

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING AGENDA
MONDAY, JULY 14, 2025, 7:00 PM**

- **PLEDGE**
- **MINUTES: 6/23/2025**
- **ANNOUNCEMENTS:**

ASHVILLE DAYS – SATURDAY, JULY 19, 2025

FREE RABIES CLINIC – SATURDAY, 7/19/25 1:00 – 3:00 PM AT CARROLL TOWN HALL.

- **PUBLIC COMMENT:**
The Town of North Harmony welcomes public comments by all. We ask that they be brief (3 minutes or less) as a courtesy to the business nature of the meeting and others time constraints. If you wish to have an interactive conversation with the board regarding a specific matter or concern, it would be greatly appreciated if you request to be placed on the agenda and provide an outline of the matter you wish to discuss at least one week prior to the meeting. You may do this by contacting the Supervisor or the Town Clerk at (716)789-3445. Thank you for your Courtesy!
- **RESOLUTIONS**

RESOLUTION 20 OF 2025 – RESOLUTION FOR THE CREATION OF CLERK II

RESOLUTION 21 OF 2025 – RESOLUTION FOR THE CREATION OF INSPECTION OFFICER

- **CORRESPONDENCE:**
The following correspondence has been received by the Town of North Harmony and is available for review at the offices:

ASSESSOR – APRIL PROPERTY TRANSFERS: A/V: \$778,610.00 S/P: \$1,135,601.00 (+\$356,991.00)

CHARTER COMMUNICATIONS -

the following price changes that will take effect on or after July 15, 2025. For customers who may be paying a promotional price, the retail price does not take effect until the end of the promotional period.

Spectrum Pricing & Packaging includes Broadcast TV Surcharge	Price Change
Spectrum TV Select	Will increase by \$5.00 per month
Spectrum TV Silver	Will increase by \$5.00 per month
Spectrum TV Gold	Will increase by \$5.00 per month
Spectrum TV Select Signature	Will increase by \$5.00 per month
Spectrum TV Select Plus	Will increase by \$5.00 per month

Spectrum TV Select packages now come with access to major programmer’s streaming services. We have a couple more to launch, but Spectrum TV Select customers will soon be getting access to streaming apps with a retail value of up to \$82 per month at no additional cost. (Disney+ Basic, ESPN+, Paramount+ Essential, ViX, MAX with Ads, Discovery+ with Ads, Peacock Premium, AMC with Ads, BET+ Essential, and Tennis Channel Plus.)

Effective on or after August 5, 2025, pricing will decrease for the following unreturned equipment:

Unreturned Equipment	Pricing Adjustment
Digital Receivers	Will decrease from \$97.00 to \$60.00

- **OLD BUSINESS**

ECODE AND C&S CONSULTANT UPDATE

- **NEW BUSINESS:**

DAVID MUNSEE – PERMISSION TO CORN STAND AT THE FOUR CORNDERS IN ASHVILLE IN THE TOWN.

LL 8 OF 2025 – A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2022 DOG LICENSE AND CONTROL LAW OF THE TOWN OF NORTH HARMONY – MOTION TO SET PUBLIC HEARING

LL 9 OF 2025 – A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 2025 AMENDING ARTICLE VII SECTION 701 ENFORCEMENT AND SECTION 702 DUTIES. - MOTION TO SET PUBLIC HEARING.

JULIE CONKLIN – MOTION TO APPOINT TO THE PROVISIONAL POSITION AS AN INSPECTION OFFICER AT \$25.00/HR; 30 HRS/WEEK

CHAUTAUQUA LAKE AND WATERSHED MANAGEMENT ALLIANCE MEMBERSHIP RENEWAL

- **ALL OTHER BUSINESS AS NECESSARY**

- **EXECUTIVE SESSION AS NECESSARY**

- **REPORTS:**

Pierre Chagnon – Legislator
Howard Peacock – Justice
Benny Karlson – HWY Sup't.
Brad Lawson – Zoning CEO
Anne Golley – Assessor
DCO – John Stow

Stephanie Gibbs – Town Clerk
Robert Yates - Supervisor
GF Vouchers
HWY Vouchers
Adjournment

RESOLUTION #21 OF 2025

RESOLUTION FOR THE CREATION OF INSPECTION OFFICER

A regular meeting of the Town Board of the Town of North Harmony was convened in the public session of the Town Building, 5350 Stow Road, Ashville, New York on July 14, 2025, at 7:00 o'clock P.M. local time. The meeting was called to order by Supervisor Robert Yates and upon roll being called, the following were:

PRESENT:

ABSENT:

Resolution by:

Seconded by:

WHEREAS, the Town Board of the Town of North Harmony has reviewed the town's organizational structure and operational needs; and

WHEREAS, a thorough analysis has identified a significant opportunity to improve the Town of North Harmony Code Enforcement functions and address growing demands in this area; and

WHEREAS, the creation of a new position, as detailed in the attached proposal for Inspection Officer will enable the town to more effectively pursue these opportunities and meet these demands; and

WHEREAS, the Town of North Harmony Town Board believes that creating the position of Inspection Officer will benefit the town by increasing efficiency and workflow; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of North Harmony approves the creation of the position of Inspection Officer within the Town of North Harmony.

