

*Local Law Filing*

NEW YORK STATE DEPARTMENT OF STATE  
99 WASHINGTON AVE., SUITE 600  
ALBANY, NY 12231

(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.

**FILED  
STATE RECORDS**

**OCT 04 2011**

- County
- City
- Town of LaFayette
- Village

**DEPARTMENT OF STATE**

Local Law No. 2 of the year 20 11

A Local Law Amending Local Law 5 of 2007, Regulating Erosion/Sediment Control  
(insert Title)

And Stormwater Management in the Town of LaFayette

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

- County
  - City
  - Town
  - Village
- of LaFayette as follows:

**TOWN OF LAFAYETTE  
LOCAL LAW NO. 2-2011**

**A Local Law Amending Local Law 5 of 2007, Regulating Erosion/Sediment  
Control and Stormwater Management in the Town of LaFayette**

Be it enacted by the Town Board of the Town of LaFayette as follows:

## **Section 1.**

Local Law 5 of 2007, titled “A Local Law to Establish Minimum Erosion/Sediment and Stormwater Management Requirements and Controls in the Town of LaFayette,” is hereby amended such that Section 14(2) is amended to read, in its entirety, as follows:

“2. Maintenance Guarantee.

- a. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by an entity that owns or manages a commercial or industrial facility, the developer or entity, prior to construction, may be required to provide the Town of LaFayette with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or entity landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of LaFayette may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- b. In addition to or in lieu of the foregoing, where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by an entity that owns or manages a commercial or industrial facility, the developer or entity landowner prior to construction, may be required to enter into an Agreement with the Town of LaFayette setting forth maintenance and operation requirements for said stormwater management and erosion and sediment control facility and enforcement alternatives, in a form acceptable to the Town. If said stormwater management and erosion and sediment control facilities are not properly operated and maintained in accordance with said Agreement or approved plans, the Town shall give the developer and/or entity landowner thirty (30) days written notice to comply with the operation and maintenance provisions of the said Agreement or approved plans. If the developer and/or entity landowner shall fail to so comply with the operation and maintenance provisions of the said Agreement or approved plans within said thirty (30) day period, the Town may take such remedial steps as are necessary to bring said facility into compliance with the said operation and maintenance requirements of said Agreement or approved plans and the cost of such remedial measures shall be assessed as a lien on the property and shall be charged to the landowner’s tax bill.”

## **Section 2. Effective Date.**

This Local Law shall take effect upon its filing with the New York Secretary of State.

**(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. 2 of 20 11 of the ~~(County)~~(City)(Town)(Village) of LaFayette was duly passed by the Town Board on September 26 20 11, in accordance with the applicable provisions of law.

**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 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) (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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ (Elective Chief Executive Officer\*)

Such local law was subject to permissive referendum and no valid petition 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 vested with the power to approve or veto local laws or ordinances.

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

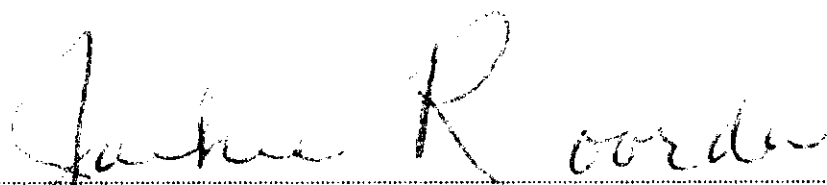
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority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



Jackie Roorda, Town Clerk, Town of LaFayette

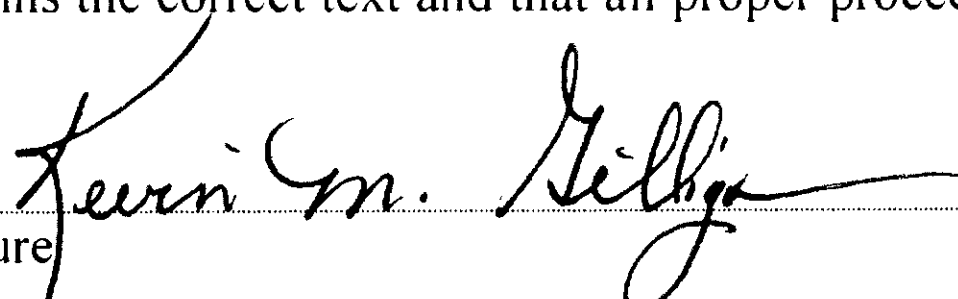
Date: September 26, 2011

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Kevin M. Gilligan, Esq., Town Attorney

Title

Town of LaFayette

Date: September 26, 2011