

ZONING LAW

TOWN OF GALEN, NEW YORK

A local law regulating and restricting the height, number of stories, the size of buildings and other structures, their construction, alteration, extension, and all facilities in or about such buildings and structures, and the size, depth and width of yards and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, manufacturing, residence or other purposes; establishing districts and the boundaries thereof for said purposes, providing for appointment of a Board of Appeals and setting forth the duties and functions of said Board; and providing for the administration and enforcement of this law and of the New York State Uniform Fire Prevention & Building Code, and penalties for violations thereof in accordance with the Consolidated Laws of the State of New York.

ARTICLE 1

GENERAL PROVISIONS

101 Title

This local law shall be known and may be cited as the "Town of Galen Zoning Law"

102 Purpose

This local law is enacted under the authority of the Town Law of the State of New York to protect and promote the public health, safety, morals, and general welfare of the residents of the Town of Galen, in accordance with the Town of Galen Land Use Plan (see Appendix B of this Law). This law is further intended to provide for the administration and enforcement of the New York State Uniform Fire Prevention & Building Code.

103 Interpretation

For purposes of interpretation and application, the provisions of this law shall be held to be the minimum requirements necessary for the promotion of the public health, safety, comfort, convenience and general welfare.

104 Conflict with other laws

The provisions of this law shall not be construed as to interfere with, supercede, or annul any law, ordinance, code or regulation affecting the safety, construction or sanitation of any building or structure, provided that whenever the requirements of this law are at variance with the requirements of any other lawfully adopted rules, regulations, laws or ordinances, the most restrictive, or that imposing the higher standard shall govern. In the case of a conflict with any provision of the New York State Uniform Fire Prevention & Building Code, the requirements of the Uniform Code shall govern. This law shall not annul or interfere with existing deed or plat restrictions, easements or other agreements between persons, or permits previously adopted or issued, except as otherwise provided herein.

105 Severability

If a court of competent jurisdiction should find any article, section, subsection, paragraph, sentence, clause or provision of this law invalid, in whole or in part, the effect of such decision shall be limited to those articles, sections, subsections, paragraphs, sentences, clauses or provisions which are expressly stated in the decision to be invalid, and the remainder of this law shall be and remain in full force and effect.

106 Repealing clause

From and after the date when this law takes effect, the existing Zoning Law of the Town of Galen, adopted March 10, 1980, and all amendments made thereto, are hereby superceded and repealed; Local Law 3-1985 (Building Code Enforcement) is hereby superceded and repealed.

107 Effective date

This law shall take effect ten (10) days after publication, and posting as provided by the Town Law.

108 Laws Preserved

Notwithstanding any provision of this Law to the contrary, the following Local Laws shall remain in full force and effect upon adoption of this Law:

1. Local Law 1987-2 (Flood Damage Prevention) and all amendments made thereto.
2. Local Law 1988-2 (Solid Waste Management & Disposal) and all amendments made thereto.

ARTICLE 2

DEFINITIONS

201 Definitions

201.1 Interpretations

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this law. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "lot" shall include "plot"; the word "structure" shall include the word "building"; the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used"; and the word "shall" is mandatory and not optional. Where a term used in this law is not specifically defined, it shall have its customary and ordinary meaning.

201.2 Definitions

- (1) ACCESSORY BUILDING: A supplemental building, the use of which is incidental to that of the main or principal building and located on the same lot therewith.
- (2) ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- (3) ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of a specified sexual activity or specified anatomical areas.
- (4) ADULT BOOK, VIDEO or NOVELTY STORE: A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the

following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- B. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult book, video or novelty store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult book, video or novelty store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas". A principal business purpose shall mean more than one-quarter of the business is devoted to the sale, rental, or display of such materials as determined by any of the following:

- A. The number of different titles of printed, visual or audio materials of any kind that are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities;
- B. The number of copies of printed, visual or audio materials of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities;
- C. The amount of floor space devoted to the sale and display of printed, visual or audio materials of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual

- activities;
- D. The dollar amount of sales or rental of printed, visual or audio materials of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities;
 - E. The amount of on-site advertising which can be viewed by passers-by, or the amount or cost of advertising in print or broadcast media devoted to printed, visual or audio materials of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities.
- (5) ADULT CABARET: A nightclub, bar, restaurant, or similar commercial establishment that features:
- A. Persons who appear in a state of nudity or semi-nudity; or
 - B. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - C. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.
- (6) ADULT CARE FACILITY: A family type home for adults, a shelter for adults, a residence for adults, an enriched housing program or adult home, which provides temporary or long-term residential care and services to adults who, though not requiring continual medical or nursing care, are by reason of physical or other limitations associated with age, physical or mental disabilities or other factors, unable or substantially unable to live independently.
- (7) ADULT MOTEL: A motel, hotel or similar commercial establishment that:
- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities

- or specified anatomical areas; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; or
- B. Offers sleeping rooms for a period of less than ten (10) hours; or
 - C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time less than ten (10) hours.
- (8) ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
 - (9) ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
 - (10) ADULT USES: Adult arcades, adult book, video or novelty stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios and sexual encounter centers.
 - (11) AGRICULTURAL ACTIVITY: The tilling of the soil, raising of crops, farm animals, livestock, horticulture, gardening, beekeeping and aquaculture, including the use of agricultural buildings and structures.
 - (12) AGRICULTURAL BUILDING AND STRUCTURE: A structure designed and constructed to house farm implements, hay, grain, farm animals, livestock or other horticultural products.
 - (13) AGRICULTURAL PRODUCTS: Pursuant to Section 301, Subdivision 2 of the NYS Agriculture and Markets Law: Crops, livestock and livestock products, including but not limited to the following:
 - A. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
 - B. Fruits, including apples, peaches, grapes, cherries and berries.
 - C. Vegetables, including tomatoes, snap beans,

- cabbage, carrots, beets and onions.
 - D. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
 - E. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk, eggs, and fur.
 - F. Maple sap.
 - G. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
 - H. Aquaculture products, including fish, fish products, water plants and shellfish.
 - I. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.
- (14) ALTERATION: A change or rearrangement in the structural parts on an existing building or structure, whether by extending on a side or by increasing in height, or by moving from one location or position to another. This term shall also include any change or rearrangement made to exit facilities.
- (15) ALTERATION, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, girders, rafters, or trusses, including additions and repairs thereto.
- (16) AMUSEMENT CENTER: An establishment offering five (5) or more amusement devises, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.
- (17) APARTMENT GARAGE: A detached accessory structure containing a private garage on the first floor and a single dwelling unit on the first and / or second floor.
- (18) APPROVED: Approval by the Code Enforcement Officer as the result of investigation and tests conducted by him or her, or by reason of accepted principles or tests by nationally recognized organizations.
- (19) AREA, BUILDING: The total floor area included within surrounding exterior walls, exclusive of

- vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.
- (20) ATTIC: The unfinished space between the ceiling joists of the top story and the roof rafters.
 - (21) AUTOMOTIVE SALES AND SHOWROOM: An open or enclosed area, other than a street, used for the display, sale or rental of new or used motor vehicles in operable condition.
 - (22) BASEMENT: That portion of a building that is partly or completely below grade, where the finished floor of the floor above is not more than six (6) feet above the average surrounding grade.
 - (23) BED AND BREAKFAST ESTABLISHMENT: A dwelling, other than a hotel or motel, incidental to and located within an owner-occupied single-family residence, which accommodates no more than ten (10) transient lodgers, with meals provided or offered, for compensation.
 - (24) BILLBOARD: An advertising sign that is greater than thirty-two (32) square feet in area.
 - (25) BOARDING HOUSE: See "Rooming House"
 - (26) BOATHOUSE: A building or structure for sheltering boats, usually but not necessarily located on the shoreline of a water body.
 - (27) BUILDING: A structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.
 - (28) BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade to the highest point of the roof, but not including chimneys, spires, silos, towers, tanks, and similar projections normally carried above the roof.
 - (29) BUILDING INSPECTOR: The administrative officer charged with the duty of enforcing the provisions of this law. See "Code Enforcement Officer".
 - (30) BUILDING (OR SETBACK) LINE: A line parallel to a lot line, between which no principal building may be built.
 - (31) BUILDING, MAIN OR PRINCIPAL: A structure in which is conducted the principal use of the site on which it is located. In any Agricultural or Residential (A or R) district, any dwelling shall

be deemed to be a principal building on the lot which the same is located.

(32) CAMP: Any one or more of the following, other than a hospital, place of detention, or school offering general instruction:

- (a) Type 1: Any area of land or water on which are located two or more cabins, tents, trailers, recreational vehicles, shelters or other accommodations of a design or character suitable for recreational purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or
- (b) Type 2: Any land, including any building thereon, used for any assembly of persons for what is commonly known as "day camp" purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or children, either as individuals, families or groups.

(26) CERTIFICATE OF OCCUPANCY (OR COMPLIANCE): A statement signed by the Building Inspector setting forth either that a building or structure complies with the provisions of this law, or that a building, structure or parcel of land may lawfully be employed for specified uses, or both. A certificate of occupancy may also be a statement signed by the Building Inspector setting forth that a building or structure complies with the applicable provisions of the New York State Uniform Fire Prevention & Building Code.

(27) CLUB, MEMBERSHIP: An organization catering exclusively to its members and their guests, including premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising or commercial activities except as required generally for the convenience of the membership and purposes of such club.

(28) CODE ENFORCEMENT OFFICER: The municipal official charged with the enforcement and administration of this law and the Uniform Code.

(29) COMMERCIAL AND TRUCK REPAIR GARAGE: A building,

structure, or portion thereof used for the storage, maintenance, and repair of commercial motor vehicles or trucks, including fleets of motor vehicles operated by utilities, large businesses, mercantile, rental agencies, and other similar concerns, with or without the dispensing of motor fuels.

