

RESOLUTION 09-76

RESOLUTION ADOPTING LOCAL LAW NUMBER 4 OF 2009

**(AMENDING POOL CONSTRUCTION LOCAL LAW,
LOCAL LAW NUMBER 3 OF 2007)**

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 18th day of March, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Francis Shattuck, and was duly seconded by Martin Christopher; and the vote was as follows: A. Scott Pinney - aye; Francis Shattuck - aye; Connie Wilcox - aye; Martin Christopher - aye; Matthew Besemer - aye; and the following Resolution therefore passed 5-0, and was duly adopted:

WHEREAS, The Town has an existing Pool Construction Local Law, Local Law Number 3 of 2007, that specifies at Section 4 that the length of pool construction permits is 3 months for permanent pools; and

WHEREAS, practical experience has dictated that the permit length needs to be longer as many residents have had to pay for additional permits, thus posing an undue burden upon such residents; and

WHEREAS, after being asked to study this issue and make a recommendation to the Town Board, the Planning Department has recommended that the length of permits and permit renewals for permanent pools be extended to 6 months; and

WHEREAS, this proposed Local Law seeks to amend the Pool Construction Local Law only to the extent of extending certain permit and permit renewal durational periods to 6 months; and

WHEREAS, this action is deemed a Type II Action under SEQRA such that no environmental review is required; and

WHEREAS, upon a Public Hearing duly held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing, on the 24th day of February, 2009, at 6:10 o'clock P.M., and in consideration of the comments and evidence thereat presented, if any, and upon due deliberation upon the foregoing, the Town Board of the Town of Lansing has hereby

RESOLVED, that Local Law Number 4 of 2009 be and hereby is adopted, reading in its entirety as follows:

**“TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK
LOCAL LAW NUMBER 4 OF 2009**

Amendments to Pool Construction Local Law, Local Law Number 3 of 2007

SECTION 1: This Local Law shall be known as “Local Law Number 4 of 2009”. Local Law Number 4 of 2009 applies only within those portions of the Town of Lansing, Tompkins County, New York, that are outside of the Village of Lansing. This Local Law does not replace or supplant any requirements of the New York State Building and Fire Code and the New York State Energy Code (herein together, the “Building Codes”), nor any provision of Local Law Number 6 of 2006 (Code Enforcement) of the Town of Lansing.

SECTION 2: Section 4 of Local Law Number 3 of 2007 is hereby amended to read in its entirety as follows:

SECTION 4: SWIMMING POOL PERMITS - All Swimming Pools (and related appurtenances, water supplies, drainage systems, and other features thereof) shall be constructed in conformity with the Building Codes and Town of Lansing Local Law #6 of 2006 (Code Enforcement). Notwithstanding any other requirement of law or of the Building Codes or said Local Law #6 of 2006, the following rules shall apply to the issuance and renewal of building and other permits for the construction of Swimming Pools:

- A. All permits and renewal permits shall be renewable for successive periods of time not to exceed 6 months per permit, except that storable/portable Swimming Pools shall have 3-month permit lengths and shall not need an annual permit for each year they are assembled or set-up so long as the certificate of compliance has been issued and the same Swimming Pool upon which any permit was issued is re-installed in the same location and in the same manner each year or each time such pool is assembled or set-up.
- B. All Swimming Pools shall be completed within 12 months of the date of issuance of the first permit there for. "Completed" means properly built and constructed, in compliance with the Building Codes and Local Law #6 of 2006, duly inspected, and for which a Certificate of Occupancy or Certificate of Compliance has issued, as applicable.
- C. If on the 12 month anniversary of the issuance of the first permit the Swimming Pool has not received a Certificate of Occupancy or Certificate of Compliance, as applicable, then the Swimming Pool shall be filled in with dirt and tightly tamped (or filled with another hard substance as approved by the CEO), or removed in its entirety.
- D. The CEO may set the fees for issuance of permits and renewals thereof.

SECTION 3: This Local Law shall take effect immediately, and the Town Clerk is directed to immediately file a copy of this Local Law with the NYS Secretary of State as required by law.”;

and it is further

RESOLVED, that in accord with §21 of the Municipal Home Rule Law, the final adopted copy of this Local Law shall be presented to the Supervisor for approval; and it is further

RESOLVED, that upon such approval by the Supervisor (or other approval occurring pursuant to said §21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required Certifications, in the Office of the Town Clerk and with the New York State Secretary of State as required by Municipal Home Rule Law §27. Said filing may be made by delivery to the State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231.

SEQRA: Type II Action.