

TOWN OF ITHACA

LOCAL LAW NO. ___ OF THE YEAR 2017

**A LOCAL LAW AMENDING THE TOWN OF ITHACA CODE, CHAPTER 270 ENTITLED
“ZONING”, REGARDING ACCESSORY DWELLING UNITS**

Be it enacted by the Town Board of the Town of Ithaca as follows:

Section 1. Chapter 270 (Zoning), Article III (Terminology) of the Town of Ithaca Code, is amended by adding the following definition to §270-5 (Definitions):

“ACCESSORY DWELLING UNIT – A second dwelling unit subordinate in size to the principal dwelling unit on a lot, located in either the principal dwelling or a separate structure.

DETACHED ACCESSORY DWELLING UNIT – An accessory dwelling unit that occupies part or all of a structure that is separate from the principal dwelling on a lot.”

Section 2. Chapter 270 (Zoning), Article V (Conservation Zones) of the Town of Ithaca Code, §270-11 titled “Permitted principal uses” is amended by deleting Subsection B and replacing it with the following:

“B. A two-family dwelling consisting of a principal dwelling unit and an internal or attached accessory dwelling unit, provided that:

- (1) The principal dwelling unit is occupied by no more than one family plus no more than one boarder, roomer, lodger or other occupant, and
- (2) The accessory dwelling unit is occupied by no more than one family, and
- (3) The applicable requirements of §270-219.6 (Accessory dwelling units) are met.”

Section 3. Chapter 270 (Zoning), Article V (Conservation Zones) of the Town of Ithaca Code, §270-14 titled “Permitted accessory buildings or uses” is amended by adding a new Subsection K reading as follows:

“K. A detached accessory dwelling unit, provided that:

- (1) The accessory dwelling unit is occupied by no more than one family,
- (2) For buildings constructed after the effective date of this Subsection K, the building which the accessory dwelling unit occupies is located within 150 feet of the principal dwelling, and
- (3) The applicable requirements of §270-219.6 (Accessory dwelling units) are met.”

Section 4. Chapter 270 (Zoning), Article V (Conservation Zones) of the Town of Ithaca Code, §270-15 titled “Accessory buildings and uses authorized by special approval only” is deleted in its entirety.

Section 5. Chapter 270 (Zoning), Article V (Conservation Zones) of the Town of Ithaca Code, §270-16 titled “Height limitations” is amended by deleting the last sentence and replacing it with the following:

“A building occupied by a detached accessory dwelling unit shall not exceed one story and 20 feet in height, except buildings constructed prior to the effective date of Local Law No. ___ of the Year 2017 may exceed these two parameters as long as the building height is not subsequently increased beyond that existing on the effective date of said Local Law. Other nonagricultural accessory buildings shall not exceed 15 feet in height.”

Section 6. Chapter 270 (Zoning), Article V (Conservation Zones) of the Town of Ithaca Code, §270-17 titled “Yard regulations” is amended by deleting Subsection F and replacing it with the following:

“F. Accessory buildings

- (1) Buildings occupied by a detached accessory dwelling unit: Any such buildings that are less than 200 feet from a street line must be located in a rear yard. Any such buildings that are 200 feet or more from a street line may be located any yard. All buildings occupied by a detached accessory dwelling unit must be at least 100 feet from any side lot line, and at least 200 feet from a rear lot line.
- (2) All other accessory buildings (except garages, and except woodsheds meeting the requirements of Subsection H below) may not occupy any open space other than a rear yard.
- (3) The total lot area covered by nonagricultural accessory buildings (including garages and woodsheds) may not occupy more than 1,000 square feet of the 200 foot rear yard setback required by Subsection B above.
- (4) Accessory buildings (other than garages or buildings occupied by a detached accessory dwelling unit) shall be not less than 50 feet from any side or rear lot line.”

Section 7. Chapter 270 (Zoning), Article VI (Agricultural Zones) of the Town of Ithaca Code, §270-26 titled “Permitted principal uses” is amended by deleting Subsection G and replacing it with the following:

“G. A two-family dwelling consisting of a principal dwelling unit and an internal or attached accessory dwelling unit, provided that:

- (1) The principal dwelling unit is occupied by no more than one family plus no more than one boarder, roomer, lodger or other occupant,
- (2) The accessory dwelling unit is occupied by no more than one family, and
- (3) The applicable requirements of §270-219.6 (Accessory dwelling units) are met.”