- (30) COMMERCIAL LOGGING: The clear-cutting of all trees within a single contiguous area exceeding 20,000 square feet. This definition shall not apply to the clearing of land for agricultural purposes, or in relation to construction activities.
- (31) COMMERCIAL SCHOOL: A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g. beauty school or modeling school)
- (32) COMMERCIAL SELF-SERVICE STORAGE FACILITY: A building having two or more tenants or occupants that is used for the purpose of storage of personal property, when conducted as a business.
- (33) CONDOMINIUM: A single-dwelling unit in a multi-unit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.
- (34) CONVALESCENT HOME: See "Nursing Home"
- (35) COTTAGE, SEASONAL: A single-family dwelling intended for less than year-round occupancy.
- (36) CUSTOMARY FARM OCCUPATION: A principal or accessory use for the purpose of producing agricultural, horticultural, floricultural, vegetable and fruit products of the soil, livestock, dairy products, nuts, honey, wool and hides, but shall not include roadside stands, farm markets, farm-related uses, riding academies, boarding stables, kennels, or sawmills as those terms are defined herein. A garden accessory to a residential use shall not be deemed a customary farm occupation.
- (37) DANGEROUS BUILDING: Any building or structure which has any or all of the following conditions or defects to the extent that the life, health, property or safety of the public or its occupants are endangered:

- (A) Whenever any door, aisle, passageway, stairway, fire escape, emergency escape window or other means of exit is not of sufficient size or is not so arranged or maintained as to provide safe and adequate means of exit in case of fire or panic.
- (B) Whenever any portion thereof has been damaged by fire, explosion, earthquake, wind, flood or by any other cause, is likely to partially or completely collapse.
- (C) Whenever any portion or member or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (D) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration or decay, or any other cause, is likely to partially or completely collapse.
- (E) Whenever the building or structure, due to dilapidated condition, deterioration, damage, inadequate exits, lack of required fire protection equipment, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause is determined by the Code Enforcement Officer to be a fire hazard.
- (F) Whenever any building or structure is overcrowded or occupied by more persons than is permitted by the Uniform Code.
- (G) Whenever any building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, infestation, inadequate light, heat, ventilation or sanitation facilities, or otherwise, is determined by the Code Enforcement Officer to be unsanitary, unfit for human occupancy or in such a condition that is likely to cause sickness or disease.
- (H) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure.
- (I) Whenever any vacant building or structure is unsecured against unauthorized entry,

contains combustible materials, or has been deemed abandoned for a period in excess of three (3) years.

[Editor's Note: Definition numbers 35, 36, and 37 are duplicated in the original]

- (35) DAY CARE CENTER: An activity providing for the care and supervision of minors away from their own homes as a daily program, such as day nursery, preschool program or child-care center. An occupied one- or two-family or multiple dwelling used for said purpose, and licensed to operate as such by the State of New York, shall not be deemed a day care center.
- (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. [Amended by Local Law 1-2018].
- (37) DORMITORY: A building or portion thereof where group sleeping accommodations are provided in one room or a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories and fraternity or sorority houses.
- (38) DRIVEWAY: Land used for vehicular traffic as access to and situated on a property or lot.
- (39) DUMP: A lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.
- (40) DWELLING: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.
- (41) DWELLING, SINGLE- (OR ONE-) FAMILY: A dwelling containing not more than one dwelling unit.
- (42) DWELLING, TWO-FAMILY: A dwelling containing not more than two dwelling units.
- (43) DWELLING, MULTIPLE (OR MULTI-FAMILY): A dwelling containing three or more dwelling units.
- (44) DWELLING UNIT: A structure or portion thereof providing complete housekeeping facilities for one family.
- (45) ENHANCED AGRICULTURAL PRODUCTS: Agricultural products that have been altered or processed in a

way to increase their value to consumers and increase the profitability of the product to the farmer.

- (46) EQUESTRIAN CENTER: An establishment where, for a fee, people are trained or instructed in riding, driving, or showing horses, or an indoor arena for public entertainment where horses are shown or ridden. Any horse, pony, mule or donkey shall for purposes of this definition, be deemed a horse.
- (47) ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (48) EXTRACTIVE INDUSTRY: A lot of land or part thereof used for the purpose of extracting stone, sand, gravel, or other mineral substance, or top soil for sale, as an industrial operation, and exclusive of the process of excavating or grading a lot or lots preparatory to the construction of a building.
- (49) FAMILY: One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, club, fraternity, hotel or motel.
- (50) FARM ANIMALS: Animals other than household pets that shall be permitted to, in conjunction with an agricultural activity, be kept and maintained for commercial production and sale and / or family food production, education or recreation. Such animals shall include livestock, and small animals such as rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.
- (51) FARM MARKET: A permanent structure, operated on a seasonal or year-round basis that allows for agricultural producers to retail their products and farm-related products directly to consumers and enhance income through value-added products, services and activities.
- (52) FARM OPERATION: See Section 301(11) of NYS Agriculture and Markets Law.
- (53) FARM RELATED PRODUCTS: Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and

beverages, clothing and other items promoting the farm enterprise operating the farm market and agriculture in New York, value-added agricultural products, Christmas trees and related products and on-farm wineries.

- (54) FARM RELATED USE: A cider mill, pick-your-own enterprise, petting zoo, hay ride, crop maze, agricultural museum or exposition occurring on or at a farm for purposes of promoting agriculture or to enhance farm income.
- (55) FARM SERVICE USE: Any milk processing plant, feed storage or supply facility, agricultural laboratory, farm equipment or machinery sales or service, storage or processing facility for fruits, vegetables or other agricultural products, fertilizer or farm pesticide storage or supply facility, farmers' cooperative, grange hall, fruit ripening facility, or grain elevator.
- (56) GARAGE, PRIVATE: A detached or attached accessory building or enclosed space used for the storage of private passenger vehicles, owned or rented, and not for commercial purposes.
- (57) GARAGE, PUBLIC: Any garage other than a private garage, which is used for the storage, repair, rental, servicing or supplying of fuel or oil to motor vehicles.
- (58) HANDCRAFTED ITEMS: Objects that require use of the hands, hand tools and human craft skills in their production, and which are usually not adaptable to mass production by mechanical means.
- (59) HOME OCCUPATION: A professional or business use, customarily conducted entirely within the principal building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the principal structure and does not change the character thereof.
- (60) HOSPITAL: An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.
- (61) HOTEL: A dwelling containing sleeping rooms for ten or more persons, with rooms available to the public for less than a week at a time for compensation, with no cooking or dining facilities

- except a general kitchen and public dining room.
- (62) HOUSEHOLD PETS: Dogs, cats, rabbits, birds, etc. for family use only (noncommercial).
 - (63) HOUSEHOLD SALE: The sale of used household furnishings from residential property, commonly known as a "yard sale" or "garage sale". Household sales shall be permitted for not more than three (3) consecutive days, and shall be held for not more than six (6) days total in any one calendar year.
 - (64) HOUSE TRAILER: A structure meeting the definition of a "mobile home", except that said structure was built prior to June 15, 1976, and bears no HUD certifying label.
 - (65) JUNKYARD: An area of land, with or without buildings, used for the collecting, storage, dismantling, salvaging, recycling and / or sale of junk, solid waste, scrap or used and discarded machinery, or vehicles or parts thereof. The deposit or storage of two or more unlicensed, unregistered, inoperable, wrecked or broken motor vehicles or the major parts of two or more such vehicles shall be deemed to make the lot a "junkyard".
 - (66) KENNEL: A structure to accommodate the commercial boarding, breeding, sale or grooming of dogs, cats or other domestic animals and household pets. This definition shall include a "dog kennel" as defined in this law.
 - (67) LANDFILL: See "Dump"
 - (68) LIVESTOCK: Horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animals.
 - (69) LOT: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this law, and having frontage on a public street.
 - (70) LOT AREA: The computed area contained within the lot lines of a lot.
 - (71) LOT, CORNER: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts thereof forming an angle of less than 135 degrees. The point of intersection of the street is the

"corner".

- (72) LOT DEPTH: The mean horizontal distance between the front and rear lot lines.
- (73) LOT LINES: The property lines abounding a lot.
- (74) LOT LINE, FRONT: The lot line separating the lot from a street right-of-way.
- (75) LOT LINE, REAR: The lot line opposite and most distant from the front lot line.
- (76) LOT LINE, SIDE: Any lot line other than a front or rear lot line.
- (77) LOT, THROUGH: A lot having frontage on two parallel or approximately parallel streets.
- (78) LOT WIDTH: The distance between the two side lot lines, measured at the front building line.
- (79) MANUFACTURED HOME: Any mobile home, house trailer, or modular home as defined in this Law.
- (80) MANUFACTURED HOME SALES: The exhibition and retail sale of manufactured homes that are not occupied, and directly related incidental equipment. Such land use shall not have any manufactured home stored, located or parked thereon that is not in habitable condition.
- (81) MARINA and BOATYARD: A commercial facility for the mooring, launching, repairing, fueling and / or storage of boats and other water craft.
- (82) MIGRANT LABOR CAMP: A tract of land and all vehicles, manufactured homes, buildings or other structures pertaining thereto, any part of which may be used or occupied by persons employed as laborers in agricultural activities including sleeping facilities, provided in whole or in part, by the employer of such persons, the owner, lessee, or operator thereof, with or without a stipulated agreement as to the duration of their stay, whether or not they are supplied with meals but who are supplied with such services or facilities as are necessary for their use of said property.
- (83) MOBILE HOME: A structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more wide and forty (40) or more body feet in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing,

heating, air conditioning, and electrical systems contained therein, and bearing a seal issued by the Federal Department of Housing and Urban Development.

