

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:)

FILED
STATE RECORDS

JUL 17 2018

of LaFayette

Local Law No. 2 of the year 2018

DEPARTMENT OF STATE

A Local Law to Amend the 1970 Zoning Ordinance of the Town of LaFayette to Add Provisions Governing Site Plan Review for Manure Storage Facilities Associated with Concentrated Animal Feeding Operations (CAFOs) and to Repeal Local Law No. 2-2017 which Related to the Same Subject Matter

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

County City Town Village
(Select one:)

of LaFayette as follows:

TOWN OF LAFAYETTE LOCAL LAW NO. 2-2018

A LOCAL LAW TO AMEND THE 1970 ZONING ORDINANCE OF THE TOWN OF LAFAYETTE TO ADD PROVISIONS GOVERNING SITE PLAN REVIEW FOR MANURE STORAGE FACILITIES ASSOCIATED WITH CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs) AND TO REPEAL LOCAL LAW NO. 2-2017 WHICH RELATED TO THE SAME SUBJECT MATTER

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

SECTION 1. LEGISLATIVE PURPOSE AND INTENT

The purpose of this Local Law is to review the location, construction, installation, operation, use and abandonment of manure storage facilities for Concentrated Animal Feeding Operations (CAFOs) in order to prevent water pollution and other environmental impacts and thereby protect the health of the residents of the Town of LaFayette, and promote the prosperity and general welfare of the residents of the Town of LaFayette. The Town Board understands that from time-to-time, local farmers require the ability to store large quantities of manure in order to fertilize crops and carry out other farming operations in an efficient and economical manner. Nonetheless, the Town Board finds that manure storage facilities can be a potential threat to the

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

health, safety and welfare of Town residents and the surrounding environment. The Town Board further finds that, despite the existence of State and Federal regulations, which set detailed performance standards for the construction and maintenance of such facilities, some measure of local oversight is required in order to ensure the transparency of the process surrounding the permitting, construction and expansion of these facilities.

SECTION 2. AUTHORITY

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 3. REPEAL OF LOCAL LAW NO. 2-2017

Local Law No. 2-2017, “A Local Law to Amend the 1970 Zoning Ordinance of the Town of LaFayette to Create Site Plan Review Regulations for Liquid Manure Storage Facilities” is hereby repealed.

SECTION 4. DEFINITIONS

Article VIII, Section B (“Particular Definition”) of The 1970 Zoning Ordinance of the Town of LaFayette is hereby amended to add the following definitions:

ANIMAL MANURE – Excrete from livestock, poultry and other materials, such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal manure handling operations.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) – An operation that confines animals on a site for more than forty-five (45) days per year, where feed is brought onsite. Medium and Large CAFOs as defined by the New York State Department of Environmental Conservation (“DEC”) in 6 NYCRR 750-1.2 shall be subject to the provisions of Article III(D) of the 1970 Zoning Ordinance of the Town of LaFayette.

MANURE STORAGE FACILITY – A facility constructed as an accessory use to an animal husbandry use, riding stable, or kennel, to collect, hold, process, store, treat, or distribute solid and liquid animal waste. Included within this definition are storage tanks, lagoons, seepage pits, drains, and collection systems intended to handle animal waste solids and liquids, food processing, and CAFOs. Not included within this definition are systems designed and construed to handle human waste.

SECTION 5. AMENDMENT OF ARTICLE III OF THE 1970 ZONING ORDINANCE OF THE TOWN OF LAFAYETTE TO ADD NEW PROVISIONS GOVERNING CONTROLLED SITE REVIEW FOR MANURE STORAGE FACILITIES

Article III of the 1970 Zoning Ordinance of the Town of LaFayette is hereby amended to add a new Section D “Controlled Site Review for Manure Storage Facilities” as follows:

“SECTION D. CONTROLLED SITE REVIEW FOR MANURE STORAGE FACILITIES

1. REGULATED ACTIVITIES

- a) Any person who designs, constructs, installs, reconstructs, enlarges, a manure storage facility for a CAFO, or employs another person to do the same, on land in the Town of LaFayette shall be subject to the provisions of this Section.
- b) No manure storage facility, or addition to an existing manure storage facility for a CAFO shall be constructed, installed, reconstructed, or enlarged prior to receiving controlled site review by the Town of LaFayette Planning Board.