BE IT FURTHER RESOLVED, that the responsibilities, duties, and reporting structure of the Inspection Officer are outlined in the attached Job Description, which is incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Town of North Harmony is authorized and directed to take all necessary steps to recruit, interview, and hire a qualified individual to fill the position of Inspection Officer in accordance with town policies and procedures; and

BE IT FURTHER RESOLVED, that the Town of North Harmony is further authorized to negotiate and approve the compensation and benefits for the Inspection Officer within the budgetary allocation established for this position.

Supervisor Robert Yates	Voted –
Deputy Supervisor Louise Ortman	Voted –
Councilman Richard Sena	Voted –
Councilman Bruce M. Pfeil	Voted –
Councilwoman Nikiel Adams	Voted -

Motion Approved
Resolution Adopted:

Stephanie N. Gibbs, Town Clerk
Town of North Harmony

INSPECTION OFFICER

DISTINGUISHING FEATURES OF THE CLASS: This class of positions encompasses several functions traditionally performed under such titles as Building Inspector, Building & Plumbing Inspector, Enforcement Officer, Fire Inspector, Zoning Officer and the like. An incumbent may inspect new construction or existing structures for conformance with all applicable provisions of local and state building and fire codes and regulations, zoning ordinances and the multiple residence law, or may in larger municipalities specialize in one or more areas of inspection. Employees in this class generally do not have responsibility for the examination of plans for the construction or for the inspection of large-scale construction involving the use of reinforced concrete or structural steel but may be required to assist in some routine inspection in some cases. In instances of the above large-scale construction a municipality normally engages the services of an engineer or architect for appropriate inspections and approvals. Does related work as required.

TYPICAL WORK ACTIVITIES:

Reviews, checks and approves plans and specifications submitted with building permit applications for compliance with building and fire codes, zoning ordinances and other applicable laws and ordinances prior to issuing permits and certificates of occupancy;
Inspects buildings in the process of construction or repair for compliance with appropriate plans and all requirements of laws, codes or ordinances;
Explains requirements of laws, codes and ordinances to contractors and members of the public; Inspects sanitary installations and plumbing to insure conformity with codes and regulations;
Orders unsafe or improper conditions remedied and arranges for notification of owners and builders of deviation from requirements;
Investigates complaints and assists in prosecuting violations of building and fire codes, zoning ordinances, etc.;
Keeps records and prepares reports as required for state and local reporting requirements;
Does related work as required.

FULL PERFORMANCES KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS: Good knowledge of local and state building and fire codes, zoning ordinances and state multiple residency law; good knowledge of the practices, principles, materials and tools used in building construction; good knowledge of building trades; working knowledge of the principles of engineering and architecture as they apply to the interpretation of laws, codes and ordinances; ability to establish cooperative relations with other public officials, building contractors, and the public; ability to read and interpret blueprints, plans and specifications; thoroughness; tact; good judgment; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: Either:

- A. Two (2) years experience in building construction or building trades; OR
- B. Two (2) years experience in a position involving the assessment, inspection or valuation of real property; OR
- C. Completion of two (2) years of college (60 semester credit hours); OR
- D. Two (2) years experience with a governmental agency in a responsible position involving the enforcement of rules, codes, regulations or laws, and direct dealings with the public; OR
- E. Two (2) years experience as a paid or volunteer firefighter; OR
- F. An equivalent combination of training and experience as defined by the limits of (A) through (E) above.

ADDITIONAL REQUIREMENTS: Pursuant to 19 CRR-NY Part 1208, appointees must complete the basic training program for either Building Safety Inspector or Code Enforcement Official, whichever is prescribed by the appointing authority for the position, within 18 months of appointment to the position. Candidates must additionally obtain the appropriate certification upon completion of the basic training program and maintain such certification during service in this class.

RESOLUTION #20 OF 2025

RESOLUTION FOR THE CREATION OF CLERK II

A regular meeting of the Town Board of North Harmony was convened in the public session of the Town Building, 5350 Stow Road, Ashville, New York on July 14, 2025, at 7:00 o'clock P.M. local time. The meeting was called to order by Supervisor Robert Yates and upon roll being called, the following were:

PRESENT:

ABSENT: N/A

Resolution by:

Seconded by:

WHEREAS, the Town Board of the Town of North Harmony has reviewed the town's organizational structure and operational needs; and

WHEREAS, a thorough analysis has identified a significant opportunity to improve the Town of North Harmony office functions and address growing demands in this area; and

WHEREAS, the creation of a new position, as detailed in the attached proposal for Clerk II will enable the town to more effectively pursue these opportunities and meet these demands; and

WHEREAS, the Town of North Harmony Town Board believes that creating the position of Clerk II will benefit the town by increasing efficiency and workflow; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of North Harmony, approves the creation of the position of Clerk II within the Town of North Harmony.

