of Barker.

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Supervisor Meyers stated there have been complaints to the Police Officers regarding noises of motorized vehicles and there was nothing that the officers could do. He stated that residents complained also. He stated that a noise out of the ordinary and excessive noise is what necessitated the law. He said the Village is not covered under the law.

Mr. Fox asked the number of people that will be affected.

Supervisor Meyers stated about 2200.

Mr. Fox asked how the decibel requirement will be determined and proven.

Councilman Engert stated it has been the experience of the Police Chief that usually the problem can be resolved with a visit.

Mr. Fox stated people will deny that and how can it be proven.

Supervisor Meyers stated the burden of proof will be on the Police and the complainant. Attorney Jones stated by way of enforcement a noise complaint is normally not a one shot deal. He said there are usually repetitive offenses and the Chief can always obtain a decibel meter. He said in addition to that criteria there are several alternatives.

Mr. Fox said you will still have to prove the decibel level.

Supervisor Meyers said that is only one segment of the law.

Mr. Fox asked what the limit on motor operations is.

Supervisor Meyers gave an example of a dirt bike track being across the road from Mr. Fox and that he would call the police. He said the police will be able to enforce the law. Chief Annable stated when they receive a call, 90% of the people comply and 10% of the people do not care about disturbing their neighbors. He said the officers need a basis for a charge before the neighbor can be arrested and taken to court. He said the law provides the tool and that it will be the individuals involved that will state their peace is being disturbed and they will bring the charge. He said the decibel level is part of the law for a repeat offender.

Mr. Fox stated that he received an anonymous note on his mailbox to stop the clanging of his flag on the flag pole. He asked how that would be addressed.

Attorney Jones said if it annoys a person of normal auditory sensitivities, then a person could be cited.

Code Enforcement Officer Hildebrant stated a complaint has been filed with him regarding the noise of the flag pole and lawnmower use on Mr. Fox's property.

Chief Annable stated the complainant has to press charges.

With all persons desiring to be heard, Supervisor Meyers closed the hearing at 7:19PM.

REGULAR MEETING

Supervisor Meyers opened the regular meeting at 7:20PM.

RESOLUTION 95-2011

**APPROVAL OF MINUTES**

On a motion of Councilman Jansen, seconded by Councilman Wayner, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved the minutes of the previous meeting are approved as submitted.

RESOLUTION 96-2011

**APPROVAL OF SUPERVISOR'S MONTHLY REPORT**

On a motion of Councilman Alt, seconded by Councilman Jansen, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved the Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Police Department  
Dog Control Officer

COMMUNICATIONS:

**REGIONAL GREENHOUSE GAS INITIATIVE (RGGI)**

Clerk Connolly said a resolution has been received from Barker Central School supporting the RGGI resolution that the Town adopted.

Clerk Connolly provided the Board with a letter from the NYS Department of Labor (DOL) stating the Town is in violation of the Workplace Violence Program. She stated there has been a meeting scheduled with the DOL to review the violations.

**HELIPAD**

Code Enforcement Officer Hildebrant gave an update on the progress of the helipad. He said the pad has been poured, National Grid has been contacted to place red balls on the wires, landscaping needs to be done and he will plan a dedication ceremony. He thanked Superintendent Denny and Superintendent Bigelow for their help on the project.

**HARTLAND/LAKE ROAD INTERSECTION**

Superintendent Bigelow reported in order to improve the sight distance of the intersection, trees have been removed and grading will be done.

RESOLUTION 97-2011

**CODE ADMINISTRATION & ENFORCEMENT LAW SEQR**

On a motion of Councilman Engert, seconded by Councilman Wayner, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved per section 617.2(b)(3) of Article 8 (State Environmental Quality Review) of the Environmental Conservation Law, the adoption of the Code Administration and Enforcement law does not constitute an "action" requiring environmental review, since it is the adoption of a Local Law which will not negatively affect the environment.

RESOLUTION 98-2011

**SPECIAL USE PERMIT LAW SEQR**

On a motion of Councilman Engert, seconded by Councilman Jansen, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved per section 617.2(b)(3) of Article 8 (State Environmental Quality Review) of the Environmental Conservation Law, the adoption of the Special Use Permit law does not constitute an "action" requiring environmental review, since it is the adoption of a Local Law which will not negatively affect the environment.

RESOLUTION 99-2011

**NOISE LAW SEQR**

On a motion of Councilman Wayner, seconded by Councilman Jansen, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved per section 617.2(b)(3) of Article 8 (State Environmental Quality Review) of the Environmental Conservation Law, the adoption of the Noise law does not constitute an "action" requiring environmental review, since it is the adoption of a Local Law which will not negatively affect the environment.

RESOLUTION 100-2011

**ADOPTION OF PROPOSED LOCAL LAW #1-2011 – CODE ADMINISTRATION AND LAW**

On a motion of Councilman Engert, seconded by Councilman Jansen, the following resolution is

ADOPTED by Roll Call Vote	Supervisor Meyers	Aye
	Councilman Wayner	Aye
	Councilman Engert	Aye
	Councilman Alt	Aye
	Councilman Jansen	Aye

Resolved Local Law #1-2011 entitled Code Enforcement and Administration is approved.

