

TOWN OF LEWISTON, NEW YORK
LOCAL LAW No. 5 of 2024

A Local Law Modifying “Chapter 320 – Towers” of the Town of Lewiston Code

The Town of Lewiston Town Board hereby adopts the following amendments to the Code of the Town of Lewiston, Chapter 320 – “Towers” and Chapter 320 §320-4(A)(1)(a) “Application procedures and materials required”, as follows:

SECTION 1: Background, Findings, and Authority.

Background & Findings. It is the legislative determination of the Town of Lewiston Town Board (“Town Board”) that Chapter 320 “Towers” of the Town of Lewiston Code requires clarification relative to the Town of Lewiston Building Department’s procedure of initial approval and subsequent annual inspection of the various towers and tower colocations that exist within the Town of Lewiston.

Authority

These amendments to the Code of the Town of Lewiston are adopted pursuant to New York State Municipal Home Rule section 10(ii)(a)(12) which authorizes the Town of Lewiston (“Lewiston” or the “Town”) to adopt and amend local laws that are not inconsistent with the State Constitution or general law and that are related to the government, protection, order, conduct, safety, health, and well-being of persons or property of the Town. In the alternative, these amendments are adopted pursuant to the Town’s general power to enact local laws relating to the government, protection, order, conduct, safety, health, and well-being of persons or property within a municipality granted directly to local governments by the People of the State of New York through Article IX, Sections 1(a) and 2(c) of the New York State Constitution. The law is also adopted pursuant to the supersession authority granted by New York Municipal Home Rule Law, § 10, Subdivision (1)(ii)(d)(3).

SECTION 2: Amendments to Town Code

1. “Chapter 320 – Towers” shall be amended as follows:

§320-4(A)(1)(a) shall be amended to read,

“The basic application fee for the construction of a communication tower/or similar facility, and an annual inspection fee therefor, shall be set from time to time by resolution of the Town Board of the Town of Lewiston. The application fee for any collocation, and the annual inspection fee therefor, shall be set from time to time by resolution of the Town Board of the Town of Lewiston. Permit fees are nonrefundable.”