BE IT FURTHER RESOLVED, that the responsibilities, duties, and reporting structure of the Clerk II are outlined in the attached Job Description, which is incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Town of North Harmony is authorized and directed to take all necessary steps to recruit, interview, and hire a qualified individual to fill the position of Clerk II in accordance with town policies and procedures; and

BE IT FURTHER RESOLVED, that the Town of North Harmony is further authorized to negotiate and approve the compensation and benefits for the Clerk II within the budgetary allocation established for this position.

Supervisor Robert Yates	Voted –
Deputy Supervisor Louise Ortman	Voted –
Councilman Richard Sena	Voted –
Councilman Bruce M. Pfeil	Voted –
Councilwoman Nikiel Adams	Voted -

Motion Approved
Resolution Adopted:

Stephanie N. Gibbs, Town Clerk
Town of North Harmony

CLERK II

DISTINGUISHING FEATURES OF THE CLASS: The work involves responsibility for the performance of standard clerical tasks including the use of a personal computer and other office equipment. Specific duties vary with the needs of the department. Procedures are usually fixed but detailed instructions are given for new or difficult assignments. Work is reviewed by direct observation, checking completed work, periodic or spot checks, cross-checking or other steps in the clerical process and involves regular contacts with the general public on routine matters. This position differs from Operations Assistant in that duties of a Clerk II involve less complex operations than an Operations Assistant and tend to be routine in nature. Does related work as required.

TYPICAL WORK ACTIVITIES:

Receives and organizes work to be processed and recorded;
Contacts clients, vendors, and/or insurance carriers to obtain additional information or to update information;
Answer telephone and take messages or provides callers with general information;
Prepares, stores and retrieves lists and documents;
Updates and stores department forms on a computer using word processing software;
Orders office supplies and maintains inventory of supplies and equipment;
Sorts, date stamps and distributes mail and packages;
Maintains alphabetic, numeric and/or chronological files of correspondence, documents and materials by coding and filing new material, searching for requested material and periodically purging obsolete material;
Schedules meetings and appointments;
Operates a variety of office machines and equipment
Extracts compiles and maintains simple office and database reports;
May serve as a receptionist and greet clients and/or visitors and provide general information;
May enter and retrieve information using computer database/spreadsheet software;
May perform routine keyboarding functions including preparing documents and forms using a typewriter or computer;
May collect fees and account for monies received;
May prepare and maintain time records and payroll data.

When assigned to a School Health Office may perform the additional duties:

Assists the nurse in provision of health services for students including emergency first aid/CPR/AED;
May administer emergency medication and oversee the administration of oral topical medication to self-directed students;
May check for head lice and covering the health office in the absence of the nurse.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS: Working knowledge of modern office terminology, procedures, equipment and business English; working knowledge of the principles and practices of computerized records maintenance; ability to use a typewriter and computer keyboard; ability to perform close, detail work involving considerable visual effort and concentration; ability to understand and follow oral and written instructions; ability to maintain neat and legible records; ability to meet and deal with the public effectively; mental alertness; neat appearance; tact and courtesy; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: Graduation from high school or possession of a high school equivalency diploma and six (6) months of clerical experience which shall have involved typing or computer data entry.

NOTE: Attendance at a recognized business or secretarial school with an emphasis on stenography, typing or computer data entry may be substituted on a month for month basis for experience.

ADDITIONAL REQUIREMENTS for Jamestown Public School District: Possession of current CPR, Automated External Defibrillator (AED) and First Aid certificates within 6 months of appointment and during service in this classification when assigned duties in the Health Office.

Local Law No. 8 of the year 2022
AMENDMENT TO LOCAL LAW NO. 4 OF THE YEAR 2022

Title: Dog Licensing and Control Law of the Town of North Harmony

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF NORTH HARMONY AS FOLLOWS:

1. Legislative Intent.

The purpose of this local law shall be to preserve public peace and good order in the Town of North Harmony and to promote the public health, safety, and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of North Harmony

2. Authority.

This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York as amended by Chapter 69; Part T, of the laws of 2019 and the Municipal Home Rule Law of the State of New York.

3. Definitions.

As used in this local law, the following words shall have the following respective meanings:

SERVICE ANIMAL – Dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting, and protecting a person who is having a seizure, reminding a person with a mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as a service animal under the ADA.