Section 8. Chapter 270 (Zoning), Article VI (Agricultural Zones) of the Town of Ithaca Code, § 270-29 titled “Permitted accessory buildings and uses” is amended as follows:

A. By adding the following sentence to the end of Subsection D:

“D. Any building occupied by a detached accessory dwelling unit shall count towards the 1,500 square foot limit.”

B. By adding a new Subsection L reading as follows:

“L. If the principal use is as a one-family dwelling, a detached accessory dwelling unit, provided that:

- (1) The accessory dwelling unit is occupied by no more than one family,
- (2) For buildings constructed after the effective date of this Subsection L, the building which the accessory dwelling unit occupies is located within 150 feet of the principal dwelling, and
- (3) The applicable requirements of §270-219.6 (Accessory dwelling units) are met.”

Section 9. Chapter 270 (Zoning), Article VI (Agricultural Zones) of the Town of Ithaca Code, §270-30 titled “Accessory buildings and uses authorized by special approval only” is deleted in its entirety.

Section 10. Chapter 270 (Zoning), Article VI (Agricultural Zones) of the Town of Ithaca Code, §270-31 titled “Height limitations” is amended by adding the following sentence after the first sentence in Subsection A:

“A building occupied by a detached accessory dwelling unit shall not exceed one story and 20 feet in height, except buildings constructed prior to the effective date of Local Law No. ___ of the Year 2017 may exceed these two parameters as long as the building height is not subsequently increased beyond that existing on the effective date of said Local Law.”

Section 11. Chapter 270 (Zoning), Article VI (Agricultural Zones) of the Town of Ithaca Code, §270-32 titled “Yard regulations” is amended by adding Subsection A(5) reading as follows:

“(5) Buildings occupied by a detached accessory dwelling unit: Any such buildings that are less than 200 feet from a street line must be located in a rear yard. Any such buildings that are 200 feet or more from a street line may be located any yard. All buildings occupied by a detached accessory dwelling unit must be at least 50 feet from any side lot line, and at least 35 feet from a rear lot line.”

Section 12. Chapter 270 (Zoning), Article VII (Lakefront Residential Zones) of the Town of Ithaca Code, §270-41 titled “Permitted principal uses” is amended by deleting Subsection B and replacing it with the following:

“B. A two-family dwelling consisting of a principal dwelling unit and an internal or attached accessory dwelling unit, provided that:

- (1) The principal dwelling unit is occupied by no more than one family plus no more than one boarder, roomer, lodger or other occupant,
- (2) The accessory dwelling unit is occupied by no more than one family, and
- (3) The applicable requirements of §270-219.6 (Accessory dwelling units) are met.”

Section 13. Chapter 270 (Zoning), Article VII (Lakefront Residential Zones) of the Town of Ithaca Code, §270-44 titled “Accessory buildings and uses authorized by special approval only” is amended by deleting Subsection A and re-lettering Subsection B as Subsection A.

Section 14. Chapter 270 (Zoning), Article VIII (Low Density Residential Zones) of the Town of Ithaca Code, §270-54 titled “Permitted principal uses” is amended by deleting Subsection B and replacing it with the following:

“B. A two-family dwelling consisting of a principal dwelling unit and an internal or attached accessory dwelling unit, provided that:

- (1) The principal dwelling unit is occupied by no more than one family plus no more than one boarder, roomer, lodger or other occupant,
- (2) The accessory dwelling unit is occupied by no more than one family, and
- (3) The applicable requirements of §270-219.6 (Accessory dwelling units) are met.”

Section 15. Chapter 270 (Zoning), Article VIII (Low Density Residential Zones) of the Town of Ithaca Code, §270-56 titled “Permitted accessory buildings or uses” is amended as follows:

A. By deleting Subsection C and replacing it with the following:

“C. Up to three accessory buildings other than a garage or a building occupied by a detached accessory dwelling unit, all such accessory buildings in the aggregate not to exceed a total of 600 square feet in size unless the lot is three acres or larger, in which event the aggregate area of the accessory buildings may not exceed 2,000 square feet.”

B. By adding a new Subsection M reading as follows:

“M. A detached accessory dwelling unit, provided that:

- (1) The accessory dwelling unit is occupied by no more than one family, and
- (2) The applicable requirements of §270-219.6 (Accessory dwelling units) are met.”

Section 16. Chapter 270 (Zoning), Article VIII (Low Density Residential Zones) of the Town of Ithaca Code, §270-57 titled “Accessory buildings and uses authorized by special approval only” is deleted in its entirety.

