

Local Law Filing

6-18-18

(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.)

of Canandaigua

DRAFT

Local Law No. _____ of the year 2018

A local law Amending Town Code Section 220-9(W) as it Relates to Swimming Pools
(Insert Title)

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

County City Town Village
(Select one.)

of Canandaigua as follows:

see attached

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

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ATTACHMENT "A"

SECTION ONE. Town of Canandaigua Town Code § 220-9(W) shall be replaced in its entirety with the following:

§220-9(W). Swimming Pools.

(1) General Requirements.

(a) Permit applications for swimming pools shall include a site drawing showing:

[1] All existing and proposed structures, including the swimming pool dimensions and depths.

[2] The distance of the swimming pool and other proposed structures from all boundary lines.

[3] The location of any on-site wastewater treatment system, if applicable.

[4] The location of any well, if applicable.

[5] Proposed lighting.

[6] Easements and any other additional information as may be required by the Town to demonstrate compliance with Town Code and other applicable laws.

(b) All swimming pools and their components shall comply with the requirements of the New York State Uniform Fire Prevention and Building Code.

(c) Swimming pools shall be sited in compliance with the National Electric Code and the electric service provider for the site.

(d) No swimming pool or discharge water shall drain upon the lands of adjoining properties.

- (e) Filter pumps and other mechanical devices used in connection with any swimming pool shall be located in order not to interfere with the health, safety, and enjoyment of adjoining properties.
- (f) If the use of any private swimming pool shall be abandoned or permanently discontinued, the owner shall see that the excavated depression shall be filled in and that no potential hazard exists.

(2) Dimensional Requirements.

- (a) Swimming pools shall only be located in the rear and/or side yard of a lot.
- (b) No swimming pool and associated decks, patios, or accessories shall be constructed or erected closer than the minimum setbacks for accessory structures in the applicable zoning district.
- (c) Any structures or devices connected with the installation, maintenance, or operation of a swimming pool, including but not limited to concrete or wood patio areas, pump and filter enclosures, bathhouses and cabanas, shall also comply with the minimum setbacks for accessory structures in the applicable zoning district.

SECTION TWO. Partial Invalidity. If any provision of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the provision, person, or circumstance directly involved in the controversy in which said judgment shall have been rendered.

SECTION THREE. Effective Date. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

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(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. _____ of 20¹⁸ of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on _____ 20¹⁸, in accordance with the applicable provisions of law.

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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 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) (repassed after disapproval) by the _____ 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (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 _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

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Date: _____

(Seal)