

(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 New Lebanon
Town
Village

Local Law No. 3 of the year 2011

A local law amending Chapter 88 of the Town of New Lebanon Code

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of New Lebanon as follows:
Town
Village

Section 1. Legislative History

The Town Board of the Town of New Lebanon finds it necessary to make a revision to the existing Camping Ground Ordinance set forth in Chapter 88 of the Town Code. In enacting this revision, it is the intent of the Town Board to amend Chapter 88 of the Town of New Lebanon Town Code to conform certain provisions of the Town of New Lebanon's Camping Ground Ordinance with provisions of the New York State Sanitary Code and to clarify its procedures with regard to the review of camping ground applications. The Town Board finds that modifying Chapter 88 of the Town Code will assist the Town Code Enforcement Officer and the Columbia County Department of Health in their inspection and review of campgrounds in the Town of New Lebanon by having both agencies reviewing said campgrounds under the same set of standards.

Furthermore, in undertaking a review of Chapter 88 of the Town Code, the Town of New Lebanon herein finds that the amendment to the Camping Ground Ordinance is necessary for the health, welfare and benefit of Town residents.

Section 2. Be it enacted by the Town Board of the Town of New Lebanon that Chapter 88 of the Town of New Lebanon Code is hereby amended as follows:

Chapter 88

CAMPGROUNDS

- | | |
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| 88-1. Title. | 88-9. Revocation of license. |
| 88-2. Legislative intent. | 88-10. Renewal of license. |
| 88-3. Definitions. | 88-11. Application to existing camping grounds and tourist camps. |
| 88-4. License required. | 88-12. Exceptions. |
| 88-5. Issuance of license; fees. | 88-13. Penalties for offences. |
| 88-6. Regulations for camping grounds and tourist camps. | 88-14. Other statutes or ordinances. |
| 88-7. Permanent record. | 88-15. When effective. |
| 88-8. Inspection. | |

GENERAL REFERENCES

Parks and recreation- See Ch. 152.

88-1. Title.

This chapter shall be known as the "Camping Ground Ordinance" of the Town of New Lebanon, Columbia County, State of New York.

88-2. Legislative intent.

It shall be the purpose of this chapter to promote the health, safety, morals, and general welfare of the inhabitants of the Town of New Lebanon by the efficient regulation of camping grounds located within the town.

88-3. Definitions.

As used in this chapter and for the purpose of this chapter, the following words, terms and phrases shall have the meaning ascribed to them in this section:

CAMPGROUND - As defined in The Town Of New Lebanon Zoning Ordinance adopted 8-9-2010.

CAMP SITE – Any location or area within a campground set off and designated as a location for use by a single family.

TEMPORARY DWELLING – Any tent, camper, trailer, tent house or any building of whatsoever material constructed, designed or equipped to be used for living, sleeping or eating by transient or seasonal occupants only.

88-4. License required.

No person, firm or corporation being the owner, lessee or occupant of any lot, piece or parcel of land within the Town of New Lebanon shall use or allow the use of such lot, piece or parcel of land as camping ground without first obtaining a license for such purpose as hereinafter provided.

88-5. Issuance of Initial License; fees.

A. The application shall be in writing, shall be filed in triplicate and shall contain the following minimum information:

- (1.) The name and address of the applicant, if the applicant is an individual; the name and address of each partner, if the is a partnership; the name and address of each officer and director, if the applicant is a corporation.
- (2.) The name and address of the owner or owners of such lot, piece or parcel of land, if the applicant is not the owner.
- (3.) A complete description of the lot, piece or parcel of land upon which the camping ground is to be located.
- (4.) The number of sites to be provided in the camping ground.
- (5.) Two detailed sets of plans and specifications of the proposed camping ground, showing the layout of the camping ground, size of each site, the parking area, permanent buildings, water supply, location of all required services and roadways and driveways.
- (6.) A complete statement, showing the proposed method of sewerage disposal or removal, water supply, electrical service, and location and design of toilets, washrooms, laundry and other services by this chapter.
- (7.) Proof that the applicant has complied with the requirements for temporary residence established by the State Department of Health, contained in the State Sanitary Code and NYS Building, Fire and Property Maintenance Codes.
- (8.) Written approval of the Health Officer of Columbia County.
- (9.) Plans and specifications to be reviewed by the Fire and Ambulance Agencies for emergency vehicle access.

