

# Local Law Filing

One Commerce Plaza, 99 Washington Avenue  
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(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 Spencer, NY

Local Law No. 1 of the year 2022

A local law Revision of Code Construction Standards  
(Insert Title)

To amend Chapter 74 Section 4, paragraph e to include boundary survey requirements as a part of the issuance of a building permit. To add Section 73-5, verbatim from the former Town of Spencer code of 1996, that was omitted with the adoption of the current code of January 1, 2018, and to renumber subsequent sections to

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

County  City  Town  Village  
(Select one:)

of Spencer, NY as follows:

✓ accommodate the insertions from the former code.

## 73-4 Building Permits

### Revision to paragraph (e)

Where applicable, **include a survey map signed by a licensed land surveyor**, that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of intended work, and the distances between the buildings and structures, **existing or proposed, as well as the perpendicular distance from the closest corner of the structures to property boundaries.**

## 73-5. Construction Standards

- A. All residential structures shall be constructed so as to meet the minimum requirements of the New York State Uniform Fire Prevention and Building Code.
- B. The minimum lot size shall be 1 (one) acre of usable land, which lot must have sufficient width and depth to completely surround a circle with a one hundred and fifty (150') feet in diameter.
- C. Individual structures shall be serviced by a waste disposal system designed to be in conformity with the standards as established in the New York State Health Department document, Waste Water Treatment Handbook-Individual Household Systems, and shall also comply with any requirements of the New York State Environmental Conservation Law, the New York State Public Health Law and Chapter 114, Article I, Sewage Disposal Systems. Depending on the results of percolation tests, alternative methods may be prescribed. Such prescription shall be made by the Tioga County Environmental Health Service in accordance with the state standards. Alternative designs must be prepared by a duly licensed engineer or architect.
- D. Residential water supply systems shall be installed at least one hundred (100') feet from septic waste water distribution systems (one hundred and fifty (150') from a dry well. Such systems shall be in compliance with any requirements of the New York State Public Health Law and New York State Environmental Conservation Law.
- E. Commercial, business and/or industrial structures shall be designed and constructed in compliance with the minimum standards of the New York State Uniform Fire Prevention and Building Code. For such structures costing in excess of one hundred thousand dollars, (\$100,000), the applicant must provide a statement by and architect and/or a professional engineer certifying that the completed structure does, in all respects, comply and conform to the New York State Uniform Fire and Prevention and Building Code prior to the issuance of a certificate of occupancy for such structure.
- F. Commercial and/or business and industrial structures that generate more than one thousand (1,000) gallons of effluent per day shall have waste water systems designed by a duly licensed engineer or architect. A permit for a State Pollution Elimination Disposal System (SPEDS) from the New York State Department of Environmental Conservation must also accompany an application for these types of buildings.

- G. Setback. Each building or other structure shall be set back at least seventy-five (75') feet from the centerline of any street or road. All residential structures, except mobile homes inside mobile home parks, must be a minimum of fifteen (15') from the side or rear lot lines.
- H. Driveway construction. All driveway construction will conform to town, county, or state requirements, which ever may be applicable, and shall be as close to ninety degrees (90) to the road to which they give access and as near to grade level of such road as is possible.
- I. Requests for a variance from this chapter shall be made to the Town Board, with copies of all documents submitted to the code enforcement officer on the application for a building permit, nothing herein contained shall authorize the Town Board to grant a variance of any requirements of the New York State Uniform Fire Prevention and Building Code, New York State Public Health Law nor the New York State Environmental Conservation Law.

Local Law #

Dated September 13, 2022

To amend Chapter 74 Section 4, paragraph e to include boundary survey requirements as a part of the issuance of a building permit.

To add Section 73-5, verbatim from the former Town of Spencer code of 1996, that was omitted with the adoption of the current code of January 1, 2018, and to renumber subsequent sections to accommodate the insertion from the former code.

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. 1 of 2022 of the (County)(City)(Town)(Village) of Spencer was duly passed by the Spencer Town Board on 09/13/ 2022, 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 elected with the power to approve or veto local laws or ordinances.

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.

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

Date: 09/13/2022

(Seal)