OWNER – Shall include any person, persons, firm, association, or corporation at any time owning, having custody or control of, harboring or otherwise being responsible for any dog which is kept in, brought into, or comes within the town; and when any such owner shall be a child under the age of sixteen years, the head of the household in which such child resides shall be deemed to be the owner of such dog for purposes of this local law.

SECURE ENCLOSURE - A fence of at least 6 feet in height or other structure, such as a pen, forming or causing an enclosed area suitable to prevent the entry of young children or any part of their bodies and suitable to confine dangerous dogs, in conjunction with other measures which may be taken by the owner or keeper, such as the tethering of the dangerous dog. Such other structures shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping therefrom. If the pen or other structure has no bottom secured to the sides, the sides shall be embedded into the ground no less than one foot.

AT LARGE – Shall mean off the premises of the owner. Any dog that is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be “at large” if it is a guide dog actually leading a blind person, a police work dog, in use for police work, or a dog accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or posted land with the permission of the owner of the land or leashed.

LEASH – Shall mean the “dog” is equipped with a collar or harness to which is attached a “leash” not to exceed (8) eight feet in length, constructed of materials of sufficient strength to restrain the “dog” and which “leash” shall be held by a person able to control and restrain the dog.

DOG – Shall mean male and female, licensed and unlicensed, members of the species canis familiaris.

DOG CONTROL OFFICER – A person or persons appointed by the Town for the purpose of enforcing this local law.

TOWN – Shall mean the Town of North Harmony.

DANGEROUS DOG –

- A. The definition of a dangerous dog shall be determined by the Justice upon complaint by the Dog Control Officer; any Police Officer; or by a written witness affidavit.
- B. Any dog:
 - 1) Which, when unprovoked, approaches a person in a vicious or terrorizing manner in an apparent attitude of attack upon the streets, sidewalks or any public grounds or places.
 - 2) With a known propensity, tendency, or disposition to attack unprovoked, causes injury or otherwise endanger the safety of human beings or domestic animals.
 - 3) Which bites, inflicts injury, assaults, or otherwise attacks or endangers a human being or domestic animal or household pet without provocation on public or private property; or
 - 4) Which is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
- C. No dog may be declared dangerous if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. If the trespass is determined to be of an innocent nature, the Court may, depending on the circumstances and in accordance with the procedures set forth in this article, find the dog to be dangerous.
- D. No dog may be declared dangerous if it is used by law enforcement officials for law enforcement work.

4. **Regulations and Restrictions Upon Dogs.**

All dogs within the town shall be subject to the following regulations and restrictions and must be licensed and vaccinated for rabies per Section 10 of this law:

A. No dog shall be permitted to be at large or allowed to run at large ~~within those areas of the town designated as sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and those portions of sections 3 and 11 lying between NYS Rt. 394 and Chautauqua Lake, on the tax map of Chautauqua County for the town~~ in any area of the town unless accompanied by its owner or a responsible person able to control the dog; except, that a dog may be upon the private property of premises of another person within such area only with the knowledge, consent and approval of the owner of such premises, and further excepting that a dog duly licensed, and wearing a collar and license as required by Article 7 of the Agricultural and Markets Law of the state, may be upon a public way or public recreation site in such area provided such dog is leashed. For the purposes of this local law, a dog or dogs hunting in company with a hunter or hunters shall be considered as accompanied by its owner.

B. No person who owns or has control of a dog shall permit or suffer such dog to damage or destroy property of any kind of another person, firm, association or corporation, to attack, bite, chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury in any place where such person may lawfully be, or to worry, attack, chase, injure or kill any domestic animal, dog or cat of another person, firm, association or corporation, when such animal is in a place where it may lawfully be. For the purposes hereof, when any dog is at large contrary to the provisions of this local law and commits any of said acts, the owner or person in control shall be deemed to have permitted or suffered the dog to have committed such acts.

C. Any dog which is kept restrained or required to be kept restrained on a cable or run shall be kept at a distance of no less than 10 feet from any/all property lines. This means the dog at the fully extended length of a cable or run should be no closer than 10 feet from any/all property lines.

D. The owner of any dangerous dog as defined in Section 3. Definitions of this law shall not thereafter permit such dog to be at any place other than on the premises of the owner unless such dog is securely fitted with a properly fitting muzzle of a type which shall not permit such dog to bite another person or animal, collar, and leash. Such leash shall have a maximum length of four feet, and both leash and collar shall have a minimum tensile strength of 300 lbs. It shall be unlawful at all times thereafter to allow said dog to leave the owner's home or a secure enclosure as defined in Section 3. Definitions of this law upon the owner's property unless said dog is muzzled, collared, and tethered and under the control of a person at least 21 years of age who has physical ability to control dog.