(Attachment 1)

RESOLUTION 101-2011

**ADOPTION OF PROPOSED LOCAL LAW #2-2011 – SPECIAL USE PERMIT LAW**

On a motion of Councilman Wayner, seconded by Councilman Jansen, the following resolution is

ADOPTED by Roll Call Vote	Supervisor Meyers	Aye
	Councilman Wayner	Aye
	Councilman Engert	Aye
	Councilman Alt	Aye
	Councilman Jansen	Aye

Resolved Local Law #2-2011 entitled Special Use Permit Law is approved.

(Attachment 2)

RESOLUTION 102-2011

**ADOPTION OF PROPOSED LOCAL LAW #3-2011 – NOISE LAW**

Supervisor Meyers asked the Board if they had any comments regarding the noise law. Councilman Alt stated that he was not comfortable with the law.

Supervisor Meyers stated that he was not comfortable also but something has to be done but he questions if this law will have the desired effect.

Attorney Jones said the problem now is that neighbors call but the police cannot do anything about it. He said this gives the court a mechanism for enforcement.

Councilman Wayner stated that he was concerned last month about the snow blower issue however that was addressed. He said this is a legitimate function of local government to protect those that don't have a form of protection.

Discussion ensued regarding neighborly disputes, police discretion, the proposed law covering more than just off road vehicle noise, generator noise and emergency exemptions.

On a motion of Councilman Engert, seconded by Councilman Wayner, the following resolution is

ADOPTED by Roll Call Vote	Supervisor Meyers	Aye
	Councilman Wayner	Aye
	Councilman Engert	Aye
	Councilman Alt	Nay
	Councilman Jansen	Aye

Resolved Local Law #3-2011 entitled Noise Law is approved.  
(Attachment 3)

**2012 BUDGET MEETING**

Supervisor Meyers set the 2012 budget workshop meeting for Monday, October 3, 2011 at 5:00PM.

RESOLUTION 103-2011

**SLOPE OF YARD PROPOSED LOCAL LAW**

Clerk Connolly stated the Zoning Board of Appeals and Planning Board worked on the problem with the current regulation for slope of yard, with the Planning Board obtaining advice from the Town Engineer. She said the proposed local law was forwarded from the Planning Board for consideration.

Attorney Jones stated currently there has to be a variance to allow for changes to the slope.

On the introduction of Councilman Engert, seconded by Councilman Jansen, the following resolution was

ADOPTED	Ayes 5	Meyers, Wayner, Engert, Alt, Jansen
	Nays 0	

Resolved a public hearing be held on October 11, 2011 at 7:00PM to hear and consider comments on proposed Local Law #4-2011 entitled Slope of Yard.

**RATE SCHEDULES FOR WATER AND SEWER DEPARTMENTS**

Superintendent Denny stated Tracy Carmer, Attorney Jones and he have compiled the rate schedules for both the water and sewer departments. He said no rates have increased but felt they needed to be organized into one document so they could be easily understood. He said it is still a working document and he will be meeting with the Town Engineer to discuss any concerns that he has.

Attorney Jones stated the Chapter 152 of the Code needs to be amended prior to holding a hearing on the rate schedules.

**RESOLUTION 104-2011**

**USE OF PUBLIC SEWERS PROPOSED LOCAL LAW**

On the introduction of Councilman Engert, seconded by Councilman Wayner, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved a public hearing be held on October 11, 2011 following the public hearing for Slope of Yard to hear and consider comments on proposed Local Law #5-2011 entitled Use of Public Sewers Required and Rate Schedule.

**RESOLUTION 105-2011**

**RATE SCHEDULES FOR WATER AND SEWER DEPARTMENTS**

On a motion of Councilman Alt, seconded by Councilman Jansen, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved a public hearing will be held on October 11, 2011 following the public hearing on Use of Public Sewers Required and Rate Schedule to hear and consider comments on proposed rate schedules for water and sewer.

**RESOLUTION 106-2011**

**RENEWAL OF SNOW & ICE AGREEMENT WITH NYS**

On a motion of Councilman Engert, seconded by Councilman Alt, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved that Supervisor Meyers is authorized to enter into a municipal snow and ice agreement with the State of New York for the removal of snow and ice from state highways for 2012-2013.

**VANDALISM AT WEST SOMERSET CEMETERY**

Superintendent Denny reported the West Somerset Cemetery was severely vandalized causing about \$20,000 to \$50,000 worth of damage. He has been investigating ways to obtain monies to repair the stones.

Chief Annable stated they are actively investigating the matter and will be turning it over to the County.

Discussion ensued regarding repairs, veterans' markers being destroyed, flags being destroyed including one being burned and the possibility of offering a reward.

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RESOLUTION 107-2011  
**BUDGET AMENDMENT**

On a motion of Councilman Alt, seconded by Councilman Jansen, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved the following budget amendment is approved.

DB		CR	
A3021	\$2,154.41	A1110.2	\$2,154.41
SS9055.8	10.00	SS9710.7	10.00

**PUBLIC COMMENT**

Douglas Lewis addressed the Board regarding the lack of people recycling their electronic equipment and asked what the deadline is when TV's are no longer taken by our disposal service. He asked that notices be place around the Town advertising the electronic recycling program.

