

Elements of Proposed Setback Law

Main Provisions:

1. No Structure shall be placed alongside a town public highway within the town right of way for a period of longer than thirty days.
2. No Building greater than ten square feet (10 sq. ft.) shall be erected, installed or placed within seventy-five feet (75') of a road centerline or within fifty feet (50') from any lot line for a period of longer than thirty days.
3. This Local Law does not apply to Structures that are lawfully in existence as of the effective date of this Local Law except that it shall apply to such Structures, other than Non-conforming Buildings, that are substantially rebuilt or replaced. Nonconforming Buildings may be continued, repaired, structurally altered, moved, reconstructed or enlarged, provided that such action does not increase the degree of or create any new nonconformity with respect to the requirements of this Local Law.

Definitions:

1. The term "Structure" means something that is constructed, on or off site. For the avoidance of doubt, "structures" include, without limitation, Buildings, vehicles including cars, trucks, recreational vehicles and campers, carports, fences, posts, columns and flat or curved arches.
2. The term "Building" means a structure having three or more walls, roofed or unroofed, including without limitation barns, garages, houses, sheds, and shipping containers.
3. The term "Non-conforming Building" means any building that does not conform to the requirements of this Local Law.

Reference Materials

A. Town of New Lisbon Subdivision Law - Amendments of 2024 - LL 2024-1

§7.A(4) The subdivision shall not cause there to be an existing structure greater than ten square feet (10 sq. ft.) within seventy-five feet (75') of a road centerline or within fifty feet (50') from any lot line.

B. Site plan Review Law - LL 2011-1

ARTICLE VI Non-Conforming Uses

§100-7 EFFECT OF LOCAL LAW

This Law does not apply to uses or structures that are lawfully in existence as of the date this Law becomes effective. Any use that would otherwise be subject to this Law that has been discontinued for a period of three (3) years or more shall be subject to review pursuant to the terms of this Law before such use is resumed. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this Law and fully constructed and completed within one year from the effective date of this Law. The Planning Board or Town Board shall have the right, for good cause, to declare a use that has been discontinued for more than three years as a legal non-conforming use.

§100-7.1 Non-Conforming Buildings.

A non-conforming building is any building which does not conform to the dimensional and bulk requirements of this Law with respect to lot area, width, or depth; front, side or rear yards; maximum height; etc. Nonconforming buildings may be continued, repaired, structurally altered, moved, reconstructed or enlarged, provided that such action does not increase the degree of or create any new nonconformity with respect to the bulk requirements of this Law.

C. Town of New Lisbon Subdivision Law, LL 2011-1

§ 200-38. Enforcement.

- A. Penalties. Any violation of the regulations shall be an offense punishable by a fine not to exceed five hundred (500) dollars or by imprisonment of a term not to exceed six (6) months or both. Each week's continued violation shall constitute a separate additional violation. These penalties shall be levied against the owner/subdivider and against the responsible contractor and/or subcontractor(s).
- B. Remedies. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used in violation of these regulations, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken in addition to other remedies provided by law to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such property.

C. Complaints. Whenever a violation of these regulations occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Town Clerk, who shall properly record such complaint and immediately cause an investigation of any report thereon by the Land Use Enforcement Officer.

D. Town of New Lisbon Garbage & Junk Law, LL 2024-2

Section 8 - Enforcement.

If the Landowner (or Lessee, if any) fails to comply with such order, the LEO is authorized pursuant to Criminal Procedure Law §150.20(3) to issue an appearance ticket to the Landowner (or Lessee, if any) and shall cause such Landowner (or Lessee, if any) to appear before the Town Justice.

Section 9 - Penalties and Remedies.

8.1 Misdemeanor. For the purposes of conferring jurisdiction upon courts and judicial officers generally, Violations violations of this Local Law shall be deemed misdemeanors and, for such purpose, all provisions of law relating to misdemeanors shall apply to such violations.

8.2 Fines and Penalties. Any Landowner (or Lessee, if any) who violates the provisions of this Local Law by failing to comply with a Notice to Comply shall be guilty of a violation of a local law and subject to the following:

1. a fine not to exceed \$250.00 for each Violation or
2. a civil penalty not to exceed \$250.00 for each Violation, plus attorney's fees, to be recovered by the municipality in a civil action. Every such Landowner or Lessee shall be deemed guilty of a separate Violation for each week such Violation continues.

8.3 Injunction. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction, to compel compliance with a Notice of Violation and Order to Remedy or otherwise to enjoin violation of this Local Law.

8.4 Remedies Not Exclusive. Nothing herein shall prevent the Town from proceeding under any or all of the above enforcement methods for any violation. No remedy or penalty specified in this Local Law shall be the exclusive remedy or remedy available to address any violation and each remedy or penalty specified in this Local Law shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Local Law. Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Local Law or in any other applicable law.

E. Town of New Lisbon Subdivision Law, LL 2011-1

ARTICLE VIII Waivers

Where the Town finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such waivers will not have the effect of nullifying the intent and purpose of the master plan or the zoning law, if such exists. In granting waivers, the Town shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.