

Local Law Filing

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

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

- County
- City of _____
- Town
- Village

Caroline

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUN 29 2007

Local Law No. 1 of the year 20 07

MIDDLEBURY COLLEGE
& STATE RECORDS

A local law

*Emergency Radio Communications
Protection Law*

Be it enacted by the

Town Board
(Name of Legislative Body)

of the

- County
- City of _____
- Town
- Village

Caroline

as follows:

~~(Delete this line of text and enter text of local law here)~~

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

TOWN OF CAROLINE
Local Law No. 1 of 2007

Emergency Radio Communications Protection Law

Section 1: Purpose

The purpose of this Local Law is to prevent interference with the countywide public safety radio communications system that is used by emergency service providers in the Town of Caroline and throughout Tompkins County.

Section 2: Findings

- A. Any structure exceeding fifty feet in height and above the ground is a potential cause of interference, interruption or severe degradation of the countywide public safety radio communications system;
- B. The public safety communications system was constructed at considerable cost to taxpayers;
- C. The Town of Caroline has supported the countywide public safety radio communications system;
- D. The countywide communications system is crucial to the provision of police, fire, medical, ambulance and other public services for those who work, reside or own property in the Town of Caroline; and
- E. It is imperative that the emergency communications system be protected from interference, interruption or degradation by the construction, alteration or modification of any buildings or structures within the Town of Caroline.

Section 3: Requirements

- A. No person or entity may construct, alter or modify any structure, including, but not limited to, any building, tower, silo or windmill, exceeding fifty feet in height above the ground without following the provisions and meeting the requirements of this Local Law;
- B. No person or entity shall construct, alter or modify any structure unless such person or entity submits detailed design plans for the structure to the Town of Caroline Code Enforcement Officer. Such design plans must meet the requirements of any other law or ordinance of the Town of Caroline, and must comply with the New York State building and energy codes. The structure must not interfere with the operation of existing emergency communications systems. An initial determination as to whether the proposed structure has the potential to interfere with the County-wide Communications System will be made by the County Office of Emergency Management based on maps and knowledge of elevations and a plot of the location of the proposed structure. There is no cost to the applicant for this initial determination;
- C. In the event of potential interference the applicant shall be notified by the Town of Caroline Code Enforcement Officer. If the applicant wishes to proceed with the application the applicant shall be required to pay any additional costs for the radio communications expert to analyze the potential interference and to propose appropriate remediation. The cost of such analysis shall be estimated and the applicant shall be required to pay such estimated cost prior to the performance of any work by such radio communications expert. Additionally, if any additional amounts are or become due to such radio communications expert, whether due to unique circumstances, any change in scope of the work requested by applicant, or otherwise,

the applicant shall be required to pay for the same, or reimburse the Town of Caroline for any payments so made by the Town of Caroline, prior to the time that any building or other permit, permission or approval is issued;

- D. In the event that the retained radio communications expert determines that the construction or modification may result in interference, interruption or degradation of the countywide communication system, any approval of any building permit or site plan application shall be conditioned upon the applicant making any and all remedial measures that the expert determines are needed in order to avoid such interference, interruption or degradation; and
- E. No permit shall be given and no construction, alteration or modification may occur upon or in connection with any building or structure until the radio communications expert notifies the Town of Caroline that the proposed construction, alteration or modification will not interfere with the countywide radio communication system, or that, as applicable, potential interference has been adequately mitigated.

Section 4: Enforcement

- A. In addition to any other right or remedy allowed by law or in equity, the Town Board of the Town of Caroline may maintain actions or proceedings in the name of the Town of Caroline in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision or requirement of this Local Law. In the event the Town of Caroline seeks any equitable relief in the form of a restraining order or injunction, temporary or otherwise, the Town of Caroline shall not have to (i) post any bond or other undertaking, or (ii) prove the lack of any adequate legal remedy. Any violation or non-compliance with this Local Law may be restrained or otherwise abated in any manner provided by law.
- B. Any person or entity that violates any of the provisions of this Local Law shall be (1) guilty of a criminal offense and subject to a fine of not more than \$250.00, or (2) subject to a civil penalty of not more than \$750.00 to be recovered by the Town of Caroline in a civil action. Each day that such person or entity is in violation of this Local Law shall be and be deemed a separate offense.
- C. Any person or entity in violation of this Local Law shall be responsible for all costs and disbursements, and all attorneys' and experts' fees incurred by the Town of Caroline in enforcing the provisions of this Local Law.
- D. The Town of Caroline hereby appoints the Town of Caroline Code Enforcement Officer as its principal enforcement agency under this Local Law, who shall issue or deny building permits, and other permits and/or certificates, based upon compliance with this Local Law, and who may enforce this Local Law in any other manner permitted by or under this Local Law. The Town Board of the Town of Caroline reserves the right to appoint by Resolution any other enforcement officers it deems necessary or desirable.
- E. Should, for any reason, any person or entity fail to pay any amounts due to the Town of Caroline under or pursuant to this Local Law within 30 days of demand for payment by or from the Town of Caroline, the Town of Caroline shall mail a notice by certified mail to the last known address of the applicant stating (i) all amounts due, and (ii) that upon a failure to pay, the amounts due may or will be assessed against applicant's interest in real property in the Town of Caroline. Upon applicant's failure to pay within 15 days of the date of mailing of such notice, the Code Enforcement Officer, or his or her designee, shall certify the amount due to the Town of Caroline to the Town Clerk of the Town of Caroline, and such amount(s) due shall thereafter (i) be and become a lien against the property of the applicant and such amount shall be added to and become and form a part of the taxes next to be assessed and

levied upon such lot or land, and (ii) bear interest at the same rate as taxes, and (iii) be collected and enforced by the same local, county and/or state officer(s) as, and in the same manner as, taxes levied and assessed against such property.

Section 5: Exculpation

The Town of Caroline shall not be responsible for any loss of or damage to property or rights in property arising from the existence or enforcement of this Local Law. In no event shall the Town's liability exceed the sum of \$500.00.

Section 6: Amendments

The terms, requirements, benefits, and provisions of this Local Law may be amended from time to time, in the discretion of the Town Board. Publication of a notice of public hearing pertaining to the amendment of this Local Law shall be and be deemed sufficient notice to any affected person or entity of any amendment(s) hereto.

Section 7: Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Local Law shall be adjudged invalid by a court or other tribunal of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of this Local Law, nor any other section, subsection, paragraph, subdivision or clause hereof. Any such invalidity shall be confined in its operation to the clause, sentence, paragraph, or section thereof directly involved in the controversy in which such judgment shall have been rendered. If any of the requirements of this Local Law, or the application thereof to any person, entity, or circumstances, is held invalid, the said requirements shall remain valid and enforceable as to any other person or entity, or as to any other circumstances.

Effective Date

This local law shall become effective 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 20 07 of the (County)(City)(Town)(Village) of Claxton was duly passed by the Local Board on 6/12 20 07, in accordance with the applicable provisions of law.

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

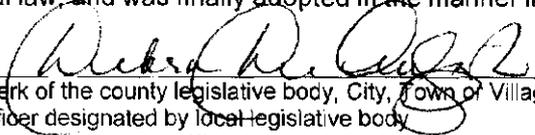
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

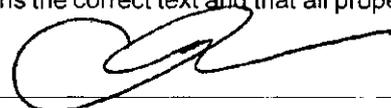
Date: June 14, 2007

(Seal)

(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 TEMPLE

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.


Signature
ATTORNEY FOR THE TOWN
Title

County
City of CRADINE, NY
Town
Village

Date: 6-18-07