Clerk Connolly stated she will contact Modern Disposal to see it they will put notes on the electronic equipment and will post notices around the Town.

Joseph Fox asked what the Code Enforcement law was about.

Attorney Jones explained the procedures and that this brings the Town into compliance with the State.

James Hoffman asked what the status is on the windmills.

Supervisor Meyers said the company is waiting for Camp Kenan to close so they can install all the windmills at one time. He said a huge cost of installing the windmills is the cost of the crane. He said he will contact the company to check the status.

**LOWER LAKE ROAD BRIDGE**

Superintendent Bigelow reported the structure is in place with the wing walls being poured. He said anticipated opening is October 1<sup>st</sup>.

RESOLUTION 108-2011

**AUDIT OF CLAIMS**

On a motion of Councilman Wayner, seconded by Councilman Alt, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved the bills, having been reviewed by the Town Board, are authorized for payment in the following amounts:

General Fund	No. 314 through No. 351	\$ 33,421.04
Highway Fund	No. 103 through No. 118	\$ 170,801.34
Sewer Fund	No. 110 through No. 125	\$ 6,149.01
Water Fund	No. 101 through No. 113	\$ 8,835.04

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On a motion of Councilman Jansen, seconded by Councilman Engert, the meeting was adjourned at 8:32PM. Carried unanimously.

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Rebecca A. Connolly, MMC  
Town Clerk



## ***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.

### **TOWN OF SOMERSET LOCAL LAW NO. 1 OF THE YEAR, 2011**

#### **A Local Law Entitled “Amendment to the Code of the Town of Somerset”**

Be it Enacted by the Town Board of the Town of Somerset as follows:

To amend the Code of the Town of Somerset as follows:

Chapter 205, Article XVII - Administration and Enforcement is repealed in its entirety and replaced with the following new Chapter 205, Article XVII – Administration and Enforcement

#### **(Chapter 205)**

#### **ARTICLE XVII     Administration and Enforcement**

##### **§ 205-61 PURPOSE AND INTENT**

This Article provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code), the State Energy Conservation Construction Code (the Energy Code), and other provisions of this Chapter in the Town of Somerset. This Article is adopted pursuant to section 10 of the Municipal Home Rule Law and Article 18 of the Executive Law and Rules and Regulations promulgated pursuant thereto. Except as otherwise provided in the Uniform Code, other state law, or other section of this Article, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this Article.

##### **§ 205-61.1 DEFINITIONS**

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

“Building Permit” shall mean a permit issued pursuant to §205-62 of this Article. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this Article.

“Certificate of Compliance” shall mean a certificate issued pursuant to Subdivision B of §205-63 of this Article for a building or structure not intended to be occupied.

“Certificate of Occupancy” shall mean a certificate issued pursuant to Subdivision B of §205-63 of this Article for a building or structure intended to be occupied.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to Subdivision B of §205-61.2 of this Article and shall include the designation “Building Inspector.” The terms “Code Enforcement Officer” and “Building Inspector” shall be used interchangeably in the Code of the Town of Somerset.

“Compliance Order” shall mean an order issued by the Code Enforcement Officer pursuant to Subdivision A of §205-67.3 of this Article.

“Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Operating Permit” shall mean a permit issued pursuant to §205-65 of this Article. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this Article.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, Limited Liability Company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“Stop Work Order” shall mean an order issued pursuant to §205-62.2 of this Article.

“Temporary Certificate” shall mean a certificate issued pursuant to Subdivision D of §205-63 of this Article.

“Town” shall mean the Town of Somerset.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

## **§ 205-61.2 CODE ENFORCEMENT OFFICER**

- A. In addition to the other powers and duties of the Code Enforcement Officer set forth in this Chapter, the Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code and the Energy Code and shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this article;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to Subdivision A of section 205-63 (Violations) of this Article;

(7) to maintain records;

(8) to collect fees as set by the Town Board of this Town.

(9) to pursue administrative enforcement actions and proceedings;

(10) To pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this Article, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this Article; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Article.

B. The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

- C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this Article.
- D. One or more Inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this Article. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

#### **§ 205-62 BUILDING PERMITS.**

- A. Building Permits Required. Except as otherwise provided in Subdivision B of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.
- B. Exemptions. No Building Permit shall be required for work in any of the following categories:
  - (1) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
  - (2) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
  - (3) installation of fences which are not part of an enclosure surrounding a swimming pool;
  - (4) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
  - (5) construction of temporary motion picture, television and theater stage sets and scenery;

(6) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(7) installation of partitions or movable cases less than 5'-9" in height;

(8) painting, wallpapering, tiling, carpeting, or other similar finish work;

(9) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(10) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(11) repairs, provided that such repairs do not involve

(a) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;

(b) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;

(c) the enlargement, alteration, replacement or relocation of any building system; or

(d) the removal from service of all or part of a fire protection system for any period of time.

C. Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subdivision B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code, the Zoning Code or other general or local law, ordinance, rule or regulation.

D. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

if any.