B. Issuance or permit. The Town Clerk, upon receipt of the application for initial permit and the payment of the requisite fee as hereinafter provided, shall immediately transmit one copy of the application to the Zoning Enforcement Officer and one copy to the Zoning Board of Appeals, who will have thirty (30) days in which to give a recommendation to the Town

Board. The Town Clerk shall also immediately transmit one copy to the Planning Board for site plan review and special permit consideration. The Town Board shall by resolution indicate its approval or disapproval of the application within sixty (60) days of receipt written approval or disapproval of the site plan and special permit from the Planning Board. If the application is approved, a permit to develop a camping ground or tourist camp shall be issued by the Enforcement Officer. The applicant, on completion of construction and before occupancy, shall apply to the Enforcement Officer for an inspection of the premises. If the Enforcement Officer finds the premises in complete compliance with all existing ordinances and specifications, he shall report to the Town board in writing, and the Town Board shall then issue a license to operate as hereinafter provided, said license to become effective from the date thereof and to continue in force until the 31st day of December next succeeding. Such license shall specify the number of units permissible in the camping ground of tourist camp and such license shall not be assignable or transferable. The license may thereafter be renewed pursuant to section 88-10 of this Chapter.

- C. Fees. The applicant for a camping ground license at the time of the application for the permit shall pay a fee as set from time to time by resolution of the Town Board.

88-6. Regulations for camping grounds and tourist camps.

- A. Location. No camping ground shall be located within 1,000 feet of the boundary line of any property used for public school purposes, or of any lot, piece or parcel of land maintained as a public park in the Town of New Lebanon.
 - B. Drainage and grading. Any lot, piece or parcel of land used as a campsite within the camping ground shall be well drained, of ample size and free of any heavy, dense growth of bush, trees or weeds. The land shall be properly graded to ensure rapid drainage during and following rain, and shall at all times be so drained as to be free of any stagnant pools of water.
 - C. Layout of camping grounds. Spacing as required by NYS Sanitary Code 7-3.8. No campsite shall be located within 50 feet of any public highway or public street line or within 50 feet of any adjacent property line. All units shall be numbered consecutively, the number being conspicuously posted on each camp unit.
 - D. Water supply. A sufficient supply of pure drinking water shall be provided for each campsite.
 - E. Sanitary facilities. Camps must be kept in clean and sanitary condition and free of physical or fire hazards at all times and must in all respects conform to the provisions of Chapter 1, Part 7, of the New York State Sanitary Code entitled "Temporary Residences," which chapter and part are hereby incorporated herein by reference as though set forth herein at length, also camping grounds must be kept in compliance with NYS Property Maintenance Code.
- (1) All service buildings and the grounds of the sites shall be kept in a clean, sanitary condition, and kept free of any and all conditions that will menace the health of any occupant or the public or constitute a nuisance.

- F. Disposal of sewage, etc. All sewage and other water-carried wastes shall be disposed of according to existing sanitary codes. Unless a municipal sewage system is available, the camping grounds must provide for the disposal of into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to public health.
- G. Garbage receptacles. Each camping ground shall provide equipment sufficient to prevent littering of the grounds, in or around the grounds with rubbish, garbage and refuse, and must provide depositories with tight-fitting covers at convenient locations throughout the grounds.
- H. Electric service and connections. All such connections and service outlets shall be weatherproof and shall be of the type approved by the New York Board of Fire Underwriters.
- I. Curb cuts. The applicant should obtain curb cuts from the appropriate department: the Department of Transportation, State, County or Town Highway Department.

88-7. Permanent record.

The owner or operator of each camping ground or tourist camp shall keep a permanent record in writing of all persons occupying or using the facilities of such camping ground or tourist camp, which record shall include the following:

- A. The name and address of principle occupant of each unit.
- B. The date of arrival at and departure from the camping ground or tourist camp of each occupant of each unit.
- C. The make, year of manufacture, registration number and state of registration of the motor vehicle of each occupant.

88-8. Inspection.

The Health Officer, any peace officer or any other person authorized by the Town Board shall have the right to enter at all reasonable times any camping ground and shall have the right to inspect all parts of the site for violations of this chapter, and shall also have the right to inspect, at all reasonable times, the records required to be kept in accordance with the provisions of this chapter.

88-9. Revocation of license.