- (84) MOBILE HOME ACCESSORY BUILDING OR STRUCTURE: A building or structure which is an addition to or supplements the facilities provided to a mobile home; it is not a self-contained, separate, and habitable building or structure.
- (85) MOBILE HOME PARK: A property consisting of a tract of land maintained by an operator for five (5) or more mobile homes and buildings or other structures that may be pertinent to their use, any part of which may be occupied by persons for residential purposes other than recreation, traveling, or vacationing, and who are provided services or facilities necessary for their use of the property. This definition shall not apply to approved manufactured home sales lots, migrant labor camps, or other farm labor housing as defined in this Law.
- (86) MOBILE HOME PARK COMMUNITY BUILDING: Any non-residential building used for mobile home park community purposes.
- (87) MOBILE HOME SITE: A designated area of land in a mobile home park provided by the operator and designed for accommodating one (1) mobile home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.
- (88) MOBILE HOME STAND: That area of the mobile home site which has been reserved for the placement of the mobile home.
- (89) MODULAR HOME: A dwelling, constructed by a system of construction whereby the structure or component is wholly or in substantial part manufactured in a manufacturing facility, intended for permanent installation on a building site, and bearing the insignia of approval issued by the State of New York.
- (90) MORTUARY, FUNERAL HOME: An establishment where the dead are prepared for burial or cremation. Such a facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings and / or display of funeral equipment.
- (91) MOTEL: A dwelling, intended primarily for

- motorists, not over two stories in height, in which the exit from each dwelling unit or sleeping unit or sleeping room is directly to the exterior.
- (92) MOTOR VEHICLE REPAIR SHOP: A building, structure or portion thereof wherein major repair, painting, or body and fender work is performed on motorized vehicles or automobiles, including associated floor space used as offices, parking, or showrooms.
- (93) MOTOR VEHICLE SERVICE STATION: A building or place of business where motor vehicles are repaired, serviced, cleaned, or fueled. Such an establishment shall be permitted to offer for retail sale automotive parts and accessories, and other convenience items as a secondary activity, including food sales. Any use commonly referred to as a gas station, carwash, muffler, brake, tire, or oil & lube station shall be deemed a "motor vehicle service station".
- (94) NUDE MODEL STUDIO: Any place where a person who appears in a state of nudity or semi-nudity, or displays specified anatomical areas is provided to be observed, sketched, drawn, painted sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- (95) NUDITY: The appearance of a human bare buttocks, anus, genitals or full female breast.
- (96) NON-CONFORMING USE: A use of a building or land, lawfully existing at the time that this Law is enacted or amended, which does not conform with the requirements herein for the district in which it is located.
- (97) NURSING HOME: A facility providing therein nursing care to sick, invalid, infirm, disabled or convalescent persons in addition to lodging and board or health related service, or any combination of the forgoing.
- (98) PERSON: An individual, proprietorship, partnership, corporation, association, or other legal entity.
- (99) PICK-YOUR-OWN ENTERPRISE: A fruit or vegetable growing farm which provides the opportunity for customers to pick their own fruits and vegetables directly from the plant.
- (100) PORCH: An outside walking area having a floor that is elevated more than eight (8) inches above

grade.

- (101) PUBLIC ASSEMBLY, PLACE OF: The use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption or awaiting transportation. A room or space used for assembly purposes by less than fifty (50) persons and accessory to another occupancy shall be included as a part of that occupancy.
- (102) PUBLIC UTILITY STRUCTURE: Any structure erected, constructed, altered or maintained by public utilities or a governmental agency which is reasonably necessary for the furnishing of adequate service by such public utility or governmental agency, such as the poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with underground or overhead gas, electrical, or water transmission or distribution systems, or for the public health, safety or general welfare. This use shall not include a "telecommunications facility" as defined in this Law.
- (103) RECREATIONAL VEHICLE: Any vehicle mounted on wheels and moveable either by its own power or by being drawn by another vehicle and licensed for travel on any highway for the purpose of temporary living or sleeping quarters at a campground or park.
- (104) RESTAURANT: An establishment that sells prepared food for consumption on or off the premises, including but not limited to fast food and take-out restaurants.
- (105) RESTAURANT, FAST FOOD: A restaurant that sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.
- (106) RESTAURANT, TAKE-OUT: A restaurant that sells food only for consumption off the premises.
- (107) RIDING ACADEMY or BOARDING STABLE: Any use or structure in which horses can be had for hire, or where horses are kept for a fee, or a school where horseback riding is taught. Any horse, pony, mule or donkey shall for purposes of this definition,

be deemed a horse.

- (108) ROADSIDE STAND: A direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, enhanced agricultural products and handmade crafts.
- (109) ROOMING HOUSE: A dwelling containing a single dwelling unit and not more than ten (10) guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one (1) week.
- (110) SAWMILL: A facility where raw wood products are processed into finished wood products.
- (111) SEMI-NUDITY: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- (112) SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- (92) SIGN: Any writing, symbol or combination of writing and symbols not contained within a structure and intended for the purpose of advertisement of a business or goods, wares, merchandise, services or activities, or directing persons to or drawing attention to a place of business or activities.
- (93) SIGN, ADVERTISING: A sign advertising a product, service, facility or activity located elsewhere than the property upon which the sign is located.
- (94) SPECIAL USE: A use for which the Zoning Board or Town Board, as authorized, may grant a permit.
- (95) SPECIFIED ANATOMICAL AREAS: The male genitals and/or the vulva or more intimate parts of the female genitals.
- (96) SPECIFIED SEXUAL ACTIVITIES: Any of the

following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - C. Masturbation, actual or simulated; or
 - D. Excretory functions as part of or in conjunction with any of the activities set forth in A, B and C above.
- (100) STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Basements and attics shall not be considered a story.
- (101) STORY, HALF: A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story and having a ceiling height of at least seven and one-half ($7\frac{1}{2}$) feet over not more than one half ($1/2$) the total floor area.
- (102) STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground. Among other things, structures include buildings, towers, mobile homes, walls, fences, swimming pools, porches and signs.
- (103) STRUCTURE, NON-CONFORMING: See "non-conforming use".
- (104) SUBDIVISION, MAJOR: Any tract of land which is divided into five or more parcels, lots, blocks or sites, with or without highways, for sale or for rent as residential, business, commercial or industrial lots or building plots. A tract of land shall constitute a major division upon the sale, rental or offering for sale or lease of the fifth such lot or building plot therefrom within any consecutive three year period. The division of a tract of land into parcels larger than five (5) acres each shall not be deemed a major subdivision.
- (105) SUBDIVISION, MINOR: Any division of a tract of land into two (2) or more parcels, lots, blocks or sites not deemed a "major subdivision" as defined in this Law.
- (106) SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains

- water over twenty-four (24) inches deep. This includes in-ground, aboveground, on-ground, and storable swimming pools, hot tubs and spas.
- (107) SWIMMING POOL, STORABLE: A swimming pool that is constructed on or above the ground and is capable of holding water with a maximum depth of 42 inches, or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimension.
- (108) TAXICAB AND BUS REPAIR GARAGE: A building, structure, or portion thereof used for storage, maintenance, and repair of fleets of taxicabs, sedan-limousine-type motor vehicles, or motor buses, with or without the dispensing of motor fuels.
- (109) TELECOMMUNICATION FACILITY, ACCESSORY: An accessory facility that serves the principal use, is subordinate in area, extent and purpose to the principal use, and is located on the same lot as the principal use. Examples of such facilities include transmission equipment and storage sheds.
- (110) TELECOMMUNICATION TOWER: A structure on which transmitting and/or receiving antennae are located (including existing buildings and water tanks) and which transmits and/or receives radio, television, microwave, or personal wireless service communication transmissions. Examples of such wireless service communication transmissions are cellular radiotelephone, personal communications, specialized mobile radios (SMR) and commercial paging transmissions. Police, fire and emergency medical communications towers used for dispatching purposes, and private, non-commercial television or radio receiving antennas shall not be deemed a "Telecommunication Tower".
- (111) THEATER: A building used primarily for the presentation of live stage productions, performances or motion pictures.
- (112) THEATER, OUTDOOR: A place or structure, excluding an enclosed building, for the presentation of live stage productions, performances or motion pictures.
- (113) TOWN BOARD: The governing body of the Town of Galen.
- (114) TOWNHOUSE: A single-family dwelling constructed in a group of three (3) or more attached single-family dwellings in which each unit extends from

foundation to roof and has open space on at least two (2) sides.

(115) TRANSFER OF OWNERSHIP OR CONTROL: Any of the following:

- A. The sale, lease, or sublease of real property;
- B. The transfer of securities which constitute a controlling interest in real property, whether by sale, exchange, or similar means; or
- C. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of an adult use, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(103) UNIFORM CODE: The New York State Uniform Fire Prevention & Building Code and any amendments thereto.

(104) VARIANCE: The Zoning Board of Appeals authorized departure from the terms of this law in accordance with the procedure set forth in this law.

(105) WIND ENERGY CONVERSION SYSTEM (WECS): A machine that converts the kinetic energy of the wind into a usable form (commonly known as a "wind turbine" or "windmill"). The WECS includes all parts of the system except the tower and the transmission equipment; the turbine or windmill may be on a horizontal or vertical axis, rotor or propeller.

(106) YARD: An open space by a structure which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

(107) YARD, FRONT: The area between the side lot lines across the lot frontage, extending from the street line to the front building line. Front yard depth is measured perpendicularly from the street line.

(108) YARD, REAR: The area between the between the rear line of a principal building and the rear lot line. In the case of through lots and corner lots, there shall be no rear yards. Rear yard depth shall be measured perpendicularly from the rear lot line.

(109) YARD, SIDE: The area extending along a side lot line between the front yard and the rear yard. In

the case of through lots and corner lots, yards remaining after the required front yards have been established shall be considered side yards. Side yard depth is measured perpendicularly from the side lot line.

ARTICLE 3

ESTABLISHMENT OF DISTRICTS

301 Establishment of Districts

The Town of Galen is hereby divided into the following types of districts:

- L-C Land Conservation District
- A Agricultural District
- R Residential District
- C Commercial District
- R-C Residential-Commercial District
- I Industrial District
- P-D Planned Development District
- APO Aquifer Protection Overlay District

302 Official Zoning Map

302.1 The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of the Town of Galen, which is attached hereto and hereby made a part of this law. Said map or maps and all notations, references, and designations shown thereon shall be as such, a part of this law as if the same were all fully described and set forth herein.

303 Interpretation of Boundaries

303.1 Designation of District Boundaries.
The district boundary lines are intended generally to follow the boundary lines of streets, the centerlines of railroad rights-of-way, existing lot lines, waterways, or Town boundary lines, all as shown on the Official Zoning Map; but where a district boundary line does not follow such a line, its position is shown on the Official Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.

303.2 Determination of Locations of Boundaries.

In unsubdivided property or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on the Official Zoning Map, shall be determined by the use of the map scale shown thereon. Where the boundary of a district follows a stream or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Galen, unless otherwise indicated. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Code Enforcement Officer shall request the Board of Appeals to render its determination with respect thereto.

304 Annexed Territory

- 304.1 Any territory hereafter annexed shall automatically, upon such annexation, be classified as R - Residential and be subject to all conditions and regulations applicable to property in such district.

