

New York State Department of State
Division of Corporations, State Records
and Uniform Commercial Code
One Commerce Plaza, 99 Washington Ave
Albany, New York 12231-0001

Local Law Filing

(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 underling to indicate a new matter.

Town of Wayland

Local Law No. __2__ of the year 2021

**A LOCAL LAW REGULATING CAMPGROUNDS AND RECREATIONAL VEHICLE
PARKS IN THE TOWN OF WAYLAND, STEUBEN COUNTY, NEW YORK**

Be it enacted by the Town Board of the Town of Wayland as follows:

*See attached for the complete text of the local law

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

(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 2021 of the **Town of Wayland** was duly passed by the Town Board on **May 12, 2021** in accordance with the applicable provisions of law.

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20____, and was (approved)(not approved) (~~repassed after disapproval~~) by the _____ (Elective Chief Executive Officer*) _____ and was deemed duly adopted on _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20____, and was (approved)(not approved) (~~repassed after disapproval~~) by the _____ (Elective Chief Executive Officer*) _____ on _____ 20____. 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 _____ 20____, in accordance with the applicable provisions of law.

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20____, and was (approved)(not approved) (~~repassed after disapproval~~) by the _____ (Elective Chief Executive Officer*) _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 chairperson 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 20____ 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 _____ 20____, 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 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, 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 a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

§ 120.1. (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 1, above.

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

(Seal)

Date:

TOWN OF WAYLAND, NEW YORK

LOCAL LAW NO. 2 OF 2021:

**A LOCAL LAW REGULATING CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS IN THE
TOWN OF WAYLAND, STEUBEN COUNTY, NEW YORK**

Be it enacted by the Town Board of the Town of Wayland (the “Town”) as follows:

Section 1: Purpose

The purpose of this local law is to promote the health, safety and general welfare of the Town of Wayland and of its inhabitants by establishing specific requirements and regulations governing camping and the operation and maintenance of campgrounds and recreational vehicle (RV) parks.

Section 2: Definitions

For the purpose of this local law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

CAMPGROUND OR RECREATIONAL VEHICLE (RV) PARK — The development or use of one or more lots, tracts, or parcels of land for the purpose of providing sites for camping in travel trailers, campers, camper trailers, recreational vehicles, and/or tents in exchange for the payment of a fee. Campgrounds or recreational vehicle parks, tent camping facilities, and other similar facilities shall be included in this definition.

CAMPING — The use of a campsite or RV lot for the parking of one or more recreational vehicles, travel trailers or similar equipment, including motor vehicles which are used for sleeping overnight, and/or for the erection of one or more tents or other structures to serve as temporary shelters.

CAMPSITE or RV LOT — A lot or space within a campground or RV park used for tent camping (in the case of a campsite) or as a site for one or more recreational vehicles (in the case of an RV lot); or an area of land otherwise offered by the owner, developer, or operator through sale, lease, rent, membership, or other similar means for camping purposes.

RECREATIONAL VEHICLE or RV — A mobile unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle.

Section 3: Campground or RV Park; Special Use Permit Required

- A. No person, partnership, association, limited liability or other company, entity, or corporation, being the owner, user, operator, or occupant of any land within the Town, may use or allow the use of such land for a campground or RV park without first obtaining a special use permit and keeping such special use permit in effect for as long as the campground or RV park continues to operate.

B. Special Use Permit Application Procedure

1. Each application for a campground or RV park special use permit shall be in writing, signed by the applicant and accompanied by the required application fee. Each application shall contain all applicable requirements set forth in this local law. These submissions, collectively, shall constitute the application.
2. The application and required fee shall be filed with the Code Enforcement Officer. The required fee shall be calculated as follows: \$10 for each campsite and RV lot within the campground or RV park, or \$100, whichever is greater.
3. Upon receipt of the application and required fee, the Code Enforcement Officer shall determine whether the application is complete. If he or she determines that it is complete, he or she shall promptly transmit copies of the application to the Planning Board, which shall review the application. If the Code Enforcement Officer determines that the application is not complete, he or she shall notify the applicant, and the applicant shall have the opportunity to modify the application and resubmit it without paying an additional application fee.
4. The Planning Board shall approve or disapprove the special use permit application at a duly held public meeting, after considering whether the proposed campground or RV park is adequately planned and designed to protect the health, safety, and welfare of its users and of Town residents in general. If approved, the campground or RV park special use permit shall be in effect for one calendar year.
5. The applicant may apply for renewal of the permit by making a written request addressed to the Planning Board, accompanied by an application fee calculated in the same manner as set forth above. Each renewal shall be for one calendar year. The renewal request shall fully describe all changes to the campground or RV park, if any, that are proposed or that have been made since the most recent permit application or renewal request.

