

LOCAL LAW FILING

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Be it enacted by the TOWN BOARD of the TOWN of GALEN as follows:

Town of Galen Local Law No. 1-2018

A local law of the year 2018 entitled "A Local Law to Amend Galen Town Codes

Be it enacted by the Town Board of the Town of Galen as follows: (Attached)

FILED
STATE RECORDS

APR 18 2018

DEPARTMENT OF STATE

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1-2018 of the Town of Galen was duly passed by the Town Board on April 9th 2018, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____,

Of the Town of Galen was duly passed by the _____
(Name of Legislative Body)

on _____ 20 _____, and was (approved) (not approved) (repassed after disapproval)
by the _____ and was deemed duly adopted on _____ 20 _____,

(Elective Chief Executive Officer*)

in accordance with the applicable provisions of law.

3. (Final adoption by referendum.) I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____,

of the Town of Galen was duly passed by the Town Board on _____ 20 _____, and was (approved) (not approved) (repassed after disapproval) by the Supervisor on

_____ 20 _____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting

thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 _____, of the Town of Galen was duly passed by the Town Board on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the Supervisor on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 _____, of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

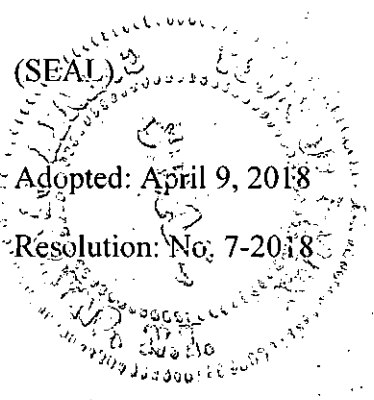
I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 _____, of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



Norma Lancaster, Galen Town Clerk.



Date: November 21, 2016

[2018 Galen Code Amendment]

Local Law 1 - 2018

AMEND SECTION 201.2, definition #36 (Dog Kennel), to read:

- (36) DOG KENNEL: A structure or premises used for the harboring of more than four (4) dogs, each being over six (6) months of age.

AMEND SECTION 707, to read:

707 Fences

- 707.1 No barbed wire or razor wire fence shall be permitted to be placed in any district, except those necessary for legitimate agricultural activities, or when the barbed wire or razor wire portion is carried at least 8 feet above the adjoining grade.
- 707.2 No electrified fence shall be permitted in any district except those necessary for legitimate agricultural purposes.
- 707.3 All farm animals shall be appropriately confined by means of pens, fences, buildings, or by other means to prevent their unwanted escape from the property on which they are located.

AMEND SUBSECTION 711.1.7, to add the following Exception:

Exception: Electronic Message Centers shall be allowed at religious facilities, schools, assembly halls, community centers, theaters, banks or similar locations in any zoning district, subject to site plan review and approval by the Planning Board. Electronic Message Centers shall conform to the size, height and other dimensional requirements applicable to signs. For purposes of this Section, the term "Electronic Message Center" shall mean a sign or portion of a sign that uses changing lights to form messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes electronic changeable copy signs and menu boards.

ADD NEW SECTION 723, to read:

723 Recreational Vehicles and Recreational Park Trailers

- 723.1 Special definitions. As used in this subsection, the following terms shall have the meanings indicated:

RECREATIONAL PARK TRAILER: A trailer-type unit that is primarily designed to provide temporary living quarters for recreational camping or seasonal use; and is certified by the manufacturer as complying with ANSI A119.5 (Recreational Park Trailer Standard).

RECREATIONAL VEHICLE (RV):

A vehicular-type unit that is primarily designed as temporary living quarters for recreational, camping, or seasonal use; has its own motive power or is mounted on or towed by another vehicle; which is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment; does not require a special highway use permit for operation on the highways; and can be easily transported and set up on a daily basis by an individual.

- 723.2 Recreational vehicles shall be regulated by and fully comply with NFPA 1192 (Standard for Recreational Vehicles).
- 723.3 Recreational park trailers shall be regulated by and fully comply with ANSI A119.5 (Recreational Park Trailer Standard).
- 723.4 Notwithstanding any provision to the contrary, recreational vehicles and park trailers shall not be used as permanent living quarters by any individual or group of individuals.
- 723.6 For purposes of this Section, the term "permanent living quarters" shall mean the use or occupancy of a recreational vehicle or recreational park trailer for more than 180 days within a 12-month period, on a single premises.

ADD NEW SECTION 724, to read:

724 Floating dwellings

- 724.1 It is prohibited for any person to place or maintain any houseboat, scow, dwelling, boathouse, or any other kind of a floating dwelling on any body of water including but not limited to the Erie Canal or Clyde River, except at such places as shall be designated by the Authority Having Jurisdiction as proper moorages.
- 724.2 All such dwellings shall be connected with running water from a potable water supply and shall have at least one toilet of the flush type on board, and if the dwelling shall be moored for greater than 14 days, a proper closed drain shall be established to an approved sanitary sewer, septic system or holding tank.
- 724.3 No such dwelling shall be maintained at any location without permission first having been obtained from the property owner.
- 724.4 All persons so occupying any floating dwelling shall have written permission from the Code Enforcement Officer and the permission shall designate the location of the dwelling. The Code Enforcement Officer shall grant written permission if after investigation he/she shall find that all of the above provisions have been compiled with and finds that any floating dwelling will not be a menace to the surrounding property or the public health of the community.
- 724.5 All such dwellings and buildings must be constructed and maintained so as to meet the requirements of NFPA 302 (Fire Protection Standard for Pleasure and Commercial Motor

Craft) or the Uniform Code, as applicable, and shall be subject to inspection by the Code Enforcement Officer at any time.

ADD NEW SECTION 725, to read:

725 Special provisions for vehicles and vessels

725.1 Any vehicle which is subject to human occupancy and is prevented from being mobile shall comply with the appropriate requirements of the Zoning Law and Uniform Code which are appropriate to buildings of similar occupancy.

725.2 Any ship, barge or other vessel, permanently moored or aground and occupied for purposes other than navigation, shall be subject to the requirements of the Zoning Law and Uniform Code applicable to buildings of similar occupancy.

