

TOWN OF WHITEHALL
LOCAL LAW # 1 of 2017

A local law "Amending Local Law # 2 of 1992 Licensing and Regulating of Junkyards Contents and Storage: Be it enacted by the Town Board of the Town of Whitehall as follows:

TOWN OF WHITEHALL
LOCAL LAW NO. 1 OF 2017
LICENSING AND REGULATION OF JUNKYARDS,
CONTENTS AND STORAGE

- SECTION 1. LEGISLATIVE INTENT
- SECTION 2. DEFINITIONS
- SECTION 3. LICENSE REQUIRED
- SECTION 4. APPLICATION FOR LICENSE
- SECTION 5. CRITERIA FOR REVIEW AND APPROVAL
- SECTION 6. THE LICENSE
- SECTION 7. REGULATIONS FOR LICENSE
- SECTION 8. RENEWAL
- SECTION 9. NOTICE OF VIOLATION
- SECTION 10. VIOLATION OF LOCAL LAW
- SECTION 11. REVOCATION OF LICENSE
- SECTION 12. SUPERSESSSION AND REPEAL
- SECTION 13. WAIVER AND VARIANCE
- SECTION 14. SAVING CLAUSE
- SECTION 15. APPEAL FROM ACTION OF TOWN BOARD
- SECTION 16. FORM OF PETITIONS, APPLICATIONS AND APPEALS
- SECTION 17. APPLICATION FEES
- SECTION 18. EFFECTIVE DATE

LOCAL LAW NO. 1 OF 2017
LICENSING AND REGULATION OF JUNKYARDS,
CONTENTS AND STORAGE

SECTION 1. LEGISLATIVE INTENT.

By adoption of this Local Law, pursuant to Town Law, Municipal Home Rule Law, Statutes of Local

Government, the Town Board of the Town of Whitehall declares its intent to regulate, control and license the activities or businesses known as auto "graveyards", junk yards, second-hand parts collection areas, the processing of used metals for resale and the dumping, storage and disposal of wastes, second-hand or used materials of whatever composition.

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the residents of the Town of Whitehall and the safeguarding of their material rights against unwarrantable invasions and in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the state and the general welfare of its citizens. It is further declared that the unrestrained accumulation of junk motor vehicles is a hazard to such health, safety and welfare of citizens of the state necessitating the regulation, restraint and elimination thereof.

The Town Board hereby declares that such activities or businesses may constitute an environmental hazard to property and persons.

Materials located at these sites may be highly flammable and sometimes explosive.

Gasoline tanks on old autos often contain, in some quantity, combustible gasoline; the engine and other parts of such autos are frequently covered with grease and oil which is also flammable, tires, plastic seats, tops and other elements of such autos are also flammable.

Batteries and other elements of such autos can contain acids and other materials potentially harmful to humans.

Automobiles frequently contain sharp metal or glass edges or points upon which a human could receive cuts and abrasions.

Automobiles can constitute attractive nuisances to children and certain adults.

The control of outdoor storage of these above-mentioned items within the Town of Whitehall is regulated for the preservation of the public health, safety and welfare of the residents of the Town of Whitehall.

The presence of such junkyards is unsightly and tends to detract from value of surrounding land and property unless such areas are properly maintained and operated.

SECTION 2. DEFINITIONS.

Under this Local Law:

AGRICULTURAL USE: Shall mean any management of any land for agriculture; raising of cows, horses, pigs poultry, or other livestock, truck gardens, horticulture or orchards, including the sale of products

grown or raised directly on such land and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage system and farm ponds.

AUTO: Shall mean passenger auto, truck, tractor-trailer, trailer, bus, motorcycle, or other vehicle, however propelled, as well as tractors, bulldozers, machinery and equipment including farm machinery and equipment.

AUTO BODY REPAIR SHOP: Shall mean a service business for the repair of the body or frame of an automobile, including painting, straightening, sanding and welding.

AUTO REPAIR SHOP: Shall mean a service business for the repair and maintenance of automobiles and other small vehicles and motors.

CLERK, TOWN: Shall mean duly elected Clerk of the Town.

COMPLIANCE OFFICER: Shall mean the individual responsible for overseeing and coordinating the administration and enforcing of this Junkyard Local Law, Subdivision Local Law, Site Plan Review, Mobile Home and other duly enacted local laws and ordinances of the Town of Whitehall.