ARTICLE 4

DISTRICT REGULATIONS

401 Application of Regulations

- 401.1 No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
- 401.2 No building or structure shall hereafter be erected or altered to exceed the height or have narrower or smaller rear yards, front yards, side yards or other open spaces than are specified herein for the district in which it is located.
- 401.3 No part of a yard or other open space or off-street parking or loading area required about or in connection with any structure for the purpose of complying with this law shall be included as a part of a yard or other open space or off-street parking or loading area similarly required for another structure.
- 401.4 Except where otherwise provided in this Law, every principal structure shall be located upon an individual lot with frontage upon a public street.
- 401.5 Every residential building or structure hereinafter erected shall be located on a lot as defined herein, and there shall be not more than one residential building on one lot, except as specifically permitted elsewhere in this law. If more than one lot is located on a piece of property, each lot shall meet the requirements of this law. Absent control by another approving agency, such the NYS Department of Health or NYS Department of Environmental Conservation,

each residential building or structure shall be provided with separate and independent water supply and sanitary drainage facilities, located on the same lot therewith.

401.6 Any use not specifically permitted within any district shall be deemed prohibited.

Exception 1: Special, non-continuous events such as auctions, fairs, carnivals, circuses, and traveling exhibitions shall be permitted in any use district subject to the approval of the Code Enforcement Officer.

Exception 2: A Household Sale, as defined in this law.

Exception 3: The Zoning Board of Appeals is authorized to issue Temporary Permits in accordance with Section 805.8.1.4 of this law.

402 Land Conservation (L-C) District Regulations

The following regulations shall apply in the Land Conservation District:

402.1 Permitted Principal Uses:

402.1.1 Customary farm operations, and other agricultural operations, including gardens, nurseries, greenhouses, and usual farm accessory buildings and structures not including dwellings

402.1.2 Public utility structures

402.1.3 Seasonal cottage

402.2 Permitted Accessory Uses:

402.2.1 Off-street parking and loading

402.2.2 Signs

- 402.2.3 Other accessory uses and structures customarily appurtenant to a permitted use

402.3 Uses Requiring a Special Permit:

- 402.3.1 Parks, playgrounds, recreational trails, athletic fields, golf courses and driving range, sportsman's clubs, riding academies, game preserves and other similar uses of a recreational nature

402.4 Lots: minimum requirements

- 402.4.1 Lot area: 1 acre
402.4.2 Lot width: 150 feet

402.5 Yards: minimum requirements

- 402.5.1 Front yard: 50 feet
402.5.1 Rear yard: 40 feet
402.5.2 Each side yard: 20 feet

- 402.6 Maximum building height: 2-1/2 stories, not to exceed 35 feet

403 Agricultural (A) District Regulations

The following regulations shall apply in the Agricultural District:

403.1 Permitted Principal Uses:

- 403.1.1 All permitted principal uses in the L-C district
403.1.2 One- and Two-family dwellings, including modular homes
403.1.3 Mobile homes and house trailers meeting the requirements of this law

- 403.1.4 Churches and similar places of worship, parish house, convent, rectory or parsonage
- 403.1.5 Mortuary, funeral home
- 403.1.6 Roadside Stands
- 403.1.7 Farm-related uses as defined in this law

403.2 Permitted Accessory Uses:

- 403.2.1 Farm worker housing in the form of any of the above principal permitted uses, including mobile homes and / or house trailers, and migrant labor camps, subject to site plan review and approval by the Planning Board.
- 403.2.2 Home occupations
- 403.2.3 Private garages
- 403.2.4 Professional offices of a physician, attorney, dentist, architect, engineer, or surveyor when conducted in a dwelling by the inhabitant thereof
- 403.2.5 Off-street parking and loading
- 403.2.6 Signs
- 403.2.7 Other customary accessory uses and buildings, provided such use is incidental to the principal use and does not include an activity commonly conducted as a business
- 403.2.8 Accessory telecommunications facility
- 403.2.9 Apartment garage
- 403.2.10 Boathouse and dock

403.3 Uses Requiring a Special Permit:

403.3.1 Facility of a cultural nature, museum, library, school and other educational institution, park, playground, and day-care facility

403.3.2 Recreational buildings or areas such as country clubs, social halls, membership lodges, golf courses and driving ranges, parks, playgrounds, public swimming pools, recreational trails, tracks, arcades, athletic fields, sportsman's clubs, riding academies, game preserves and similar uses.

403.3.3 Camps (Type I and II)

403.3.4 Kennels and Veterinary Clinics

403.3.5 Riding Academies, Boarding Stables, and Equestrian Centers

403.3.6 Sawmills

Exception: No special permit shall be required for outdoor, portable sawmill equipment not used for commercial purposes.

403.3.7 Woodworking shops for handcrafted items and the outdoor display of such items, taxidermy shops, and shops for blacksmiths and farriers.

403.3.8 Mobile home parks

403.3.9 Farm markets

403.3.10 Farm service uses, as defined in this law

403.3.11 Airfield, landing strip and related facilities

403.3.12 Cemetery, mausoleum

- 403.3.13 Crematory
- 403.3.14 Extractive industries and commercial logging
- 403.3.15 Multiple dwellings and rooming houses
- 403.3.16 Bed & breakfast establishment
- 403.3.17 Hospital, nursing or convalescent home, adult care facility
- 403.3.18 Telecommunications Towers
- 403.3.19 Commercial self-service storage facility
- 403.3.20 Storage buildings or magazines for the keeping of explosives (classified as a Group "H" occupancy by the Uniform Code).
- 403.3.21 Townhouses and Condominiums
- 403.3.22 Wind Energy Conversion Systems

Exception: No special permit shall be required for mechanically operated windmills used for water pumping only. Such windmills shall require only a building permit, and shall be located so that tip-over will be harmless to other structures.

403.4 Lots: minimum requirements

- 403.4.1 Lot area: 1 acre
- 403.4.2 Lot width: 150 feet

403.5 Yards: minimum requirements

- 403.5.1 Front yard: 50 feet
- 403.5.2 Rear yard: 40 feet

403.5.3 Each side yard: 20 feet

403.6 Maximum building height: 2-1/2 stories, not to exceed 35 feet.

404 Residential (R) District Regulations

The following regulations shall apply in the Residential District:

404.1 Permitted Principal Uses:

404.1.1 All permitted principal uses in the Agricultural (A) District

Exception: House Trailers shall be deemed prohibited.

404.2 Permitted Accessory Uses:

404.2.1 All permitted accessory uses in the Agricultural (A) District, except the use of house trailers for any purpose.

404.3 Uses Requiring a Special Permit:

404.3.1 All special permitted uses in the Agricultural (A) District

Exception: Mobile Home Parks, Camps (Type I & II), Farm Service Uses, Sawmills, Extractive Industries, Commercial Logging, Airfields, Landing Strips and related facilities, Telecommunications Towers, Wind Energy Conversion Systems, and Crematories shall be deemed prohibited.

404.4 Lots: minimum requirements

404.4.1 Lots without public water or public sanitary sewer:

404.4.1.1 Lot area: ½ acre

404.4.1.2 Lot width: 100 feet

404.4.2 Lots served with public water and/or public sanitary sewer:

404.4.2.1 Lot area: ¼ acre

404.4.2.2 Lot width: 70 feet

404.5 Yards: minimum requirements

404.5.1 Front yard: 50 feet

404.5.2 Rear yard: 40 feet

404.5.3 Each side yard: 15 feet

404.6 Maximum building height: 3 stories, not to exceed 40 feet

405 Commercial (C) District Regulations

The following regulations shall apply in the Commercial District:

405.1 Permitted Principal Uses:

405.1.1 Retail stores and shops, banks, business and professional offices, mortuaries and funeral homes

405.1.2 Farm market

405.1.3 Farm service uses, as defined in this law

405.1.4 Public buildings of a governmental or cultural nature, museum, library, school and other educational institution, park, playground, and day-care center

405.1.5 Wholesale stores and supply houses

405.1.6 Warehouses and other storage buildings not classified as Hazardous Group H Occupancy by the Uniform Code.

405.1.7 Lumber and building materials storage

yards

Exception: Sawmills and Cement Plants shall be deemed prohibited.

- 405.1.8 Commercial self-service storage facility
- 405.1.9 Restaurants, theaters, bowling alleys, amusement centers, and other places of public assembly not otherwise specified.
- 405.1.10 Automobile sales and showroom.
- 405.1.11 Outdoor facilities for the sale of boats, recreational vehicles, furniture and other consumer products at retail.
- 405.1.12 Light manufacturing uses such as machine shops, provided such use is classified as a Factory Industrial F-2 Low-Hazard Occupancy by the Uniform Code.
- 405.1.13 Laundromats

Exception: Dry Cleaning Plants shall be deemed prohibited.

- 405.1.14 Public utility structures.

405.2 Permitted Accessory Uses:

- 405.2.1 Accessory buildings classified as Hazardous Group H Occupancy by the Uniform Code, and not exceeding 1,000 square feet in building area.
- 405.2.2 A use, occupancy or tenancy customarily incidental to the principal use or occupancy of the building.

405.3 Uses Requiring a Special Permit:

- 405.3.1 Recreational buildings or areas such as fitness clubs, social halls, membership

lodges, golf courses and driving ranges, parks, playgrounds, public swimming pools, tracks, athletic fields, and sportsman's clubs, except that there shall be no gun or archery ranges permitted except when conducted within a completely enclosed building.

405.3.2 Outdoor theaters.

405.3.3 Motel or hotel.

405.3.4 Motor vehicle service station, motor vehicle repair shop.

405.3.5 Manufactured home sales.

405.3.6 Marina and boatyard.

405.3.7 Transit facilities such as bus or passenger train platforms or stations.

405.4 Lots: minimum requirements

405.4.1 There shall be no minimum lot area or width.

405.5 Yards: minimum requirements

405.5.1 Front yard: 50 feet

405.5.2 There shall be no minimum rear or side yard requirements, except those imposed by the Uniform Code.

405.6 Maximum building height: 4 stories, not to exceed fifty (50) feet.

406 Residential-Commercial (R-C) District Regulations

The following regulations shall apply in the Residential-Commercial District:

406.1 Permitted Principal Uses:

406.1.1 All permitted principal uses in the Residential (R) and Commercial (C) districts.

406.2 Permitted Accessory Uses:

406.2.1 All permitted accessory uses in the Residential (R) and Commercial (C) districts

Exception: Accessory buildings of any size which are classified as Hazardous Group H Occupancy by the Uniform Code.