Section 17. Chapter 270 (Zoning), Article VIII (Low Density Residential Zones) of the Town of Ithaca Code, §270-59 titled “Height limitations” is amended by deleting the third sentence and replacing it with the following:

“A building occupied by a detached accessory dwelling unit shall not exceed one story and 20 feet in height, except buildings constructed prior to the effective date of Local Law No. ___ of the Year 2017 may exceed these two parameters as long as the building height is not subsequently increased beyond that existing on the effective date of said Local Law. Other accessory buildings shall not exceed 15 feet in height.”

Section 18. Chapter 270 (Zoning), Article VIII (Low Density Residential Zones) of the Town of Ithaca Code, §270-60 titled “Yard regulations” is amended by deleting Subsection E and replacing it with the following:

“E. Accessory buildings

- (1) Buildings occupied by a detached accessory dwelling unit: Any such buildings must be located in a rear yard, be at least 50 feet from any side lot line, and be at least 35 feet from a rear lot line.
- (2) All other accessory buildings (except garages, and except woodsheds meeting the requirements of Subsection G below) may not occupy any open space other than a rear yard.
- (3) Accessory buildings (including garages, woodsheds, and buildings occupied by a detached accessory dwelling unit), in the aggregate, may occupy not more than 15% of the 50 foot rear yard setback required by Subsection B above.

- (4) Accessory buildings (except for garages and buildings occupied by a detached accessory dwelling unit) shall be not less than three feet from any side or rear lot line. Any accessory building, other than a garage or a building occupied by a detached accessory dwelling unit, on a corner lot shall be not less than five feet from the rear lot line.”

Section 19. Chapter 270 (Zoning), Article IX (Medium Density Residential Zones) of the Town of Ithaca Code, §270-66 titled “Permitted principal uses” is amended by deleting Subsection B and replacing it with the following:

“B. A two-family dwelling consisting of a principal dwelling unit and an internal or attached accessory dwelling unit, provided that:

- (1) The principal dwelling unit is occupied by no more than one family plus no more than one boarder, roomer, lodger or other occupant,
- (2) The accessory dwelling unit is occupied by no more than one family, and
- (3) The applicable requirements of §270-219.6 (Accessory dwelling units) are met.”

Section 20. Chapter 270 (Zoning), Article IX (Medium Density Residential Zones) of the Town of Ithaca Code, §270-68 titled “Permitted accessory buildings and uses” is amended as follows:

A. By deleting Subsection C and replacing it with the following:

“C. Up to three accessory buildings other than a garage or a building occupied by a detached accessory dwelling unit, all such accessory buildings in the aggregate not to exceed a total of 600 square feet in size unless the lot is three acres or larger, in which event the aggregate area of the accessory buildings may not exceed 2,000 square feet.”

B. By adding a new Subsection L reading as follows:

“L. A detached accessory dwelling unit, provided that:

- (1) The accessory dwelling unit is occupied by no more than one family, and
- (2) The applicable requirements of §270-219.6 (Accessory dwelling units) are met.”

Section 21. Chapter 270 (Zoning), Article IX (Medium Density Residential Zones) of the Town of Ithaca Code, §270-69 titled “Accessory buildings and uses authorized by special approval only” is amended by deleting Subsections A and B in their entirety, and re-lettering Subsection C as Subsection A.

Section 22. Chapter 270 (Zoning), Article IX (Medium Density Residential Zones) of the Town of Ithaca Code, §270-70 titled “Height limitations” is amended by deleting the third sentence and replacing it with the following:

“A building occupied by a detached accessory dwelling unit shall not exceed one story and 20 feet in height, except buildings constructed prior to the effective date of Local Law No. ___ of the Year 2017 may exceed these two parameters as long as the building height is not subsequently increased beyond that existing on the effective date of said Local Law. Other accessory buildings shall not exceed 15 feet in height.”

Section 23. Chapter 270 (Zoning), Article IX (Medium Density Residential Zones) of the Town of Ithaca Code, §270-71 titled “Yard regulations” is amended by deleting Subsection E and replacing it with the following:

“E. Accessory buildings

- (1) Buildings occupied by a detached accessory dwelling unit: Such buildings must be located in a rear yard, be at least 30 feet from any side lot line, and be at least 15 feet from a rear lot line.
- (2) All other accessory buildings (except garages, and except woodsheds meeting the requirements of Subsection G below) may not occupy any open space other than a rear yard.
- (3) Accessory buildings (including garages, woodsheds, and buildings occupied by a detached accessory dwelling unit), in the aggregate, may occupy not more than 40% of the 30 foot rear yard setback required by Subsection B above.
- (4) Accessory buildings (except for garages and buildings occupied by a detached accessory dwelling unit) shall be not less than three feet from any side or rear lot line. Any accessory building, other than a garage or a building occupied by a detached accessory dwelling unit, on a corner lot shall be not less than five feet from the rear lot line.”

