

LEGAL NOTICE TOWN OF HAMBURG
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that there has been presented to the Town Board on September 12, 2016, pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law 9, 2016; said local law provides for amendments to the Hamburg Town Code, in the following chapters and sections. The proposed amendments are in accordance with recommendations of the Town of Hamburg Code Review Committee. The amendments can be described as follows:

The following revisions are being proposed to the Town of Hamburg's Codes

1. Amend Chapter 280 (Zoning), "Article XLV. Zoning Board of Appeals", by deleting from Section 280-310, under paragraph B. Special Permits, sub-paragraph (1) Temporary structures and uses, and sub-paragraph (2) Permitted temporary structures or uses; extension of time.

Amendment is as follows: Delete 280-310 B. (1) and (2)

2. Amend Chapter 280 (Zoning), "Article XXXIX. Supplemental Lot Size and Open Space Regulations", by amending Section 280-277 A. (2) to have the Planning Board approve barb wire fencing instead of the ZBA.

Amendment is as follows: Amend 280-277 A. (2) by removing "Zoning Board of Appeals" and replacing with "Planning Board".

3. Amend Chapter 100 (Dogs), under Section 100-3 Control of dogs, paragraph A., sub-paragraph (2), by removing "service dog, working search dog, war dog, detection dog or therapy dog".

Amendment is as follows: amend Section 100-3, paragraph A., sub-paragraph (2) by deleting "service dog, working search dog, war dog, detection dog, or therapy dog"

4. Amend Chapter 100 (Dogs), under Section 100-13 Redemption; impoundment fees, by adding a new paragraph B.

Amendment is as follows:

If the Dog Control Officer or Police Officer finds a dog that has been reported to be running at large, and the owner is found by the DCO or

Police Officer, and the owner can show proof that the dog is duly licensed and has a current rabies shot, the dog may be returned to the owner and sections 100-13, A (1)-(3) are waived by the Town of Hamburg.

The remainder of the section shall be "re-lettered", C. through F.

5. Amend Chapter 191. Peddling and Soliciting, Article II. Transient Retail Merchants to require a background check:

Amend Chapter 191, Peddling and Soliciting, Article II Transient Retail Merchants

Amend §191-20. License Application by adding the following:

The police officer designated by the Police Chief to order and review criminal records ("Criminal Records Officer") may cause the fingerprints of any applicant for a Transient Retail Merchant license and any applicable fee to be forwarded to the Division of Criminal Justice Services (DCJS) in the form and manner as prescribed by DCJS for a complete criminal background and investigation upon receipt of the appropriate fee from the applicant.

The Criminal Records Officer, the Town Clerk, and the Town Attorney shall review the criminal history record information (CHRI) disseminated by DCJS in connection with the applicant's criminal background and investigation.

In making the determination of the applicant's fitness for the requested permit, based upon the information provided by DCJS, New York State Correction Law §§701 through 703b and §§751 through 753 shall be given due consideration.

6. Amend Chapter 213. Smoking, Section 213-2. Definitions, by adding to the definition "e-cigarettes", as follows:

Amend §213.2. Definitions to add the following under Smoking:

...tobacco substitute, electronic cigarette or e-cigarette, or smokeless tobacco...

Amend §213.2 Definitions to add the following term:

Electronic Cigarette or E-Cigarette

A battery operated device that contains a cartridge and/or liquids consisting of chemicals, nicotine and/or flavoring that are turned into vapor which may be inhaled by a user.

Smokeless Tobacco

Any product that consists of cut, ground, powdered or leaf tobacco that is intended to be placed by the consumer in an oral cavity.

7. Amend Chapter 34. Mandatory Training, Article I. Planning Board and Zoning Board of Appeals as follows: Section 34-4. Acceptable providers-amend to read: Acceptable providers of training shall include the Town Planner or other approved planning consultant; regional planning counsels; County Planning Agencies; a New York State agency; a New York State association, e.g. the Association of Towns, Conference of Mayors or New York Planning Federation; and an accredited college, or any other provider approved by the Town Board in advance of a member's attendance at such training.

Amend Section 34.3. Acceptable/nonacceptable forms of training to read as follows:

Acceptable forms of training shall include traditional classroom-style training and up to two (2) hours per year of approved on-line training. In accordance with Section 34-5. and 34-6. of this Chapter, on-line training will require a methodology to receive "certificates of completion" and will require Town Board approval of any on-line training program or course.

8. Amend Chapter 227. Streets and Sidewalks, Article II. Sidewalk Maintenance and Repair, §227-A

A detailed copy of the proposed amendments will be available, for public review, during regular business hours at the following **2 locations:**

HAMBURG TOWN HALL
Town Clerk's Office/upper level **and** Planning Department/lower level)
6100 South Park Avenue
Hamburg, New York 14075

And on the Town of Hamburg's website:
www.townofhamburgny.com Click on Legal Notices & Bid

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on October 17, 2016 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: September 26, 2016

Catherine Rybczynski
Hamburg Town Clerk