

# 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 underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Mamakating

Local Law No. 4 of the year 2016

A local law Entity Disclosure of Land Use Applicants  
(Insert Title)

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

County  City  Town  Village  
(Select one:)

of Mamakating as follows:

Section 1. Chapter 199, titled "Zoning," of the Code of the Town of Mamakating is amended by adding a new section, designated as §199-62.1 and titled "Entity disclosure," to read as follows:

§199-62.1. Entity disclosure.

A. Legislative findings and intent.

The Town Board finds and determines that in order to promote the public welfare and provide for open and transparent government processes, full and fair disclosure of all persons comprising or controlling an entity making a land use application or undertaking development of land or a structure must be required. Therefore, this section requires a non-person entity making a land use application or undertaking development of land or a structure to disclose the names and contact information of the persons who own, comprise or control the entity. Such disclosure will inform the public concerning the names of the individuals behind the land use application or development, will facilitate application review by the reviewing boards, and will better disclose actual or potential conflicts of interest. The requirements of this section shall apply to all pending and future land applications.

SEE ATTACHED

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

Definitions.

**AUTHORIZED PERSON** – Any person who is authorized to act or does act alone or in conjunction with others, on behalf of an entity or who has authority to direct, control or influence the entity in any manner.

**APPLICANT** – The legal, beneficial and equitable owner(s) of land proposed for development in a land use application, including but not limited to the holder of an option or contract to purchase, or a person or entity having a proprietary interest in such land, or a person or entity authorized to make and process a land use application.

**DEVELOPMENT** – The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure; mining or excavation; any change in, or extension of, the use of any land, building or structure.

**ENTITY** – A limited liability company, limited liability partnership, general or limited partnership, joint venture, doing business name or venture, corporation, association, or any other non-person.

**LAND USE APPLICATION** – An application form and other documents submitted by an applicant for review and approval of a building permit, subdivision plat, site plan, special use permit, conditional use permit, variance, zoning amendment, certificate of occupancy, or any other permit, approval or certificate required necessary or requested for development of land or a structure.

C. Requirement for disclosure.

- (1) A land use application that lists an entity as owner, applicant or other person of interest shall include, as part of the application, and as a prerequisite to the land use application being deemed complete or heard or considered, a completed entity disclosure statement, affirmed and sworn to under the penalty of perjury, in a form approved by the Town Board. The form of the disclosure statement may be amended from time to time by resolution of the Town Board.
- (2) If a property for which a land use application is pending is sold or transferred and/or the ownership or control of an entity is changed, an updated entity disclosure statement shall be submitted. The reviewing board, officer or employee shall suspend review of the land use application until the entity submits the updated entity disclosure statement. There shall be no development of any land, building or structure until a current and complete entity disclosure statement is submitted. If site work or construction of a building or structure has

commenced, the Building Inspector is authorized to issue a Stop Work order which shall remain in effect until the updated entity disclosure statement is submitted.

- (3) The Town Board, Planning Board, Zoning Board of Appeals, Building Department, or any municipal board, officer or employee shall not process, hear, rehear, approve, or sign any land use application, plans, permit or certificate unless and until a current and complete entity disclosure statement is submitted.

D. Information required in the entity disclosure statement.

The following information shall be required to be disclosed in the entity disclosure statement:

- (1) If the applicant is an entity, the name, address and contact information for each owner, member, shareholder, officer, director, beneficial owner, general partner, limited partner and authorized person of the entity shall be disclosed. If any owner, member, shareholder, beneficial owner, general partner or limited partner is itself an entity, then the name, address and contact information of any member, shareholder, director, officer, beneficial owner, general partner or limited partner or authorized person of that entity shall be disclosed.
- (2) Each named person shall identify all Town officers or employees for which disclosure of a relationship would be required pursuant to state General Municipal Law §809.
- (3) Other information reasonably required by resolution of the Town Board which implements or promotes the purpose and intent of this section.

E. Persons exempt from the disclosure requirements of this section.

- (1) A person who is not an officer, director or authorized person of a publicly traded corporation and who holds less than 5% of the shares or ownership interest in such corporation.

F. Land use applications exempt from the disclosure requirements of this section.

- (1) Renovations to a building which do not increase the size of the building;
- (2) Construction of a permitted accessory structure containing less than 500 square feet of floor area.

G. Penalties for offenses.

- (1) If an entity, its representative(s) or other person fails to submit, update or keep current a complete and correct disclosure statement required by this section, or otherwise violates a requirement of this section, such entity, its representative(s) or other person shall be subject to a civil penalty, not to exceed \$5,000, assessed by a court of competent jurisdiction.
- (2) Nothing herein shall preclude institution of a criminal or civil proceeding against the entity or any of its representatives or other person where conduct may constitute a violation of law.
- (3) In addition to the penalties prescribed in this section and in state law, any entity or person who violates any provision of this section shall be liable for all reasonable attorneys' fees, consultant and expert fees, costs and disbursements incurred by the Town in any legal proceeding to enforce the requirements of this section and/or to recover a civil penalty.

Section 2. This local law is intended to and shall supersede any inconsistent provisions of Article 16, including but not limited to §§265 through 283, of the state Town Law.

Section 3. Severability. If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment has been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof, and the Town Board declares that it would have enacted this local law or the remainder thereof had the invalidity of such provision or application been apparent.

Section 4. Effective date. This local law shall immediately take effect upon filing with the Secretary of State.

(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. 4 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Town of Mamakating was duly passed by the Town Board on December 6, 2016, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* 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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ 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.

**(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 \_\_\_\_\_<sup>1</sup> above.

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

Date: \_\_\_\_\_

(Seal)