

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 Maybrook

Local Law No. 4 of the year 20 24

A local law amending Chapter 99 ("Fire Prevention and Building Construction") of the Code of the
(Insert Title)
Village of Maybrook to implement an entity disclosure law

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

County City Town Village
(Select one.)

of Maybrook as follows:

See attached.

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

(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 2024 of the (County)(City)(Town)(Village) of Maybrook was duly passed by the Board of Trustees on June 24 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) (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____.
(Name of Legislative Body)
(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) (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 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.)

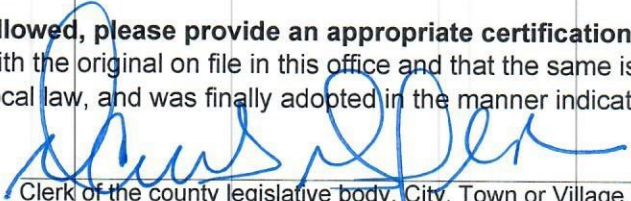
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: July 2, 2024

(Seal)

**LOCAL LAW No. 4 OF 2024
VILLAGE OF MAYBROOK**

**A LOCAL LAW AMENDING CHAPTER 99 (“FIRE PREVENTION AND BUILDING
CONSTRUCTION”) OF THE CODE OF THE VILLAGE OF MAYBROOK TO
IMPLEMENT AN ENTITY DISCLOSURE LAW**

BE IT ENACTED by the Board of Trustees of the Village of Maybrook, Orange County, New York, as follows:

SECTION 1. PURPOSE

The purpose of this local law is to amend Chapter 99 (“Fire Prevention and Building Construction”) of the Code of the Village of Maybrook to implement an entity disclosure law.

SECTION 2. CHAPTER 99: FIRE PREVENTION AND BUILDING CONSTRUCTION.

A new Section 99-19 (“Entity disclosure law”) is created as follows:

§ 99-19. Entity disclosure law.

A. Legislative findings and intent. Invoking the powers granted to the Board of Trustees (“Board”) of the Village of Maybrook (“Village”), by the Municipal Home Rule Law, New York State Constitution and otherwise, the Board hereby finds that there is a critical and compelling need, in the public interests as set forth herein, to provide for full and fair disclosure of the person or persons substantively involved with entities making certain land use applications before the Village to ensure that any and all potential conflicts of interest or other ethical concerns can be identified and addressed by the Village and any and all affected parties. The law will foster the important goal of an open and transparent government operations, including the interaction of public officials and land use applicants, by requiring all land use applicants that are entities to disclose its limited and general members, shareholders, officers and directors or any other persons having control over such entity. The Board further finds and declares:

1. That in connection with development or potential development in the Village that land use applications may have a significant impact upon the health, safety and general welfare of the Village, its inhabitants and visitors, and upon existing uses, public services, traffic and the environment, in general.
2. That under these circumstances, the Board and the public need to know for purposes of avoiding conflicts of interest, and a meaningful review of potential conflicts of interest, the identity of every person (hereinafter a “nondisclosed person”) who is a shareholder, member, director, officer, beneficial owner, authorized person (defined below) having an interest, or anyone having a controlling position, in any limited liability company, general or limited partnership, joint venture, corporation, association, or other entity (hereinafter collectively and individually referred to as an “entity”), including an entity doing business

as another named individual or entity, that applies for any land use approval, permit, or permission from any Village board or official.

3. Any “authorized person” as used herein shall mean a person, whether or not a nondisclosed person who is authorized to act or otherwise acts, solely or in conjunction with others, on behalf of an entity or to direct, influence or otherwise control the entity in any manner.

