

Local Law Filing

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

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

**Town of Colonie
Local Law No 4 of the year 2017**

A local law amending Chapters 20, 79, and 190 of the Code of the Town of Colonie.

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

SECTION 1. AMENDMENT.

Chapter 79, Section 79-28, is hereby amended as follows:

LIVESTOCK – Any animals raised for food, product or sale. This term shall also include the following, regardless of purpose: all animals with hooves, either single or split; all members of the ovine (sheep), bovine (cows and cattle), caprine (goats), equine (horses and ponies), and swine (pigs and hogs) families; emus, rheas and ostriches; and all poultry (chickens, roosters, turkeys, ducks, geese and the like).

SECTION 2. AMENDMENT.

Chapter 79, Section 79-34, is hereby created as follows:

79-34 - Raising of Livestock, Noncommercial.

A. The raising of livestock for noncommercial purposes, except for chickens as otherwise regulated in this Chapter and except for two bee hives per parcel, shall be subject to the following standards:

- (1) The lot size shall be five acres or more;
- (2) Structures for the housing of livestock must be located a minimum of 50 feet from any property line;
- (3) Livestock must be fenced or otherwise enclosed a minimum of 50 feet from any property line.

B. Notwithstanding compliance with this section, it shall be unlawful for any owner to keep any animals in such a manner as to cause any unhealthy condition, interfere with the normal use and enjoyment of others, or interfere with the normal use and enjoyment of any public property or property of others.

C. Failure to comply with these provisions shall be a violation, which shall be punishable by a fine of not more than \$200. Each day that a violation continues shall be deemed a separate offense. The Building Department Manager and his or her designees are authorized to issue appearance tickets for any violation of this section.

SECTION 3. AMENDMENT.

Chapter 190, section 190a, Table of Permitted Uses, is hereby amended as follows:

	SFR	MFR	OR	CO	NCOR	COR	HCOR	IND	ABA	LC	CEM
Home occupation Level Two (See General Regulations Article.)		SUP	SUP	SUP	SUP	SUP	SUP	SUP			

SECTION 4. AMENDMENT.

Chapter 190, section 190-6 of such Land Use Law is hereby amended as follows, by adding or amending the following definitions:

STORY - That portion of a building's habitable space, other than a basement, included between the surface of any floor and the surface of the floor next above it.

GROSS FLOOR AREA - The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls or from the center line of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than seven feet. This definition shall include anything covered by a roof, including garages, sunrooms, and covered porches.

SECTION 5. AMENDMENT.

Chapter 20, Section 20-19, is hereby amended as follows:

Sprinkler systems, standpipe systems, fire alarm systems and other fire-protection or extinguishing systems or appliances which have been installed in compliance with any permit or order or because of any law or local law shall be maintained in operative condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required, except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The Division of Fire Services shall be notified before such tests, repairs, alterations or additions are started unless the work is to be continuous until completion. Where the New York State Fire Code and its referenced or incorporated standards and guides require that inspection or maintenance written reports be provided to the owners for kitchen hood cleaning inspections, such reports must also be provided to the Division of Fire Services within 30 days of the service. Submitted reports must be fully and accurately completed. A company's failure to comply with this section may result in the Town not accepting further reports from that company.

SECTION 6. AMENDMENT.

Chapter 79-6 is hereby amended as follows:

C. A violation of this section shall be punishable, subject to such an election, either:

(1) Where prosecuted pursuant to the Penal Law, by a fine of not more than \$200, except that:

(a) Where the person was found to have violated this section or the former Dog Control Ordinance of the Town of Colonie within the preceding five years, the fine may be not more than \$350; and

(b) Where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than \$500 or imprisonment for not more than 15 days, or both; or

(2) Where prosecuted as an action to recover a civil penalty, by a civil penalty of not more than \$200, except that:

(a) Where the person was found to have violated this section or the former Dog Control Ordinance of the Town of Colonie within the preceding five years, the civil penalty may be not more than \$350; and

(b) Where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not more than \$500.

SECTION 7. SEQR DETERMINATION.

The Town hereby determines that these amendments are a Type 1 action that will not have a significant effect on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act (“SEQRA”) is required.

SECTION 8. EFFECTIVE DATE.

This local law shall become effective upon its filing in the Office of the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2017 of the **Town of Colonie** was duly passed by the Town Board on April 6, 2017 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 2017 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2017, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2017, in accordance with applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2017 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2017, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2017. 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 _____ 2012, 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 2017 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2017, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2017. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2017, 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 chairman 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 2017 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 _____ 2017, 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 2017 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2017, 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 _____, above.

(Seal) _____
Clerk of the Town or officer designated by local legislative body
Date:

(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 ALBANY

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.

Town of Colonie Town Attorney
Date: