

(Please Use this Form for Filing your 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 ..... NUNDA .....  
~~Town~~  
~~Village~~

Local Law No. .... 1 ..... of the year 19 92 .....

A local law .. Providing for Special Permits for Bed and Breakfast Establishments in  
Certain Districts .....  
(Insert title)

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

~~County~~  
~~City~~ of ..... Nunda ..... as follows:  
~~Town~~  
~~Village~~

Section 1. DEFINITIONS

A. *Bed and Breakfast Establishment*

A private, owner-occupied residential dwelling that makes available four (4) or less sleeping units for overnight accommodations to transient paying guests, with or without inclusion of one (1) morning meal per paying guest as part of the accommodations provided.

B. *Sleeping Unit*

A separate room in which a bed of any type, including folding or convertible, is provided. Such rooms may or may not have a private bathroom. A sleeping unit is primarily intended for the temporary use by tourists and transients.

Section 2. CERTIFICATE OF OCCUPANCY

Certificates of occupancy shall be issued by the Zoning Enforcement Officer only after he has determined that the construction of the building meets the uniform fire prevention code for occupancy, and after a special permit by the Board of Appeals for the Town of Nunda has been issued.

(If additional space is needed, please attach sheets of the same size as this and number each)

Section 3. AREAS IN WHICH THE BED AND BREAKFAST  
MAY BE LOCATED

Bed and breakfast establishments shall be permitted as an accessory use in MR, HR and B1 districts, subject to the issuance of a special permit by the Board of Appeals upon the recommendations by the Town of Nunda Planning Board and the following conditions and limitations:

(1) An application for a special permit shall be accompanied by a fee of Fifty Dollars (\$50.00) for a Bed and Breakfast Establishment or such other amount as may be set from time to time by resolution of the Town Board. The special permit may be issued only after a Public Hearing and upon the determination that the proposed use is in compliance with conditions and limitation as set forth in this section. A permit shall be valid for a period not to exceed two (2) years and may be revoked at any time by the Zoning Enforcement Officer upon noncompliance with the conditions set forth in this section or in the permit itself. A renewal permit may be issued upon a payment of a Five Dollar (\$5.00) fee or such other amount as may be set from time to time by resolution of the Town Board for a period not to exceed two (2) years.

(2) Existing Bed and Breakfast Establishments shall apply for a special permit, conform with the conditions set forth in this section, and pay the required fee within six (6) months of the enactment of this ordinance.

(3) The applicant for a special permit shall submit to the Town Planning Board statements from the Chief of the Town Fire Department, on the adequacy of the premises for the purposes of safety, fire protection and structural soundness. Such statements shall include recommendations if any, for improvements or changes deemed advisable, which will be considered by the Board in determining the merits of the application. Each sleeping unit must have a smoke alarm system and each sleeping unit shall have two fire exits.

(4) The applicant for a special permit shall submit to the Town Planning Board such plans of the structure and layout

of the residence as the Town deems necessary to assure that the Bed and Breakfast complies with this section.

(5) The applicant shall be the owner of the premises and a full time resident of the premises.

(6) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of a Bed and Breakfast establishment other than one sign, not exceeding six (6) square feet in area, illuminated by an overhead light not higher than twelve (12) inches over the sign. Sign and light to be mounted at least three (3) feet from the highway right of way adjoining the owner's property.

(7) Water supply, wastewater disposal and other sanitary facilities shall be approved by the Health Department.

(8) It will be serviced adequately by essential public facilities such as highways, street, police and fire protection, refuse disposal, water and septic systems, or the persons responsible for the establishment shall be able to provide adequately any such services.

(9) It will be harmonious and in accordance with the general specific objectives of the Nunda Master Plan if one exists.

(10) A minimum of one off-street parking place for each sleeping unit offered shall be provided. Parking must be behind the front building foundation line. Parking areas having exits on any main road shall be designed in such a way that vehicles enter the public right of way in a forward motion.

**Section 4. EFFECTIVE DATE**

This law shall become effective immediately upon proper filing.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. ~~County~~ ~~City~~ ~~Town~~ ~~Village~~ of 19 92,.....  
of the ~~County~~ ~~City~~ ~~Town~~ ~~Village~~ of ~~County~~ ~~City~~ ~~Town~~ ~~Village~~ ~~Board of the Town of Nunda~~ ~~(Name of Legislative Body)~~  
on ~~January 27~~..... 19 92..... in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,\* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
City of ..... was duly passed by the ..... (Name of Legislative Body)  
Village  
on ..... 19 ..... not disapproved  
and was approved by the ..... Elective Chief Executive Officer\*  
repassed after disapproval  
and was deemed duly adopted on ..... 19 ....., 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 19.....  
County  
City of ..... was duly passed by the ..... (Name of Legislative Body)  
Village  
on ..... 19 ..... not disapproved  
and was approved by the ..... Elective Chief Executive Officer\*  
repassed after disapproval  
on ..... 19 ..... Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive  
general  
thereon at the special election held on ..... 19 ....., in accordance with the applicable  
annual  
provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
City of ..... was duly passed by the ..... (Name of Legislative Body)  
Village  
on ..... 19 ..... not disapproved  
and was approved by the ..... Elective Chief Executive Officer\*  
repassed after disapproval  
on ..... 19 ..... Such local law was subject to a permissive referendum and  
no valid petition requesting such referendum was filed as of ..... 19 .....  
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 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 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 §36 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 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.

Date: February 4, 1992

(Seal)

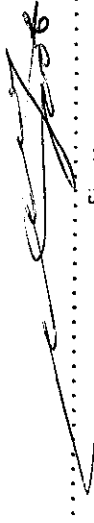


Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(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 .....LIVINGSTON.....

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  
Theron A. Foote  
Town Attorney  
Title

Date: February 4, 1992  
County of Nunda  
City/Town/Village