B. Disclosure requirement.

1. Every nondisclosed person for any entity applying for land use approvals, permitting, or permission, to undertake any activity within the Village shall complete an entity disclosure statement in the form approved by the Board, as may be amended from time to time by a Board resolution, and provide all information required in said form. Said statement shall be affirmed or sworn to under the penalty of perjury and shall be filed along with any such land use application or request for permission to undertake any construction activity within the Village.
2. In the event that a land use project that has previously received approval is sold, assigned or otherwise transferred, whether by transfer of the property or transfer of the management or operation or both of the entity to another entity, the transferring entity shall notify the Village in writing, and any such succeeding entity must fully comply with this section before any work or other activity on the project shall be permitted to proceed, continue, or be completed.
3. Said entity disclosure statement shall apply to any approvals, permitting, or permission for land use in the Village (*i.e.*, any operation, construction or use affecting the land that requires authorization from the Village) sought from the Building Inspector, the Board of Trustees, the Planning Board, the Zoning Board of Appeals, the Architectural Review Board, or other Village board or official. No such Village board or official shall process, hear, rehear, approve or sign any application, permit or authorization which relates directly, or indirectly, to any land use requiring authorization from the Village unless the application for such authorization includes a fully completed entity disclosure statement form approved by the Village, signed and either sworn to or affirmed.
4. An entity disclosure statement is not required for any of the following activities:
 - a) Construction of a residential automobile garage, not in excess of 500 square feet. Said building shall not be used for any purpose other than the storage of automotive vehicles and other customary uses for a residential garage;
 - b) Construction of accessory structures, other than garages, not in excess of 300 square feet;
 - c) Construction of outdoor decks, sidewalks, or porches;
 - d) Construction of outdoor swimming pools;
 - e) Installation of fences;
 - f) Interior or exterior remodeling of a single-family detached residential dwelling in existence and with a valid certificate of occupancy as of the effective date this section, which does not involve any change of use or increase in the size of the dwelling. Remodeling includes, but not limited to, window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
 - g) Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;

- h) Repairs and maintenance for a dwelling in existence and with a valid certificate of occupancy as of the effective date of this section, including the removal and installation of an individual well or in-ground septic system; or
- i) Other minor improvements to dwellings or residential lots with an existing certificate of occupancy not specifically noted in this subsection, authorized by the Building Inspector, after consultation with and determination by the Board of Trustees that the improvement falls within the scope, nature, and intent of the exemptions listed in this Subsection B(4)(a)-(h).

C. Penalties for offenses.

1. Where an entity, nondisclosed person, authorized person, or any agent or representative thereof refuses or otherwise fails to provide the information required under this section, the further processing of such application and any work related thereto (“the application”) shall be suspended in all respects, until such time as the board or official before which application is submitted or pending determines that the entity has fully complied with all provisions of this Section. In the event of any form of transfer of the property that is the subject of the application occurs or the ownership or management or both of the project is transferred in any manner to another entity during a pending suspension of the application under this section, then, in addition to compliance with this Section, the application shall remain suspended until such time as the succeeding entity shall appear before such board or official before whom the application is pending and obtain approval for any continued work in relation to the application, or the processing of the application. The Building Inspector is authorized to and shall issue a stop-work order on any project where an application has been suspended under this Section.
2. If any entity, nondisclosed person, authorized person, or any agent or representative thereof provides no information, false information, or grossly inaccurate information, or otherwise makes any misrepresentation in any application, shall, in addition to the suspension of any pending application as set forth in Subsection C(1) above, be subject to a civil penalty of up to 1% of the stated value of the applicant’s project as reflected in its application or the fair market value of the applicant's proposed project (whichever is greater) for any violation of this Section. The Building Inspector/Code Enforcement Officer is hereby authorized to issue an appearance ticket or other process in Justice Court, and the Board of Trustees may authorize the filing of a complaint in any court for any allowable remedy, for a violation of this Section.
3. Nothing herein shall be deemed to preclude a criminal proceeding being instituted by the people of the State of New York directly, or acting through the designated attorney for the Village, against the entity, nondisclosed person, authorized person, or any agent or representative thereof in any appropriate court.
4. Civil penalty. In addition to those penalties prescribed herein and by State law, any person or entity who violates any provision of this Section shall be liable for all reasonable attorney’s fees, costs and disbursements, including, but not limited to, expenditures for appraisers, accountants or other consultants employed by the Village, incurred by the Village in connection with the enforcement of this Section, and may assert such claim in any appropriate court proceeding.

SECTION 3: SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, Village Code § 99-3, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.