(1) the full name and address of the owner and the authorized agent,

(2) a description of the proposed work;

(3) the tax map number and the street address of the premises where the work is to be performed;

(4) the occupancy classification of any affected building or structure;

(5) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(6) at least 2 sets of construction documents (drawings and/or specifications) which

(a) define the scope of the proposed work;

(b) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;

(c) indicate with sufficient clarity and detail the nature and extent of the work proposed;

(d) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and

(e) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

E. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (6) of Subdivision D of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

F. Issuance of Building Permits. An application for a Building Permit or an amendment thereto shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

- G. Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- I. Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- J. Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Zoning Code or any other general or local law, ordinance, rule or regulation, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that
- (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and
  - (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- K. Fee. The fee specified in or determined in accordance with the provisions set forth in §205-67.4 of this Article must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

**§ 205-62.1 CONSTRUCTION INSPECTIONS.**

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in Subdivision B of this section is ready for inspection.
- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
- (1) work site prior to the issuance of a Building Permit;
  - (2) footing and foundation;
  - (3) preparation for concrete slab;
  - (4) framing;
  - (5) building systems, including underground and rough-in;
  - (6) fire resistant construction;
  - (7) fire resistant penetrations;
  - (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
  - (9) Energy Code compliance; and
  - (10) a final inspection after all work authorized by the Building Permit has been completed.
- C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 205-67.4 (Fees) of this article must be paid prior to or at the time of each inspection performed pursuant to this section.



## **§ 205-62.2 STOP WORK ORDERS.**

- A. Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, the Zoning Code or any other general or local laws, ordinances, rules or regulations without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

- B. Content of Stop Work Orders. Stop Work Orders shall:

- (1) be in writing;
- (2) be dated and signed by the Code Enforcement Officer;
- (3) state the reason or reasons for issuance; and
- (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

- C. Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property and, if the owner is not the Permit Holder, on the Permit Holder personally or by registered mail or certified mail. Service by registered or certified mail shall be sufficient if addressed to the address set forth in the Building Permit application. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any new applicant, owner, builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered mail or certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

- D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

- E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in Subdivision A of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under §205-67.3 (Violations) of this Article or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

## **§ 205-63 CERTIFICATES OF OCCUPANCY; CERTIFICATES OF COMPLIANCE**

- A. Certificates required. A Certificate of Occupancy or a Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or a Certificate of Compliance.
1. No person shall use or occupy a building or structure, or portion thereof, for which a Building Permit was required until a Certificate of Occupancy or Certificate of Compliance therefore has been issued.
- B. Issuance of Certificates of Occupancy or Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or a Certificate of Compliance if the building, structure or work has been inspected and it has been found that the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code, the Zoning Code and other general and local laws, ordinances, rules and regulations, and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy or a Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or a Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or a Certificate of Compliance:

(1) a written statement of structural observations and/or a final report of special inspections prepared in accordance with the provisions of the Uniform Code and/or Energy Code, and

(2) flood hazard certifications, where applicable.

C. Contents of Certificates of Occupancy. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

(1) the Building Permit number, if any;

(2) the date of issuance of the Building Permit, if any;

(3) the name, address and tax map number of the property;

(4) if the Certificate of Occupancy is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy is issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the assembly occupant load of the structure, if any;

(8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) any special conditions imposed in connection with the issuance of the Building Permit; and

(10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy and the date of issuance.

D. Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and

intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

- E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy or a Temporary Certificate was issued in error for any reason, including but not limited to, because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 205-67.4 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy or for Temporary Certificate.

## **§ 205-64 NOTIFICATION REGARDING FIRE OR EXPLOSION.**

The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

## **§ 205-64.1 UNSAFE BUILDING, EQUIPMENT AND STRUCTURES**

Unsafe buildings, structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Chapter 78 of the Code of the Town of Somerset as now in effect or as hereafter amended from time to time.

## **§ 205-65 OPERATING PERMITS.**

- A. Operating Permits required.

(1.) Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(a) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1 as amended from time to time;

(b) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(c) use of pyrotechnic devices in assembly occupancies;

(d) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(e) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Somerset Town Board.

(2.) Any person who proposes to undertake any activity or to operate any type of building listed in this Subdivision A shall be required to obtain an Operating Permit prior to commencing such activity or operation.

B. Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

C. Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

D. Multiple Activities. In any circumstance in which more than one activity listed in Subdivision A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

E. Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer,

payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

- F. Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.
- G. Fee. The fee specified in or determined in accordance with the provisions set forth in §205-67.4 (Fees) of this article must be paid at the time of submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

## **§ 205-66 FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS**

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2), and all non-residential occupancies not included in Subsection A(1) or (2) shall be performed at least once every thirty-six (36) months.

- B. Inspections permitted. In addition to the inspections required by Subdivision A of this section, a fire safety and/or property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

- C. Other Inspections. Nothing in this section or in any other provision of this article shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law §156-e and Education Law § 807-b.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in §205-67.4 (Fees) of this article must be paid prior to or at the time each inspection performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC.

## **§ 205-67 COMPLAINTS**

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this Chapter, or any other local law, ordinance, rule, or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code or other local law, ordinance, rule or regulation. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- A. making an initial determination of the basis of the complaint and whether further investigation is merited.
- B. performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- C. if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in §205-67.3 (Violations) of this article;
- D. if appropriate, issuing a Stop Work Order;
- E. if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing

a final written report reflecting such abatement or correction, and filing such report with the complaint.