E. No person who owns or has control of a dog shall permit or suffer such dog to engage in habitual and loud howling, barking, crying, or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

F. No person who owns or has control of a dog shall permit or suffer such dog to habitually chase or run alongside of motor vehicles, motorcycles, bicycles, or pedestrians while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

G. No person who owns or has control of a dog shall permit or suffer such dog to create a nuisance by defecating, urinating, or digging on public property, or on private property without the consent or approval of the owner of such property.

H. All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Dog Control Officer or any peace officer and removed to a safe place of confinement.

5. Conditions for keeping dogs.

All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water, shelter, or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size, and number of dogs on the premises. Upon conviction of the owner or harbinger of a violation of the provisions of this section, the dog(s) shall become the property of the Agency of Seizure to be released to an authorized humane society, licensed veterinarian or kennel for adoption or euthanasia.

6. Seizure of dogs; redemption; disposition; impoundment fee.

The Dog Control Officer or any peace officer, shall have the authority to seize any unlicensed or at large dog found to be in violation of this local law, whether on or off the owner's premises and/or any dog not wearing a tag, not identified and not on the owner's premises. Upon taking custody of any dog, the Dog Control Officer or peace officer, shall make a record of the matter. The record shall include date of pickup, time of pickup, breed, general description, sex, identification numbers, location or release and name and address of owner, if any.

A. If a dog is seized not wearing an identification tag (license tag) it shall be held for a minimum period of no less than (5) days.

B. If a dog seized is wearing a North Harmony identification number, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven (7) days; if notified by mail, no less than nine (9) days.

C. The fees for any seizure and impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of this local law are as follows. Fees are based on a one (1) year period beginning on the date of the first offense. Such fees may be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

(1) For the first impoundment: \$20, plus the charge of \$15 per day or any part of a day, to the Town for each day of impoundment.

(2) For the second impoundment: \$35, plus the charge of \$15 per day or any part of a day, to the Town for each day of impoundment.

(3) For the third impoundment: \$60, plus the charge of \$15 per day, or any part of a day, to the Town for each day of impoundment.

(4) For any impoundments in excess of three (3) in a one-year period the charge shall be set by the Justice Court of the Town, plus the charge of \$15 per day, or any part of a day, to the Town for each day of impoundment.

D. If not redeemed, the owner shall forfeit all title to the dog, and it shall be released to an authorized humane society, licensed veterinarian, or kennel to be adopted or euthanized as provided in the Agriculture and Markets Law of the state.

7. Enforcement.

A. This local law shall be enforced by the dog control officer or any peace officer. No person shall hinder, resist, or oppose the dog control officer or peace officer authorized to administer or enforce the provisions of this article in the performance of the officer's duties under this article.

B. The dog control officer or any peace officer observing a violation of this local law in his presence shall issue and serve on the owner an appearance ticket for such violation, which appearance ticket shall be in the form prescribed by the Agricultural and Markets Law of the state and this local law.

C. Any other person who observes a violation of this local law may file a signed complaint, under oath, with a town justice of the town specifying the objectionable conduct of such dog, the date thereof, a description of such dog, and name and residence of the owner of the dog. Upon receipt of any complaint by the town justice, pursuant to this section, the town justice may summon the alleged owner of the dog to appear in person before him. If such summons is disregarded, the town justice may permit the filing of an information and issue a warrant for the arrest of the alleged owner.

D. In lieu of proceeding under section 7.C., a complainant may notify the dog control officer or peace officer, either orally or in writing, of any violation, giving details of the nature of said violation including the time and place of same. The officer then shall cause to be served a written notice of the complaint upon the owner of the dog, informing the owner of said violation, and informing the owner to take immediate action to prevent a subsequent violation. If a subsequent violation occurs, the officer may summon the owner before the town justice and file an information in accompaniment with supporting depositions.

E. In any trial under this local law the rules of procedure and proof applicable in criminal actions shall apply.

8. Penalties.

Any violation of this local law shall be deemed an offense by the owner of the offending dog, punishable by a fine not exceeding one hundred dollars (\$100.00) or confinement in jail not exceeding five days, or by both such fine and imprisonment. Each separate violation of any provision of this local law shall constitute a separate offense. Such fees may be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary. The provisions herein are in addition to the regulations, restrictions, requirements, and penalties contained in Article 7 of the Agriculture and Markets Law of the state.

9. Compensation for Dogs Destroyed.

The owner, possessor or harbinger of any dog destroyed under the provisions of this local law, whether destroyed by a Dog Control Officer or peace officer or released to an authorized humane society or veterinarian, shall not be entitled to compensation and no action shall be maintainable thereafter to recover the value of the dog or any other type of damage.

10. Licensing of Dogs.

A. License Required. No person shall own or possess a dog within the Town unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and law of the Town. All dogs in the Town of North Harmony must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies vaccination at the time of making an application for a license or for the renewal of an existing license. All dog licenses shall be purchased in person at the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee and a self-addressed, stamped (postage paid) envelope shall accompany the forms. There shall be no refund of fees.