725.3 The terms "vehicle" and "vessel" shall mean any recreational vehicle, railroad car, street car or bus, ship, barge or vessel or similar conveyance no longer mobile and permanently fixed to a foundation or mooring.

ADD NEW SECTION 726, to read:

726 Standards for development

726.1 Where the Zoning Law or other applicable land use regulations do not specify requirements for certain types of development, the Code Enforcement Officer is authorized to adopt rules and regulations governing such activities. Such rules and regulations shall be based upon nationally accepted fire safety practice, such as but not limited to National Fire Protection Association (NFPA) standards. The following uses illustrate without limiting the types of occupancies which may be covered by this subsection:

726.1.1 Manufactured home parks, in general conformance with NFPA 501A (Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities).

726.1.2 Campgrounds, in general conformance with NFPA 1194 (Standard for Recreational Vehicle Parks and Campgrounds).

726.1.3 Large-scale development, in general conformance with NFPA 1141 (Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas).

726.2 Approval for and availability of essential services. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such

approval as required by the agency providing such service prior to issuance of a building permit.

726.3 Non-availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The authority having jurisdiction (AHJ) is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the AHJ agrees otherwise. All service extensions shall be designed and installed in full conformance with the AHJ's standards for such service, and shall be subject to review, permit and inspection as required by other policies or laws of the AHJ.

726.4 Landscaping requirements.

726.4.1 General: Landscaping is required for all new buildings and additions over 500 square feet in floor area. Said landscaping shall be completed within one year from the date of occupancy of the building.

726.4.2 Street-side yards. All required yards and open spaces abutting public streets shall be completely landscaped, except for those areas occupied by utilities, access driveways, parking areas, paved walkways, playgrounds, walls, structures or other required facilities.

726.4.3 Maintenance. All required live landscaping shall be properly maintained. All dead or dying landscaping shall be replaced immediately and all sodded areas mowed, fertilized and irrigated on a regular basis.

726.5 Developers of large subdivisions, shopping centers, mobile home parks, apartment complexes or other facilities requiring a Fire Department capability assessment (see Section A114.2.19), shall dedicate one or more sites for future fire stations when no fire station capable of providing structural firefighting exists within 1.5 miles of the development, as measured along existing or proposed fire apparatus access roads.

ADD NEW SECTION 727, to read:

727 Construction operations

727.1 General requirements. Except for emergency work, the conducting of construction operations between the hours of 11:00 p.m. and 7:00 a.m. shall be prohibited.

727.2 Grading, excavation, and filling of land.

727.2.1 Permit required. It shall be unlawful for any person, firm or corporation to excavate, strip, move, remove, grade, fill or deposit any topsoil, earth, sand, clay, gravel, humus, rock or other mineral deposit from, upon, or within any land within the jurisdiction, unless a permit shall have been duly issued by the Code Enforcement Officer. Permits that are otherwise required by state or local

law for the specific activity being conducted (i.e., mining, building construction, or installation of a septic system), shall be deemed to authorize such activity.

Exception 1: Not more than an aggregate of 15 cubic yards of excavation or clean fill shall be allowed without a permit at one- and two-family dwellings.

Exception 2: Agricultural activities such as, but not limited to, land tilling and drain tile installation shall not require a permit.

Exception 3: Public utility work.

Exception 4: Routine driveway and parking lot maintenance activities (including filling potholes, repairing washouts, and resurfacing) where there is no change to approved traffic patterns or to the dimension or configuration of existing facilities.

Exception 5: Routine landscape maintenance activities (including filling holes, the installation of sod, and the installation or removal of trees, shrubs, hedges, flower beds or gardens) not otherwise regulated by law.

727.2.2 Protection of underground facilities. Building contractors and other persons engaged in demolition or excavation work shall contact Dig Safely New York for underground utility stakeouts, in accordance with NYS Code Rule 753. Public utilities shall be protected from damage due to grading or excavation operations.

727.2.3 Protection of open excavations. Open excavations in or near roads, pedestrian walkways and similar locations shall be protected by an approved barricade or continuously guarded.

727.2.4 Time limit on open excavations. No excavation for building or any other purposes in the jurisdiction, whether or not completed, shall be left open for more than 90 days without proceeding with the erection of a building thereon. In the event that any such excavation remains open for more than 90 days, the Code Enforcement Officer shall order that the erection of a building on the excavation begin forthwith or, in the alternative, that the excavation be filled to grade. If the owner of the land fails to comply with the order within 15 days after service thereof upon him, the Code Enforcement Officer shall cause the excavation to be filled to grade, and the cost plus an administrative fee of \$50 shall be charged against the real estate. The billing and collection of said costs shall be as provided in local law.

727.3 Excavation and fill of watercourses. A permit shall be required for excavation, grading or fill within any watercourse receiving drainage from a public roadway, or in any watercourse lying within a public easement or right-of-way. Precautionary measures to protect and maintain the flow of watercourses shall be taken.

727.4 Ponds and dams.

727.4.1 Dam permits. The construction, reconstruction, repair, breach or removal of a dam with a height greater than six feet and / or with an impoundment capacity greater than one million gallons shall require a permit. For purposes of this Section, the height of a dam means the measurement of the vertical dimension from the downstream toe of a dam at its lowest point to the top of the dam.

727.4.2 Pond permits. The creation or excavation of any pond (including but not limited to storm water retention / detention ponds and livestock watering ponds) that is greater than 100 square feet in surface area shall require a permit.

727.4.4 Unsafe conditions. Should unsafe conditions be detected, such as but not limited to overtopping, cracking, washout, seepage, foundation or embankment failure, the conditions shall be repaired or mitigated. If there is a potential for dam failure with downstream flooding, the Code Enforcement Officer, Fire Chief, or law enforcement agency is permitted to order an evacuation of homes and businesses and other improved property that may be affected by such failure.

727.4.5 Consideration as fire protection water supply. Accessible ponds and impounded water supplies of at least 30,000 gallons capacity and with a water depth of at least five (5) feet should be considered for development as a fire protection water supply.

727.4.5.1 Barriers for fire protection water supplies. Fire suction pools, fire cisterns and fire wells shall be fenced or covered to prevent trespass by children and domestic animals.

Exception: Livestock watering ponds, natural watercourses and similar bodies of water not used exclusively as a fire protection water supply.

727.4.5.2 Dry hydrants. The installation of dry hydrants shall conform to NFPA 1142 (Standard on Water Supplies for Rural and Suburban Fire Fighting) and rules and regulations of the Fire Prevention Bureau. The term "dry hydrant" shall mean an arrangement of pipe permanently connected to a water source other than a piped, pressurized water supply system that provides a ready means of water supply for fire-fighting purposes and that utilizes the drafting (suction) capability of a fire department pumper connected directly thereto.

727.5 Temporary erosion control. Precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, flooding or deposition of mud or debris originating from the site shall be put in effect. Precautionary

measures shall include provisions of properly designed sediment control facilities so that downstream properties are not affected by upstream erosion.

727.6 Tracking of dirt onto public streets. Adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets shall be provided.

727.7 Revegetation. The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from damage by erosion by planting grass or ground cover plants and/or trees. Such plantings shall provide for rapid, short-term coverage of the slopes as well as long-term permanent coverage. A plan by a registered design professional shall be provided where required by the Code Enforcement Officer.

727.8 Hazards from existing grading. Whenever any existing excavation, embankment or fill has become a hazard to life or limb, endangers structures, or adversely affects the safety, use or stability of a public way or drainage channel, such excavation, embankment or fill shall be eliminated.

ADD NEW SECTION 728, to read:

728 Docks

728.1 Special Definition.

DOCK: A structure extending over the water and supported on a fixed foundation, or on flotation, that provides access to the water.

728.2 The construction or replacement of a dock shall require a building permit. A permit shall not be required for ordinary maintenance and repairs such as repainting, re-driving piles or replacing boards in docks.

728.3 Open flames or live coals, or devices containing or using open flames, live coals, or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, shall not be permitted on docks.

EXCEPTION: Docks accessory to one- and two-family dwellings.

728.4 Periodic inspections shall be made beneath docks to determine conditions relative to structural integrity and fire prevention. Floating combustible debris under and around docks shall be removed.

728.5 Maintenance. The Code Enforcement Officer shall have the authority to condemn and close any dock which is considered unsafe, and it shall not be used until the deficiencies are corrected.

ADD NEW SECTION 729, to read:

729 Individual Water Supply and Sewage Disposal

729.1 Each dwelling unit must be provided with a sewage disposal system that is adequate to dispose of all domestic wastes and does not create a nuisance or in any way endanger the public health.

729.1.1 Sewage shall not be dumped or discharged to the ground surface or into any watercourse, well, dry well, wetland, sinkhole, gutter or storm drain. Failure of a sewage disposal system shall be deemed to be a prohibited discharge.

Exception: Septic waste applied to agricultural land in accordance with Section 729.13 herein.

729.1.2 For purposes of this Law, the term "failure" shall mean a sewage disposal system that threatens the public health by inadequately treating wastewater or creating a potential for direct or indirect contact between wastewater and the public. Examples of failure include: (a) Sewage on the surface of the ground; (b) Sewage backing up into a structure caused by slow absorption of septic tank effluent; (c) Sewage leaking from a septic tank, pump chamber, holding tank, or collection system; (d) A cesspool or seepage pit where evidence of ground water or surface water quality degradation exists; (e) Inadequately treated effluent contaminating ground water or surface water; (f) Noncompliance with conditions or standards stipulated on a permit or certificate.

729.2 Individual pit privies are permitted where such facilities are customary and are the only feasible means of waste disposal and, if they are installed in accordance with the recommendations of the local Department of Health and as follows:

729.2.1 The pit shall be at least 3'x3' square and 5' deep.

729.2.2 The privy shall be equipped with a tight-fitting, self-closing door and at least one (1) screened window for ventilation.

729.2.3 When the vault is filled to within 18 inches of the floor, the accumulated waste shall be removed from the vault, or the waste shall be limed and the vault filled completely with earth.

729.3 A domestic well must be a minimum of 50 feet from a septic tank, 100 feet from the septic tank's drain field and a minimum of 10 feet from any property line.

Exception: For existing construction, the septic tank drain field distance may be reduced to 75 feet from a well or other water source.

729.4 A well shall be located where it is not subject to seasonal flooding or surface water contamination, or it shall be constructed in such a manner that seasonal floodwater cannot enter the well.

729.5 A well shall be located upgrade of any potential or known source of contamination unless property boundaries, site topography, location of structures and accessibility require a different location. The minimum horizontal separation distances from potential sources of contamination shall be maintained as required by local Health Department regulations.

729.6 A well shall have a minimum casing length extending from one foot above finished grade to nineteen feet below finished grade upon completion of well drilling.

Exception: Where the only viable source of groundwater available is from a shallow aquifer where the well must be completed at a depth less than nineteen feet below grade, the Code Enforcement Officer or local Health Department having jurisdiction may allow use of well casing of less than twenty feet total length along with such additional measures as needed, including but not limited to increased separation distances, to ensure provision of potable water.

729.7 If a well is located in a well house, the floor of the well house shall be at least six inches above grade and the permanent casing shall extend at least six inches above the floor.

729.8 A water well shall be designed, operated, and maintained in a manner that will preclude cross-connections or any other piping connections which may introduce contaminants into the water supply or aquifer. A physical connection between a water supply that is in compliance with the requirements of this Section and another water supply that is not in compliance with the requirements of this Section is prohibited unless acceptable cross connection control is provided.

729.9 A pump test indicating a flow of at least 3 gallons per minute supply for an existing well, and 5 gallons per minute for a new well, shall be accepted as an adequate water supply for an individual dwelling unit.

729.10 Properties served by springs, lakes, rivers or cisterns.

729.10.1 To be considered acceptable, a water quality analysis shall be conducted in a timely manner by a private commercial testing laboratory or a licensed sanitary engineer, with no indication of exposure to environmental contamination or other condition that adversely affects health and safety.

729.10.2 An artesian well that overflows at land surface shall be constructed, equipped, and operated to provide for controlling the rate of discharges to conserve groundwater and to prevent the loss of artesian head by minimizing uncontrolled continuous waste discharges. Discharges to

waste pipe, where installed, shall not be directly connected to a sewer or other source of contamination and shall be equipped with an air gap or backflow prevention device. Discharge pipes shall be properly screened to prevent entry of vermin.

729.10.3 The capacity of cisterns shall be adequate to meet the intended needs of the household, sized based on a usage of at least fifty (50) gallons per person per day. No new cistern of less than one thousand five hundred (1,500) gallons capacity per dwelling unit (which constitutes approximately a thirty-day supply for one person), shall be installed. The recommended minimum capacity for any cistern shall be 2,500 gallons.

729.11 Holding tanks and dry wells.

729.11.1 Holding tanks shall not be used for new residential construction, except for temporary occupancy of a dwelling where the onsite septic system is under construction or when installation is delayed due to weather conditions. Holding tanks may be used at existing sites where there are no suitable alternatives, or where otherwise permitted by law.

729.11.2 Where allowed, a holding tank shall be sized for a minimum of five (5) days design flow or 1,000 gallons, whichever is greater.

729.11.3 Holding tanks shall meet the same construction requirements as septic tanks, except that the holding tank shall have no outlet.

729.11.4 Holding tanks shall be designed, installed and maintained so as to provide ease of access for pumping and cleanout.

729.11.5 All holding tanks shall be equipped with a high-level alarm located in a conspicuous place to indicate when pump-out is necessary. The alarm shall actuate when the tank has reached 90% capacity.

729.11.6 Dry wells shall be allowed for rooftop drainage only.

729.12 Portable toilets shall be permitted to be used at construction sites and for other events and activities of a temporary nature, such as outdoor auctions, tents, carnivals, fairs, festivals, and sporting events. Portable toilets may also be allowed temporarily during emergency plumbing or septic system repairs, lasting not longer than 30 days.

729.13 Septic waste is may be applied to agricultural land if in accordance with all State, Federal or local laws and regulations, including applicable distance separations.

ADD NEW SECTION 730, to read:

730 Outdoor Illumination.

730.1 Special Definitions.

GLARE: The sensation produced within the visual field by illumination that is sufficiently greater than that to which the eyes are adapted, causing annoyance, discomfort, or loss in visibility.

LIGHT TRESPASS: Unwanted light which causes annoyance, discomfort, distraction, or a reduction in visibility.

LIGHTING CURFEW: A period of time, stipulated by the Planning or Zoning Board, during which outdoor lighting, not required for safety or security purposes, must be reduced or extinguished.

LIGHTING FIXTURE, DIRECTIONALLY-SHIELDED: A lighting fixture which emits a light distribution where some light is emitted at or above a horizontal plane located outside at the bottom of the fixture. Such fixtures may contain visors, louvers or other types of shields or lenses which are designed to direct light onto a targeted area and to minimize stray light.

LIGHTING FIXTURE, FULL CUT-OFF: A lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the lighting fixture.

730.2 No illumination shall cause light trespass or glare. All exterior light sources such as but not limited to athletic areas, courts, swimming pools, parking lots, security and building lighting, shall be steady, stationary sources installed and maintained with hoods or louvers for glare control and directed so that no direct light rays cross any property line.

730.3 The Planning Board, Zoning Board of Appeals, and Code Enforcement Officer shall have the authority to require any proposed or existing outdoor lighting fixture to be of the directionally-shielded or full cut-off type.

730.4 The Planning Board or Zoning Board of Appeals are authorized, as part of any approval, to impose a lighting curfew.

730.5 Exceptions. Lighting used for the following exterior applications is exempt from this Section where equipped with a control device independent of the control of the non-exempt lighting:

730.5.1 Specialized signal, directional and marker lighting associated with transportation.

730.5.2 Signage where installed in accordance with Section 711.

730.5.3 Lighting integral to equipment or instrumentation and installed by its manufacturer.

730.5.4 Theatrical purposes, including performance, stage, film and video production.

730.5.5 Temporary lighting, including construction, emergency and holiday lighting.

730.5.6 Theme elements in theme and amusement parks, as approved by Special Permit.

730.5.7 Roadway lighting required by governmental authorities.

730.5.8 Lighting used to highlight the features of public monuments and registered landmarks.

730.5.9 Lighting on motor vehicles and aquatic vessels not parked or moored permanently.

730.5.10 Light poles not exceeding seven (7) feet in height on the premises of 1- and 2-family dwellings, which are listed for residential use:

ADD NEW SUBSECTION A114.2, to read:

- A114.2 Fire Prevention Bureau. A Fire Prevention Bureau is hereby created to serve as a liaison between the Code Enforcement Office and the Fire Department. It is the intent of this law that the Fire Prevention Bureau be one and the same as that serving the Village of Clyde.
- A114.2.1 The Code Enforcement Officer and the Fire Chief of each fire district serving the jurisdiction shall serve as members of the Fire Prevention Bureau, and shall be authorized to use the title "Fire Marshal." The 1st Assistant/Deputy Fire Chiefs of each fire district and any Assistant/Deputy Code Enforcement Officers shall also serve as members of the Fire Prevention Bureau, and shall be authorized to use the title "Deputy Fire Marshal."
- A114.2.2 Each fire district may also appoint up to four active volunteer firefighters in good standing to serve as Fire Prevention Officers as may be necessary to conduct pre-incident planning inspections, fire prevention education, fire watch duties, or assist the Code Enforcement Officer or Fire Chief in the enforcement of the Fire Prevention Code and Multiple Residence Law as necessary.
- A114.2.3 The members appointed to the Fire Prevention Bureau, other than the Code Enforcement Officer, Assistant/Deputy Code Enforcement Officer(s), Fire Chief(s) and 1st Assistant/Deputy Fire Chiefs, shall hold office for two years.
- A114.2.4 The members of the Fire Prevention Bureau shall study the protection of life and property from the hazards of fire and explosion in the fire district(s), and recommend and advise the Town Board with regard to possible improvements thereto. The members of the Fire Prevention Bureau shall recommend and advise the Town Board regarding possible improvements in the administration and enforcement of the provisions of this Appendix and the Uniform Code.
- A114.2.5 The Fire Prevention Bureau shall cooperate fully with the Code Enforcement Office, the Planning Board, the Zoning Board and other agencies in achieving the ultimate safety to life and property from the hazards of fire and explosion for the Town of Galen.