#### **§ 205-67.1 RECORD KEEPING.**

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
- (1) all applications received, reviewed and approved or denied;
  - (2) all plans, specifications and construction documents approved;
  - (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
  - (4) all inspections and tests performed;
  - (5) all statements and reports issued;
  - (6) all complaints received;
  - (7) all investigations conducted;
  - (8) all other features and activities specified in or contemplated by §205-62 through 205-67.5, inclusive, of this Article, and
  - (9) all fees charged and collected.
- B. To the extent all such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto shall be retained for at least the minimum time period so required by State law and regulation.

#### **§205-67.2 PROGRAM REVIEW AND REPORTING**

- A. The Code Enforcement Officer shall annually submit to the Town Board a written report and summary of all business conducted by the Code Enforcement Officer, including a report and summary of all transactions and activities described in § 205-67.1 (Record Keeping) of this Article and a report and summary of all appeals or litigation pending or concluded.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the Town of Somerset, on a form prescribed by the Secretary of State, a report of the activities of the Town relative to administration and enforcement of the Uniform Code.



- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to it, from the records and related materials the Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Town in connection with administration and enforcement of the Uniform Code.

**§ 205-67.3 VIOLATIONS; penalties for offenses.**

- A. Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this Chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this Chapter; specify the provision or provisions of the Uniform Code, the Energy Code, or this Chapter which is/are violated by the specified condition or activity; specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail. Service on the person listed as the owner on the current tax rolls shall be sufficient. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.
- B. Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of this Chapter.
- C. Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Special Use Permit, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter, shall be liable to a fine not exceeding \$350 or imprisonment for a period not exceeding six months, or both, for conviction of a first offense; for a

conviction of a second offense, both of which were committed within a period of five years, by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not exceeding six months, or both; and for conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine of not less than \$700 nor more than \$1,000 or imprisonment for a period not exceeding six months, or both; or by the imposition of a civil penalty in the above amounts, which said penalty may be assessed and recoverable against the violator in a small claims proceeding instituted by the Town in the Town Justice Court, pursuant to the provisions of Article 18 of the Uniform Justice Court Act.

- D. Injunctive Relief. An action or proceeding may be instituted in the name of the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Chapter, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this Chapter, an action or proceeding may be commenced in the name of the Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the authorization from the Town Board.
- E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in §205-62.2 (Stop Work Orders) of this Article, in any other section of this Article, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 205-62.2 (Stop Work Orders) of this Article, in any other section of this Article, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision 2 of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision 2 of section § 382 of the Executive Law.

#### **§ 205-67.4 FEES**

A fee schedule shall be established by resolution of the Somerset Town Board. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, Special Use Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this Chapter.

#### **§ 205-67.5 INTERMUNICIPAL AGREEMENTS**

The Somerset Town Board may, by resolution, authorize the Supervisor to enter into an agreement, with other governments to carry out the terms of this Article, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

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

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

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2011 of the Town of Somerset was duly passed by the Town Board on September 13, 2011, 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 200\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_\_, and was approved/not approved/repassed after disapproval by the (Elective Chief Executive Officer\*) and was deemed duly adopted on \_\_\_\_\_ 200\_\_, 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 200\_\_ of the Town of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 200\_\_, and was approved/not disapproved/repassed after disapproval by the (Elective Chief Executive Officer\*) on \_\_\_\_\_, 200\_\_. 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 \_\_\_\_\_, 200\_\_, 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 200\_\_ of the County/City/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_\_, and was approved/not approved/repassed after disapproval by the (Elective Chief Executive Officer\*) on \_\_\_\_\_ 200\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 200\_\_, in accordance with the applicable provisions of law.

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\*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 200\_\_ 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 \_\_\_\_\_ 200\_\_, 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 200\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_, 200\_\_, 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.

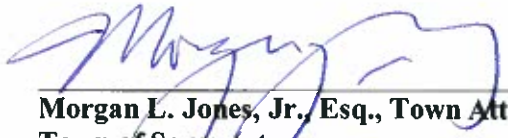
(Seal)

  
Clerk of the County legislative body, City, Town or Village  
Clerk or officer designated by local legislative body  
**REBECCA A. CONNOLLY, MMC,**  
Town Clerk, Town of Somerset  
Date: September 13, 2011

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
**Morgan L. Jones, Jr., Esq., Town Attorney**  
Town of Somerset  
Date: September 13, 2011

## ***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.

### **TOWN OF SOMERSET LOCAL LAW NO. 2 OF THE YEAR, 2011**

#### **A Local Law Entitled "Amendment to the Code of the Town of Somerset"**

Be it Enacted by the Town Board of the Town of Somerset as follows:

To amend the Code of the Town of Somerset as follows:

Article XIII - Chapter 205-43A reference to §205-65B is replaced with Article XX

Adding new Chapter 205 - **Article XX** entitled **Special Use Permits** as follows:

#### **§205-81. Purpose and applicability.**

The Town of Somerset allows a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment, or the character of the Town and its neighborhoods. Many of the uses listed in this chapter are therefore permitted only upon issuance of a special permit by the Planning Board in order to ensure that these uses are appropriate to their surroundings and satisfy performance criteria. Accessory uses or structures used in connection with a special permit use shall be subject to the same special permit approval requirements as the principal structure or use. Special permits are found to be necessary for those uses which, though intended to be allowed when certain criteria are met, are not allowed as a matter of right. It is the intent of this article to determine whether such uses are compatible, desirable, and allowable on a case-by-case basis. Special uses are only allowed where the Planning Board makes findings that they meet the criteria of this article. The burden of establishing that the criteria set forth in this article have been met shall in all cases be on the applicant.