FARM: Shall mean any parcel of land used for agricultural or silvicultural use, including any structure, building, or residence which is incidental to the permitted use.

FENCE: Shall mean a barrier consisting of material(s) assembled, constructed or erected at a fixed location on the ground or attached to the ground. Fence does not include a hedge or similar barrier composed of growing vegetable or manmade berm.

JUNK VEHICLE: Shall mean any unregistered, used motor vehicle or vessel, no longer in condition for legal use on public highways or waterways.

JUNKYARD: Shall mean any open lot or area for the dismantling, storage or sale as parts, scrap or salvage, unregistered old or second-hand motor vehicle no longer intended or in condition for legal use on the public highway or wrecked motor vehicle; any machinery, scrap metal, glass, waste papers, rags, used or salvaged, building materials or other discarded materials, such as barrels, household appliances and furniture.

PERSON: Shall mean any individual, corporation, partnership, association, trustee, the State and all political subdivisions of the State or any agency or instrumentality thereof.

RUN OFF: Shall mean precipitation, rain and or snowmelt that cannot be absorbed by the soil within a drainage area, that is discharged from the area in water channels, either natural, as a stream or manmade. Types of runoff include surface, ground water, snow melt, storm water or seepage.

SCREENAGE: Shall mean foliage, berms, trees, shrubs or landscaped natural material and plants which obscure the visual character and suppress the noise of any given building or use of land. Where natural plant material is not practical, fences and/or other artificial materials may be partially or totally substituted according to individual site conditions.

SEQRA: Shall mean the State Environmental Quality Review Act; a process that introduces the consideration of environmental factors into the early planning stages of actions in order to avoid adverse impacts on the environment.

TOWN: Shall mean the town of Whitehall in Washington County, State of New York.

SECTION 3. LICENSE REQUIRED.

(1) No person shall operate, establish or maintain a junkyard until person (a) has obtained a license to operate a junkyard business and, (b) has obtained a certificate of approval for the location of such junkyard or activity or business from the Town Board.

(2) No person shall engage in or conduct on real property within the Town of Whitehall either for himself or for and on behalf of any other person directly or indirectly as agent, employee or otherwise any activity or business either for profit or otherwise, at wholesale or retail, which involves the collection, storage, burning, dumping, disassembling, dismantling, salvaging, sorting or otherwise handling or arranging for sale, resale, storage, disposal or otherwise of:

(A) bodies, engines, automobiles or parts of automobiles; or

(B) any other second-hand or used property of whatever material it is composed of; or

(C) any waste material whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement, non-hazardous or non-toxic waste, chemicals of any kind, or otherwise; or

(D) other discarded materials, such as household appliances and furniture, including ferrous or non-ferrous scrap, without first obtaining a license therefore as hereinafter provided.

(3) regardless of any provisions of this Local Law, no license shall be required of:

(A) an operator of a garage or repair shop enterprise duly licensed by the State of New York:

(i) the storing of business motor vehicles upon which he is working owned by his customers and which are to be returned to his customers upon the completion of the work.

(ii) the storing of a number not in excess of five (5) unregistered or second-hand motor vehicles for any other purpose provided said motor vehicles are stored on the said operator's premises in an orderly manner removed from public view in a way reasonable under the circumstances of the operator's premises. Fencing may be required.

In order to obtain such an exemption under 3(A), such operator shall file each license year with the Clerk of the Town of Whitehall a certificate stating that such operator conducts a garage or repair shop, open for business to the public at a certain specified location and provide proof of all required State and Federal licenses or permits. Without proof of required State and Federal licenses or permits, applicant will be required to proceed through the approval process; fencing may be required by the Town Board.

(B) Person engaged in the selling of new or used motor vehicles, machinery or equipment shall not be required to obtain a license for storing, depositing and exhibiting of said motor vehicles, machinery or equipment as long as said motor vehicles, machinery or equipment are in a saleable condition and in a confined area and not visible; fencing may be required by the Town Board.

In order to obtain such an exemption under 3(B), such individual shall file each license year with the Clerk of the Town of Whitehall a certificate stating that such operator is engaging in the selling of new or used motor vehicles, machinery or equipment and provide proof of the required State and Federal licenses and/or permits. Without proof of required State and Federal licenses or permits, applicant will be required to proceed through the approval process.