- A114.2.6 The Fire Prevention Bureau should conduct regular monthly meetings and the Code Enforcement Officer shall act as the Chairperson. A Secretary shall be appointed by the Fire Prevention Bureau from among its members, at the first meeting each year. The Secretary shall keep records and the minutes of each meeting. The agenda for each meeting shall be the responsibility of the Chairperson. The Chairperson may call special meetings as necessary, or upon the request of three members of the Bureau. An annual report of the activity of the Bureau shall be provided to the Town Board. Members of the Town Board shall be invited to sit in on any meetings of the Fire Prevention Bureau. The Fire Prevention Bureau may hold meetings, conduct business and maintain records in both the offices of the Code Enforcement Officer and one or more fire stations as necessary.
- A114.2.7 The Fire Prevention Bureau shall be available for meetings with the Code Enforcement Officer, Zoning Board, Planning Board and the Highway Department, for the purpose of reviewing plans and specifications of site locations, new roads, public and private, new construction and alterations to existing structures, and applications for operating permits in order to insure compliance with the provisions of this Appendix and the Uniform Code; and to make constructive recommendations where necessary and appropriate.
- A114.2.8 The Fire Prevention Bureau shall have the power to propose regulations covering any and all special conditions involving the safety of all buildings and structures, which regulations shall be presented to the Code Enforcement Officer and/or Town Board for adoption or other appropriate action, and said Bureau shall have such powers and perform such other duties as are set forth herein and as may be conferred upon it from time to time by local law.
- A114.2.9 The Fire Prevention Bureau shall be authorized to conduct fire patrols during special events and other times when there is an increased threat or risk of fire (i.e., threat of arson, during a state of emergency, or during fire weather warnings).
- A114.2.10 The Fire Prevention Bureau shall be responsible for coordinating public events and activities during Fire Prevention Week (observed during the week, from Sunday to Saturday, in which October 9 falls), and Building Safety Month (observed during the month of May).
- A114.2.11 Fire investigations. Fire Marshals shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Personnel engaged in fire investigation duties should meet the requirements of NFPA 1033 (Standard for Professional Qualifications for Fire Investigator).
- A114.2.12 Public education. The Fire Marshals shall have the authority to plan, develop and implement public education programs on topics related to fire and life safety, building construction and land use. Personnel engaged in public education duties

should meet the requirements of NFPA 1035 (Standard for Professional Qualifications for Public Fire and Life Safety Educator).

A114.2.13 Hearings. The Fire Prevention Bureau shall hear administrative appeals concerning violations of the Uniform Code or this Appendix, in accordance with Section A124.6.

A114.2.14 Waivers and Modifications.

A114.2.14.1 The Fire Prevention Bureau is authorized to waive or modify any of the technical requirements of this Appendix, upon application in writing by the owner, a lessee, or a duly authorized representative where there are practical difficulties in the way of carrying out the technical requirements of this chapter, provided that the intent of this chapter shall be complied with, public safety secured, and substantial justice done.

A114.2.14.2 Each application for a waiver or modification shall be filed with the Fire Prevention Bureau and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The Fire Prevention Bureau shall keep a record of actions on such applications, and a signed copy of the Bureau's decision shall be provided for the applicant.

A114.2.14.3 All requests for waivers and modifications shall be handled as an appeal item which includes payment of the fee specified in local law.

A114.2.15 Construction and fire safety inspections made in accordance with Section A109.2 shall be the overall responsibility of the Code Enforcement Officer. In addition to or concurrent with such inspections:

A114.2.15.1 The Fire Chief may inspect any public building and, with consent of the owner, any privately owned building for fire hazards. (See §130 of Town Law, Fire prevention.)

A114.2.15.2 The Fire Chief may inspect buildings and properties subject to the Multiple Residence Law to determine whether fire protection and safety provisions are being complied with. (See § 303 of the Multiple Residence Law.)

A114.2.15.3 The Fire Chief may inspect any public or private school. (See § 807-a of the Education Law.)

A114.2.15.4 The Fire Marshals, Deputy Fire Marshals and/or Fire Prevention Officers may conduct pre-incident planning inspections.

A114.2.15.5 A Fire Chief, Fire Marshal, Deputy Fire Marshal and/or Fire Prevention Officer may conduct other inspections as specified in this Appendix.

A114.2.16 Any member or employee of the Fire Department may make a report, in writing, to the Code Enforcement Officer of any buildings or structures which are, may be, or are suspected to be unsafe buildings within the terms of this Appendix.

A114.2.17 Plan review. The Fire Prevention Bureau shall review and approve all plans for the installation or modification of private fire service mains and / or hydrants and for fire lanes, including changes to access points, gates or fire lane layout.

A114.2.18 Construction documents. All construction documents, when submitted, shall contain, at a minimum, a site plan showing proposed water supply, roadway access, fire department access, conceptual future development, and other items pertinent to the specific project.

A114.2.19 Fire Department capability. Whenever any of the following projects occur, the Fire Prevention Bureau shall conduct an assessment to determine the impact of the proposed development on the fire protection services offered by the Fire Department.

- Commercial construction larger than 24,000 square feet of gross floor area.
- Any commercial or residential building (other than a one- or two-family dwelling) exceeding three stories or 35 feet in height.
- Any occupancy using or storing hazardous materials in amounts required to be reported under the Federal Emergency Planning and Community Right-to-Know Act (SARA Title III Tier I and Tier II Reporting).
- Any commercial or industrial facility, hospital, nursing home, hotel, motel, rooming house, multi-family dwelling, mobile home park, or place of public assembly proposed to be located more than five (5) road miles from a recognized fire station.

A114.2.19.1 Assessment questions. Fire Department capability assessments should address the following questions:

- Fire station locations: In order to maintain an acceptable level of Fire Department and emergency response times within the response area, are current fire station locations distributed and designed to service changing demands resulting from the land use changes and development?
- Fire Department resources: Are there adequate fire apparatus and staffing to meet the increased service demands likely to be generated by the build-out?

- Special operations. Will the development introduce a need for special operations not currently within the capability of the Fire Department?