#### **§205-82. Procedure.**

A. Whenever a use is permitted in a zoning district by special permit only, or in the case of a use described in Article XIII of this chapter, an application for a special

use permit may be made to the Code Enforcement Officer, which application shall include a site plan in accordance with Article XVA. The Code Enforcement Officer, after determining if the application is in the proper form and after receiving the appropriate fee therefor, shall transmit copies of the application and supporting documents to the Planning Board members.

B. Each application for a building permit or special use permit shall be made in triplicate and with an accompanying site plan. The materials to be submitted with each application shall clearly show the conditions on the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building and the appearance and function of the proposed use of building. As a minimum, the application shall include the following information and plans for both before and after conditions:

- (1) The location, use, design and dimensions and height of each use and building.
- (2) The location and arrangement of vehicular accessways and the location, size and capacity of all areas used for off-street parking, loading and unloading.
- (3) The location and dimensions of sidewalks, walkways and other areas established for pedestrian use.
- (4) The design and treatment of open areas, buffer areas and screening devices maintained, including dimensions of all areas devoted to lawns, trees and other landscaping devices.
- (5) Provision for water supply, sewage disposal and storm drainage.
- (6) Such other data and plans as the Code Enforcement Officer or the Planning Board may require to properly take action on the application.

C. The Planning Board shall conduct a public hearing on application referred to it by the Code Enforcement Officer in accordance with Town Law §274-b. Subdivision 6, within 62 days after receipt of such application by the Code Enforcement Officer. Within 62 days from the date of such public hearing, the Planning Board shall by resolution either approve or disapprove the application so heard. The Planning Board may approve a special use permit application, may approve a special use permit application in part, and disapprove in part, approve a special use permit application with conditions as set forth in its decision, or may deny a special use permit application. In approving an application, the Board may impose any modifications or conditions it deems necessary to carry out the intent of this chapter or to protect the health, safety or general welfare of the public.

D. Any application under Article XIII of this chapter shall also include the information and/or documentation required under any applicable Section of such Article. At any state of consideration, whenever the Planning Board determines that supplemental materials, analyses or studies are necessary to thoroughly evaluate an

application, it shall notify the applicant, which shall provide such materials, analyses or studies in a timely fashion.

E. If an application is for a parcel or parcels on which more than one use requiring a special permit is proposed, the applicant may submit a single application for all such uses. The Planning Board may grant the application with respect to some proposed uses and not others.

F. The applicant shall reimburse costs actually expended by the Town to obtain consultants chosen by the Planning Board, to evaluate, review, supplement or redo any studies or analysis or material required under this article, other than initial review of the application and materials for processing purposes, provided such fees shall be reasonable, and audited by the Town Board, after preliminary audit by the Planning Board, which shall reject any excessive or unnecessary charges. The applicant shall be entitled to inspect all vouchers upon request. The fees shall be paid upon presentation to the applicant. Further review may be suspended until payment of fees, or, if a project is approved, permits shall not be issued until payment of all such fees.

#### **§205-83. Findings Required.**

A. In granting or denying special permits, the Planning Board shall take into consideration the purposes of this article, the scale of the proposed project, the possible impact of the proposed project on the nearby properties and neighborhoods, architectural aesthetics of the area, and measures that will mitigate potential adverse impacts and preserve or enhance the character of the Town, and the welfare of its citizens, and shall make specific written findings with respect to whether the proposed project:

- (1) Will be in harmony with the purposes of the land use district in which it is located and with the general intent and purposes of this chapter.
- (2) Will be detrimental to adjacent uses.
- (3) Will cause undue traffic congestion, unduly impair pedestrian safety, or overload existing roads considering their current width, surfacing, and condition and will have appropriate parking and be accessible to fire, police and other emergency vehicles.
- (4) Will overload any public water, drainage, or sewer system, or any other municipal facility, or degrade any natural resource or ecosystem.



- (5) Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads, and its existing and proposed use.
- (6) Will result in excessive noise, dust, odors, solid waste, or glare, or create any other nuisances, and will satisfy the general land use performance standards of this chapter.
- (7) Will adversely affect the aesthetics of the premises and adjacent properties and the neighborhoods.
- (8) Will cause the site to be unduly congested, dangerous, unattractive to visitors, or unfriendly to pedestrians.

B. The Board shall further find whether the adverse impacts of the proposed special use can be mitigated to such an extent that the special use permit should be granted and, if so, what conditions need be required to achieve such mitigation.

**§205-84. Issuance/Denial.**

If an application is approved in whole or in part by the Planning Board, said Board shall issue the special use permit as approved and transmit copies to the applicant, Code Enforcement Officer and Town Clerk. If an application is disapproved by the Planning Board, the reasons for such denial shall be set forth in the Board resolution, and a copy of such resolution shall be transmitted to the applicant, the Code Enforcement Officer and Town Clerk.

