

ARTICLE I

GENERAL PROVISIONS

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SECTION 100 - TITLE

This Ordinance shall be known and cited as the Zoning Ordinance of the Town of Clarendon, Orleans County, New York. All existing Zoning Ordinances are hereby repealed upon the effective date of this Ordinance.

SECTION 101 - DECLARATION AND PURPOSE

- A. This Zoning Ordinance is adopted pursuant to Town Law of the State of New York to promote and protect public health, safety and general welfare and in furtherance of the following specific objectives:
1. To protect the open and natural character of the land.
 2. To guide and regulate the orderly growth, development and redevelopment of the Town of Clarendon in accordance with a well-considered plan and with long range objectives, principles and standards beneficial to the interests and welfare of the people.
 3. To protect the established character of both private and public property.
 4. To encourage, in the public interest, the utilization of land for the purpose for which it is most desirable and best suited.
- B. The requirements in the Article shall be in addition to the provisions specified elsewhere in the Ordinance for Building, Special, Operating or Zoning Permits. *(Rev 08/20/2019)*

SECTION 102 - CONFLICT WITH OTHER LAWS

Where these regulations impose greater restrictions than are imposed by the provisions of any law, ordinance, regulation or agreement, these regulations shall control. Where greater restrictions are imposed by any law, ordinance, regulation or agreement than are imposed by these regulations, such greater restrictions shall control.

SECTION 103 - VALIDITY AND SEVERABILITY

Should any section, subsection, paragraph, sentence, clause or any provision of this Ordinance be declared invalid for any reason, the validity of the remaining portion of these regulations shall not be affected.

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SECTION 104 - FEES

- A. Fees, charges and expenses for Special Permits, Blasting Permits, Area Variances, Use Variances, Appeals, Building Permits, Operating Permits, Zoning Permits and Zoning Amendments shall be levied and collected in accordance with the fee schedule in effect at the time of application. All application filing fees are non-refundable. In addition, any costs incurred by the Town or by a person(s) or firm(s) representing the Town in the review of any application for the above will be payable by the applicant before any permit is issued or becomes effective. *(Rev 11/16/2010; 12/19/2017)*
- B. At the discretion of the Planning Board, Town Board or Zoning Board a deposit may be required to cover application review costs. Said deposit shall be determined by the Planning Board, Town Board or Zoning Board based on the estimated review costs.
- C. An applicant wishing to withdraw any permit application, including site plan review, during the time said application is being reviewed is required to contact the Code Enforcement Officer in writing. Filing fees are non-refundable.
- D. Withdrawal will be formally accepted by the Town at the time all person(s) or firm(s) involved in the review process have been notified to cease all work pertaining to the application.

SECTION 105 - VIOLATIONS AND PENALTIES

- A. Any person, firm or corporation, who violates, disobeys, neglects or refuses to comply with any provision of this Zoning Ordinance and any failure to comply with a written order of the Ordinance Inspection Officer/Zoning Enforcement Officer within the time fixed for compliance, shall be guilty of a Unclassified Misdemeanor and upon conviction thereof, shall be subject to a fine and/or imprisonment as enumerated in New York State Town Law, Section 268 and New York State Executive Law 382: NY Code-Section 382.Remedies. Each week a violation continues shall be deemed a new and separate offense. *(Rev 11/20/2012)*
- B. The owner or tenant of any building, structure, property or part thereof, who commits, participates in, assists in or maintains a violation may be found guilty of a separate offense and upon conviction thereof, be subject to the penalties herein provided. *(Rev 11/16/2010)*

SECTION 106 – ACTIONS

- A. The Ordinance Inspection Officer/Code Enforcement Officer shall have the authority to issue an appearance ticket (NYS CPL 150) to any violator of this Ordinance. Failure to comply with an appearance ticket shall result in the court issuing a summons or a warrant of arrest. The Town may also obtain a temporary restraining order, temporary injunction, or an injunction to restrain, correct, or abate any violation of this Zoning Ordinance or any failure to comply with the provisions of this Ordinance. *(Rev 11/20/2012)*
- B. In the event that any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land used, or any land divided into lots, blocks or sites in violation of this Ordinance (or the Building Code of New York State), the Town may institute or cause to be instituted any appropriate action or proceeding to compel compliance with or restrain by injunction the violation of any provision of this Ordinance or the Building Code of New York State. *(Rev 11/16/2010)*

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- C. In addition to the penalties provided in Section 105 and in addition to the actions set forth in Section 106-A. above, the Ordinance Inspection Officer/Code Enforcement Officer may impose a civil penalty in the amount specified in Section 105. Penalties may be recoverable against the violator in a Small Claims proceeding instituted in the Justice Court of the Town of Clarendon, pursuant to the provisions of Article 18 of the Uniform Justice Court Act, or by action instituted in any other court of competent jurisdiction. *(Rev 11/16/2010)*

- D. Any building or structure constructed without a building permit, or any use or activity conducted without a building permit, special permit, variance, special event permit, operating permit, certificate of occupancy, or certificate of compliance, where required, or not in conformity with the provisions of this Ordinance may be removed, closed or halted by the ordinance Inspection Officer/Code Enforcement Officer with the issuance of a stop work order. *(Rev 11/16/2010)*