A114.2.19.2 - Where the capability assessment determines that the existing Fire Department cannot maintain its current level of service delivery while also providing services to the proposed development, the Fire Department and the developer shall jointly determine how to mitigate the impact on the delivery of fire services or increase the capability of the Fire Department and how those services are to be provided.

REPLACE TABLE A120.2 WITH NEW TABLE A120.2 AS FOLLOWS:

<u>Type of Application or Activity</u>	<u>Fee</u>	<u>Min. Fee</u>	<u>Max.</u>
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Records Search ¹	\$10.00 per tax parcel ID#		
Special Permit	\$250.00		
Use Variance ²	\$250.00		
Area Variance	\$150.00		
Site Plan Review	\$150.00		
Major Subdivision (Planning Board)	\$300.00		
Minor Subdivision (Administrative Only)	\$20.00		
Request for Re-Zoning	\$300.00		
New 1 or 2-Family Dwelling ³	\$0.10 per square foot ⁴	\$150.00	\$500.00
Manufactured Home, Singlewide ⁵	\$75.00		
Manufactured Home, Multi-wide ⁶	\$125.00		
Residential Additions (incl. Manf. Home)	\$0.10 per square foot	\$25.00	\$300.00
New Commercial Buildings ⁷	\$0.10 per square foot	\$300.00*	\$2,000.00
Commercial Additions	\$0.10 per square foot	\$50.00*	\$2,000.00
Detached Accessory Structures ≤ 400 sq. ft.	\$25.00		
Detached Accessory Structures ⁸ > 400 sq. ft.	\$0.10 per square foot	\$40.00	\$300.00
Alterations and Repairs < \$10,000 cost ⁹	\$20.00		
Alterations and Repairs > \$10,000 cost ¹⁰	\$1.00 per thousand cost	\$25.00*	\$2,000.00
Temporary Structure (< 180 days)	[same as detached accessory structure]		
Fire Protection Systems ¹¹	[same as alterations and repairs*]		
Swimming Pool, Hot Tub or Spa	\$35.00*		
Fireplaces, Solid Fuel Appliances ¹²	\$35.00*		
Type of Application or Activity	Fee	Min. Fee	Max.

¹ Includes records searches for certificates of occupancy / compliance, building permits, zoning violations, etc.

² Includes requests for removal of counterbalanced stairs or drop ladders from fire escapes.

³ Includes site-built and NYS-certified modular homes. Townhouses, multiple dwellings (3+ dwelling units), and transient multiple dwellings shall be calculated as commercial buildings.

⁴ Includes all living areas, porches, decks and attached garages; Excludes basement and attic areas having no habitable space.

⁵ Includes all pre-HUD and HUD-certified manufactured / mobile homes and house trailers, ≤ 16 feet in width.

⁶ Double- or triple-wide HUD-certified manufactured / mobile homes, and all manufactured housing > 16 feet in width.

⁷ Principal buildings, and accessory commercial structures > 3,000 sq. ft. Includes all floor areas, areas under the projection of a roof above, decks and mezzanines.

⁸ Up to 3,000 sq. ft.; > 3,000 sq. ft. shall be considered a principal building. One-story sheds not more than 144 square feet in area and located outside of fire limits shall not require a permit.

⁹ Including but not limited to re-roofing; electrical; plumbing; mechanical; fuel gas; and non-structural work (i.e. Over-the-Counter Building Permits).

¹⁰ Including but not limited to re-roofing; electrical; plumbing; mechanical; fuel gas; and any structural work.

¹¹ Separate registration fee may be required. Refer to local law.

¹² Includes solid-fuel fireplaces, woodstoves, pellet stoves, coal furnaces, outdoor wood boilers, outdoor fireplaces, etc.

Demolition ¹³ of Structure ≤ 400 sq. ft. ¹⁴	\$15.00		
Demolition of Structure > 400 sq. ft.	\$50.00*		
Change of Occupancy Classification	[same as alterations and repairs*]		
Home Occupation	\$20.00		
Towers, Windmills, Silos, Grain Bins, etc.	\$1.00 per ft. of height	\$35.00*	
Septic System, Repair / Tank Replacement	\$15.00		
Septic System, Full / Leach Field	\$25.00*		
Well, Cistern or Water Storage Tank	\$20.00		
Gas or Oil Well	\$300.00*		
Sign Permit	\$1.00 per square foot	\$15.00	
Fence Permit	\$0.10 per linear foot	\$20.00	
Foundation Permit	\$0.05 per square foot	\$25.00*	
Agricultural Structures and Additions	\$0.05 per square foot	\$20.00	\$500.00
Floodplain Development Permit	\$100.00 in addition to any other fee*		
Truss Construction (commercial) surcharge	\$50.00 in addition to all other fees		
Unauthorized Construction surcharge	[equal to the base (minimum) permit fee for type of activity]		
Fire Code Operating Permits ¹⁵	\$150.00		
Fire Inspection, Residential	\$25.00 per dwelling unit	\$50.00	
Fire Inspection, Transient Residential ¹⁶	\$20.00 per rooming unit	\$50.00	
Fire Inspection, Commercial ≤ 3,000 sq. ft.	\$50.00 per building		\$500.00 (facility)
Fire Inspection, Commercial > 3,000 sq. ft.	\$100.00 per building		\$500.00 (facility)
Fire Inspection, Commercial > 30,000 sq. ft.	\$150.00 per building		\$500.00 (facility)
Re-inspection without compliance	[same rate as initial inspection, per unit, building or facility]		
Plan Review (commercial) - shown as*	[equal to the base (minimum) permit fee for type of project]		
Permit Amendment, Residential	\$15.00 each		
Permit Amendment, Commercial	\$25.00 each		
Permit Renewal	[same cost as original permit]		
Outdoor Facility / Grounds Inspection ¹⁷	\$10.00 per unit	\$50.00	\$500.00 (facility)

¹³ The term "demolition" includes razing, deconstruction or any removal of a structure from a lot or site.

¹⁴ The removal or abandonment of swimming pools, hot tubs or spas shall be including in this category of work.

¹⁵ In addition to Fire Inspection or Building Permit Fees; Includes hazardous occupancies / activities.