**§205-85. Amendments.**

The terms and conditions of any special permit may be amended in the same manner as required for the issuance of a special permit, following the criteria and procedures in this chapter. Any enlargement, alteration, or construction of accessory structures not previously approved shall require a special permit amendment.

**§205-86. Expiration/annual review; change of use; revocation; and enforcement.**

A. A special permit shall expire if the special permit use or uses cease for more than 24 consecutive months for any reason, or if the applicant fails to obtain the necessary building permit within 12 months of the granting of a special use permit,

or fails to comply with the conditions of the special permit within 12 months of its issuance, or if its time limit, if any, expires without renewal.

B. Each special use permit shall be reviewed annually by the Planning Board at its March meeting, beginning with the first such meeting that is one year or more after the date of issuance of the permit, to determine if all conditions of such permit are being met.

C. Upon notice and hearing by the Planning Board, a special permit may be revoked by the Planning Board if the permittee violates the conditions of the special permit and fails to terminate such violation within 30 days of notice or engages in any construction or alteration not authorized by special permit.

D. Any violation of the conditions of a special permit shall be deemed a violation of this Chapter, and shall be subject to enforcement action as provided in § 205-67.3 thereof.

**§205-87. District requirements.**

The granting of a special permit shall not supersede the requirements of the underlying district in which the premises is located.

**§205-88. Site plan review.**

Any consideration of a special use permit application shall be in addition to, and not in lieu of, site plan review, where required. Where appropriate, the two procedures may be conducted simultaneously, and public hearings may be held simultaneously.

**§205-89. Conflict with Town Law.**

This article shall be governed by the provisions of Town Law §274-b, except that as to any provision of this chapter which is in conflict with said law, this chapter shall supersede said law pursuant to §§10 Subdivision 1(ii)a(1) and 1(ii)d(3) of the Municipal Home Rule Law.

**§205-90. Fees.**

Fees for special use permit applications shall be established, from time to time, by the Town Board.

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

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

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2011 of the Town of Somerset was duly passed by the Town Board on September 13, 2011, 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 200\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_\_, and was approved/not approved/repassed after disapproval by the (Elective Chief Executive Officer\*) and was deemed duly adopted on \_\_\_\_\_ 200\_\_, 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 200\_\_ of the Town of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 200\_\_, and was approved/not disapproved/repassed after disapproval by the (Elective Chief Executive Officer\*) on \_\_\_\_\_, 200\_\_. 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 \_\_\_\_\_, 200\_\_, 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 200\_\_ of the County/City/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_\_, and was approved/not approved/repassed after disapproval by the (Elective Chief Executive Officer\*) on \_\_\_\_\_ 200\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 200\_\_, 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 200\_\_ 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 \_\_\_\_\_ 200\_\_, became operative.


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

I hereby certify that the local law annexed hereto, designated at Local Law No. \_\_\_\_ of 200\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_, 200 \_\_, 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.


(Seal)

  
Clerk of the County legislative body, City/Town or Village  
Clerk or officer designated by local legislative body  
**REBECCA A. CONNOLLY, MMC,**  
Town Clerk, Town of Somerset  
Date: September 13, 2011

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



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**Morgan L. Jones, Jr. Esq, Town Attorney**  
**Town of Somerset**

Date: September 13, 2011

## ***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.

### **TOWN OF SOMERSET LOCAL LAW NO. 3 OF THE YEAR, 2011**

#### **A Local Law Entitled “Amendment to the Code of the Town of Somerset”**

Be it Enacted by the Town Board of the Town of Somerset as follows:

The Code of the Town of Somerset is hereby amended by adding a new Chapter 131, “Noise” as follows:

#### **CHAPTER 131     NOISE**

##### **§131-1     Declaration of policy.**

- A. It is hereby declared to be the policy of the Town of Somerset, Niagara County, New York, to safeguard the right of its residents within the privacy of their homes to be free from unreasonably loud, intrusive, repetitive and/or otherwise annoying sounds. Problems concerning disturbance of peace and quiet by noise from various activities are best solved by thoughtful discussions and cooperative agreements between affected parties. However, to resolve remaining problems of noise which is disturbing to others, it is the policy of the Town of Somerset to establish standards, enforcement procedures and penalties.
- B. This chapter shall be liberally construed so as to effectuate the purposes described herein. Nothing herein shall be construed to abridge the emergency powers of the Town Board, or the right of any governmental entity to engage in any of its necessary or proper activities.

§131-2      **Definitions.**

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

**PROPERTY BEING USED FOR RESIDENTIAL PURPOSES**

Occupied property which contains one or more dwelling units, including but not limited to single-family dwellings, multiple dwellings with attached or detached dwelling units, senior citizen housing, adult residential care facilities, as well as hotels and motels.

**dBA**

Unit representing the sound level measured with the A-weighting network on a sound level meter.

