

TOWN OF NORTH DANSVILLE LOCAL LAW # 2 OF 2025

TITLE: The title of this local law shall be: “Amendments to the Current Town Zoning Law Concerning Penalties and Also Concerning Airport Land Use Compatibility and Obstructions.”

Be It Enacted by the Town Board of the Town of North Dansville as follows:

1. **PURPOSE:** The purpose of this local law is to amend the Town of North Dansville Zoning Law, Local Law #1 of 2019, as previously amended, in two ways: first, by adding a new Article IV concerning “Penalties and Remedies for Violations,” and second, amending current subsection 702.16 by including reference to 14 CFR 77 concerning Airport Land Use Compatibility and Obstructions. This local law is enacted pursuant to the general authority of Municipal Home Rule Law Section 10 to protect the health, safety and welfare of the Town and its residents. It only applies to that portion of the Town North Dansville outside the Village of Dansville. This law also does not apply to the surrounding Towns of Sparta and West Sparta or any other adjacent town.
2. **AMENDMENT CONCERNING “Penalties and Remedies for Violations.”**
 - A. The purpose of this amendment is to revise all penalties and remedies for all violations of the current Town Zoning Law as amended. The additional authority for this amendment is New York State Town Law Section 268.
 - B. Article IV entitled “Penalties” of the current Town of North Dansville Zoning Law is hereby deleted in its entirety.
 - C. A new Article IV entitled “Penalties and Remedies for Violation” is hereby added to said zoning law as follows:

ARTICLE IV PENALTIES

SECTION 401 PENALTIES

- 401.1 A violation is deemed to occur if an Order to Remedy issued by the Zoning Enforcement Officer pursuant to Section 202.2 above is not complied with in the time specified in said Order. All people and/or business entities that own,

control, and/or manage the premises on which the violation occurs shall be subject to all penalties and remedies set forth below.

- 401.2 A violation of this local law is hereby declared to be a criminal offense, punishable as follows: (1) by a fine not exceeding \$350 or imprisonment not to exceed six (6) months, or both, for a conviction of a first offense; (2) for a conviction of a second offense committed within five (5) years of the first offense, such second offense is punishable by a fine not less than \$350 nor more than \$700, or imprisonment for a period not to exceed six (6) months, or both; and (3) for a conviction of a third or subsequent offense, all of which were committed within a period of five (5) years, each offense is punishable by a fine of not less than \$700 nor more than \$1,000, or imprisonment for a period not to exceed six (6) months, or both. Each week in which a violation occurs or continues to occur shall constitute a separate additional violation. For the purpose of conferring jurisdiction on courts and judicial officers generally, all provisions of law relating to misdemeanors shall apply to such violations above.
- 401.3 For each violation specified in subsection 401.1 above, each person and/or entity found in violation shall also owe to the Town of North Dansville a civil fine of \$200, and an additional fine of \$200 for each additional week, or part thereof, that a first violation occurs or continues to occur. For a second violation within five (5) years of the last date of occurrence of the first violation, the fine shall be increased to \$500, and an additional fine of \$500 for each week, or part thereof, that the violation occurs or continues to occur. For a third or subsequent violation occurring within five (5) years of the last date that the preceding violation occurred, the fine shall be increased to \$1000 for each day of violation.
- 401.4 In addition to the criminal proceedings authorized above, the Town may commence and prosecute all civil actions and proceedings and other remedies allowed by law to fully cure each and every violation of this local law.
- 401.5 In addition to all other remedies allowed, each person and/or entity that is found to have violated any provision(s) of this local law shall also owe to the Town of North Dansville all legal fees, court costs and disbursements, including but not limited to expert and professional fees, incurred by the Town to enforce this local law, fully cure all said violations, and pursue and collect all remedies allowed herein.
- 401.6 No criminal action, civil action or proceeding or other remedy described herein may be commenced or prosecuted by or on behalf of the Town unless the Town has first approved same by a duly passed Resolution.

3. **AMENDMENT CONCERNING “Airport Land Use Compatibility and Obstructions.”**

- A. **LEGISLATIVE INTENT AND AUTHORITY:** Pursuant to the authority granted to the Town under New York State General Municipal Law Section 356, and in recognition of the Federal Aviation Administration’s regulations under 14 CFR Part 77 (Objects Affecting Navigable Airspace) and FAA Advisory Circular 150/5190 – 4B (Airport Land Use Compatibility Planning) which states that its standards and guidelines are mandatory for projects such as the Dansville Municipal Airport (DSV) that are funded by Federal grant assistance programs, the Town of North Dansville hereby adopts this Airport Land Use Compatibility and Obstructions Amendment to the Town’s Zoning Law. The purpose of this amendment is to specifically include federal regulations 14 CFR 77 by reference so that all of its requirements are included in this law, thus ensuring the safety of aircraft operations and preserving the utility of the said airport as a public asset.
- B. Current Subsection 702.16 of the Town of North Dansville Zoning Law is hereby amended to read as follows:

702.16. All structures in the vicinity of the Dansville Municipal Airport must comply with all Current Federal Aviation Regulations, Including but not limited to those set forth In 14 CFR 77.

4. **SEVERABILITY**

If any portion of the amendments in this local law is found invalid, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

5. **EFFECTIVE DATE**

This local law shall become effective immediately after it is duly adopted and published, posted and filed according to law.

