

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 of Cohocton
- Town
- Village

**FILED
STATE RECORDS**

MAR 20 2010

Local Law No. 1 of the year 20 10

DEPARTMENT OF STATE

A local law amending Local Law No. 1 of 2002
(Insert Title)

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

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

A. Section 1010 of Local Law Number 1 of 2002 shall be amended to include the following definition: "BULK STORAGE TANK – A storage tank in which liquids, gases or solids are stored or blended for the purpose of distribution by tank vessel, tank car, tank vehicle, portable tank or portable container. Any storage tank which serves more than one premises or from which any portion of its contents is utilized on a parcel other than where the tank is situated shall be classified as a bulk storage tank.

B. Section 310 of Local Law Number 1 of 2002 shall be amended to include under Special Permit Uses, the following: "bulk storage tanks with a capacity of 30,000 gallons or less used for commercial purposes in conjunction with an existing active use for agricultural farming activities."

C. Requirements

1. No bulk storage tank used to hold propane shall be permitted without a Special Use Permit having first been issued in full compliance with Local Law Number 1 of 2002.

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

2. No bulk storage tank used to hold propane shall be permitted within three hundred (300) feet of a dwelling.

3. No bulk storage tank used to hold propane shall be permitted within fifty (50) feet of any Town or County road.

4. No bulk storage tank used to hold propane shall be permitted within fifty (50) feet of any building that is not a dwelling.

5. No bulk storage tank used to hold propane shall be permitted without a valve locking safety device and/or a six (6) feet high chain link lockable fence surrounding all valves and piping.

6. Any permitted bulk storage tank used to hold propane shall have a safety shutoff system, which safety system shall be in compliance with the special use permit requirements.

7. Any bulk storage tank used to hold propane shall meet all New York State standards, and any amendments thereto. Such standards shall be reviewed annually by the Town of Cohocton Code Enforcement Officer and such standards, or amendments thereto, shall be complied with by the owner of the property upon which such tank is located.

8. Any and all bulk storage tanks must comply with the zoning law of the Town of Cohocton and with all applicable, local, state, and federal laws, rules or regulations regarding bulk storage tanks, propane storage, gas storage or any other fuel storage.

9. No bulk storage tank permitted by Special Use Permit hereunder shall be filled or utilized for any purpose without a Certificate of Compliance or Operating Permit by the Town of Cohocton Code Enforcement Officer first having been issued in full conformity with this Local Law, Local Law Number 1 of 2002, and all requirements of the Special Use Permit. All such bulk storage tanks shall require a Certificate of Compliance or Operating Permit every three (3) years following inspection by the Town of Cohocton Code Enforcement Officer.

D. Any person or persons, firm or corporation violating any of the provisions of this local law or neglecting to comply with any order issued pursuant to any section thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to fine of not more than five hundred dollars (\$500.00) for each offense. Each day that said violation is permitted to exist beyond the period fixed in the order so issued shall be a separate offense. In default of payment, said offender shall be imprisoned not to exceed thirty (30) days for each offense.

E. This Local Law shall take effect upon filing with 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. 1 of 20 10 of the ~~(County)(City)(Town)(Village)~~ of Cohocton was duly passed by the Cohocton Town Board on February 8, 20 10, 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) _____ (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 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 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.

Sandra J. Riley
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body Sandra Riley

Date: 2-22-2010

(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 STEUBEN

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.

Patrick F. McAllister
Signature Patrick F. McAllister
Attorney
Title

~~XXXXXX~~
~~XXXXXX~~ of Cohocton
Town
~~XXXXXX~~

Date: 2-22-2010