B. Expiration of License. All dog licenses shall be valid for a period of one (1) or two (2) years and shall expire at the end of the month one (1) two (2) or three (3) years from the date of issuance, with the exception of Purebred licenses as addressed in Section F.

~~(4)~~ **Late Fees.** All dog licenses not renewed within 90 days of the expiration date on the license renewal application shall be subject to a mandatory late fee.

C. License Fees.

	<u>FEE</u>	<u>FEE EFF. 1/1/2023</u>
Spayed / Neutered Dog:	1YR. \$6; 2YR. \$12	1YR. \$7; 2YR. \$14; 3YR. \$21
Unspayed / Unneutered Dog:	1YR. \$13; 2YR. \$26	1YR. \$15; 2YR. \$30; 3YR. \$45
Senior Citizen Spayed / Neutered License:	1YR. \$3; 2YR. \$6	1YR. \$4; 2YR. \$8; 3YR. \$12
Senior Citizen Unspayed / Unneutered License:	1YR. \$10.50; 2YR. \$21	1YR. \$12; 2YR. \$24; 3YR. \$36
Mandatory Late Renewal Fees:	After 60 days \$20	After 90 days \$10
Replacement Tag Fee:	\$3	\$3

D. Animal Population Control Program (APCP). Pursuant to the provisions of Article 7 Sec. 110. of the Agriculture and Markets Law of the State of New York all licensing fees shall include the assessment of a surcharge of at least \$1 for altered dogs and at least \$3 for unaltered dogs for the purpose of carrying out an animal population control program. Such surcharges shall be submitted by the municipality to the commissioner.

E. Senior Citizen License Fees. A reduced license fee for one (1) dog will be available to a Senior Citizen aged 65 or above.

F. Enumeration Fee. When the Town Board determines the need for a dog enumeration, a fee of \$15 will be assessed to the owner of any dog found unlicensed or for which the license has not been renewed at the time the enumeration is conducted.

G. Purebred License. Effective January 1, 2011, the Town of North Harmony will no longer issue Purebred licenses. Existing Purebred licenses will be grandfathered in and phased out in an attrition process. Purebred licenses will be valid for a period of one (1) year and shall expire at the end of the month one year from the date of issuance. No new dogs may be added to a current Purebred license. The base fee for a Purebred License licensing up to 10 dogs will be \$25 per year; up to 25 dogs will be \$50 per year; and

up to 50 dogs will be \$100 per year. There will be an additional surcharge fee of \$3 each for unspayed/unneutered dogs and \$1 each for spayed/neutered dogs.

H. Service Dogs. The Town shall require a license for any guide dog, service dog, hearing dog or detection dog. The license fees will be waived for a single dog as those terms are defined by Article 7 of the Agriculture and Market Law of the state.

I. Shelters. The Town does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Clerk of the Town in which the dog will be harbored for the purchase of a license for adoption purposes. Any adoption from the town shelter will require spaying or neutering of the adopted dog.

J. Grace Period. Any dog harbored within the Town of North Harmony which is owned by a resident of New York City and licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the provisions of this Section.

K. All fees shall be used in funding the administration of the Dog Licensing and Control Law of the Town of North Harmony.

11. Severability.

If any section, provision, or part of this local law is held to be invalid, in whole or in part, such determination of invalidity shall not affect the validity of any of the remaining sections, provisions or parts of this local law.

12. Repealer.

All Local Laws or Ordinances and parts thereof inconsistent with this Local Law are hereby repealed.

13. Effective Date.

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

Approved:

Supervisor

**TOWN OF HARMONY
LOCAL LAW NO. 9 FOR THE YEAR 2025
A LOCAL LAW AMENDING LOCAL LAW NO. 7 FOR THE YEAR 2025
AMENDING ARTICLE VII SECTION 701 ENFORCEMENT AND SECTION 702
DUTIES**

Section I: Title. This Local Law shall be known as Local Law No. 9 of the Year 2025, Amending Local Law No. 7 of the year 2025 amending Article VII Section 701 “Enforcement” and Section 702 “Duties” of the Town of North Harmony Zoning Law (Local Law No. 1 of 2014, and as subsequently amended), titled Administration and Enforcement.

Section II: Purpose. The purpose of this local law is to amend Article VII of the Town of North Harmony Zoning Law regarding the Code Enforcement Officer’s powers and duties of administration and enforcement of this Zoning Law, Uniform Code, Energy Code, and the New York State Uniform Fire Prevention and Building Code.

Section III:

ADMINISTRATION AND ENFORCEMENT

- A. This chapter shall be enforced by the Code Enforcement Officer (CEO) who shall be appointed by the Town Board. No building permit or certificate of occupancy shall be issued by him or her, except where all the provisions of this chapter have been complied with.

