

**SECTION 1.0 - TITLE, STATUTORY AUTHORIZATION AND PURPOSE**

**1.1 Title** - This local law shall be known as the "Seasonal Use Roads Law".

**1.2 Statutory Authorization** - This article is adopted under the authority of § 64, Subdivision (23), and § 130, Subdivision (1), of the Town Law of the State of New York.

**1.3 Purpose** - It is the purpose of this local law to promote the safety, health and general welfare of the residents of the Town of Candor by regulating the issuance of building permits for any structure on seasonal use roads which may not provide 12-month access for fire and other emergency vehicles for the inhabitants or occupants of such structures.

**SECTION 2.0 – DEFINITIONS**

**2.1 Seasonal Use Road, Minimum Maintenance Road, Limited Use Highway** shall mean roads designated by the Superintendent of Highways as defined under § 205 (a) of the Highway Law. (Contact Town Clerk for listing of seasonal use roads)

**2.2 Building Permit** shall mean a permit issued for the erection or installation of any structure regulated by the New York State Uniform Fire Prevention and Building Code, this local law and/or other Local Law of the Town of Candor regulating such construction or installation.

**2.3 Applicant** shall mean the owner or owners of record of any real property for which a building permit is sought and, if applicable, any person or persons, purchasing such property by recorded land contract.

**2.4 Type U (Utility) Structure** shall mean structures defined in the New York Fire Prevention and Building Code to include hunting and fishing cabins, lean-to, and other similar structures designed for occasional occupancy.

**SECTION 3.0 - GENERAL PROVISIONS**

**3.1 Conditions for issuance of building permit** - building permits may be issued in the Town of Candor on any seasonal use road meeting one of the following requirements:

A. Type U (Utility) Structure designed for occasional occupancy or other recreational purposes.

1. The applicant shall be lawfully entitled to apply for a building permit and shall have paid the requisite fee, see Town of Candor Schedule of Fees.
2. The applicant shall have met all requirements, other than with respect to the seasonal use road, for the issuance of a building permit as mandated by the New York State Fire Prevention and Building Code and any other federal, state or local law with respect to the issuance thereof at the time of application.

B. All other building types as defined in the New York State Fire Prevention and Building Code, including changing use and occupancy classifications, shall meet all the following requirements and conditions:

1. The applicant shall be lawfully entitled to apply for a building permit and shall have paid the requisite fee, see Town of Candor Schedule of Fees.
2. The applicant shall have met all requirements, other than with respect to the seasonal use road, for the issuance of a building permit as mandated by the New York State Fire Prevention and Building Code and any other federal, state or local law with respect to the issuance thereof at the time of application.
3. The applicant shall submit at the time of filing application for a building permit, a request for the conversion of the seasonal use road to a 12 month maintained road on the form prescribed for such purpose, or if none, by letter, stating the name of the applicant, location of proposed development, name of road sought to be opened, distance in linear feet of seasonal use road sought to be opened, amount of assessed improvements currently located along said road, if any,

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amount of anticipated assessed valuation for proposed development under the building permit application and statement that there is no other access to proposed development over any other 12 month-maintained roadway.

4. The assessed value of improvements along the seasonal use road to be opened shall be no less than \$100,000 per 0.2 miles, as measured from the nearest year-round regularly maintained highway, including the improvements to be erected under the applicant's building permit.
5. The length of seasonal use road to be converted to a 12-month maintained road must connect another 12-month maintained highway or the Town of Candor shall prior to issuance of a building permit be given an easement for a turn around by the applicant or any third party of a size and at a location to be determined by the Town Highway Superintendent. Such easement shall be in recordable form. Applicant shall pay all costs of obtaining and recording the easement. The form and content of the easement shall be acceptable to the Town.
6. No certificate of compliance shall be issued pursuant to any building permit issued for development along a seasonal use road until satisfaction of the requirements of these conditions and verification is filed with the Town Clerk that the market value requirements set forth in paragraph (3.B.4) of these conditions have been met. Applicant at the time of submitting their request to open the seasonal use road must execute an acknowledgement of this condition and a release to the Town of Candor for any liability or damages in connection with this condition, the form of the release shall be established by the Town Board.
7. No seasonal use road shall be opened or be required to be worked by the Town, for year-round access, until a certificate of compliance is issued by the Code Enforcement Officer. In the event no certificate of compliance is issued, the Town of Candor shall have no obligation to open the seasonal use road for year-round access.
8. No certificate of occupancy shall be issued for improvements located on a seasonal use road between October 1 and April 1 for any given year.

### 3.2 Town Board Review

- A. The Town of Candor shall review the application to open any seasonal use road. Applications must be submitted at least two weeks prior to a regular Board meeting following submission of the application by the Code Enforcement officer to the Town Clerk. Such application shall only be submitted after the Code Enforcement Officer shall have determined that except for the location of the proposed development on the seasonal use road, the building permit would be issued. In such case, the application to open the seasonal use road shall be submitted as soon as practicable by the Code Enforcement Officer after such determination is made.
- B. No seasonal use road shall be converted to 12 month use if, in the sole opinion of the Town Highway Superintendent, the 12 month use of the road would create any undue risk to the health or safety of the public using such road and/or to the employees of the Town of Candor maintaining it. Such opinion shall be absolutely final and binding on the applicant.

### 3.3 Limitations on opening seasonal use roads

- A. The Town of Candor shall in no event be required to open more than one mile of seasonal use road under this policy in any single calendar year. In the event application to open seasonal use roads exceeds this limitation, applications will be acted upon on a first come, first serve basis.
- B. The Town's adoption of this local law shall in no way limit the right of the Town Board on its own elect to open any seasonal use road to 12-month use, if in the discretion of the Town Board, it is deemed in the best general interest of the public to do so.

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## **SECTION 4.0 - CONFLICT AND INTERPRETATION**

### **4.1 Interpretation of State Code**

- A. Whenever possible, this local law shall be interpreted in a manner compatible with the New York State Uniform Fire Prevention and Building Code, however, in the event of any conflict or incompatible interpretation, the stricter requirements of the two shall apply with respect to the issuance of a building permit.

### **4.2 Saving Clause**

- A. If any section, paragraph, subdivision or provision of this local law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this local law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

### **4.3 Effective Date**

- A. After approval by the Candor Town Board and filing with the State of New York.

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