2. SITE PLAN APPLICATION

The applicant for controlled site review shall submit the following:

- a) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.
- b) Show the existing features, of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
- c) Show the proposed location and arrangement of buildings; and uses on the site, including means of ingress and egress.
- d) Show the proposed location and arrangement of livestock containment areas or manure storage/manure composite sites.
- e) Sketch of any proposed building manure storage facilities structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
- f) Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to, accommodate the changes.
- g) Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
- h) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the, floodplain map and wetland map that corresponds, with the boundaries of the property.

- i) The applicant shall submit a copy of all plans, drawings or other documentation as may be required by the DEC or EPA for the manure storage facility.
- j) The number, kinds and weights of animals for which storage is provided and the duration for which storage is to be provided. Storage volume computations and the storage facility volume shall be provided.
- k) The structural details, load assumptions, design computations, dimensions, cross sections, concrete thickness, reinforcing steel to be used, and facility elevations. The construction and material specifications including, but not limited to, applicable specifications for earthen fill quantities and soil types, excavation quantities and soil types, timber and pipes for the proposed manure storage facility.
- l) The location of any existing well within three hundred feet (300') of the facility.
- m) The soil test pit locations and soil descriptions to a depth of at least five feet (5') below the planned bottom of the facility. Surface elevation of soil test pits shall be provided. Also results of any laboratory tests performed on the soils shall be provided.
- n) The elevation of high ground water level or bedrock if encountered in the soil profile and the date of any such determinations.
- o) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and ground water. The applicant shall show the location and distance of any surface flow path, well head, spring, or sinkhole within three hundred feet (300') of the facility.
- p) A time schedule for construction of the facility.
- q) A description of the method and materials proposed in transferring manure into and from the facility.
- r) All CAFOs shall provide an operation and maintenance plan, operating safety provisions and details of the manure transfer system, including, but not limited to, material quality.
- s) All CAFOs shall provide the type of fencing and signage to be used around the facility.
- t) Application form and fee (if required).

3. CONTROLLED SITE REVIEW PROCEDURES

- a) The applicant must submit a complete application and fee.
- b) The Town Codes Enforcement Officer shall make a determination whether the application is complete within seven (7) days of submission.

If the application is complete, the applicant may be placed on the Town Planning Board agenda for formal review.

- c) The Planning Board shall complete the review of the plan and application within forty-five (45) days of the submission of a complete application.

4. INSPECTIONS/ENFORCEMENT

- a) The Code Enforcement Officer of the Town of LaFayette may conduct onsite inspections until such time that the controlled site review and construction process is completed.

5. ABANDONMENT

- a) The applicant shall submit to the Town a copy of the documents that the CAFO supplies to the New York State Department of Environmental Conservation for abandonment of a manure storage facility.

6. PENALTIES

- a) The owner of any such facility who commits or permits any acts in violation of any of the provisions of this Section or fails to comply with the provisions thereof shall be deemed to have committed an offense against such Section and also be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
- b) For every violation of any provision of this Section, the person violating the same shall be subject to a fine of not more than Five Hundred (\$500.00) Dollars and/or fifteen (15) days in jail for each such offense. Such penalties shall be collectable by and in the name of the Town for each day that such violations shall continue.”

SECTION 6. SEVERABILITY

If the provisions of any section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 7. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the 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 2018 of the Town of LaFayette was duly passed by the Town Board on July 10, 2018, 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 Town of Sullivan was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board and was deemed duly adopted 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 Town of Sullivan was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board on _____, 20__.~~

~~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 Town of Sullivan was duly passed by the Town Board on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the Town Board 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.~~

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.~~

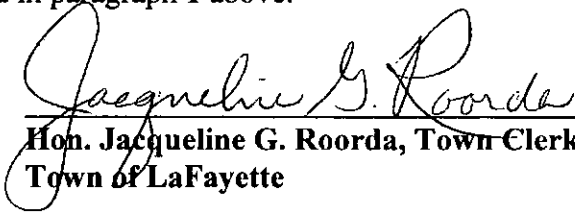
6. (County local law concerning adoption of Charter.)

~~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.)

* 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.

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.



Hon. Jacqueline G. Roorda, Town Clerk
Town of LaFayette

Dated: July 10, 2018