- B. The CEO shall have the following powers and duties:
 - 1.) To receive and review for Zoning Law compliance, and for clerical completeness, all applications for a special use permit, site plan review pursuant to the provisions of this Zoning Law. If the Code Enforcement Officer determines that the application meets all requirements of the Zoning Law, the CEO shall forward the application for further review to the permitting board in accordance with the provisions of the Zoning Law and/or Land Subdivision Regulations. If the CEO finds that the application does not comply in one or more respects with the provisions of the Zoning Law, the CEO shall deny the application and notify the applicant that he/she may appeal the CEO's determination to the Zoning Board of Appeals in accordance with the provisions of IX of this Zoning Law.
 - 2.) Upon approval of any application by the permitting board for a special use permit, site plan approval, or for any other change in use requiring the issuance of a building permit, the CEO is authorized to issue a zoning permit without additional application by the project sponsor. A zoning permit is a document that acknowledges that a proposed use or structure complies with the North Harmony Zoning Law or authorized variance thereof. Such zoning permit shall include all standards and conditions imposed by the approval and/or review board.
 - 3.) To conduct inspections necessary to the investigation of complaints and all other inspections required or permitted under any provision of this Zoning Law, and to request and inspect any records or documents authorized pursuant to the provisions of this Zoning Law.

4.) To issue stop work orders, notices of violations and compliance orders, and to revoke permits issued pursuant to the Town of North Harmony's Zoning Law in accordance with the provisions of that section governing permit revocation.

5.) To accept complaints of violations from citizens and public officials to document and follow up on violations encountered during the course of inspections or through general observation in the community, to investigate potential violations, and where necessary in the discretion of the Town, to commence enforcement of the Zoning Law.

6.) To issue orders pursuant to the Town's Zoning Law.

7.) To maintain records.

8.) To collect fees set by the Town Board.

9.) To pursue administrative and civil enforcement actions and proceedings and/or criminal proceedings to enforce the provisions of this Zoning Law.

10.) To consult with the Town Attorney about pursuing such legal actions and proceedings as may be necessary to enforce the provisions of the Zoning Law.

11.) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Zoning Law, Uniform Code, Energy Code, and the New York State Uniform Fire Prevention and Building Code.

C. Appointment and qualifications.

The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background, skills, training and experience relating to the interpretation, application and enforcement of zoning laws and laws commensurate with the responsibilities of the position and shall, within the time period prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York and the Town shall require for Zoning Enforcement personnel. The Town Board may also appoint a Deputy Code Enforcement Officer who shall have the same duties and authority as those conferred upon the CEO by the Town Board. Such Deputy shall also have the qualifications, training, and skills commensurate with the responsibilities of the Code Enforcement Officer position.

D. Acting Code Enforcement Officer.

In the event the CEO is unable to serve for any reason, an Acting Code Enforcement CEO shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall possess background and experience relating to the interpretation, application and enforcement of zoning laws and shall, after being appointed by the Town Board, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York and the Town shall require for Zoning Enforcement personnel. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the CEO by this Zoning Law.

E. Compensation. Compensation of the Code Enforcement Officer shall be reviewed annually by the Town Board.

- F. Authority to issue Stop Work Orders. The Code Enforcement Officer is authorized to issue stop work orders pursuant to this Article for any work that is determined by the Code Enforcement Officer to be conducted in violation of the Zoning Law, including, but not limited to, work being conducted on land and/or work being conducted on a building or structure for which a special use permit or site plan approval is required but has not been obtained.
- G. Content of Stop Work Order. A stop work order shall:
- a. Be in writing;
 - b. Be dated and signed by issuing Officer;
 - c. State the reason or reasons for issuance; and
 - d. If applicable, state the conditions that must be satisfied before work will be permitted to resume.
- H. Service of stop work order. The CEO shall cause the stop work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by registered or certified mail. The CEO shall be permitted, but not required, to cause the stop work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop work order, personally or by registered or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop work order.
- I. Effect of stop work order. When a stop work order is issued, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work that is the subject of the stop work order.
- J. Complaints. The CEO shall review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with this Zoning Law. The process for responding to a complaint shall include any of the following steps the CEO may deem to be appropriate:
- a. Performing an inspection of the property, conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
 - b. If a violation is found to exist, providing the owner of the affected property, and any other person who may be responsible for the violation, with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner authorized in this Zoning Law;
 - c. If appropriate, issuing a stop work order and/or compliance order;
 - d. If a violation that was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing the report with the complaint; and
 - e. Notify the complainant about the outcome of any investigation initiated as a result of their complaint.