§131-3      **Prohibited Acts.**

No person shall cause or permit to be caused by any means:

- A. Sound which causes the sound level to exceed 80 dBA, between the hours of 7:00 a.m. and 11:00 p.m., nor 50 dBA between the hours of 11:00 p.m. and 7:00 a.m. on any property being used for residential purposes (other than the premises from which the sound emanates), including both the residence and the real property outside of the residence and forming a part of the residential property.
- B. The use of any sound-emitting device inside or outside of a structure whereby the sound emitted from such device is audible on property being used for residential purposes at a point more than 100 feet from the real property boundary line of the property from which said sound emanates.
- C. The use or operation of any sound-producing device, or the production of sound by any other means, within 500 feet of any school, church, synagogue, mosque, temple or courthouse while the same is in session, or within 500 feet of any hospital, nursing home or medical facility at any time, when such sound would disturb a reasonable person of normal auditory sensitivities present in such structure or facility, provided that conspicuous signs are displayed indicating the location of such facility.
- D. The outdoor use or operation of any powered tool or equipment, including but not limited to saws, sanders, drills, grinders, lawn mowers or tractors, leaf blowers, or any other garden tools or equipment, audible on property being used for residential purposes between the hours of 11:00 p.m. and 7:00 a.m. of the following day, so as to disturb the quiet, comfort or repose of a reasonable person of normal auditory sensitivities.

- E. The operation of any motor vehicle with a gross vehicle weight rating in excess of 10,000 pounds, or any auxiliary equipment attached to such motor vehicle, for a period longer than 15 minutes in any hour while the vehicle is stationary for reasons other than traffic congestion, so that the sound emanated therefrom is audible on property being used for residential purposes between the hours of 11:00 p.m. and 7:00 a.m. of the following day.
- F. The operation, repair, rebuilding, modifying or testing of any motor vehicle, motorcycle, motorboat, go-cart, ATV or minibike so as to disturb the quiet, comfort or repose of a reasonable person of normal auditory sensitivities on property being used for residential purposes.
- G. The use or operation of a refuse-collecting vehicle anywhere which, when collecting or compacting, projects sound which is audible on property being used for residential purposes between the hours of 11:00 p.m. and 7:00 a.m. of the following day.
- H. The owning, possessing or harboring of any animal or bird which shall make sounds which are audible on property being used for residential purposes for a continued duration in excess of 15 minutes or which shall disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
- I. The conduct of any construction activities, including but not limited to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private roadways, roads, parks, utility lines or other property, including related activities such as land clearing, grading, earthmoving, excavating, blasting, filling or landscaping, so as to project a noise therefrom so as to disturb the quiet comfort or repose of a reasonable person of normal auditory sensitivities on property being used for residential purposes between the hours of 11:00 p.m. and 7:00a.m. of the following day.
- J. The making of any noise for advertising purposes in any street or public place to advertise any article, business, calling or profession by means of any horn, megaphone, siren, bell, radio or any other sound-producing or sound-amplifying mechanism, instrument or device.

§131-4      **Exceptions.**

Section 131-3 shall not apply to the following:

- A. Municipally caused sounds.
- B. Sounds caused by normal vehicular, railroad, boat or air traffic (excluding noise by horns, radios or other noise-emitting devices).



- C. Sounds caused by emergency vehicles, emergency activities, or public warning devices.
- D. Sounds produced by vehicles and/or implements, or combinations thereof, being used for farm purposes, or sound produced by farm animals.
- E. Sounds caused by a vehicular horn or warning device when used in an emergency or warning situation.
- F. Sounds caused by parades, free concerts, celebrations, or events in municipal parks or public places, sporting events or carnivals, fairs, exhibitions, or fireworks displays sponsored by municipalities or other civic organizations, provided that such event shall take place between the hours of 7:00 a.m. and 11:00 p.m.
- G. Sounds caused by construction activity between the hours of 7:00 a.m. and 11:00 p.m.
- H. Sounds caused by church, synagogue, mosque, temple, or other non-commercial reasons for assembly, by organs, bells, or chimes, musical instruments, choirs, or the like, having duration of not more than two hours.
- I. Sounds caused by lawnmowers, leaf blowers, chainsaws, and other maintenance equipment when muffled in accordance with manufacturers' specifications, and while being used for property maintenance purposes between the hours of 7:00 a.m. and 11:00 p.m. or snowblowers when used at anytime.

**§131-5      Enforcement.**

This article may be enforced by any police agency. This provision shall not prohibit the bringing of a private action suit or the filing of an information by an individual. A violation of this chapter shall constitute an offense punishable by a fine of not more than \$250.00 or imprisonment for not more than 15 days, or both such fine and imprisonment. In addition, the Town shall be entitled to injunctive relief from a court of competent jurisdiction. Each day that such violation occurs shall be deemed a separate offense and punishable as such.

**§131-6      Severability.**

If any word, phrase or part of this local law shall be deemed unconstitutional or unenforceable, the remainder of this Local Law shall remain in full force and effect.

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

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

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2011 of the Town of Somerset was duly passed by the Town Board on September 13, 2011, 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\*.)**

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

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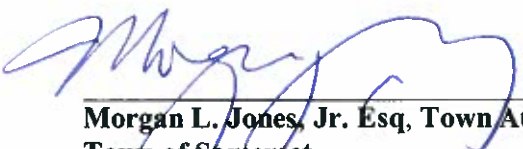
(Seal)

  
Clerk of the County legislative body, City, Town or Village  
Clerk or officer designated by local legislative body  
**REBECCA A. CONNOLLY, MMC,**  
Town Clerk, Town of Somerset  
Date: September 13, 2011

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
**Morgan L. Jones, Jr. Esq., Town Attorney**  
Town of Somerset  
Date: September 13, 2011