

TOWN OF HURLEY

LOCAL LAW NO. \_\_ OF THE YEAR 2022

A LOCAL LAW AMENDING CHAPTERS 97 AND 210  
OF THE TOWN OF HURLEY CODE TO CREATE THE OFFICE OF  
ZONING ENFORCEMENT OFFICER AND TO CLARIFY THE RESPONSIBILITIES  
OF THE OFFICE OF CODE ENFORCEMENT OFFICER

BE IT ENACTED by the Town Board of the Town of Hurley as follows:

**SECTION 1. AMENDMENT OF CHAPTER 97**

Sections 97-3 and 97-4 are hereby deleted and Section 97-2 is hereby amended as follows:

Section 97-2 Designating Code Enforcement Officer and inspectors.

A. The office of Code Enforcement Officer as previously established in the Town of Hurley is hereby continued except as modified herein. The Code Enforcement Officer shall administer and enforce all the provisions of the New York State Uniform Code and Energy Code. The Code Enforcement Officer shall have the following powers and duties:

- (1) To receive, review, and approve or disapprove applications for building permits, certificates of use, 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, 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; 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 chapter;
- (4) To issue stop-work orders and/or compliance orders;
- (5) To review and investigate complaints;
- (6) To issue orders pursuant to Article X, § 125-119, Enforcement; penalties for offenses;
- (7) To maintain records;
- (8) To collect fees as set by the Town Board;
- (9) To pursue administrative enforcement actions and proceedings and/or criminal proceedings to enforce provisions of the Uniform Code and/or Energy Code;

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

(11) To issue certificates of compliance in accordance with § 1702.1 of the Uniform Code; and

(12) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.

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. 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 chapter.

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 chapter. 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.

E. The compensation for the Code Enforcement Officer and inspectors shall be fixed from time to time by the Town Board of this Town.

## **SECTION 2. AMENDMENT OF REFERENCE IN CHAPTER 210**

Section 210-2 is hereby amended as follows:

This chapter shall be known and may be cited as the "~~Zoning Ordinance~~ Law of the Town of Hurley, New York."

## **SECTION 3. AMENDMENT OF TITLE IN CHAPTER 210**

The Title to Section 210-54 is hereby amended as follows: Zoning Enforcement Officer

## **SECTION 4. CREATION OF OFFICE OF ZONING ENFORCEMENT OFFICER**

Section 210-54A is deleted in its entirety and new sections 210-54A, B, C, D and E are inserted in its place, as follows:

§ 210-54 Zoning Enforcement Officer.

A. The office of Zoning Enforcement Officer is hereby created. The Zoning Enforcement Officer (ZEO) shall administer and enforce all provisions of this chapter. The Zoning Enforcement Officer shall have the following powers and duties:

(1) To receive and review all applications for special use permits, site plan approval and subdivision plat approval and either a certificate of removal or demolition or certificate of economic hardship pursuant to the provisions of this chapter. In the event that the Zoning Enforcement Officer determines that the proposed building and/or uses that are the subject of the application, accompanied when applicable by related requests for waiver(s) within the purview of the Planning Board, meet all of the requirements of the Zoning Law, the application shall be forwarded by the ZEO to the Planning Board for further review in accordance with the provisions of the Zoning Law and/or Subdivision Regulations. In the event the ZEO finds that the application does not comply in one or more respects with the provisions of the Zoning Law, the application shall be denied by the ZEO, with leave to appeal the ZEO's determination to the Zoning Board of Appeals in accordance with the provisions of Section 210-60 of this chapter. All applications that require either a freshwater wetlands permit from the New York State Department of Environmental Conservation or involve development within a regulated area consisting of a wetland and its associated buffer shall be forwarded by the ZEO to the Planning Board for review.

(2) Upon approval of any application for a special use permit, site plan approval or for any other change in use requiring the issuance of a building permit, the ZEO shall issue a certificate of use verifying that the use complies with the provisions of the Zoning Law and the requirements and conditions imposed by the Planning Board.

(3) To conduct inspections prior to the issuance of a certificate of use and inspections incidental to the investigation of complaints and all other inspections required or permitted under any provision of this chapter.

(4) To issue stop-work orders, notices of violations and/or compliance orders.

(5) To review and investigate complaints.

(6) To review all applications for building permits for compliance with the provisions of the Zoning Law.

(7) To issue orders pursuant to Section 210-57 of this chapter.

(8) To maintain records.

(9) To collect fees set by the Town Board.

(10) To pursue administrative and criminal enforcement actions and proceedings and/or criminal proceedings to enforce the provisions of this chapter.

(11) In consultation with the Town Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the provisions of the Zoning Law.

(12) To exercise all other powers and fulfill all other duties conferred upon the Zoning Enforcement Officer by this chapter.

(13) To inspect in the role of, or in coordination with the Town's stormwater management officer as may otherwise be applicable, the installation of stormwater management measures pursuant to chapter 168 of this Code.

(14) To receive, review in consultation with the Planning Board, and approve or disapprove applications for sign permits and fence permits.

B. The Zoning Enforcement Officer shall be appointed by the Town Board. The Zoning Enforcement Officer shall possess background and experience relating to the enforcement, interpretation, application and enforcement of zoning laws and shall, within the time period prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York and/or the Town shall require for zoning enforcement personnel.

C. In the event the ZEO is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Zoning Enforcement Officer. The Acting Zoning Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the ZEO by this chapter.

D. Compensation of the Zoning Enforcement Officer shall be fixed from time to time by the Town Board.

E. For purposes of this chapter, and Ulster County civil service requirements, the office of Zoning Enforcement Officer shall be synonymous with Zoning Administrator.

#### **SECTION 5. RE-LETTERING OF SUBSECTIONS IN SECTION 210-54**

Subsections B, C, D, E and F of Section 210-54 are hereby re-lettered to read C, D, E, F and G respectively.

#### **SECTION 6. CONFORMING OTHER CODE PROVISIONS**

The following sections are hereby amended by deleting the term "Code Enforcement Officer" and replacing it with "Zoning Enforcement Officer" wherever it appears: Sections 161-2, 161-4, 161-5 161-8, 161-9, 161-10, 161-14, 161-19 of Chapter 161 (Sexually Oriented Businesses); Section 210-32 (Sign Regulations); Section 210-40 (Conditional Uses Allowed by Special Permit); Section 210-41 (Site Development Plan Approval) and Section 210-42 (Visual Assessment in the A-4 District).

#### **SECTION 7. SEVERABILITY**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and

all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

#### **SECTION 8. CONFLICT WITH OTHER LAWS**

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

#### **SECTION 9. AUTHORITY**

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local law shall supersede the provisions of the Town Law to the extent it is inconsistent with same, and the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

#### **SECTION 10. EFFECTIVE DATE**

This Law shall become effective upon filing with the New York State Secretary of State.

Adopted: \_\_\_\_\_, 2022