Section 4: Application Requirements

Each application for a campground or RV park special use permit shall contain the following:

1. The name, address, and phone number and/or email address of the applicant, the name and address of each partner if the applicant is a partnership, and the name and address of each officer and director if the applicant is an association or corporation.
2. The number of campsites and/or RV lots to be contained in the campground or RV park.
3. The names and addresses of the owners of the property on which the campground or RV park is to be located and, if the applicant is not the owner of the property, a signed statement from such owner, stating that the owner has authorized the application.

4. A description of the land that is proposed to be used as a campground or RV park. An annotated aerial photo or map may be used to satisfy this requirement.
5. A detailed description of the amenities provided for campground or RV park users, including but not limited to toilet and shower facilities, access to potable water, and garbage collection.
6. A location map showing all land and all tax parcel boundaries within 300 feet of the proposed campground or RV park, the location of all streets and roadways adjacent to and within the campground or RV park, the names of the owners of all land adjacent to the campground or RV park, and the location of all water and sewer lines and utilities within the campground or RV park.
7. A site plan showing or accompanied by all of the following information:
 - a. Location and widths of all entrances and exits to and streets or vehicle routes within the campground or RV park.
 - b. Location and size of each campsite or RV lot.
 - c. Plan for electric lighting.
 - d. Location and plan for all proposed structures and improvements.
 - e. Plan for landscaping and vegetative screening.
 - f. Plan for stormwater drainage.
 - g. Plan for utilities.
 - h. Plan for water supply.
 - i. Plan for toilet facilities (portable and/or permanent).
 - j. Plan for shower facilities.

The Planning Board may, in its sole discretion, waive any of the requirements listed above in this section upon written request of the applicant.

Section 5: Design Standards and Other Requirements

A. Design Standards

1. Screening requirements. All campgrounds and RV parks shall have, along the entire perimeter except at established points of ingress and egress, a buffer of vegetative screening (e.g., bushes or hedges) within an otherwise undeveloped area of green space not less than 20 feet in width. Such buffer shall contain sufficient vegetation to effectively screen the area within a reasonable time after planting. A planting plan showing the type, size, and location of existing and proposed plantings shall be submitted as part of the special use permit application.

2. Campsite/RV lot requirements within a campground or RV park.
 - a. Each individual campsite or RV lot shall contain a minimum of 1,250 square feet in area. Only one recreational vehicle, travel trailer or similar equipment, or tent or other structure serving as a temporary shelter shall be allowed per campsite unless the special use permit specifies otherwise.
 - b. Individual campsites and RV lots shall be separated from each other by a minimum distance of 20 feet.
 - c. Each individual campsite or RV lot shall be located at least 50 feet from any service building, service structure, public roadway or right of way, or tax parcel boundary (excluding internal tax parcel boundaries within the campground or RV park, if any).
 - d. Off-street space sufficient for the parking of at least two vehicles shall be provided for each individual campsite or RV lot.
 - e. All internal roadways within the campground or RV park shall be a minimum of 12 feet in width if restricted to one-way traffic and 22 feet in width if two-way traffic is allowed.

3. A minimum of 10 percent of the gross area of any campground or RV park shall be set aside as one or more common use areas for open or enclosed recreational facilities. No campsite or RV lot, buffer or setback area, internal or external roadway, or utility or storage area shall be counted toward this requirement.

B. Other Requirements

1. No permanent external appurtenances, such as carports, cabanas, or patios, may be attached to any RV or travel trailer parked in a campground or RV park, and the removal of wheels or placement of the unit on a foundation in a campground or RV park is prohibited.
2. Entrances and exits to all campgrounds or RV parks shall be designed for safe and convenient movement of traffic and to minimize interference with the free movement of traffic on adjacent streets. All traffic into and out of the campground or RV park shall be through designated entrances and exits. No intersection of an entrance or exit with a state, county, or Town highway shall be located where less than 500 feet of sight distance exists in either direction along the state, county, or Town highway, nor shall such intersection be located within 150 feet of any other intersection.
3. In connection with any campground or RV park, no parking, loading, or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer area, public right-of-way, or any public grounds, nor any private property not part of the campground or RV park unless the owner has given written permission for such use. A campground or RV park shall provide off-street parking and loading areas and shall be responsible for ensuring compliance with these requirements.

4. Recordkeeping. The operator of a campground or RV park shall maintain accurate records concerning the occupancy of all campsites and/or RV lots. The Code Enforcement Officer shall have access to, and the right to inspect, such records.
5. Sanitary facilities. No owner, operator, or occupant of any campground or RV park shall dump or place, or allow the dumping or placement of, any sanitary or other waste anywhere upon the property except in compliance with all applicable laws and regulations. Any on-site sanitary waste or sewage disposal shall comply with all applicable laws, regulations, and requirements of the State Department of Health and County Department of Health and shall not pose a hazard to public health or the health of the occupants of the campground or RV park.
6. Garbage/solid waste facilities. All garbage and other solid waste generated by the campground or RV park and its users shall be stored in secure, covered receptacles, which shall be made available to all occupants with suitable capacity and emptied at suitable frequency to avoid overflowing, the attraction of wildlife or insects, or other nuisances.
7. Nuisances. The operator of a campground or RV park shall be responsible for preventing any nuisance-causing activities within the campground or RV park, including but not limited to excessive noise, uncontrolled fires, light pollution, and the production of noxious or unusual odors.
8. Fire safety. Each campsite or RV lot shall be provided with a fire ring or other suitable enclosure sufficient to prevent the uncontrolled or unsafe spread of fire from campfires.
9. Animals. No animals shall be kept or maintained within a campground or RV park other than household pets, which shall be confined or restrained so as not to cause a nuisance or danger.
10. Fire and emergency access. Every campsite and RV lot shall be adequately accessible by fire and emergency equipment in the discretion of the Code Enforcement Officer, and shall be maintained in such condition, free of obstacles to access.