(C) Any person directly or indirectly as agent, employee or otherwise who uses farm machinery and equipment as a source of used parts for farm operations and is located on said farm premises and is located in such a manner as not to be readily visible by persons traveling on adjacent highway. Individual may be required to remove from public view in a way reasonable under the circumstances of the operator's premises. fencing may be required by the Town Board.

In order to obtain such an exemption under 3(C), such individual shall file each year with the Clerk of the Town of Whitehall a certification stating that such individual is using the farm machinery and equipment as a source of used parts for farm operations on site and produce such proof relating to this exemption to satisfy the Town Clerk. Without proof being submitted and verified, applicant will be required to proceed through the approval process herein.

(4) It should be noted that an exemption under this Local Law may not exempt operator from other applicable Local Laws within the Town of Whitehall, County of Washington, State of New York or any Federal regulations and laws.

(5) In addition to the requirements of a license under this Local Law, applicant may also be required to comply with other Town ordinances and Local Laws such as Site Plan Review and Subdivision Regulations. Applicant may also be required to comply with any applicable county, state and federal laws and regulations.

SECTION 4. APPLICATION FOR LICENSE.

(1) Each applicant for a license and certificate of approved location shall execute under oath an application therefore to be supplied by the Town Clerk, which shall contain the following information:

- (A) A description of the exact type of operation proposed.
- (B) The nature of the materials.
- (C) The number of employees, if any.

(D) The name, address and tax map number of the owner or owners of the land (copy of deed), if applicant is not owner of property, provide documentation for use of property (copy of lease).

(E) The nature of the business request, license, sole proprietorship, partnership or corporation.

(2) The applicant shall submit with the application a topography map or sketch plan of the real property upon which he intends to conduct the activity or business for which he is making application for a license hereunder with the area of such real property which it is proposed to use for such purposes:

(A) The location, material and size of the fence as required herein.

(B) The location and size of any existing or proposed buildings on such land.

(C) The location of any streets or highways abutting or passing through such land and the location of any water, sewer, or gas mains or laterals available thereto as well as the general drainage pattern of such land.

(D) Identification of adjoining property owner.

(E) Location of any State and/or Federal designated wetlands and flood hazard areas.

(3) The applicant must also complete the long form environmental assessment form as provided by the Town Clerk.

(4) In the application, the applicant shall agree that if granted the license, person will conduct the activity or business pursuant to the regulations hereinafter set forth and that upon person's failure to do so such license may be revoked forthwith.

(5) A person presently engaged in or conducting an activity or business such as described herein, or real property within the Town of Whitehall must apply for a license therefore within sixty (60) days of the adoption of this Local Law. If the location where person conducts such activity or business presently complies with the requirements, a person must meet to secure a license. The Town Board shall issue a license valid until next December 31, upon submitted by person of application and fee.

Where a person does not comply with regulations, person may be granted a temporary license for 90 days, during which 90 days he must arrange the place where he conducts such activity or business so that it does then comply with the requirements. If at the end of such 90 days said person has not so arranged

his place of such activity, person shall cease and desist engaging in or conducting the same and shall remove from such place any autos, parts or other materials described herein.

(6) If the person conducting such activity or business is not the sole owner thereof, he shall state such fact at the time he applies for his temporary license and the Town Clerk at the time of issuing such temporary license shall send the owners or each of them a notice of the issuance of such temporary license to such person, together with a copy of this Local Law.

(7) Applicant shall submit the application and environmental assessment long form to the Town Clerk.

(8) The Town Board, at the next regular scheduled meeting, following receipt of the application and Long Form Environmental Assessment Form, will review the application and long form Environmental Assessment Form, to determine its completeness. Upon determining completeness of the application and the environmental assessment form, the Town Board shall establish a public hearing no later than 45 days after determining the application and environmental assessment form for its completeness. Following the public hearing, the Town Board shall render a decision within 45 days, provided however that the time within which the Town Board must render its decision may be extended by mutual consent of the applicant and the Town Board.

(9) Notice of the public hearing shall be published in the official newspaper in the Town of Whitehall at least 10 days prior to the public hearing.

(10) The Town Clerk shall file the decision of the Town Board and mail a copy of the decision to the applicant via certified mail, return receipt requested.

