

ARTICLE I
Adoption of Code

§ 1-1. Code adopted; continuation of existing provisions.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Dryden, as codified and consisting of Chapters 1 through 270, together with an Appendix, are hereby approved, adopted, and enacted as the Code of the Town of Dryden, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Town of Dryden by impressing thereon the Seal of the Town, as provided by law, and such certified copy shall remain on file in the office of the Town Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.

- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Town Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Dryden" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-3. Notice; publication.

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Town of Dryden shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repeal of inconsistent enactments.

All local laws and ordinances of a general and permanent nature, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Dryden which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-5 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Dryden prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Dryden or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Dryden.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Dryden.
- E. Any local law or ordinance of the Town of Dryden providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Dryden or any portion thereof.
- F. Any local law or ordinance of the Town of Dryden appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Dryden or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.

- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to November 19, 2020.

§ 1-7. Changes in previously adopted legislation.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Dryden, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)
- C. Throughout the Code:
 - (1) "Rec. Commission" is changed to "Recreation and Youth Commission."
 - (2) "Conservation Advisory Council" is changed to "Conservation Board."
 - (3) Chapter 245 is amended to change instances of "state board" to "Commissioner of Taxation and Finance."

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Town of Dryden in any manner whatsoever which will cause the legislation of the Town of Dryden to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-10. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Schedule A

Specific Revisions at Time of Adoption of Code

Chapter 113, Bingo and Games of Chance.

Article I, Bingo.

This article is amended to read as follows:

§ 113-1. Conduct authorized.

It shall be lawful for any authorized organization, as defined in § 476 of General Municipal Law, upon obtaining the required license, to conduct the game of bingo within the territorial limits of the Town of Dryden, subject to the provisions of this chapter, Article 14-H of General Municipal Law and Article 19-B of Executive Law.

§ 113-2. Sunday games.

Any game of bingo conducted within the Town pursuant to a license issued in accordance with this chapter and the applicable statutes may be operated by authorized organizations on the first day of the week, commonly known as "Sunday," after 1:00 p.m.

Article II, Games of Chance.

Section 113-4 is amended to read as follows:

§ 113-4. Definitions.

As used in this article, the terms "authorized organization" and "games of chance" shall have the meanings assigned to those terms in § 186 of the General Municipal Law.

Chapter 118, Building Code Administration and Enforcement.

A. Section 118-3E is amended to delete the reference to the Unsafe Buildings Law.

B. Section 118-10A(1)(a) is amended as follows:

Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 5003.1.1(1),5003.1.1(2),5003.1.1(3),5003.1.1(4) of the 2015 edition of the International Fire Code (a publication currently incorporated by reference in 19 NYCRR Part 1225);

Chapter 155, Flood Damage Prevention.

A. Section 155-12 is amended to change "Zoning and Building Code Enforcement Officer" to "Code Enforcement Officer."

B. Section 155-14D(1) is amended to delete the address provided for FEMA.

Chapter 183, Mobile Homes.

Article I, Mobile Home Parks.

A. Sections 183-4A and C(3) is amended to change "Zoning Officer" to "Code Enforcement Officer." Section 183-4A is further amended to delete the second sentence relating to the filing fee.

- B. Section 183-11 is amended to change "Town Clerk" to "Code Enforcement Officer" and to update the fee to read: "\$25 for every 10 homes or portion thereof."

Article II, Mobile Home Outside of Mobile Home Parks.

- A. In § 183-18, the definition of "mobile home" is amended to delete the sentence: "A modular home is manufactured and certified according to the New York Uniform Fire Prevention and Building Code, Article 2."

- B. Section 183-20N is amended so that the first sentence thereof reads as follows:

Additions to mobile home are treated as per § 270-16.2.

Chapter 190, Notification of Defects.

Section 190-3 is amended to change five days to 10 days.

Chapter 202, Renewable Energy Facilities.

Section 202-10 is amended read as follows:

Application fee shall be established by resolution of the Town Board following procedures as set forth in § 118-16.

Chapter 218, Sewer Rents.

Article II, Cortland Road Sewer District.

Section 218-15C is amended to change two instances of \$46.25 to \$72.19.

Chapter 240, Subdivision of Land.

- A. Section 240-6.1B is amended to delete the first two sentences thereof.
- B. Section 240-12.2 A is amended to delete the sentence regarding application for approval for a common driveway serving more than four lots.

Chapter 270, Zoning.

- A. Section 270-3.2.
 - (1) Said section is amended so that the opening paragraph thereof reads as follows:

As used in this chapter, the following terms shall have the meanings indicated:
 - (2) The following definitions are amended, in part, to correct the citations provided:

DAY-CARE CENTER, CHILD: See 18 NYCRR § 413.2(b)(1)
DAY CARE HOME, FAMILY: See 18 NYCRR § 413.2(b)(2)
DAY CARE HOMES, GROUP FAMILY: See 18 NYCRR § 413.2**(b)(3)**
 - (3) The definition of "junkyard" is repealed.
 - (4) The definition of "nonconforming use" is amended to read as follows:

NONCONFORMING USE — A structure or use of land **legally** existing on the date of enactment of this Law or amendment hereto which does not comply with the allowed use regulations of the zone in which said structure or use is located.

- B. Original Section 501.C.2, regarding the H District, is repealed.
- C. Sections 270-8.1G(10) and 270-13.7D (table) are amended to change references to the H District to VHMUD, VHRD and VHTD Districts.
- D. Section 270-10.4B(4)(j) and C(3) is amended to delete references to Visual Addendum.
- E. Section 270-14.10A is amended to read as follows:
 - A. Notice. Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum attendance requirements of § 270-14.7 **or the training requirements set forth in § 270-14.8** above.
- F. Section 270-15.9A is amended to read as follows:
 - A. Notice. Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum attendance requirements of § 270-15.6 or the training requirements set forth in § 270-15.7 above.