Section 24. Chapter 270 (Zoning), Article X (High Density Residential Zones) of the Town of Ithaca Code, §270-77 titled “Permitted principal uses” is amended by deleting Subsection B and replacing it with the following:

“B. A two-family dwelling consisting of a principal dwelling unit and an internal or attached accessory dwelling unit, provided that:

- (1) The principal dwelling unit is occupied by no more than one family plus no more than one boarder, roomer, lodger or other occupant,
- (2) The accessory dwelling unit is occupied by no more than one family, and

(3) The applicable requirements of §270-219.6 (Accessory dwelling units) are met.”

Section 25. Chapter 270 (Zoning), Article X (High Density Residential Zones) of the Town of Ithaca Code, §270-79 titled “Permitted accessory buildings and uses” is amended as follows:

A. By deleting Subsection C and replacing it with the following:

“C. Up to three accessory buildings other than a garage, all such accessory buildings in the aggregate not to exceed a total of 800 square feet in size unless the lot is three acres or larger, in which event the aggregate area of the accessory building may not exceed 2,000 square feet. A building occupied by a detached accessory dwelling unit shall count towards the square footage limits of this Subsection C.”

B. By adding a new Subsection J reading as follows:

“J. A detached accessory dwelling unit, provided that:

(1) The accessory dwelling unit is occupied by no more than one family, and

(2) The applicable requirements of §270-219.6 (Accessory dwelling units) are met.”

Section 26. Chapter 270 (Zoning), Article X (High Density Residential Zones) of the Town of Ithaca Code, §270-80 titled “Accessory buildings and uses authorized by special approval only” is deleted in its entirety.

Section 27. Chapter 270 (Zoning), Article X (High Density Residential Zones) of the Town of Ithaca Code, §270-81 titled “Height limitations” is amended by deleting the third sentence and replacing it with the following:

“A building occupied by a detached accessory dwelling unit shall not exceed one story and 20 feet in height, except buildings constructed prior to the effective date of Local Law No. ___ of the Year 2017 may exceed these two parameters as long as the building height is not subsequently increased beyond that existing on the effective date of said Local Law. Other accessory buildings shall not exceed 15 feet in height.”

Section 28. Chapter 270 (Zoning), Article X (High Density Residential Zones) of the Town of Ithaca Code, §270-82 titled “Yard regulations” is amended by deleting Subsection E and replacing it with the following:

“E. Accessory buildings

(1) Buildings occupied by a detached accessory dwelling unit: Such buildings must be located in a rear yard, be at least 20 feet from any side lot line, and be at least 15 feet from a rear lot line.

- (2) All other accessory buildings (except garages, and except woodsheds meeting the requirements of Subsection G below) may not occupy any open space other than a rear yard.
- (3) Accessory buildings (including garages, woodsheds, and buildings occupied by a detached accessory dwelling unit), in the aggregate, may occupy not more than 40% of the 30 foot rear yard setback required by Subsection B above.
- (4) Accessory buildings (except for garages and buildings occupied by a detached accessory dwelling unit) shall be not less than three feet from any side or rear lot line. Any accessory building, other than a garage or a building occupied by a detached accessory dwelling unit, on a corner lot shall be not less than five feet from the rear lot line.”

Section 29. Chapter 270 (Zoning), Article XXVI (Special Regulations) of the Town of Ithaca Code, is amended by deleting §270-216, titled “Elder cottages,” in its entirety.

Section 30. Chapter 270 (Zoning), Article XXVI (Special Regulations) of the Town of Ithaca Code, is amended by adding §270-219.6 reading as follows:

“270-219.6 Accessory dwelling units.