(11) If approved, the Town Board in conjunction with its approval under this Local Law may impose such requirements and conditions within the license as are allowable within the proper exercise of the Police power. The Town Board in conjunction with its approval may impose such requirements and conditions to ensure that the project will be completed in accordance with the terms of the application. The license including the certificate of approved location shall be issued to remain in effect until the following December 31st.

(12) Unless otherwise specified or extended by the Town Board, a decision on any project under this Local Law shall expire if the applicant fails to undertake the proposed action or project to obtain any necessary building permits to construct or to comply with the conditions of said authorization within one year from the filing date of such decision in the Town Clerk's Office.

(13) The above procedure may be altered if a determination of significance is undertaken by the Town Board triggering the State Environmental Quality Review Act hearing process.

SECTION 5. CRITERIA FOR REVIEW AND CERTIFICATE APPROVAL.

Applicant must demonstrate to the Town Board the following standards and herein set forth. At the time and place set for the public hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for a license to operate, establish or maintain a junkyard. In considering such application the Town shall take into account:

(1) The suitability of the applicant with reference to the ability to comply with the fencing requirements or other regulations concerning the proposed junkyard.

(2) The nature and development of surrounding properties, such as the proximity of churches, schools, hospitals, public buildings or other places of public gathering; and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensiveness or unhealthy odors or smoke, or of other causes.

(3) Any adverse impact upon the natural scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town of Whitehall.

(4) Whether or not the establishment, maintenance or operation of the proposed use would not create public hazards from traffic, traffic congestion or the parking to vehicles and or equipment or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or to the general welfare of the Town.

(5) Whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this manner, the Town Board may consider collectively the type of road servicing the junkyard or from which the junkyard may be seen, the natural or artificial barriers protecting the junkyard from view, the proximity of the proposed junkyard to established residential and recreational areas or main access routes thereto as well as the reasonable availability of other suitable sites for the junkyard.

(6) Natural resource considerations

Water - existing surface and ground water quality - existing drainage and runoff patterns - existing flow characteristics - existing water table and rates of recharge

Land - existing topography - erosion - flood plain and flood hazard - viable agricultural soils - forest resources - open space resources - vegetative cover

Air - air quality

Noise - noise levels

Critical Resource Areas

-rivers and corridors or rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law

-water bodies, streams and their flood plains and corridors

Wetlands-Federal and/or State

Wildlife - fish and wildlife

Aesthetics - scenic vistas - natural and manmade travel

Historic Site Consideration -

historic sites or structures -
historic factors

Site Development
Consideration - natural site factors - geology - slopes - soil characteristics - depth of ground water

Other Site Factors - adjoining and nearby land uses - adequacy of facilities

SECTION 6. THE LICENSE AND ASSOCIATED COSTS.

Application and renewal fees shall be set by the Town Board from time to time by resolution.

(1) Any cost associated with review and inspection required by the Town of Whitehall for the review and licensing process will be at the expense of the applicant, including the State Quality Review Act. This cost includes technical engineering, legal and related costs.

(2) Such license shall be placed and at all times displayed, in a conspicuous place at the licensee's place of activity or business for which it is issued.

(3) Such license shall be effective from the date of its issuance until the 31st day of December of the year of such issuance after which a renewal for license must be made yearly if licensee desires to continue such activity or business.

(6) Such license is personal with the licensee. It does not go with the title of the land nor may it be sold, assigned, transferred, or disposed of.

(7) Such license may be revoked by the Town Board pursuant to Section 11 of this Local Law.

(8) In the event that an applicant for a license as provided herein shall have previously been duly issued a valid and effective Junk Dealers License by the Supervisor of this town, pursuant to the provisions of Article 8 of the New York State General Business Law, then such applicant shall be entitled to and allowed a credit against the above provided license fee in the amount of \$50.00, such Junk Dealers license fee actually paid by such applicant otherwise, this Local Law shall be fully binding upon and applicable to the holder of any such Junk Dealers license.

(9) In addition to license fee renewal, applicant shall also be responsible to the Town for any technical and legal review required by the application and for any review fees required under the SEQRA process.

SECTION 7. REGULATIONS FOR LICENSE.

(1) The licensee must personally manage or be responsible for the management of the activity or business for which the license is granted.