If the Health Officer or any other person authorized by the Town Board of the Town of New Lebanon finds that any campground is not being conducted in accordance with the provisions of this chapter, such facts shall thereupon be reported to the Town Board, and said Town Board may direct the Town Clerk to serve an order in writing upon the owner or holder of the license of the person in charge of said site directing that the conditions there in specified be corrected within ten days after the date of such order. If such conditions are not corrected upon the expiration of such ten-day period, the Town Board may cause a notice in writing to be served upon the owner or holder of the license or the person in charge of such

site requiring the license to appear before the Town Board at a time to be stated in such notice to show cause why the license for said site should not be revoked. The Town Board, after a hearing at which the testimony of witnesses may be taken and the holder of the license shall have been heard, may revoke said license if said Town board shall find that the site is not being maintained in a clean and sanitary condition, or if it finds any provisions of such license, the premises shall forthwith cease to be used as a camp ground, and all sites shall be vacated immediately.

88-10. Renewal of license.

An application for the renewal of any camping ground or tourist camp license issued pursuant to the provisions of this chapter must be filed with the Town Clerk on or before the 1st day of December preceding the expiration of the license then in effect. The renewal application shall be in writing, signed by the applicant, and shall contain the same information required by 88-5A in the care of an original application, except that renewal applications need not be accompanied by detailed plan of the site unless changes in the existing sites are contemplated. A lease of the premises need not accompany the renewal application, unless a new lease has been entered into since the previous application or renewal, in which case a certified or photo static copy of the new lease shall accompany the renewal application. Upon approval of the renewal application by the Health Officer and the Town Board, the Town Clerk shall issue a renewal license to become effective upon expiration of the prior license and to continue in force for a period of one year, subject to power to revoke in accordance with the provisions of 88-9 hereof. Such renewal license shall not be assignable or transferable. The applicant at time of issuance of said renewal shall pay the Town Clerk the fee provided in 88-5C hereof.

88-11. Application to existing campgrounds and tourist camps.

This chapter shall apply to all existing camping grounds and tourist camps located in the Town of New Lebanon on the effective date of this chapter. The owner or operator of any existing unlicensed camping ground or tourist camp shall have sixty days after this chapter takes effect to make application for a license to operate such camp pursuant to the provisions of 88-5 hereof.

88-12. Exceptions.

None of the provisions of this chapter shall be applicable to the business of selling trailers, campers, tents or camping equipment.

88-13. Penalties for offenses.

- A. Any person who violates any provision of this chapter shall be guilty of an offense against such ordinance, punishment by a fine of not more than \$250 or not more than 15 days' imprisonment, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, such offenses shall be deemed a violation and, for such purpose only, all provisions of law relating to violations shall apply.
- B. In addition, the violation of this chapter or any of its provisions by any person, firm or corporation shall subject the violation to a civil penalty enforceable and collectable by the Town

in the amount of \$50 for each offense. Such penalty shall be collectable by and in the name of the town for each day that such violation shall continue.

- C. Application of the above penalty or penalties, or prosecution for violation of the provisions hereof, shall not be deemed to prevent the revocation of any license issued pursuant hereto, the enforced removal of conditions prohibited hereby and/or the issuance of an injunction and other equitable relief by a Court of competent jurisdiction to prevent ongoing violations.

88-14. Other statues or ordinances.

Issuance of a camping ground or tourist camp license pursuant hereto shall not be deemed to waive compliance by the holder, the property owner or any occupant of said court with any statue of the State of New York, or any other ordinance, local law or regulation of the Town of New Lebanon.

Section 3. **APPLICABILITY**

It is the intent of the Town Board through passage of this local law to make the aforesaid provisions of Chapter 88 of the New Lebanon Town Code as herein amended and codified effective and applicable to all parties, persons and lands upon passage.

Section 4. **VALIDITY AND SEVERABILITY.**

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 5. **EFFECTIVE DATE.**

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided in section 27 of the Municipal Home Rule Law.

(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 ~~(County)~~ (City) (Town) (Village) of New Lebanon was duly passed by the New Lebanon Town Board on Aug. 8, 2011, it in accordance with the applicable provisions of law.
(Name of Legislative Body)

- 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 _____, _____, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____, 20__.

(Elective Chief Executive Officer*)

it 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)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____, 20__. Such local law was submitted

(Elective Chief Executive Officer*)

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__, it 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 (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____, 20__. Such local law was subject to

(Elective Chief Executive Officer*)

permissive referendum and no valid petition requesting such referendum was filed as of _____, _____, it 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 _____, _____, 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.



Colleen Teal, Town Clerk

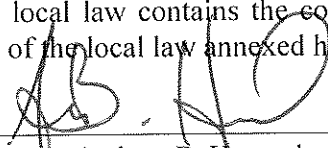
(Seal)

Date: September 9, 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 COLUMBIA

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: Andrew B. Howard

Town Attorney
Title

County
City
Town of New Lebanon
Village

Date: September , 2011