

**NOTICE OF PUBLIC HEARING
TOWN OF CARMEL PRELIMINARY BUDGET**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing on the 6th day of November, 2013 at Town Hall, 60 McAlpin Avenue, Mahopac, New York, at 7:00 p.m. or as soon thereafter that evening as possible in regard to the Preliminary Budget for the fiscal year 2014 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Districts, Fire Protection Districts and Lighting Districts, and

BE IT FURTHER NOTICED that pursuant to Section 108 of the Town Law, the proposed salaries of the following officials for fiscal year 2014 are hereby specified as follows: Supervisor: \$100,812.00, Town Council Members (ea): \$19,645.00, Town Clerk: \$81,886.00 and Highway Superintendent: \$103,845.00;

AND BE IT FURTHER NOTICED, that the Preliminary Budget for the Town of Carmel has been completed and filed in the Office of the Town Clerk, Town Hall, 60 McAlpin Avenue, Mahopac, New York, where it is available for public inspection from 8:30 a.m. to 4:30 p.m. Monday through Friday.

At said Public Hearing, any resident may be heard in favor of or against the Preliminary Budget as compiled or for or against any item or items contained therein. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board
of the Town of Carmel
Ann Spofford, Town Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, November 6, 2013 at 7:00 p.m. or as soon thereafter that evening as possible to consider the adoption of a local law to override the limit on the amount of real property taxes that may be levied by the Town of Carmel, County of Putnam pursuant to General Municipal Law § 3-c; as follows:

PROPOSED LOCAL LAW # ____ OF THE YEAR 2013

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Carmel, County of Putnam pursuant to General Municipal Law § 3-c, and to allow the Town of Carmel, County of Putnam to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override.

The Town Board of the Town of Carmel, County of Putnam is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board
of the Town of Carmel
Ann Spofford, Town Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, November 6, 2013 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending the Town Code to add Chapter 112 entitled "PORTABLE BATHROOMS AND FACILITIES"; as follows:

PROPOSED LOCAL LAW # ____ OF THE YEAR 2013

Be it enacted by the Town Board of the Town of Carmel, Putnam County, State of New York as follows:

SECTION 1: PURPOSE

The purpose of this local law is to establish and impose restrictions upon the installation and operation of portable bathrooms for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Town and its inhabitants.

SECTION 2: AMENDMENT OF THE TOWN CODE

The Town Code of the Town of Carmel is hereby amended by the addition of a new chapter entitled, "CHAPTER 112 PORTABLE BATHROOMS AND FACILITIES" which shall read as follows:

§ -1. Purpose.

The Town Board of the Town of Carmel has received numerous complaints in regard to portable bathrooms concerning their visual pollution. Although portable bathrooms may be an environmental asset, it is generally recognized that portable bathrooms create visual pollution and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, it is the intention of the Town Board of the Town of Carmel to establish and impose restrictions upon the installation and operation of portable bathrooms for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Town and its inhabitants. This chapter is intended to ensure that existing and future portable bathrooms are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Town.

§ -2. Authority.

This chapter is adopted pursuant to the authority, of Article 2, § 10 of the New York State Municipal Home Rule Law.

§ -3. Enforcement.

The Town of Carmel Director of Codes Enforcement, Building Inspector and Code Enforcement Officer, or any other person who may hereafter be designated by resolution of the Town Board is hereby authorized in the name and on behalf of the Town of Carmel to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this chapter including the issuance of appearance tickets.

§ -4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PORTABLE BATHROOM

Any sanitary facility, toilet, and/or bathroom facility that is movable, portable and/or without any structural foundation.

VIOLATOR or ANY PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER

Any person who owns or occupies the property at the time the portable bathrooms has been installed and/or operated without meeting all conditions of this code.

§ -5. Existing and New Portable Bathrooms.

Except as hereinafter provided, the lawful use of any portable bathroom may be continued, subject to the provisions of this section.

- A. No portable bathrooms, shall be installed or maintained on residential properties, improved or otherwise, within the Town of Carmel unless fully screened from view from any street within the Town of Carmel. Said screening shall be with a minimum six-foot-tall living fence, of such density that the portable bathroom facility or facilities cannot be seen through the living fence. Said living fence must be of evergreen trees and maintained year round.
- B. No portable bathrooms, shall thereafter be installed or maintained on residential properties, improved or otherwise, within the Town of Carmel between the dates of November 1st and April 30th each year.

§ -6. Penalties for offenses.

- A. Failure to comply with any of the provisions of this chapter shall be a violation and, upon conviction thereof, shall be punishable by a fine of not

less than \$500 or imprisonment for a period of not more than 10 days, or both, for the first offense. Any subsequent offense shall be punishable by a fine of not less than \$1,000 or imprisonment for a period of not more than 30 days, or both. Each day that a violation occurs shall constitute a separate offense. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this chapter.

- B. Compliance with the provisions of this chapter may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction.
- C. In the event the Town is required to take legal action to enforce the provisions of this chapter, the violator will be responsible for any and all necessary costs incurred by the Town relative thereto, including attorneys' fees, and such amount shall be determined and assessed by the court.
- D. Any fine imposed and any costs incurred hereunder shall constitute a lien upon the real property where the portable bathroom facility is located. If such fine and/or costs assessed by the court are as possible on a Local Law amending the Town Code to add Chapter 112 entitled "PORTABLE BATHROOMS AND FACILITIES" not paid in full within 30 days from the date determined and assessed by the Court, such fine and/or costs shall be charged to the property so affected by including such expense in the next annual Town tax levy against the property.

§ -7. When effective.

This chapter shall take effect immediately in accordance with the law of the State of New York.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

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of the Town of Carmel
Ann Spofford, Town Clerk