Section 6: Exemptions

Notwithstanding the requirements of this local law, the following uses are allowed without a special use permit, provided that any such use does not, in the discretion of the Code Enforcement Officer, create a nuisance or a hazard to public health or safety:

1. Camping by a landowner and his or her invitees on his or her own land, provided that the following conditions are met:
 - a. All recreational vehicles used are currently registered with the State of New York pursuant to New York State Vehicle and Traffic Law and are operable, with the wheels attached;

- b. All recreational vehicles and tents used are structurally sound and in good repair;
 - c. No payment or compensation, financial or otherwise, is paid by any individual or received by the landowner for the camping; and
 - d. If no principal structure is located on the property where the camping is occurring, then the camping shall be suitably screened in the discretion of the Code Enforcement Officer.
- 2. The use of an RV as a temporary shelter by the owner of real property that contains a dwelling, provided that the following conditions are met:
 - a. The real property in question is used as the principal residence of the owner or legal tenants;
 - b. The dwelling serving as the principal residence is no longer habitable due to fire, flood, or similar catastrophic event;
 - c. The owner has received a building permit to repair or replace the dwelling in question; and
 - d. The owner obtains a temporary certificate of occupancy for use of the RV by persons displaced from the dwelling.
- 3. The storage of one recreational vehicle, travel trailer, or similar equipment that is not in use on a premises containing a dwelling owned or leased by the owner of such recreational vehicle, travel trailer, or similar equipment.
- 4. The lawful use of a construction trailer (i.e., a vehicular unit which either has its own motor power or is mounted on or drawn by another vehicle and used or intended to be used solely in connection with construction or development for the storage of materials, tools, or equipment or for office purposes) at a construction site for which a building permit has been issued. The term “construction trailer” as used herein shall not include a dwelling, mobile home, recreational vehicle, or any other vehicle or structure designed or used as living or sleeping quarters.

Section 7: Compliance with Other Laws and Regulations

The landowner and/or operator of any real property used for camping in the Town, whether in the case of a campground or RV park under this local law or otherwise, is responsible for ensuring compliance with all state and local laws and regulations applicable to the land use at issue, including but not limited to Title 10, New York State Codes, Rules and Regulations, Part 7, Subpart 7-3 (the New York State Department of Health’s Campground Regulations). The requirements of this local law are in addition to, and do not preempt or supersede, any other local law or state law or regulation.

Section 8: Enforcement

- A. The Code Enforcement Officer shall have the right, at all reasonable times, to enter and inspect the grounds of any campground or RV park, provided that the Code Enforcement Officer shall not enter or inspect the interior of any RV, travel trailer or similar equipment, tent, or other structure serving as a temporary shelter without the permission of the owner or occupant thereof or the prior issuance of lawful process.
- B. If, after an on-site inspection, the Code Enforcement Officer finds that camping is occurring in violation of this local law, the Code Enforcement Officer may issue written notice to the owner and/or operator of the affected property. Such notice shall identify the nature of the violation(s) and state that all identified violations must be corrected within the reasonable time period specified in the notice.
- C. If a violation that is the subject of a notice as described above is not corrected within the time period specified in said notice, or within such other time as may be reasonably agreed upon by the Code Enforcement Officer and the owner and/or operator of the affected property, the owner and/or operator shall be guilty of a violation and subject to a fine of not less than \$50.00 nor more than \$100.00 for a first violation, and, for each subsequent violation within a five-year period, a fine of not less than \$50.00 nor more than \$200.00 or imprisonment for not more than 15 days, or both fine and imprisonment. Each day of continued violation shall constitute a separate violation.
- D. In addition to the above-described penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to:
 - 1. Compel compliance with or restrain by injunction the violation of any provision of this local law; and
 - 2. Collect from the violator(s) any reasonable attorney's fees and other costs incurred by the Town to enforce this local law against said violator(s) and to address the corresponding violations through civil and/or criminal proceedings.
- E. Any violation of this local law shall be deemed a separate violation by each owner and each operator of the affected real property.

Section 9: Miscellaneous

- A. Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provision shall be deemed invalid, all other provisions shall remain valid and enforceable.
- B. This local law shall take effect upon being duly filed in the office of the Secretary of State of the State of New York.