- A. Purpose and intent. It is the specific purpose and intent of this section to allow accessory dwelling units in Conservation, Agricultural and residential zones (as set forth elsewhere in this chapter) to provide the opportunity for the development of small rental housing units designed, in particular, to meet the housing needs of persons of low and moderate income, and of relatives of families residing in the Town of Ithaca. Furthermore, it is the purpose and intent of this section to allow for efficient use of the Town's existing stock of dwellings in economic support of resident families and to protect and preserve property values while preserving the character and quality of life in the Town of Ithaca’s residential neighborhoods. To help achieve these and other goals consistent with the Town of Ithaca Comprehensive Plan, specific requirements are hereby set forth for accessory dwelling units and their related uses. These requirements are in addition to any other requirements for accessory dwelling units set forth elsewhere in this chapter.
- B. Requirements applicable to all accessory dwelling units.
 - (1) Floor area. The floor area of the accessory dwelling unit may not exceed 800 square feet or 70% of the floor area of the principal dwelling unit, whichever is less.
 - (2) Operating permit.
 - (a) Operating permits issued pursuant to Town of Ithaca Code Chapter 125 (Building Construction and Fire Prevention), §125-8, are required throughout the term of rental occupancy for all accessory dwelling units that are rented for terms of at least 30 consecutive days.

- (b) Owners of accessory dwelling units that require operating permits and that exist as of the effective date of this §270-219.6 must apply for operating permits for the accessory dwelling units by May 1, 2018. Owners of accessory dwelling units that require operating permits and that are created after the effective date of this §270-219.6, or that are not rented as of the effective date of this section but are subsequently rented, must apply for operating permits prior to rental occupancy. If an operating permit is granted after an inspection, the operating permit must thereafter be maintained at all times during which the accessory dwelling unit is rented for a term of at least 30 consecutive days. Before the expiration or renewal of the operating permit, it shall be the responsibility of the owner of the accessory dwelling unit(s) to schedule a housing inspection with the Town of Ithaca Code Enforcement Department in order to obtain a new or renewed permit.
- (c) The Code Enforcement Department shall issue an operating permit upon verification by inspection that the items listed in paragraphs i-xiii below meet the requirements of the applicable New York State Uniform Fire Prevention and Building Code, and the items listed in paragraphs xiv-xvi below meet the requirements of the Town of Ithaca Code:
- (i) 911 address number properly posted (with each unit posted),
 - (ii) Exterior structure in good repair,
 - (iii) Entrances, access areas, parking spaces and similar areas in good repair,
 - (iv) Receptacles for proper storage of garbage,
 - (v) Compliant pools and decks (if present),
 - (vi) Working smoke and carbon monoxide detectors,
 - (vii) Interior structure in good repair,
 - (viii) Fire separation (where required),
 - (ix) Electrical, plumbing and heating in good repair,
 - (x) Appliances in good repair (if supplied by landlord),
 - (xi) Proper light and ventilation,
 - (xii) Proper room sizes,
 - (xiii) Proper egress doors or windows,

- (xiv) Compliant off-street parking, per Town of Ithaca Code §270-227,
 - (xv) Compliant number of occupants/families, per Town of Ithaca Code §270-5's definition of "family" and occupancy requirements in the relevant zoning district, and
 - (xvi) Exterior property areas are not in violation of Town of Ithaca Code §205-2.
- (d) A Code Enforcement Officer shall seek a search warrant from a court of competent jurisdiction whenever the owner, managing agent or occupant fails to allow inspections of any premises believed to be subject to this §270-219.6.B(2) and where there is a reasonable cause to believe that there is a violation of this section, Town of Ithaca Code Chapter 205 (Property Maintenance), §205-2, Town of Ithaca Code Zoning chapter provisions related to parking or number of occupants/families, or the New York State Uniform Fire Prevention and Building Code.
 - (e) Failure of an owner of any accessory dwelling unit that is required to have an operating permit to apply for an operating permit in a timely manner, to obtain an operating permit after inspection, or to maintain a valid operating permit after it is granted while the accessory dwelling unit is rented for a term of at least 30 consecutive days, shall be deemed a violation of this chapter, and in addition to the other enforcement mechanisms and remedies set forth in this chapter, a Code Enforcement Officer may order that such accessory dwelling unit(s) be vacated within a specified time after notice of violation, unless the property is brought into compliance within a reasonable time frame specified in the notice of violation. If a violation persists beyond the time frame specified in the notice of violation, and the property is ordered vacated, the property must be kept vacated until it is brought into compliance.
 - (f) Over-occupancy. Verified over-occupancy shall constitute a violation of the operating permit. After the issuance of an Order to Remedy, the property owner shall have 30 days to comply with applicable occupancy limits.
 - (g) Before issuing an operating permit, the Code Enforcement Department shall secure, as part of the permit application, information related to the property sufficient enough to allow for enforcement of this chapter.
 - (h) Pursuant to Public Officers Law Article 6 (also known as the Freedom of Information Law), §87(2)(b), personal information identifying tenants may be exempt from disclosure under the Freedom of Information Law on the grounds that such disclosure would constitute an unwarranted invasion of personal privacy. The Town of Ithaca will not collect the identities of tenants as part of the operating permit application process. The identities of tenants may be collected in connection with specific enforcement actions, but the identities may be exempt from disclosure under the Freedom of Information Law.

