

A LOCAL LAW TO AMEND the Code of the Town of Monroe to ADD New Section to 23-11A (“Entity Disclosure Law”) to Chapter 23 of the Town Code pursuant to Municipal Home Rule Law Section 10 et. seq.

LOCAL LAW NO. ___ OF 2016 OF THE
INCORPORATED TOWN OF MONROE, NEW YORK
TOWN BOARD IMPLEMENTING AN ENTITY DISCLOSURE LAW
FOR ALL LAND USE APPLICATIONS IN THE
UNINCORPORATED TOWN OF MONROE, NEW YORK

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF MONROE AS FOLLOWS:

Amend Chapter 23 to Insert New Section 23.11-A (“Entity Disclosure law”)

Section 1. Legislative findings and intent.

The Town Board (“Board”) of the Incorporated Town of Monroe, New York (“Town”) hereby finds that there is a critical and compelling need, in the public interests as set forth herein, to provide for full and fair disclosure of all entities making land use applications before the Town as well as to ensure that any and all potential conflicts of interest or other ethical concerns are properly disclosed and addressed by any and all affected parties. The Town finds and declares that there is no existing law that preempts the adoption of this Local Law so that the public interests in open and transparent government and land use applications can be promoted by enactment of this Local Law to require all Limited Liability Company land use applicants to supply information as to all limited and general members, shareholders, officers and directors or any other authorized persons having control over such Limited Liability Company who applies for approval from the Town for any unincorporated areas within the Town. The Town Board further finds and declares:

- A. The Town Board finds that in connection with development or potential development in the unincorporated portions of the Town that land use applications may have a significant impact upon the health, safety and general welfare of the Town, its inhabitants and visitors, and upon existing uses, public services, traffic and the environment, in general.
- B. The Town Board further finds that under these circumstances the Town Board is required to be certain that anyone with any interest or controlling position of any Limited Liability Company, (hereinafter referred to as the “Entity”) who applies for any land use approval or permission from the Town must have no conflict of interest as that term is defined in Town Law as well as the General Municipal Law and that the disclosure of any member, shareholder, Director, Officer, beneficial owner, authorized person (herein collectively the “Non-Disclosed Person”) is required to be made in any land use application or request for any approval from the Town to be certain no conflict of interest exists and without the disclosure of that Non-Disclosed Person a meaning full review of any conflict cannot take place.

- C. Any "authorized person" as used herein shall mean a person, whether or not a shareholder, member, officer or director, or person identified by any other title who is authorized to act, solely or in conjunction with others, on behalf of an entity.

Section 2. The Disclosure Requirement.

- A. Every Non-Disclosed Person for any Entity applying for land use approvals or permission to undertake any construction activity within the unincorporated portion of the Town shall complete an Entity Disclosure Statement in the Form approved by the Town Board from time to time by Resolution and provide all information required in said Form. Said Statement shall be affirmed or sworn to under the penalty of perjury and shall be filed along with any such land use application or request for permission to undertake any construction activity within the Town
- B. In the event that a project that has previously received approval in any manner transferred, whether by transfer of the property or transfer of the management and/or operation of the Entity to another Entity, the transferring Entity shall notify the Town such succeeding Entity must fully comply with this Local Law before any work on the project shall be permitted to proceed.
- C. Said Entity Disclosure Statement shall apply to any land use approvals or permission sought from the Building Inspector, Town Board, the Town Planning Board or the Town Zoning Board of Appeals. The Town Board, Planning Board and Zoning Board of Appeals shall not process, hear, rehear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision, special permit, variance or other land use application or permit which relates directly or indirectly to any construction, including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with any construction unless the application includes a fully completed Entity Disclosure Statement signed and either sworn to or affirmed and submitted with said application to the respective Board..
- D. An Entity Disclosure Statement is not required for any of the following activities:
1. Construction of a private garage, not in excess of 500 square feet. Said building shall not be used for any other purpose than the storage of automotive vehicles;
 2. Construction of accessory structures, other than garages, not in excess of 300 square feet.
 3. Construction of outdoor decks, sidewalks, or porches;
 4. Construction of outdoor swimming pools;
 5. Installation of fences;
 6. Interior or exterior remodeling of a single family detached residential dwelling in existence and with a valid certificate of occupancy as of the effective date this local law, which does not involve any change of use or

- increase the size of the building, including but not limited to window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
7. Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
 8. Repair, involving the removal and installation of an individual well or in-ground septic system, for a dwelling in existence and with a valid certificate of occupancy as of the effective date of this law;
 9. Construction of a private shed not exceeding 300 square feet.
 10. Other minor improvements to dwellings or residential lots with an existing certificate of occupancy, after the Building Inspector has conferred with the Town Board, and the Town Board has rendered a determination that the improvement falls within the scope and nature of the exemptions listed herein.

Section 3. Penalties for Offenses

- A. Where an Entity or its representative(s) refuses or fails to provide the information required under this Local Law, the further processing of such application and any work related thereto ("the application") shall be suspended in all respects, until such time as the board or official before which application is submitted or pending determines that the Entity has fully complied with the provisions of this Local Law. In the event of any form of transfer of the property that is the subject of the application occurs or the ownership and/or management of the project is transferred in any manner to another Entity during a pending suspension of the application under this Local Law, the application shall remain suspended until such time as the succeeding Entity shall appear before such body or official before whom the application is pending and obtain approval for any continued work in relation to the application in addition to compliance with this Local Law. The Building Inspector is authorized to issue a Stop Work order on any project where an application has been suspended under this Local Law.
- B. Any Entity or representative of an entity that provides false information or grossly inaccurate information regarding any application shall, in addition to the suspension of any pending application as set forth in subdivision A above, be subject to a fine not exceeding \$5,000 for a violation of this Local Law. The Town Building Inspector/ Code Enforcement Officer is hereby authorized to issue an appearance ticket or other process for a violation of this Local Law.
- C. Nothing herein shall be deemed to preclude a criminal proceeding being instituted by the People of the State of New York against the Entity or any of its representatives in the Justice Court or County Court for any offenses where the conduct committed may constitute a violation of the New York State Penal Law or other criminal statutes.
- D. Civil Penalty: In addition to those penalties prescribed by herein and by state law, any person or Entity who violates any provision of this chapter shall be liable for a civil penalty of not more than \$3,000 for each offense. The civil penalties provided by this subsection

shall be recoverable in an action instituted in the name of this Town. In any such proceeding to collect a civil penalty, the Town shall be entitled to collect interest, costs and disbursements incurred in connection with such proceeding and in addition reasonable counsel fees or a charge to reimburse the Town for expenditures for attorneys employed or appointed by the Town.

Section 4. Application of Law.

This Local Law shall apply to all land-use applications to and/or before the Building Inspector, Town Board, Planning Board or Zoning Board of Appeals. This legislative action by the Town Board is being adopted by Local Law, using Municipal Home Rule Law procedures

Section 5. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (20) and (27) this Local Law is classified as Type II action which requires no further review under the State Environmental Quality Review Act.

Section 6. Severability.

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 8. Effective date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.