

**Town of Danby  
Local Law No. 2 of 2011  
A LOCAL LAW AMENDING THE  
ZONING ORDINANCE OF THE TOWN OF DANBY  
RELATED TO ENFORCEMENT, BUILDING PERMITS,  
CERTIFICATE OF OCCUPANCY, TEMPORARY CERTIFICATE,  
OPERATING PERMIT, PLANNING BOARD,  
AND VIOLATIONS AND PENALTIES  
Passed 04-April-2011**

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

**Section 1.**

The Zoning Ordinance of the Town of Danby, adopted by the Town Board of the Town of Danby on December 11, 1991, and subsequently amended through February 8, 2010 is hereby further amended as set forth herein.

**Section 2.**

Article XI, Section 1100 –ENFORCEMENT is hereby amended to read as follows:

“Section 1100 – ENFORCEMENT. This ordinance shall be enforced by a person designated by the Town Board (herein referred to as the Code Enforcement Officer) who shall not grant any Building Permit, Certificate of Occupancy, Temporary Certificate, Certificate of Compliance, or Operating Permit (as such permits and certificates are defined and provided for in Town of Danby Local Law No. 1 of 2007, “A Local Law Amending Local Law No. 3 of 1984, Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code”) which would be in violation of any provision of this ordinance, except under a written order of the Board of Zoning Appeals.”

**Section 3.**

Article XI, Section 1101 – PERMIT TO BUILD is hereby deleted in its entirety, and replaced with a new Section 1101 to read as follows:

“Section 1101 - BUILDING PERMIT, CERTIFICATE OF OCCUPANCY, TEMPORARY CERTIFICATE, CERTIFICATE OF COMPLIANCE, OPERATING PERMIT.

1. Notwithstanding various additional requirements of this ordinance, (including but not necessarily limited to Site Plans and Special Permits) the definitions of Building Permit, Certificate of Occupancy, Temporary Certificate, Certificate of Compliance, and Operating Permit, and the provisions and requirements for same, are provided in Town of Danby Local Law No. 1 of 2007, “A Local Law Amending Local Law No. 3 of 1984, Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code,” hereafter referred to as the “Town’s Code Enforcement Law.”
2. Each property owner shall, with respect to his or her property, be responsible for compliance with all terms of this Zoning Ordinance, the Town’s Code Enforcement Law, and the Town’s Stormwater Local Law, each and all as now exist or as hereafter amended.”

#### **Section 4.**

Article XI, Section 1105 – PLANNING BOARD, Subsection 3 (a) is hereby amended to read as follows:

“3. Alternate Members.

a. The Town Board may additionally appoint two (2) alternate members of the Planning Board to substitute, on an alternating basis, for a regular member of the Planning Board, in the event that such regular member is unable to participate in a particular Planning Board meeting because of a conflict of interest, illness, extended (longer than one month) absence from the Town, or is otherwise disqualified.”

#### **Section 5.**

Article XI, Section 1107 – VIOLATIONS AND PENALTIES (which was erroneously renumbered from Section 1106 to Section 1107 in Local Law No. 2 of 2007) is hereby renumbered as Section 1106.

#### **Section 6. Partial Invalidity.**

If any provision of this local law is found to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other provisions of this local law.

#### **Section 7. Effective Date.**

This local law shall take effect 10 (ten) days after its publication in the official newspaper of the Town or on the date it is filed in the Office of the Secretary of State of the State of New York, whichever is later.