(2) The licensee must maintain an office and a sufficient number of employees on the premises to assure the proper and safe conduct of such activity or business to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.

(3) The licensee shall erect and maintain an eight (8) foot fence made of suitable material adequate to prohibit the entrance of children and others into the area of activity or business, to conceal from public view, and to contain within such fence the materials dealt in by the licensee, and if such area abuts a residential area or public street or highway such fence shall be fifty (50) feet from the boundary line thereof. All the materials dealt in by the licensee shall be kept within such fence at all times. Said fence shall be constructed of uniform material and uniform height.

Fences shall be continually maintained and no fence shall be permitted to become unsightly or in a state of disrepair as determined by the Compliance Officer.

All dismantling or other work on such motor vehicles and parts within the vicinity of the junkyard shall be accomplished within the enclosure.

Where the topography, natural growth of timber or other considerations accomplish the purposes of this chapter in whole or in part, the fencing requirements hereunder may be reduced by the Town Board upon granting the license, provided, however, that such natural barrier conforms with the purposes of this local law.

(4) The autos, parts and materials dealt in by the licensee shall be dismantled by other means than by burning. In this instance, the word burning is not to be confused with cutting, the use of oxy acetylene torches. Material shall be piled or arranged so as to permit easy, clear passage through the area.

(5) Inside and adjacent to and contiguous with such fence, a buffer of land at least twenty (20) feet in width shall be kept free of all dry grass or other growth or other combustible materials so as to provide a fire lane or line around the whole area where the activity or business of the licensee is being

conducted.

(6) There shall be maintained at each place of business or activity for which a license is issued at least one (1) fire extinguisher of approved design and capacity for each 20,000 square feet of area. Each such fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and available.

(7) When the area is not supervised by the licensee or his employees the fence shall be locked at a secure gate in a secure manner.

(8) Suitable sanitary facilities shall be available, connected to approved public sewers or septic tanks, for the use of the employees of the licensee as well as the general public visiting the area if open to the public.

(9) The area of the licensee's activity or business shall not be used as a dump area nor as a place for the burning and disposal of junk or trash.

(10) The licensee shall, at all times, have in effect an insurance policy covering all employees or visitors to such licensee's property, for personal injury and property damage. Such insurance policy shall have a provision that the Town of Whitehall will be notified if such insurance policy is cancelled. Such notification shall be in writing and delivered to the Town Board thirty (30) days prior to such cancellation. Certificate of Insurance, together with proof of payment, should be submitted to the Town Clerk.

(11) Any or all of the foregoing may be modified or eliminated by appropriate action of the Town Board wherein the applicant can demonstrate need or necessity of such modification or elimination by reasons of business activity, isolated location or for any other justifiable reason.

(12) The Washington County Sheriff's Department, the Town Board, New York State Police, Compliance Officer, or any of its representatives shall be granted access to the area of activity or business of the licensee at all reasonable hours to inspect the same for compliance herewith.

(13) The Town Board may impose additional requirements to these regulations from time to time upon duly noticed public hearing.

SECTION 8. RENEWAL.

Licenses shall be renewed on an annual basis thereafter upon payment of the annual license fee without Town Board hearing and upon certification by applicant, indicating:

- (1) All provisions of this Local Law are complied with during the license period; and
- (2) The junkyard does not become a public nuisance under the common law; and
- (3) The applicant is not convicted of any type of larceny or the receiving of any stolen goods; and
- (4) Business has not been enlarged or extended.

SECTION 9. NOTICE OF VIOLATION

(1) If the provisions of this Local Law are violated, the Compliance Officer shall serve written notice, either personally or by certified mail, return receipt requested, upon the owner, occupant, or person having charge of any such area to comply with the provisions of this Local Law. Compliance Officer, in conjunction with the Town Board, may establish compliance schedule which will permit property owner to conform to an agreed upon plan and ownership has not changed.

(2) The Town Clerk may determine ownership of any parcel of land within the Town of Whitehall, from the current tax rolls of the Town of Whitehall, the Town Clerk or designated officer may serve written

notice upon such owner by mailing, by certified mail, return receipt requested, such notice to the owner at the address listed in the current tax roll.

(3) In the event the Town Clerk cannot determine the owner or address of the owner of a parcel of land within the Town of Whitehall, the Town Clerk may serve written notice by publishing said written notice in the official newspaper of the Town of Whitehall for two (2) consecutive weeks. The notice shall be in substantially the following form.