¹⁶ Includes rooming / boarding houses, bed & breakfast establishments, motels, hotels and similar occupancies

¹⁷ Including but not limited to bulk storage tanks, manufactured home sites, campsites, piers, pavilions, etc.

Building / Zoning Code-Related Licenses [as per local law]	\$50.00	\$300.00
Miscellaneous Permits Not Listed Above ¹⁸	\$5.00	
Misc. Inspections Not Listed Above ¹⁹	\$25.00	
Surcharge for Property Maintenance ²⁰	\$100.00	
Surcharge for Unsafe Building Demolition	\$250.00 plus any legal, environmental and engineering fees	
Vacant Building Registration ²¹	\$200.00 annually	
Driveway, Grading, Excavation, and Fill ²²	\$25.00	
Civil Penalty (for willful violation) ²³	\$50.00 per day of violation	\$50.00 \$3,000.00

AMEND SUBSECTION A123.4 to read:

¹⁸ Including but not limited to open burning permits, sidewalk use permits, and permits pursuant to the Multiple Residence Law.

¹⁹ Such as Certificate of Occupancy request, Sump pump, Sidewalk, after-hours construction inspection, and property maintenance re-inspections without compliance. Includes placarding of dangerous buildings.

²⁰ Mowing / removal of weeds; removal of trash; filling of excavations, securing of vacant buildings, etc.

²¹ Buildings declared unsafe, uninhabitable, or vacant >60 days.

²² Including but not limited to driveways, parking areas, fire lanes, construction site preparation, dams, ponds, and >15 cubic yards of fill. Excludes mining operations subject to a special permit.

²³ A civil penalty may be imposed for willful violation of any state or local code in addition to any other penalty provided by law. If not paid within 15 days, the civil penalty may be assessed against the property and collected in the manner prescribed for the collection of real property taxes, or may be collected by instituting a small claims action against the property owner, tenant or land contract vendee as appropriate.

A123.4 Violation penalties. A violation of this Appendix shall be punishable as by a fine of not less than \$50 and not more than \$350 or imprisonment for a period not to exceed fifteen (15) days or both such fine and imprisonment, for conviction of a first offense; a fine of not less than \$350 and not more than \$700 or imprisonment for a period not to exceed fifteen (15) days or both such fine and imprisonment, for a second offense committed within five years; a fine of not less than \$700 and not more than \$1,000 or imprisonment for a period not to exceed fifteen (15) days or both such fine and imprisonment, for a third or subsequent offense committed within five years. Each day that a violation continues after due notice has been served shall be deemed a separate offense. This subsection shall not apply to violations of the provisions of the Uniform Code punishable under §382(2) of the Executive Law of the State of New York; nor to violations of the provisions of the Multiple Residence Law of the State of New York.

ADD NEW SUBSECTION A124.6 to read:

A124.6 Right to hearing; petition. Any person affected by any notice which has been issued in connection with the enforcement of this Appendix, or of any rule or regulation adopted pursuant thereto, may request and shall receive a hearing on the matter before the Fire Prevention Bureau, provided that such person shall file in the Code Enforcement Office a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within five days after the day the notice was served.

A124.6.1 Hearing, notification and conduct of hearing.

A124.6.1.1 Upon receipt of such petition, the Code Enforcement Officer shall set a time and place for such hearing and shall give the petitioner written notice thereof.

A124.6.1.2 At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

A124.6.1.3 The hearing shall be commenced not later than 10 days after the day on which the petition was filed, provided that upon application of the petitioner, the Fire Prevention Bureau may postpone the date of the hearing for a reasonable time beyond such ten-day period, if in his or her judgment the petitioner has submitted a good and sufficient reason for such postponement.

A124.6.2 Determination after hearing.

A124.6.2.1 After such hearing, the Fire Prevention Bureau shall issue a recommendation to the Code Enforcement Officer to sustain, modify, or withdraw the notice, depending on the Bureau's finding as to whether the provisions of this Appendix and the rules and regulations adopted thereto have been complied with.

A124.6.2.2 If the Code Enforcement Officer sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Appendix

shall automatically become an order if a written petition for a hearing is not filed in the Code Enforcement Office within five days after such notice is served.

A124.6.2.3 After a hearing in the case of any notice suspending any permit required by this Appendix or by any rule or regulation pursuant thereto, when such notice has been sustained by the Code Enforcement Officer, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the Code Enforcement Office within five days after such notice is served.

A124.6.3 Proceedings to be summarized and entered as public record. The proceedings at such hearing, including the findings and decision of the Fire Prevention Bureau and Code Enforcement Officer, shall be summarized, reduced to writing and entered as a matter of public record in the Office of the Town Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Code Enforcement Officer may seek relief therefrom as provided in Section A121.1 of this Appendix.

ADD NEW SUBSECTION A124.7 to read:

A124.7 Emergency: action thereon.

A124.7.1 Whenever the Code Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health and/or safety, he or she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she deems necessary to meet the emergency. Notwithstanding the other provisions of this Appendix, such order shall be effective immediately.

A124.7.2 Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Code Enforcement Officer shall be afforded a hearing as soon as possible. After such hearing, depending upon his or her finding as to whether the provisions of this Appendix and of the rules and regulations adopted pursuant thereto have been complied with, the Code Enforcement Officer shall continue such order in effect, or modify it, or revoke it.

ADD NEW APPENDIX D, "ABANDONED VEHICLES", to read:

D101 Purpose and intent. The outdoor storage of abandoned, inoperable or unlicensed motor vehicles upon public and private property within the Town of Galen is dangerous, unsightly and a detriment to the preservation of public health, the protection of property and the safety and welfare of the residents therein. The outdoor storage of abandoned, inoperable or unlicensed vehicles constitutes an attractive nuisance to residents and children and a peril to their safety; such storage poses a threat to the safety and welfare of the Town of Galen since fuel tanks may contain gasoline or gasoline fumes and may be subject to explosion in the event of fire. The outdoor storage of such vehicles depreciates the value of neighboring properties and discourages the orderly and progressive development of the Town of Galen. It is the intent of this Appendix to be construed in harmony with 19 NYCRR Part 1226 (International Property Maintenance Code), and § 1224 of the Vehicle and Traffic Law of New York State.

