

# 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 Livingston  
Town  
Village

Local Law No. 4 of the year 2014

A local law re-codifying the Zoning Law of the Town of Livingston.  
\_\_\_\_\_  
\_\_\_\_\_

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

County  
City of Livingston as follows:  
Town  
Village

Section 1. LEGISLATIVE INTENT:

The Town of Livingston presently has established comprehensive zoning regulations for the Town of Livingston. From time to time since the last codification of the zoning law the Town has undertaken zoning additions or changes through the adoption of local laws. The Town desires to have the zoning law and local laws re-codified into one source for the ease of use.

Section 2.

Be it enacted by the Town Board of the Town of Livingston that the revised Town of Livingston Zoning Law as it is set forth in full in the attachment hereto and made part hereof consisting of Articles I through VII, and shall be known collectively as the "Zoning Code of the Town of Livingston," hereafter termed the "Code."

**§ 2-2. Applicability.**

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

### **3. Continuation of existing provisions.**

The provisions of the Code insofar as they are substantively the same as the Zoning 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, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Livingston, and it is the intention of said Board that each such provision contained within the Code are hereby reaffirmed as they appear in said Code. Only such Zoning provisions or regulations of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 2-4 below.

### **§ 2-4. Repeal of enactments not included in Code.**

All zoning local laws and regulations of a general and permanent nature of the Town of Livingston in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

### **§ 2-5. Enactments saved from repeal; matters not affected.**

The repeal of the zoning local laws provided for in § 2-3 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 Livingston 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 Livingston 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 Livingston.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Livingston.
- E. Any local law or ordinance of the Town of Livingston providing for the specifications, 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 Livingston or any portion thereof.



- F. Any local law or ordinance of the Town of Livingston 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 Livingston or other instruments or evidence of the village'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 municipal employees.
- M. Any local law adopted subsequent to the instant local law.

**§ 2-6. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 2-7. Sale of Code book; supplementation.**

Copies of the Code or regulations may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

**§ 2-8. Penalties for tampering with Code.**

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Zoning Code of the Town of Livingston or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Livingston 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.

**§ 2-9. When effective.**

This local law shall take effect immediately upon approval of the Town of Livingston Town Board, and shall then be immediately filed with the Secretary of State of the State of New York.

(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 2014 of the Town of Livingston was duly passed by the Town Board on July 10, 2014, 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 \_\_\_\_\_, 20\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.~~  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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 disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. 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.~~  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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 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.~~  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\*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 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.

  
\_\_\_\_\_  
Tammy Molinski, Town Clerk

Date: 7/10/2014

(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 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 Robert J. Fitzsimmons

Title: Counsel \_\_\_\_\_

County \_\_\_\_\_  
City of \_\_\_\_\_ Livingston \_\_\_\_\_  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: 7/10/14

TOWN OF LIVINGSTON  
ZONING LAW

Intentionally Omitted