

RESOLUTION # 2 -- 1991

Upon motion of Councilman Kurt Schachtke seconded by Councilman Charles Budlong and duly unanimously carried, it was

RESOLVED, that the Town Board of the Town of Marshall, hereby adopts the following Code to be known as and to provide as follows:

CODE OF ETHICS
of the
TOWN OF MARSHALL, ONEIDA COUNTY, NEW YORK
for the guidance of its officers and employees

Section 1. No municipal officer or employee shall:

- a. Directly or indirectly, solicit any gifts, or accept or receive any gift having a value of \$25.00 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on this part.
- b. Disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.
- c. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- d. Receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- e. Invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.
- f. Engage in, solicit, negotiate for or promise to accept private employment or render services for private interests which such employment or service creates a conflict with or impairs the proper discharge of his official duties.

Section 2. To the extent that he knows thereof, a member of the Board of the Town of Marshall, and any officer or employee of the Town of Marshall, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

Section 3. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Marshall, or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage for any lawful benefit authorized or permitted by law.

Section 4. A copy of this code of Ethics shall be distributed to every officer and employee now, or hereafter elected or appointed, of this Town and a copy shall be filed by the Town Clerk with the State Comptroller within thirty (30) days of its adoption. Failure to distribute any such copy or failure of any Town officer or employee to receive such copy shall have no effect on the duty of compliance with this Code.

Section 5. The rules of ethical conduct herein adopted shall not conflict with, but shall be in addition to any prohibition of Article 18 of the GENERAL MUNICIPAL LAW or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 6. A copy of Article 18 of the General Municipal Law shall be posted in all public buildings in this Town in a place conspicuous to the officers and employees thereof.

Section 7. This code shall take effect and be in effect from and after January 8, 1991.


Upon asking for a vote, there were 4 Ayes & 0 Nays, and Acting Supervisor, JAMES WESTER declared RESOLUTION #2 for 1991 unanimously carried and duly adopted.

ACTING SUPERVISOR, JAMES WESTER	AYE
COUNCILMAN, CHARLES BUDLONG	AYE
COUNCILMAN, KURT SCHACHTLER	AYE
COUNCILMAN, WILLIAM ZIERES	AYE

STATE OF NEW YORK)
COUNTY OF ONEIDA) SS
TOWN OF MARSHALL)

I, Dorothy McConnell, Town Clerk of the Town of Marshall, Oneida County, New York, DO HEREBY CERTIFY that I have compared the preceding resolution with the original thereof filed in my office in Deansboro, New York on this 10th day of January, 1991 and that the same is true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Marshall this 10th day of January, 1991.



Dorothy McConnell, Town Clerk
Town of Marshall, New York

(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 Marshall

Town

Village

Local Law No. 2 of the year 19 91

A local law LOT SIZES
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County

City of Marshall

Town

Village

as follows:

WHEREAS the increasing density of housing in the Town of Marshall causes concern for the quality and quantity of groundwater, and the rural character of the township, and

WHEREAS recent amendments to Part 75, Title 10 (Health) of the NYCRR make it increasingly difficult to position wells and septic systems on small building lots so that larger lots are deemed advisable; and

WHEREAS other amendments to the Town of Marshall Zoning Ordinance as originally adopted on January 1, 1967 are deemed advisable

IT IS HEREBY ENACTED:

SECTION I: The dimensions and lot sizes as set forth on Schedule A of said Zoning Ordinance are amended to provide as follows:

A. District A-1-Agriculture---

One family dwelling---minimum lot size 80,000 square feet, road frontage width 200 feet.

Two family dwelling---minimum lot size 80,000 square feet, road frontage width 200 feet.

Church, parish house, convent---minimum lot size 80,000 square feet, road frontage 200 feet.

Special exception by Board of Appeals---single mobile home, minimum lot size 80,000 square feet, minimum road frontage width 200 feet.

District R-1 Residential---

One or two family dwelling---minimum lot size 80,000 square feet, with 200 foot road frontage.

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

Church, parish house, convent---minimum lot size 80,000 square feet with 200 foot road frontage.

Boarding or rooming house---minimum lot size 80,000 square feet, with 200 foot road frontage.

Special exception by Board of Appeals---Nursing, convalescent or home for aged---minimum lot size 80,000 square feet with 200 foot road frontage.

District B-1 Business.

Filling station---minimum lot size 80,000 square feet with 200 foot road frontage.

Front yard dimension---(category 10 in Schedule A)---all front yards for all districts to be no less than 20 feet from road right-of-way.

- B. "Note 'A'" of Schedule A shall be amended to read as follows: In residential zones (R-1), the minimum lot size for one and two family houses shall be 80,000 square feet unless said property is serviced by municipal water or sewer, in which case the minimum lot size shall be 20,000 square feet.

SECTION II: Section 12---Area Regulations of said Zoning Ordinance shall be amended to provide in subdivision 1(a) as follows:

1. Lots of less than required dimensions---

- (a.) Any lot with an area or a width less than that required in the district in which said lot is located may be used for any permitted principal use in the district, provided that all other regulations prescribed for the district shall be complied with, and further provided that said lot was held under separate ownership at the time of the adoption of this ordinance or pertinent amendments thereto and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimension requirements.

SECTION III: Additional amendments to the Town of Marshall Zoning Ordinance are hereby enacted as follows:

a. In Article III Definitions.

Certificate of Occupancy or Permit (delete entire definition.)

Dependent Mobile Home or House Trailer (delete entire definition.)

Permit (delete words "or house trailer" which appear twice.)

Street (delete entire definition. Substitute the following 2 definitions:)

Street. Private---A private way which affords the principal means of access abutting property from the highway. Not to be construed to mean "driveway."

Street. Public---A municipally maintained road which provides the principal means of access to abutting property.

Travel Trailer. (delete entire definition.)

Trailer. (change title to Travel/Camping Trailer.)

b. In Article X---Administration.

Section 26. Enforcement. (Delete words "nor certificate of occupancy.")

Section 27. Building Permit. (Change title to "Zoning Permit.")

Section 27. Number 3. (Change wording "building permits" to read "zoning permits.")

Section 28. Certificate of Occupancy. Where the words "Codes Enforcement Officer" appear four times, substitute the words "NYS Building and Fire Codes Officer."

c. In Article XI---Board of Appeals.

Section 31-B Mobile Homes.
Regulations pertaining to Mobile Homes, etc. (Delete words "House Trailers" in title.)

1.---Individual Mobile Homes---(Remove "or House Trailers" in title.)

(a)---(second sentence)---Nothing in this ordinance shall prevent a gratuitous guest from parking a house trailer within...etc. (Change words "house trailer" to read "travel/camping,")

(a)---(fourth sentence) It shall be unlawful for any person to locate, maintain, or alter any house trailer within...etc. (Change words "house trailer" to read "mobile home.")

(a)---(second Paragraph) No permit shall be transferable. Every person holding such permit shall give notice in writing to the Board of Appeals within 24 hours after having sold, transferred, given away or otherwise disposed of interest in or control of any house trailer. (Change "house trailer" to read "mobile home.") Such notice shall include the name and address of such house trailer or mobile home. (Delete "house trailer or".)

(b)---The owner of such mobile home or house trailer and... etc. (Delete words "or house trailer.")

SECTION IV: This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

(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 1991 of the ~~(County)~~(City)(Town)(Village) of MARSHALL was duly passed by the BOARD OF TRUSTEES on MARCH 12, 1991, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

*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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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.

Dorothy McConnell

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

(Seal)

Date: March 12, 1991

(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 ONEIDA

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.

Signature _____

Title _____

County

City

Town

Village

of _____

Date: _____