"To the owner, occupant, or person having charge of the land within the Town of Whitehall known as:

Notice is hereby given that you are in violation of the Local Law of the Town of Whitehall, at the above described property in the Town of Whitehall. This violation must be corrected in the period of time established by the Compliance Officer.

In the event this notice is served by publication, the violation must be corrected and established by the Compliance Officer. In case you fail or refuse to comply with this notice on or before the expiration of this notice, or before the expiration of said twenty-four (24) days from the date of this notice in the event it is served upon you by publication, you are hereby summoned to appear before the Town Board of the Town of Whitehall on to show cause _____ why the Town of Whitehall, acting through its duly authorized agents, servants, officers and employees should not enter upon your land and correct or cause to be corrected said violation.

In the event the Town Board of the Town of Whitehall orders the aforementioned violation to be corrected, the expense incurred by the Town of Whitehall will be assessed against the above described property and shall constitute a lien thereon, and be collected as provided by law:"

Dated:

Town Clerk

SECTION 10. VIOLATION OF LOCAL LAW.

(1) The owner or licensee of any such place of business or activity who commits or permits any acts in violation of any of the provisions of this Local Law shall be deemed to have committed an offense against such Local Law, and also shall be liable for any such violation or penalty therefor. Each day such violation shall continue to exist shall constitute a separate violation.

(2) For every violation of any provision of this Local Law the person violating the same shall be subject to a fine of not more than \$500.00 or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

(3) Conviction for any of the above-mentioned violations shall constitute and effect immediate forfeiture of the license.

(4) Any person violating this Local Law shall be subject to a civil penalty enforceable and collectible by the Town of Whitehall in the amount of \$500.00 for each such offense. Such penalty shall be collectible by and in the name of the Town for each day that such violation shall continue.

(5) In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such Local Law.

SECTION 11. REVOCATION OF LICENSE.

After a public hearing, thereon at which the licensee shall have an opportunity to be heard. Upon revocation of a license, the Town Board may require the removal of autos, parts and materials.

SECTION 12. SUPERSESSON AND REPEAL.

All ordinances, regulations or Local Law heretofore adopted by the Town of Whitehall in conflict with this Local Law are hereby repealed. The intent of this Local Law is to supersede any previously adopted ordinances, regulations or Local Laws specifically related to licensing and regulating of junkyards, used metals and storage. This Local Law specifically supersedes General Municipal Law Section 136.

This Local Law is not intended in any way to supersede or replace the requirements by the Town' Board's Site Plan Review and other local laws regarding solid waste discipline.

SECTION 13. WAIVER AND VARIANCE.

Where the Town Board finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, providing that such variation will not have the effect of nullifying the intent and purpose of this Local Law and related Local Laws.

Where the Town Board finds that, due to special circumstances of a particular lot the provisions of certain required improvements is not necessary in the interest of public health, safety and welfare or is inappropriate, it may waive such requirements subject to appropriate conditions.

Such general planning, waiver and modification may consist of establishing a compliance schedule

with the property owner

In granting variances and modifications, the Town Board shall require such conditions as will, in its judgment, secure substantially in the objective of the standards or requirements so varied or modified.

SECTION 14. SAVING CLAUSE.

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

SECTION 15. APPEAL FROM ACTION OF TOWN BOARD

An action, omission, decision or ruling of the Town Board pursuant to this Local Law may be reviewed at the instant of any aggrieved person in accordance with Article 78 of the Civil Practice Law and Rules.

SECTION 16. FORM OF PETITIONS, APPLICATIONS AND APPEALS.

Unless otherwise stated, all petitions, applications and appeals provided for in this Local Law shall be made on forms subscribed by the Town Board. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

SECTION 17. APPLICATION FEES.

Fees provided for by this Local Law shall be paid upon the submission of the applications in such amount(s) as shall be established by the Town Board from time to time. Said fees will be posted in the Town Hall on the official schedule of fees for the Town of Whitehall. All fees will be paid at the time of the application to the Town Clerk. Application fees is in addition to any payment by applicant for costs as outlined in Section 6(3).

SECTION 18. EFFECTIVE DATE.

This Local Law shall take effect upon filing with the New York State Secretary of State office.