406.3 Uses Requiring a Special Permit:

406.3.1 All special permitted uses in the Commercial (C) District.

406.4 Lots: minimum requirements

406.4.1 There shall be no minimum lot area or width requirements.

Exception: Any lot containing a dwelling shall have the area and width required in the Residential (R) District.

406.5 Yards: minimum requirements

406.5.1 Front yard: 50 feet

406.5.2 There shall be no minimum rear or side yard requirements, except those imposed by the Uniform Code.

406.6 Maximum building height: 3 stories, not to exceed 40 feet

407 Industrial (I) District

The following regulations shall apply in the Industrial (I) District:

- 407.1 Permitted Principal Uses:
- 407.1.1 Sawmills, cement plants and building materials storage yards.
 - 407.1.2 Motor vehicle repair shops, commercial and truck repair garages, and taxicab and bus repair garages.
 - 407.1.3 Commercial schools.
 - 407.1.4 Farm service uses, as defined in this law.
 - 407.1.5 Trade union halls and offices.
 - 407.1.6 Customary farm operations, and other agricultural operations, including gardens, nurseries, greenhouses, and usual farm accessory buildings and structures not including dwellings.
 - 407.1.7 Public utility structures.
 - 407.1.8 All industrial uses not otherwise prohibited by law, including manufacturing, storage, processing or similar uses classified as Factory Industrial Group F and Storage Group S occupancies by the Uniform Code.
- 407.2 Permitted Accessory Uses: A use, occupancy or tenancy customarily incidental to the principal use or occupancy of the building.
- 407.3 Uses Requiring a Special Permit:
- 407.3.1 Any use classified as Hazardous Group H Occupancy by the Uniform Code.
 - 407.3.2 Dry cleaning plant.
 - 407.3.3 Tire storage yards and tire rebuilding facilities.

- 407.3.4 Junk yards.
- 407.3.5 Adult uses, as defined in this law.
- 407.3.6 Telecommunications tower.
- 407.3.7 Freight or truck terminal for the overnight parking of trucks, tractors or trailers.

407.4 Lots: minimum requirements

- 407.4.1 Lot area: 2 acres
- 407.4.1 Lot width: 200 feet

407.5 Yards:

- 407.5.1 There shall be no minimum yard requirements except those imposed by the Uniform Code.

407.6 Maximum building height: There shall be no maximum height limitation except as imposed by the Uniform Code.

408 Planned Development (P-D) District

The following regulations shall apply in the Planned Development (P-D) District:

408.1 Permitted Principal Uses*:

- 408.1.1 Any building, structure, or use of land as may be permitted by right or by special permit in any other district.

Exception: Adult uses, Telecommunications Towers, Travel Trailers, Mobile home parks, Junk yards, Dumps and Landfills shall be deemed prohibited.

408.2 Permitted Accessory Uses: A use, occupancy or tenancy customarily incidental to the principal use or occupancy of the building.

408.3 Uses Requiring a Special Permit:

408.3.1 Any use classified as Hazardous Group H
Occupancy by the Uniform Code.

408.4 Lots: minimum requirements

408.4.1 There shall be no minimum lot area or
width requirements, except those
imposed by the Uniform Code.

Exception: Any lot containing a
dwelling shall have the area and width
required in the Residential (R)
District.

408.5 Yards: minimum requirements

408.5.1 There shall be no minimum yard
requirements, except those imposed by
the Uniform Code.

408.6 Maximum building height: There shall be no
maximum height limitation, except as imposed
by the Uniform Code.

**409 Aquifer Protection Overlay (APO) Districts (APO-1
and APO-2)**

The following regulations shall apply in the Aquifer
Protection Overlay (APO) District:

409.1 Permitted Uses: Any use permitted within
portions of any zone district overlaid by an
APO district shall be permitted except as
otherwise regulated by this Section. In any
case where a conflict arises between this
Section and any other existing requirement,
the more restrictive shall apply.

409.2 Lot, yard and height requirements: The
minimum requirements for lot size, yards,
and height of structures shall be as
required for the underlying zone district.

409.3 Restricted Uses (All APO Districts): Each of the following uses shall require a Special Use Permit, issued by the Galen Town Board, and only upon favorable recommendation of the Town Planning Board, and a determination that said use or activity will not adversely affect the public health and safety:

409.3.1 Any development involving the construction or expansion of on-site wastewater treatment systems. Prior to issuance of any Special Permit for said development, the Town Board shall verify that a nutrient loading assessment has been performed with a resultant value not in excess of seven (7) milligrams per liter (mg/l) nitrogen. Said nutrient loading assessment shall be performed by a licensed engineer at the applicant's expense.

409.3.2 Any development involving the construction or expansion of stormwater management systems. Such systems shall be designed to filter and remove contaminants from the collected runoff in accordance with NYSDEC stormwater management guidelines.

409.3.3 The installation, expansion or replacement of any above or below ground petroleum bulk storage facilities, defined as that portion of a property where petroleum products are received by tank vessel, pipelines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such products by tank vessel, pipeline, tank car, tank vehicle, portable tank or container. This definition shall also include the loading or unloading of petroleum products from or between tank vehicles, tank cars, or storage tanks.

- 409.3.4 The bulk storage or disposal of coal or salts. Such substances shall be kept in a watertight structure or covered with an impervious material.
- 409.3.5 The storage or use of any hazardous substance as that term is defined in 6NYCRR Part 597, except for household use in accordance with the manufacturer's recommendations.
- 409.3.6 The storage or use of any hazardous material as that term is defined in the Uniform Code, except for household use in accordance with the manufacturer's recommendation.
- 409.3.7 The expansion of an existing extractive industry.
- 409.4 Prohibited Uses (All APO Districts): The following uses shall be deemed strictly prohibited:
 - 409.4.1 The production, processing, discharge, or disposal of any hazardous material as defined in the Uniform Code; the production, processing, discharge or disposal of any hazardous substance as defined in 6NYCRR Part 597; the storage, handling or disposal of any hazardous waste as defined in 6NYCRR Part 371.
 - 409.4.2 The dumping or disposal of snow or ice collected off site from roadways or parking areas.
 - 409.4.3 The operation of any dump, junkyard or landfill as those terms are defined in this Law.
 - 409.4.4 The drilling of any gas or oil well.
 - 409.4.5 The use of water bodies for boating, motor boating, swimming, fishing,

hunting or trapping.

409.4.6 Any activity that encourages wildlife usage, including the stocking of water bodies with fish or other wildlife.

409.4.7 The handling, storage or disposal of regulated ionizing radiation materials as defined by 12NYCRR Part 38.

409.5 Prohibited Uses in the APO-1 District: The following uses shall be deemed prohibited within the boundaries of the APO-1 District:

409.5.1 The land application, storage and/or composting of animal manures, related bedding, septic waste, sludge, composted sludge or products derived there from, and recognizable food waste and disposal of farm generated waste based on potential public health risk.

409.5.2 The establishment of any new extraction industry, or the expansion of an existing extraction industry.

409.6 Additional Provisions: Applicants of State and Federal permits shall provide the Town of Galen and the Village of Clyde with copies of permit applications, materials and approvals, access to permitted sites and information on the permit activities (e.g. copies of the information submitted to State and Federal agencies to maintain a permit).

409.7 Definition: For purposes of enforcement of this Section, the term "expansion", as it refers to an extractive industry, shall mean a physical enlargement or extension of *affected land or land affected by mining*, as that term is defined in part 420 of New York State Department of Environmental Conservation Rules and Regulations.

ARTICLE 5

SPECIAL PERMITTED USES

501 General Standards for Special Permitted Uses

In addition to any and all specific standards listed below, each special permitted use shall comply with the following general requirements:

- 501.1 The use shall be one specifically enumerated as requiring a special permit in the district in which it is to be located.
- 501.2 The use shall be compatible with adjoining development, shall not cause substantial injury to the value of other property where it is to be located, shall provide adequate landscaping and screening, and shall not jeopardize the public health, safety, welfare and convenience.
- 501.3 The use shall provide vehicular access and off-street parking and loading so as to minimize interference with traffic on the thoroughfares and shall provide appropriate pedestrian walkways so as to insure public safety.
- 501.4 The Zoning Board of Appeals may also review and consider each of the criteria specified in Section 604 for site plan review.

502 Specific Standards

In addition to the general standards prescribed for all special permits, the following specific standards shall apply to the listed uses:

- 502.1 Junkyards:
 - 502.1.1 Junkyards shall conform with and be regulated by Section 136 of NYS General Municipal Law, including but not limited to:

502.1.1.1 A solid fence shall surround the junkyard to a height of not less than eight (8) feet, and shall be located no closer than fifty (50) feet to a public highway. The fence shall effectively screen the junkyard from neighboring properties and the public right-of-way. One or more gates shall be provided that are capable of being closed and locked.

502.1.1.1 The applicant shall be required to obtain an annual license issued by the Town Board, the cost of which shall be \$25.00 (or as otherwise stipulated in General Municipal Law Section 136). The \$25.00 license fee shall be in addition to any and all other required fees.

502.1 Mobile Home Parks:

502.2.1 Construction: No "House Trailer" as defined in this Law, shall be permitted to be placed or maintained in any mobile home park.

502.2.2 Spacing between homes: No portion of a mobile home shall be located closer than thirty (30) feet side to side, 20 feet end to side, or 10 feet end to end horizontally from any other mobile home or community building.

502.2.3 Accessory Structures: Accessory buildings or structures shall be located so that they are at least three (3) feet from any other accessory building or structure, ten (10) feet from any mobile home, and at least five (5) feet from any property line.

502.2.4 Setbacks: There shall be a minimum distance of fifteen (15) feet between an individual mobile home and an

adjoining private street, parking area, walk or other common area. In addition, all mobile homes shall be located at least fifty (50) feet from any public right-of-way.