K. Recordkeeping. The CEO shall keep permanent official records of all transactions and activities that he/she conducts and those conducted by members of his office, including records of:

- a. All applications received, reviewed and approved or denied;
- b. All plans, specifications and construction documents approved;
- c. All zoning permits, temporary certificates, stop work orders, operating permits, and certificates of use issued;
- d. All inspections and tests, including all third-party inspections and tests, required and performed;
- e. All statements and reports issued and a master list of all reports to be received;
- f. All complaints received;
- g. All investigations conducted;
- h. All other features and activities specified in or contemplated by this Section of the Zoning Law; and
- i. All fees charged and collected.

All records shall be public records open for public inspection during normal business hours, except for records exempted from disclosure under the New York State Public Officers Law (Freedom of Information Law) or documents which are protected by attorney-client privilege. All records maintained by the CEO shall be kept in an organized manner calculated to allow easy and efficient review by Town officials or the public. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation. The CEO shall periodically check all reports and plans to ensure that appropriate action, if needed, is taken.

L. Program Review and Reporting. The CEO along with the Deputy CEO shall annually submit to the Town Board a written report and summary of all business conducted by the CEO office, including a report and summary of all transactions and activities described in subsection (K) (Record Keeping) of this Zoning Law and a report and summary of all appeals or litigation pending or concluded.

M. Violations. The CEO is authorized to order in writing the remedying of any condition or activity found to exist in, on, or about any building, structure, property or premises in violation of this Zoning Law. Upon finding that any violation exists, the officer shall issue a compliance order. The compliance order shall:

- a. be in writing;
- b. be dated, shall identify the CEO, and be signed by the CEO;
- c. specify the condition or activity that violates this Zoning Law;
- d. specify the provision or provisions of this Zoning Law that is/are violated by the specified condition or activity;
- e. specify the period of time the CEO believes is reasonably necessary for achieving compliance;
- f. direct that compliance be achieved within the specified period of time; and

g. state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

The CEO shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered or certified mail. The Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof; to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

N. Appearance tickets. The CEO is authorized to issue appearance tickets for any violation of the Zoning Law.

O. Civil penalties. In addition to those penalties authorized by State law, any person who violates any provision of this Zoning Law shall be liable for a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted by the Town of North Harmony.

P. Criminal penalties and enforcement. Any violation of the Zoning Law is hereby declared to be an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense; upon conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine not less than \$350, nor more than \$700, or imprisonment for a period not to exceed six (6) months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine not less than \$700, nor more than \$1,000, or imprisonment for a period not to exceed six (6) months, or both. For the purpose of conferring jurisdiction upon the Courts and judicial officers generally, violations of the Zoning Law shall be deemed misdemeanors and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

Q. Injunctive relief. An action or proceeding may be instituted by the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this Zoning Law. No court action or proceeding shall be commenced without the appropriate authorization from the Town Board. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of this Zoning Law, or any Stop Work Order, Compliance Order or other order obtained under this Zoning Law, an action or proceeding may be commenced in the name of the Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions.

R. Remedies not exclusive. No remedy or penalty specified in this Article shall be the exclusive remedy or penalty available to address any violation described in this Article, and each remedy or penalty specified in this Article shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified this Section or in any other applicable law. Any remedy or penalty specified in this Article, including stop work orders, may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Article or any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this Article, including stop work orders, shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of Section 381 of the New York State Executive Law (Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation and Construction Code), and any remedy or penalty specified in this Article, including stop work orders, may be pursued at any time, whether prior to, or simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of Section 381 of the New York State Executive Law.

S. Permits

- a. Building permit. For zoning purposes, no new structure shall be built, nor an existing structure enlarged or moved, no use of space shall be changed, unless a building permit for such action has been issued by the Code Enforcement Officer. A building permit shall expire one year from the date of issue.
- b. Prior to conducting any use on any property, the owner of such property shall seek the review and issuance of the appropriate zoning permit for permitted uses or referral of the matter to the appropriate Board for review, by the Code Enforcement Officer.

T. Matter accompanying application for permits.

- (1) Each application to the Code Enforcement Officer for a permit to erect a new building or structure, to enlarge an existing one, to move an existing one or change the use of an existing space, shall be accompanied by a site plan showing measurements of the lot and of all buildings, setbacks and parking spaces, existing and proposed, the intended use or uses of the land and buildings, the area of disturbance clearly delineated and quantified, and plans for provision of essential services. In the case of nonresidential uses or multifamily uses, the documentation shall be the same as required for site plan review. For new construction without public sewers, no building permit shall be issued unless the method of sewage disposal is approved by the Town of North Harmony or County Board of Health, whichever is applicable.

U. Schedule of Fees

The Town Board, by resolution, shall establish and amend from time to time, a schedule of fees for the applications and permits required by this zoning law. The current schedule shall be on file with the Code Enforcement Officer and with the Town Clerk.

Section IV: Validity and Severability.

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration, and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

Section V: Repeal.

All ordinances, local laws, and parts thereof inconsistent with this Local Law are hereby repealed.

Section IV: Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.