

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 Town Village
(Select one.)

of Cicero

Local Law No. 7 of the year 2024

A local law (Insert Title) A local law adopting a resolution to approve changes to Chapter 68 of Town Code in relation to fees in lieu of parkland. The purpose of this change is to remove the specific dollar amount set forth in §68-18.1 so that the Town Board may alter the fee by resolution in the future. (see attached local law) Town Board approved on July 10, 2024.

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

County City Town Village
(Select one.)

of Cicero, in the County of Onondaga as follows:

LOCAL LAW #7 of 2024:

A local law in the Town of Cicero: adoption of a resolution to approve changes to Chapter 68 of Town Code in relation to fees in lieu of parkland. The purpose of this change is to remove the specific dollar amount set forth in §68-18.1 so that the Town Board may alter the fee by resolution in the future. The effective date shall be upon filing with the NYS Secretary of State and shall be known as Local Law #7 of 2024. The resolution was approved by the Cicero Town Board on July 10 2024.

(See attached Local 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. 7 of 2024 of the (County)(City)(Town)(Village) of Cicero was duly passed by the Town Board on July 10, 2024, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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 *(Elective Chief Executive Officer*)*

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 created with the power to approve or veto local laws or ordinances.

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

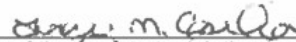
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____ above.


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

Date: 7/11/2024

(Seal)

LOCAL LAW 7 OF THE YEAR 2024

A LOCAL LAW OF THE TOWN OF CICERO to amend Chapter 68 of the Town Code, in relation to fees in lieu of parkland.

BE IT ENACTED by the Town Board of the Town of Cicero, Onondaga County, New York, as follows: That Town of Cicero Local Law Number 7 of the year 2024 is hereby enacted. Said Local Law reads as follows:

SECTION 1. Authority

This Local Law is adopted pursuant authority granted by the following:

- A. New York State Constitution Article IX §2(c)(8) and §2(c)(10);
- B. Statute of Local Governments §10(1), §10(3), §10(5), and §10(6);
- C. Municipal Home Rule Law §10(1)(i), §10(1)(ii), §10(1)(ii)(a)(9-a), §10(1)(ii)(a)(11), §10(1)(ii)(a)(12), and §10(1)(ii)(a)(14);
- D. The Town's supersession power as set forth in Municipal Home Rule Law §10(1)(ii)(d)(3);
- E. Town Law §64(1), §64(3), and §64(23);
- F. Article 16 of the Town Law;
- G. The Town of Cicero's inherent police powers; and
- H. The laws of the State of New York.

SECTION 2. Legislative Intent

This Local Law is intended to modify Chapter 68 of the Town Code to remove the requirement that the Planning Board, as part of site plan review for a parcel containing residential units, perform an analysis of Cicero's park needs and enter findings that a fee should be paid in lieu of the establishment of new parkland; the new procedure will make the payment of such fees the default, while preserving the ability of the Town to accept new parkland under certain circumstances should it so choose, and to remove the specific dollar amount set forth as a fee to be paid per apartment unit in lieu of parkland and replace it with language allowing the Town Board to set such fee by resolution in the future.

As more fully set forth in the Local Law, it is the express intent of the Town Board to use its supersession powers pursuant to General Municipal Law §10(1)(ii)(d)(3) to supersede the procedures set forth in Town Law §274-a(6).

SECTION 3. Legislative Findings

The Cicero Town Board hereby finds as follows:

1. Cicero has a growing population which is expected to grow at an even greater rate in the near future, and parks are a vital source of recreation for said population. Many existing amenities at Cicero's parks are being used at or near their capacity, and the increased population will result in concomitant increased wear and tear on existing amenities and facilities, which will likely necessitate replacements, upgrades, increased maintenance, the construction of new amenities, and the addition of new parking and restroom facilities at some of Cicero's parks. This will result in significant expense over and above that which the Town already pays.
2. While ultimately the maintenance of and improvements to parks and park facilities are the responsibility of all Town residents, it is appropriate that a suitable fee be assessed to the developers of new residential housing, given that the future residents of said housing will be the major driving force behind the need to improve and expand Cicero's parks.
3. In October of 2018, for the first time, the Town of Cicero enacted a local law allowing for a per-unit fee for apartments in lieu of parkland, pursuant to Town Law §274-a(6)(c), and set the fee at a fixed amount of \$500.00, unlike the per-lot fee for residential subdivisions, which is set by Town Board resolution pursuant to Town Code §185-37.
4. To address the loss of undeveloped land and the need for recreation space and facilities that accompany new residential developments, Town Law §274-a(6) sets forth procedures whereby the Planning Board may require an applicant for a site plan containing residential units to set aside a park or parks if certain findings with regard for the present and future needs of the Town are made. If such a finding is made along with an additional finding that a suitable park or parks of adequate size to meet the Town's requirements cannot be located on the site plan, the Planning Board may require fees in lieu of such park or parks to be collected.
5. Cicero has an adequate number of parks and an adequate amount of park space; the Town does not anticipate a need to acquire and maintain additional parkland, nor would parkland or green space under private ownership meet the Town's needs as described herein.
6. Because Cicero has adequate parks and park space, the provisions of Town Law §274-a(6) should be superseded such that the default remedy for the harm addressed by that subsection is a recreation fee in lieu of parkland, rather than new parkland itself. However, in the event that Cicero is in need of additional parks or park space in the future, a provision allowing the Town to accept a dedication of land in lieu of the recreation fee should be enacted.
7. Inflation with respect to the value of the United States Dollar has been at high levels since the start of the COVID-19 pandemic in early 2020. According to the federal Bureau of Labor Statistics, \$500.00 in October 2018 had the same buying power that \$620.97 had in May of 2024, an increase of approximately 24%.
8. Given the high rate of inflation, it is appropriate for said fees to be set by resolution rather than local law so that they may be adjusted more easily and frequently in response to economic conditions and the needs of the Town.

SECTION 4. Chapter 68 of the Town Code is hereby amended:

By adding the following new definitions to §68-2:

APARTMENT

A room or suite of two or more rooms designed or used solely as a residence in any building not used for transient occupancy.

APARTMENT BUILDING

Any single structure, the entirety of which or the majority of which is divided into four or more individual apartments which share common entry, internal circulation and/or parking facilities, and the totality of said structure is contained within a single parcel with a single tax identification number, provided, however, that this definition does not include a structure originally designed, constructed, and occupied as a one-family dwelling that has been or is proposed to be redesigned and reconstructed as a multiple-family dwelling.

APARTMENT COMPLEX

More than one apartment building detached and grouped together upon a single parcel or upon multiple parcels under common ownership, control, and/or management.

MULTIPLE-FAMILY COMPLEX

More than two single-family dwellings, two-family dwellings, townhouses, and/or multiple-family dwellings other than apartment buildings, grouped together upon a single parcel or upon multiple parcels under common ownership, control, and/or management.

By striking the text of §68-18.1(A) and replacing it with the following:

In order to ensure appropriate recreation facilities and amenities within the Town of Cicero, there shall be imposed a recreation fee per approved apartment for any apartment building containing more than four (4) apartments or apartment complex, or per dwelling unit for any multiple-family complex to be constructed in the Town. This fee, which shall be set by resolution of the Town Board, shall be due and payable prior to the issuance of any building permit for construction of a new apartment building or apartment complex, or the renovation of an existing structure into an apartment building.

By striking the text of §68-18.1(C) and replacing it with the following:

An applicant for site plan approval may propose the dedication of a parcel of land within or without the area for which development approval is being sought for recreation purposes in lieu of the payment of the fees herein established. If the Planning Board determines that the land offered for dedication to the Town is suitable for recreation purposes, addresses an actual or imminent need of the Town, and that the value thereof is at least equal to the amount of the recreation fees which would otherwise be due, it can recommend to the Town Board that it accept an offer of dedication. If the Town Board accepts the offer of dedication, the recreation fees otherwise required shall be waived. The Planning Board may recommend to the Town Board the establishment of conditions in connection with the acceptance of the offer of dedication. Notwithstanding the Planning Board's recommendations, or lack thereof, the Town Board shall have the right to establish conditions in connection with such dedication as it deems appropriate.

By adding a new subsection, §68-18.1(D) with the following text:

Pursuant to the power granted in Municipal Home Rule Law §10(1)(ii)(d)(3), this section supersedes the following provisions of the Town Law:

- (1) Town Law §274-a(6)(a) to the extent that it authorizes the Planning Board to require a site plan containing residential units to show a park or parks suitably located for playground or other recreational purposes;
- (2) Town Law §274-a(6)(b) in its entirety; and
- (3) Town Law §274-a(6)(c) to the extent that it requires a finding pursuant to §274-a(6)(b) that a proper case exists for requiring a park or parks suitably located for playgrounds or other recreational purposes, and that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan, for a fee in lieu of parkland to be required.

SECTION 5. Severability

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and as if such person or circumstance, to which the Local Law or part thereof is held inapplicable, had been specifically exempt therefrom.

SECTION 6. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State pursuant to §27 of the Municipal Home Rule Law.