- 502.2.5 Vertical Positioning of Homes: Mobile homes shall not be positioned vertically, stacked with one over the other, in whole or in part, unless such installation is specifically designed and approved for said purpose.
- 502.2.6 Maintenance of Fire Exits: All mobile homes, accessory buildings, structures, and community buildings shall be located and maintained so that doors and windows required for emergency egress are not blocked.
- 502.2.7 Community Buildings: Every mobile home park community building shall be designed and constructed in accordance with the Uniform Code. Materials, fixtures, devices, fittings, and the installation of such shall conform to nationally recognized standards.
- 502.2.8 Incinerators and Open Fires: All open fires, and the operation of any incinerator shall require an Operating Permit, in accordance with Section A106.1(G) of this Law.
- 502.2.9 Maintenance of Exterior Areas: All areas of the mobile home park and each individual mobile home site shall be maintained so as to be free of dry brush, leaves, weeds, and other debris that could contribute to the spread of fire within the mobile home site or park. Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health and safety shall be eliminated in accordance with the Uniform Code.

- 502.2.10 Water Supplies for Fire Protection:
Water supplies for fire department operations shall be established as required by the Uniform Code. Where there are no such requirements, water supplies shall be at least adequate to support the effective operation of two (2) 1.5-inch hose streams on any fire in a building. The supply shall be permitted to be derived from the following:
- 502.2.10.1 Hydrants connected to an underground water supply system.
- 502.2.10.2 A reservoir or water supply with a water source not less than 3,000 gallons, located and accessible for fire department drafting operations.
- 502.2.10.3 Fire department apparatus equipped with a water supply of 750 gallons and a pump capacity of 250gpm, constructed in accordance with NFPA 1901, *Standard for Automotive Fire Apparatus*, or its successor standard.
- 502.2.11 Fire Hydrants: Where provided, hydrants shall be located along mobile home park community streets or public ways within 500 feet of all homes and buildings and shall be readily accessible for fire department use. Hydrant hose couplings shall be compatible with those of the local fire department.
- 502.2.12 Storage of Flammable Materials:
The space beneath mobile homes shall not be used for the storage of combustible materials or the storage or

placement therein of flammable liquids, gases, or liquid- or gas powered equipment.

502.2.13 Marking of utility lines: The location of all underground electrical cables, telephone or other communication cables, gas piping, water piping, and sewer lines that are buried within four (4) feet of the perimeter of any mobile home stand shall be indicated by an aboveground sign or marker of an approved type, identifying the proximity of the utility line(s). A plot plan showing the "as built" location of all underground utility lines shall be made available to the Code Enforcement Officer upon request.

502.2.14 Emergency Vehicle Access: The arrangement of mobile homes and accessory buildings and structures shall not restrict reasonable access to the site by emergency personnel. Each mobile home park operator shall maintain a site plan for review by agencies responsible for inspection or emergency services. This plan shall include, but not be limited to, the following:

502.2.14.1 Street names.

502.2.14.2 The separating lines of mobile home sites.

502.2.14.3 Site numbers.

502.2.14.4 The location of potable and fire protection water supplies.

502.2.14.5 The location of fire and other emergency alarms and any public telephones.

502.2.14.6 The location of all utility disconnects.

502.2.15 Parking and Street System:

502.2.15.1 Off-street parking shall be provided as required by this law. No off-street parking space shall be located more than fifty (50) feet from the mobile home which it is intended to serve.

502.2.15.2 Off-street parking spaces for individual mobile home sites shall access the public right of way by means of one or more approved private streets. No mobile home site shall have a driveway with direct access to a public right of way.

502.2.15.3 Each street within a mobile home park shall be not less than twenty (20) feet in width.

502.2.15.4 Dead-end streets shall be limited to 500 feet in length, and shall be provided at the closed end with a turn-around area.

502.2.15.5 All streets shall be surfaced with a hard, smooth, dustless material, and shall be durable and well-drained.

502.2.16 Refuse Collection Areas: Refuse containers shall be located so as to be not more than 150 feet from any individual mobile home. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse containers shall be separated from all adjoining lots or

rights-of-way by a screening device (i.e. fence) not less than six (6) feet in height, or otherwise contained within an enclosed structure, except during such times as are designated for the removal of contents.

- 502.2.17 Lighting: All areas of the mobile home park shall be provided with artificial light of sufficient intensity as to afford safe movement of vehicles and pedestrians at night, with special consideration given to potentially hazardous locations, such as street intersections, steps and ramps.
- 502.2.18 Pedestrian Access: All mobile home parks shall be provided with safe, convenient, dust-free, all-season pedestrian walkways between individual mobile homes, streets, parking areas, buildings and facilities provided for residents. Walkways shall be at least two (2) feet in width and separated from the street system by at least four (4) feet.
- 502.2.19 Minimum Area of Park: A mobile home park shall have an area of not less than five (5) acres, and each mobile home site shall have an area of not less than 5,000 square feet, and a minimum dimension of not less than fifty (50) feet.
- 502.2.20 Recreation Area: In each mobile home park there shall be one or more recreation areas which shall be easily accessible to all park residents. The size of such recreation area shall be based upon a minimum of 200 square feet for each mobile home site. No outdoor recreation area shall contain less than 5,000 square feet. Outdoor recreation areas shall be located so as to be free of traffic hazards and should, where topography permits, be centrally

located.

502.3 Kennels:

- 502.3.1 Waste Disposal: All solid and liquid wastes must be collected and disposed of in a sanitary manner. Wastes shall be disposed of by means of public sewer, or a properly designed septic system serving only the kennel.
- 502.3.2 Storage Areas: Adequate space shall be available for storing equipment, cleaning supplies, bulk items and food. Food shall be stored in a separate, vermin-proof area within the kennel.
- 502.3.3 Toilet Rooms and Sinks: One or more toilet rooms shall be available for use by kennel personnel and the public. A separate sink with hot and cold running water shall be available for cleaning purposes, food preparation and personal hygiene.
- 502.3.4 Reception and Office Areas: Each kennel shall incorporate a reception area, so customers do not have to enter through areas where animals are housed. A separate office area in the kennel shall be maintained for use in carrying out record-keeping and related duties.
- 502.3.5 Heating: The kennel shall be provided with a heating system adequate to maintain a temperature of 65 degrees Fahrenheit.
- 502.3.6 Cooling and Ventilation: The kennel shall be provided with both natural and mechanical ventilation, so as to control odors and regulate temperature levels in all seasons. Cooling shall be required when the interior temperature of the facility rises above 80 degrees F.

502.3.7 Dog Kennels: Individual enclosures for housing dogs shall be sized as follows:

502.3.7.1 Interior pens shall be at least four (4) feet wide and six (6) feet long.

502.3.7.2 Exterior pens shall be at least four (4) feet wide and eight (8) feet long.

502.3.7.3 One or more whelping boxes shall be provided for pregnant or nursing dogs.

502.3.7.4 One interior pen shall be provided for each dog boarded or kept.

502.3.7.5 Animal cages and pens shall not be stacked or constructed one upon another.

502.3.8 Exterior Pens: Exterior pens shall be constructed so as to protect animals from inclement weather and direct sunlight. The ground surface of such pens shall be concrete or gravel.

502.3.9 Interior Surfaces: The interior surfaces of the kennel facility shall be constructed such that they are durable, easy to maintain, waterproof and can be readily sanitized.

502.3.9.1 Floors shall be constructed of smooth, waterproof, and non-absorbent materials.

502.3.9.2 The walls of individual animal pens shall be of non-porous materials.

502.3.9.3 Surface drainage shall be provided by gutters and / or floor drains.

502.4 Extractive Industries and Commercial
Logging:

502.4.1 In addition to all other required information, the site plan provided for in Article VI of this Law shall include a delineation of the proposed excavation and / or logging area(s).

502.4.2 The applicant shall submit a plan for the restoration or improvement of the site at the conclusion of the operation, which shall be specifically approved by the Zoning Board of Appeals.

502.4.3 The operator of an extractive industry or commercial logging operation that has ceased operation, shall notify in writing the Code Enforcement Officer within thirty (30) days of said termination, and shall restore or improve the site as provided for in Section 502.4.2.

502.4.4 During excavation or quarry operations, the top and / or toe of any slope shall be no closer than forty (40) feet to a property line.

502.4.5 Each special permit granted for an extractive industry or commercial logging shall expire five (5) years from the date of issuance.

502.5 Adult Uses:

502.5.1 An adult use may not be operated within one thousand (1,000) feet of: a dwelling; a church or other place of worship; a nursery, elementary, secondary or vocational school; a hospital, nursing home or convalescent home; a library or museum; a cemetery, mausoleum or funeral home; the boundary of a residential (R) district; or a

public park, playground or recreation area.

502.5.2 An adult use may not be operated within one thousand (1,000) feet of another adult use, or on the same lot or parcel of land.

502.5.3 An adult use may not be operated in the same building, structure or portion thereof, containing another adult use.

502.5.4 For purposes of this Section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult use is conducted, to the nearest property line of premises containing uses specified in 502.5.1

502.5.5 For purposes of this Section, the distance between any two adult uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

502.5.6 All adult uses shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed by this Section shall be able to see any specified anatomical area or any specified sexual activity by virtue of any display that depicts or shows that area or activity. This requirement shall apply to any display, decoration, sign, window or other opening.

502.5.7 Signs for adult use businesses shall be approved by the Zoning Board of Appeals and in conformance with regulations pertaining to signs set out in this

Law.

502.5.8 It shall be deemed to be a violation of this Section if the owner and / or operator, an employee of the owner and / or operator or an agent of the owner and / or operator has: violated or is not in compliance with this Section; had any illegal gambling take place on the adult use premises; had the possession, use, or sale of a controlled substance occur on the premises; had prostitution occur on the premises; or had any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct occur on the premises.

502.6 Telecommunications Towers:

502.6.1 All applications for a special use permit shall include a site plan as required by Article VI of this Law. In addition to other required information, the following shall be provided:

502.6.1.1 Documentation on the proposed intent and capacity of use.

502.6.1.2 Adequate and appropriate information concerning the location, size and height of the proposed tower structure, including the number and design of the antennae proposed.

502.6.1.3 Documentation showing justification for any land or vegetation clearing required.

502.6.1.4 A description of all proposed auxiliary fixtures, equipment and structures including information on grade, material, color and lighting.

502.6.1.5 A propagation study showing the particular site subject to the application and justifying the proposed height of the telecommunication tower to be constructed on the site, and said propagation study shall show alternative sites utilizing towers of lesser heights.