(3) Owner occupancy.

(a) There is no owner occupancy requirement for:

(i) properties in the High Density Residential Zone, or

(ii) properties that contain accessory dwelling units that are listed in Town of Ithaca records or Tompkins County's assessment database as of the effective date of this Section 219.6, or

(iii) properties that contain accessory dwelling units that the owner can prove, to the satisfaction of a Code Enforcement Officer by January 1, 2019, existed as of the effective date of this Section 219.6.

(b) For all other properties, one of the dwelling units on a lot containing an accessory dwelling unit must be the principal residence of at least one of the property owners, except as provided below. No other owner(s) shall own a larger percentage, collectively or individually, than the owner-occupant(s), who must reside in the dwelling unit for a minimum of 185 days per year. Once every five years, the owner occupancy requirement shall not apply for up to twelve consecutive months. An operating permit is required for the dwelling unit vacated by the owner during any period that the dwelling unit is rented for a term of at least 30 consecutive days.

(4) Reversion to classification without accessory dwelling unit. To establish that a property that contained an accessory dwelling unit no longer contains such unit, the following procedures shall be followed:

(a) Any evidence of a kitchen facility or, in the alternative, any evidence of a bathroom, shall be removed from the area under consideration so complete living facilities for one family no longer exist.

(b) The owner of the property shall sign an affidavit and certification, in a form satisfactory to the Code Enforcement Officer, to the effect that:

(i) the facilities referred to above have been removed;

(ii) said facilities will not be reinstalled without a building permit or other approval from the Code Enforcement Department; and

(iii) the area from which the facilities were removed will not be used as a separate dwelling unit until the Code Enforcement Department is notified and any required approvals, permits or other certificates, including a certificate of occupancy, are obtained.

- (c) Such affidavit shall be recorded, at the expense of the property owner, in the Tompkins County Clerk's Office and indexed against the property and the name of the then-owner of the property.
- (d) A Code Enforcement Officer may inspect the premises to confirm compliance with this subsection.
- (e) The Code Enforcement Officer shall have the discretion to deviate in whole or in part from the procedure set forth above in those circumstances where the Officer is satisfied that compliance may be assured in some other manner.

C. Additional requirements applicable to detached accessory dwelling units.

- (1) No other accessory dwelling units may be located on the lot,
- (2) If the street-facing façade of the building occupied by a detached accessory dwelling unit is visible from the street line, at least 20% of the street-facing façade must have window or door openings, and
- (3) For buildings constructed after the effective date of this Subsection C, the minimum required roof pitch of the building occupied by a detached accessory dwelling unit is 4:12.”

Section 31. Chapter 270 (Zoning), Article XXVII (General Provisions) of the Town of Ithaca Code, is amended by deleting the text of §270-220 titled “Building floor area” and replacing it with the following:

“No dwelling in any zone shall be erected or altered so as to provide for less than 300 square feet of net enclosed floor area.”

Section 32. Statement of Authority and Supersession.

A. The Town Board adopts this local law pursuant to authority in the New York State Constitution, Article IX, Section 2; section 10 of the New York Municipal Home Rule Law; section 10 of the Statute of Local Governments; the relevant provisions of the Town Law of the State of New York; the laws of the Town of Ithaca; and the general police power vested with the Town of Ithaca to promote the health, safety and welfare of all residents and property owners in the Town.

B. This local law shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions. It is the intent of the Town Board, pursuant to authority under section 10, subdivision 1(ii)(d)(3), and section 22 of the Municipal Home Rule Law, to supersede inconsistent provisions of the New York State Town Law and the Code of the Town of Ithaca. The Town Board intends to supersede, and the instant local law hereby supersedes, section 262 of the Town Law of New York State to the extent that the uniformity provisions of said section are inconsistent with any provision herein.

Section 33. In the event that any portion of this law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

Section 34. This local law shall take effect immediately upon its filing with the New York Secretary of State.