D102 Scope. The provisions of this Appendix shall apply to all existing premises and conditions.

D103 Definitions. As used in this Appendix, the following terms shall have the meanings indicated:

ABANDONED MOTOR VEHICLE A motor vehicle shall be deemed an abandoned vehicle if left unattended: (1) With no number plates affixed thereto, for more than six hours on any public highway or other public way; (2) For more than 24 hours on any public highway or other public way, except a portion of a public highway or public place on which parking is legally permitted; (3) For more than 48 hours, after the parking of such vehicle shall have become illegal, if left on a portion of a public highway or public way on which parking is legally permitted, or; (4) For more than 96 hours on the premises of another if left without permission of the owner.

ANTIQUE OR CLASSIC MOTOR VEHICLE

A motor vehicle manufactured more than 25 years prior to the current calendar year and which, because of discontinued production and limited availability, is owned and operated as an exhibition piece or collector's item, and not used for daily transportation.

CAR COVER

A cover specifically designed to cover a vehicle or a tarp (of a muted or neutral color). Acceptable covers shall completely screen the vehicle (to the bumper line) from view by having no frayed edges and no holes larger than the size of a quarter; holes in car covers and tarps may be patched from the inside.

FARM VEHICLE

A motorized vehicle used for agricultural operations either on or off an agricultural work site. This definition may include tractors, trucks, automobiles, and all-terrain vehicles.

INOPERABLE OR UNLICENSED MOTOR VEHICLE

A motor vehicle which cannot be driven upon the public highway for reasons, including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

MOTOR VEHICLE

A vehicle designed to be operated or driven upon a public highway, which is propelled by any power other than muscular power, except: (1) Electrically driven mobility assistance devices operated or driven by a person with a disability; (2) Vehicles which run only upon rails or tracks; (3) Snowmobiles; (4) All-terrain vehicles; and (5) Farm-type tractors and all-terrain type vehicles used exclusively for agricultural purposes.

OPEN STORAGE

Storage other than in a completely enclosed structure constructed of wood, masonry or metal, such as a garage or barn. Storage within a carport shall be deemed open storage for purposes of this Appendix.

OWNER (OF MOTOR VEHICLE)

A person having the property and or title to a motor vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest of another person, and also including any lessee or bailee of a vehicle having the use thereof under lease or otherwise.

OWNER (OF PREMISES)

Any person, agent, operator, firm or corporation having a legal or equitable interest in the property, or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PREMISES

A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC HIGHWAY

Any highway, road, street, avenue, alley, public place, public driveway or any other public way.

PUBLIC WAY

Any street, alley or similar parcel of land, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

RACE CAR

A motor vehicle that has been custom built or modified from its original factory configuration for racing purposes, with no intent of being operated on public highways or as regular transportation.

D104 Open storage restricted. The open storage of abandoned, inoperable or unlicensed motor vehicles, or motor vehicles that are unfit to operate on the public highways of the State of New York shall be prohibited. The fact that a vehicle does not display a current motor vehicle registration, license plate or inspection sticker shall be presumptive evidence that such vehicle is not in any condition for legal use upon the highways.

Exceptions: (1) Farm vehicles stored in accordance with D106; (2) Race cars stored in accordance with D107; (3) Vehicles covered in accordance with D108; (4) Licensed and/or registered service station (repair garages), auto body repair shops, vehicle dismantlers and junkyards shall also be exempt from the provisions of this Appendix, provided they are approved by the State of New York for the type of business they are conducting and have received zoning approval for the area where they are operating; (5) New or used automotive dealers that are approved by the State of New York for the purpose of displaying vehicles for sale to the general public and have received zoning approval will be exempt from this Appendix, and; (6) Antique or classic motor vehicles stored in accordance with D109.

D105 Responsibility for compliance. On private property, the owner of the premises shall be responsible for compliance with the requirements of this Appendix. On public property, the motor vehicle owner shall be responsible for compliance with this Appendix.

D106 Farm vehicles. Any vehicle being actively used in farming operations shall be exempt from the provisions of this Appendix, provided that: (1) The vehicle is being used on private property and is being held for continuous operation on private property and is not being held primarily for non-operating purposes; (2) The vehicle, if not in a condition for legal operation on public highways, is in a condition so that it can be operated and so that such operation on private property will not be unduly dangerous to the operator, passengers or others, and (3) The vehicle is in such a condition that there is no sharp metal, broken glass or other condition which would endanger children who might be attracted to play around the vehicle.

D107 Race cars. Any person may maintain one race car, provided said vehicle is maintained on a registered trailer. Vehicles permitted by this section shall not be stored in the front yard, and any work done on said vehicles shall not interfere with the setting of the neighborhood.

D108 Permit for open storage; covering. The Code Enforcement is authorized to issue a permit for the open storage of one (1) unlicensed vehicle upon private property in accordance with the following provisions:

D108.1 Application. A written permit to store an abandoned or unlicensed motor vehicle shall be issued upon proper application having been made and submitted with a fee; each application shall contain the following minimum information: (1) The property owner's name, address and telephone number; (2) The applicant's name, address and telephone number, and; (3) A description of the vehicle to be stored, including make, model, year of manufacture, color, and vehicle identification number (VIN).

D108.2 Issuance of permit. A written permit to store an abandoned or unlicensed vehicle shall be issued within 60 days upon proper application having been made, and only after the applicant, if deemed necessary, has met all the requirements as to the type of cover.

D108.3 Covering. All abandoned or unlicensed vehicles authorized to be stored in accordance with this section shall be covered by a securely fastened car cover, as defined herein. An approved car cover must cover the entire vehicle and be securely fastened to the vehicle. An approved car cover shall be made of material which will resist wind, rain and other weather-related circumstances. The use of bricks, stones, blocks or other material as a fastener shall not be permitted.

D109 Antique or classic motor vehicles. An antique or classic motor vehicle that is in the process of being restored may be kept outdoors upon the premises of the owner of said vehicle for a period of 12 months to allow the restoration to be completed, provided that the vehicle is stored behind the required front yard on an adequately maintained surface in the side or rear yard and is at least three feet from the property line, and provided further that such vehicle or any component part thereof is covered with a car cover.