502.6.1.6 A landscaping plan that includes screening of the tower base and structures.

502.6.1.7 A grid or map of all of the applicant's existing telecommunication tower sites within the town and within four (4) miles of the town's corporate boundaries outside the town with a designation of site areas proposed or projected by the applicant and the height of the towers proposed or projected for installation within two (2) years of the date of the application and, if available, any plan of installations beyond two (2) years.

502.6.2 Shared Use. At all times, shared use (co-location) of existing telecommunications towers shall be preferred to construction of new telecommunications towers. Where shared use is unavailable, location of antennae on pre-existing structures shall be considered as an alternative to the construction of new telecommunications towers. An applicant shall present an adequate report inventorying existing towers within

reasonable distance of the proposed site and outlining opportunities for shared use at existing facilities and use of other pre-existing structures as an alternative to new construction. The applicant shall submit documentation demonstrating good faith efforts to secure shared use on existing towers in locations technically feasible as well as documenting capacity for future shared use. All new telecommunications towers shall be designed to accommodate shared use with one or more other carriers as may be determined by the Zoning Board of Appeals.

502.6.3 Setbacks. Towers and antennae as a minimum shall comply with existing setbacks for a principal structure within the zone district in which they are located. Additional setbacks may be imposed by the Zoning Board of Appeals to mitigate the potential for damage from falling ice or tower failure, and / or to preserve the privacy or aesthetics of adjoining properties within the neighborhood. Setbacks shall apply to all tower parts, including guy wire anchors and any accessory facilities.

502.6.4 Visual Impacts. All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. Towers shall be a galvanized finish or painted gray above the surrounding tree line, and painted gray, green or black below the surrounding tree line unless other standards require differently. Accessory facilities shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.

502.6.5 Tower Height. The maximum permitted tower height shall be approved by the

Zoning Board of Appeals, based upon submitted documentation justifying the proposed tower installation.

502.6.6 Access and Parking. A road and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, public and private, shall be made.

502.6.7 Removal of Equipment. If the telecommunication tower, antenna, accessory facilities, fences or other appurtenances (all hereinafter referred to as "equipment") constructed by the applicant are no longer used for the purpose of transmitting or receiving telecommunications, the applicant shall notify in writing the Code Enforcement Officer within thirty (30) days of such termination that it is no longer using the equipment for telecommunication purposes, and within six (6) months of the termination of the use of said equipment, the applicant shall remove the equipment, including any tower, from the site. Upon removal of equipment, the applicant shall restore the site by planting sufficient vegetation to cause the site to blend in with the surrounding area. The special use permit for said telecommunication tower shall be deemed expired upon cessation of the telecommunication use for a period of six (6) months for any reason.

502.7 Bed & Breakfast Establishments:

502.7.1 Overnight accommodations shall be for a maximum stay of seven (7) consecutive days. The owner shall maintain a guest register and shall preserve registration records for a minimum of three years. The register and all records shall be made available to the Code Enforcement Officer upon request.

- 502.7.2 The number of rooming units for transient accommodation shall not exceed five (5).
- 502.7.3 Any meals provided or amenities connected with the rooming units, such as a swimming pool or tennis court, shall be solely for the use of the owner, the owner's family, and the owner's registered guests. No cooking or dining facilities shall be permitted in individual rooming units.
- 502.7.4 Any exterior alterations to the bed & breakfast establishment, and any walks, fences, and landscaping shall maintain the appearance of a single-family residence.

502.8 Wind Energy Conversion Systems:

- 502.8.1 Setbacks. Wind energy conversion systems shall be set back from any property line, above-ground utility line, or other WECS a distance greater than its overall height, including blades (measured to furthest extension), or the minimum yard requirement, whichever is greater.
- 502.8.2 Abandonment. If a wind energy conversion system is not maintained in operational condition for a period of one (1) year, the owner or operator shall completely remove the WECS and any tower associated with it from the site.
- 502.8.3 Tower Access. Tower-climbing apparatus, where required or provided, shall be either no closer than twelve (12) feet to the ground; protected by a locked anticlimb device; or enclosed by a locked, protective fence at least six (6) feet in height.

- 502.8.4 Lighting of Tower. Lighting of the tower shall be limited to that required by the Federal Aviation Administration for air traffic safety.
- 502.8.5 Rotor Safety. The minimum distance between the ground and any part of the rotor or blade system shall be thirty (30) feet. Each WECS must be equipped with both manual and automatic controls to limit the rotational speed of the blades below the design limits of the rotor.
- 502.8.6 Guy Wires. Anchor points for guy wires for the WECS tower shall be located within property lines and not on or across any aboveground electric transmission or distribution line.
- 502.8.7 Warning Sign. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.

503 Changes or Modifications

- 503.1 Any change or modification to a use requiring a special permit shall require Planning Board review and approval.

Exception 1: The removal or repair of a dangerous condition to a principal or accessory structure when determined by the Code Enforcement Officer that circumstances exist which, if not corrected, constitute a threat to life, health, or safety of the general public. This exception shall include the removal of dangerous buildings as defined in this Law.

Exception 2: The routine repair, replacement, or maintenance of electrical or mechanical installations or of damaged or worn parts or surfaces, including repainting, façade repair and roof replacement of principal and accessory

structures.

Exception 3: Changes in ownership or management which do not change the specific use of the property.

Exception 4: Repaving or painting of driveways and parking areas without altering the approved traffic pattern.

Exception 5: Routine landscaping or the repair or replacement of existing screening devices, without altering the approved vehicular or pedestrian traffic patterns, drainage patterns, or storm water control measures.

ARTICLE 6

SITE PLAN REVIEW

601 Site Plan Approval Prior to Issuance of Building Permit:

601.1 Site plan review and approval by the Planning Board shall be required prior to issuance of a special permit by the Zoning Board of Appeals, or building permit for all construction of new, commercial, business, or industrial buildings or structures, conversion of existing buildings or structures to, commercial, business or industrial use, or any building or structural expansions to commercial or industrial facilities if the square footage increases by more than twenty-five percent (25%) and the estimated construction cost exceeds ten thousand dollars (\$10,000). In the case of applications for Special Permits and Variances, the Planning Board's review shall be a recommendation only. No such review shall be required for agricultural structures.

602 Site Plan Review Prior to Issuance of Special Permits and Variances:

602.1 Site plan review by the Planning Board shall be required for all applications for Special Permits and Variances. The Planning Board shall review each submitted application and site plan, and shall make a recommendation to either approve or deny the application, and may recommend any changes, modifications, or conditions it deems appropriate under the terms of this Article.

603 Site Plan Application:

All applications for site plan review shall be made upon such forms as may be developed by the Code Enforcement Officer and / or the Planning Board, and shall be accompanied by a fee of twenty-five dollars (\$25.00). The

application shall include a site plan setting forth specific site data on a map in acceptable form and content, which shall be prepared to scale and in sufficient detail and accuracy and which shall show the following:

- 603.1 General location of plan of subject site, showing location within the Town.
- 603.2 Boundaries of the lot involved, along with the names of adjacent property owners.
- 603.3 Physical and geographic characteristics of the property.
- 603.4 Existing buildings on the property.
- 603.5 Existing and proposed easements and rights-of-way.
- 603.6 Zoning setback lines (minimum yards) pertaining to the property.
- 603.7 Design and type of construction.
- 603.8 Contour map and / or grading plan with existing and proposed grade.
- 603.9 A storm water management plan with drainage calculations for the site*.
- 603.10 An erosion and sediment control plan for the construction phase*.
- 603.11 Exterior lighting plan and details.
- 603.12 Existing and proposed landscaping, with details about species, spacing and heights.
- 603.13 Building location, with first floor elevations noted.
- 603.14 Existing and proposed driveways, with sight distances.
- 603.15 Parking areas and access drives, showing layout, parking plan with spaces marked, wheel stops, and landscaping.

- 603.16 Adjacent roads with pavement, right-of-way, and culvert details.
- 603.17 Calculations of required parking spaces, and screening from adjacent lots.
- 603.18 Existing water and sewer mains, or complete well and septic plans.
- 603.19 Locations of water service and size, and nearest fire hydrant and flow test data.
- 603.20 The demand for and location of all electrical, natural gas or other essential utility lines.
- 603.21 Location, size and design of all exterior signs.
- 603.22 Location and design of pedestrian walkways.
- 603.23 Descriptive notes.
- 603.24 Specifications legend.
- 603.25 Compass directions.
- 603.26 Designation data, including the name of the site plan designer, name of the property owner, and plan preparation date.
- 603.27 Wet stamp and signature of the architect, engineer or surveyor**.

604 Factors for Consideration

When reviewing each site plan, the Planning Board shall take into consideration the following:

- 604.1 Adequacy and arrangement of pedestrian traffic access and circulation, vehicular traffic, parking, pedestrian walkways, control of intersections with vehicular traffic, pedestrian convenience, and appropriate provisions for handicapped persons.

- 604.2 Location, arrangement, size, architectural features and design of buildings, lighting and signs. As much as possible, consideration should be given to noise sources, privacy, and outdoor waste disposal locations.
- 604.3 Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and / or noise deterring buffer between these and adjoining properties.
- 604.4 Adequacy of storm water, sanitary waste disposal, and public water facilities.
- 604.5 Protection of adjacent properties and the general public against noises, glare, and unsightliness, or other objectionable effects.
- 604.6 The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes and water courses.
- 604.7 Provision for adequate snow storage and removal.
- 604.8 Provision for adequate drainage.
- 604.9 The impact of the proposed use on adjacent properties, considering means of ingress and egress, adequacy of parking areas, type and amount of signage, potential noise level, clear sight distance, existing and proposed buffering, proposed generation of noxious odors, exterior lighting, and proposed hours of operation.
- 604.10 Provision for adequate security where the facility may pose a hazard or attractive nuisance, with particular emphasis on lighting and physical barriers to limit access.

605 Approval With Conditions

605.1 The Planning Board shall have the power to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Such conditions shall be considered mandatory, except that in the case of applications for Special Permits and Variances, the conditions shall not become mandatory unless adopted by the Zoning Board of Appeals.

606 Violation of Approved Plans

606.1 Failure to comply with an approved site plan, or conditions imposed in conjunction with the approval of any site plan shall be deemed a violation of this Law. However, nothing in this section shall prohibit minor deviations from any approved site plan which may be required to conform with the Uniform Code, and which do not otherwise violate the Zoning Law.

607 Major Deviation From Approved Plans

607.1 Any major deviation from the approved plans shall require a new site plan review and approval.

608 Re-Submittal of Plans

608.1 Where a site plan has been denied by the Planning Board, the applicant may re-submit a revised site plan after thirty (30) days. Each re-submittal shall be accompanied by the required twenty-five dollar (\$25.00) fee.

ARTICLE 7

SUPPLEMENTARY REGULATIONS

701 Lot Regulations

- 701.1 The area or dimension of any lot shall not be created or reduced to less than the minimum required by this Law. If already less than the minimum required by this Law, said area or dimension may be continued and shall not be further reduced.
- 701.2 On a corner lot in any district, nothing shall be erected, placed, planted or permitted to grow in such a manner as to impede vision between a height of two and one half (2½) and ten (10) feet above the center line grades of intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

702 Height Exceptions

- 702.1 The height limitations of this Law shall not apply to church spires, belfries, cupolas and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads, antennas, similar features and necessary mechanical appurtenances usually carried above the roof level.

Exception: Telecommunications towers shall conform to Section 502.6.5 of this Law.

- 702.2 The height limitations of this Law shall not apply to silos, grain elevators, windmills, or similar agricultural structures not intended for human occupancy.

Exception: Windmills for generating electrical power shall conform to Section 502.8 of this Law.

703 Yard Regulations

- 703.1 Corner lots shall provide the minimum front yard requirements for the respective district for both intersecting streets.
- 703.2 Through lots shall comply with applicable front yard requirements for both street frontages.

704 Attached Accessory Structures

- 704.1 An accessory structure attached to the principal building or structure shall be considered a part of the principal structure, and shall comply in all respects with yard and setback requirements applicable to the principal structure.

705 Detached Accessory Structures

- 705.1 No detached accessory structure shall be located within any required front yard. Where a front yard larger than the minimum required by this Law is provided, one (1) detached accessory structure shall be permitted to be located not closer to the front lot line than the minimum setback line for a principal structure.

Exception 1: A storable swimming pool shall not be subject to front yard restrictions.

Exception 2: Where the principal building is located more than two hundred (200) feet from a front lot line, any number of accessory structures may be erected not closer than 200 feet from the front lot line.

- 705.2 Except as otherwise provided in Section 705.1 above, detached accessory structures shall be located as required by the Uniform Code.
- 705.3 Apartment garages shall be permitted as

provided for in this Section.

- 705.3.1 Not more than one (1) apartment garage shall be permitted on any lot.
- 705.3.2 No apartment garage shall extend more than two (2) stories in height.
- 705.3.3 No dwelling unit located in an apartment garage shall exceed nine hundred (900) square feet of floor area total, with not more than one third (1/3) of the ground floor area devoted to dwelling purposes.
- 705.3.4 The vehicle parking area within an apartment garage shall not exceed nine hundred (900) square feet.
- 705.3.5 The total number of dwelling units on the lot shall not exceed the maximum number permitted for a principal building or structure.

706 Landfills

- 706.1 No Landfill as defined in this Law shall be permitted within the Town of Galen. Landfills and solid waste management shall be regulated by the Solid Waste Management and Disposal Law of the Town of Galen (Local Law 2 of 1988*).

**As amended by Local Law 1 of 1998.*

707 Fences [Amended by Local Law 1-2018]

- 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.

708 Off-street Parking Regulations

- 708.1 Every use and structure shall be provided with off-street parking as indicated in Table 708.1 below. Occupancy groups such as "A", "B", "M", "I", "F", and "I", shown on Table 708.1, refer to uses as classified by the Uniform Code.

Table 708.1

<u>Land Use Activity</u>	<u>Number of Off-Street Parking Spaces</u>
Dwellings (includes mobile homes)	2 spaces per dwelling unit
Motels, Hotels, Bed & Breakfasts, Rooming Houses	1 space per rooming unit
Churches and other Places of Worship	1 space for each 4 persons*
Bowling Alleys	5 spaces for each bowling lane
Other places of public assembly, "A" occupancies	1 space for each 2 persons*
Offices and "B" occupancies	1 space for each 2 persons*
Stores, shops, markets and other "M" occupancies	1 space for each 4 persons *
Warehouses and other "S" occupancies	1 space for every 500 square feet of gross floor area, or 1 space for each person in the maximum working shift, whichever is more
Industrial, manufacturing and other "F" occupancies	1 space for each 2 persons* or 1 space for each person in the maximum working shift, whichever is less
Institutions, hospitals, nursing homes, "I" occupancies	1 space for each 2 persons*
Home occupations	2 spaces
Educational uses, "E" occupancies	2 spaces per classroom

* Based upon the maximum occupant load of the building or use, as calculated by the Uniform Code.

- 708.2 Handicapped Parking Spaces. Handicapped-accessible parking spaces shall be provided as required by the Uniform Code.
- 708.3 Design Standards. Each off-street parking space shall be not less than ten (10) feet wide, and shall be not less than twenty (20) feet in length. Each such parking space shall be substantially level, and all access drives shall be improved with concrete,

asphalt, compacted gravel, or other approved, all-weather surfacing material. No parking area shall be permitted within the required front yard setback, or within twenty (20) feet of any highway right-of-way.

Exception: Parking areas for one- and two-family dwellings shall be permitted within the required front yard setback.

708.4 Ingress and Egress. To ensure public safety, each off-road parking area shall have adequate ingress and egress with an area for turn-around. Driveways not used for parking may be located within required yards.

708.4.1 Each driveway shall be located entirely within the frontage of the lot, with adequate spacing to intersections and other driveways to ensure public safety. In the case of an approved lot without street frontage, the property owner shall submit proof of easement or other written agreement for access.

708.4.2 Only one (1) driveway shall be permitted for each residential property, except where otherwise approved by the Planning Board.

708.4.3 Each driveway shall provide for adequate sight distance

708.4.4 Each driveway shall be wide enough to accommodate two-way traffic.

Exception: Driveways for one-family dwellings may be designed for one-way traffic only.

708.4.5 Prior to construction of any driveway from a public highway, the property owner shall first contact and secure written approval to do so from the authority having jurisdiction. For

purposes of this Section, the authority having jurisdiction for Town highways shall mean the Town of Galen Highway Superintendent; the authority having jurisdiction for County highways shall be the Wayne County Highway Department; the authority having jurisdiction for State highways shall be the New York State Department of Transportation. Where construction of a driveway is proposed as part of a building permit application, such written approval for the driveway shall be secured prior to issuance of the building permit.

- 708.5 Minimum Number of Spaces. The minimum number of off-street parking spaces required shall be two (2) for all uses. Where more than one class of occupancy or use exists, the minimum required parking for each individual use shall be provided.

709 Off-street Loading Regulations

- 709.1 Each building classified as an "M", "F", "S", "I" or "H" occupancy by the Uniform Code, shall require off-street loading as indicated in Table 709.1.

Table 709.1

<u>Gross Floor Area of Building</u>	<u>Required Number of Off-Street Loading Spaces</u>
<u>5,000 to 25,000 square feet</u>	<u>1 off-street loading berth</u>
<u>25,001 to 40,000 square feet</u>	<u>2 off-street loading berths</u>
<u>40,001 to 60,000 square feet</u>	<u>3 off-street loading berths</u>
<u>60,001 to 100,000 square feet</u>	<u>4 off-street loading berths</u>
<u>For each additional 50,000 square feet</u>	<u>1 additional off-street loading berth</u>

- 709.2 Design Standards. Each off-street loading berth shall be not less than ten (10) feet in width, sixty (60) feet in length, and shall have a minimum clearance of fourteen (14) feet. Each berth shall be adjacent to the building it serves, and shall be readily accessible for the loading and unloading of trucks, by way of a loading dock or door.

710 **Roadside Stands.**

- 710.1 All roadside stands shall be set back a minimum of thirty (30) feet from any highway right-of-way, measured to the front of the sales area.

711 **Signs.**

- 711.1 General requirements for all signs.

- 711.1.1 No sign in any district may extend over a sidewalk or other public way.
- 711.1.2 No projecting sign shall be erected or maintained so as to extend from the front or face of a building a distance of more than two (2) feet.
- 711.1.3 No sign shall be located nearer to a street line than ten (10) feet.
- 711.1.4 All signs ten (10) square feet in area or larger shall be regarded as structures within the meaning of this Law, and building permits shall be required for all such signs.
- 711.1.5 No sign, whether free standing or attached to another structure, shall be erected at a height greater than that permitted for a principal structure.
- 711.1.6 No illuminated sign shall be erected or used so that direct light therefrom will shine toward any residence within one thousand (1,000) feet or toward a highway so as to create a traffic hazard.
- 711.1.7 Flashing, revolving, blinking, or other moving signs, and signs utilizing intermittent lighting, shall be deemed prohibited.

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. [Added by Local Law 1-2018]

711.2 Signs in APO, L-C, A, or R districts.

711.2.1 Home occupations and bed & breakfast establishments shall be limited to one (1) sign, not to exceed four (4) square feet.

Exception 1: A sign with two sides shall be permitted, provided neither face exceeds four (4) square feet.

Exception 2: On corner lots and through lots, a sign may be placed on each street frontage. Each such sign shall be permitted to be two-sided.

711.2.2 Signs for non-residential uses, including but not limited to churches and other places of worship, farms and agricultural uses, or other approved businesses, shall not exceed thirty-two (32) square feet in size, and no combination of two or more signs shall exceed forty (40) square feet in aggregate area on each premises.

Exception 1: A single sign with two (2) sides shall be permitted, provided neither such sign exceeds thirty-two (32) square feet.

Exception 2: Larger sizes and / or numbers of signs shall be permitted only upon issuance of a Special Permit by the Zoning Board of Appeals.

711.3 Signs in R-C, C, I, or P-D districts.

711.3.1 Signs located in the R-C, C, I or P-D districts shall conform to the requirements of Section 711.2, except that the maximum permitted size for an individual sign shall be sixty-four (64) square feet, and provided that no combination of two or more signs shall exceed one hundred twenty-eight (128) square feet.

Exception 1: Signs for home occupations and bed & breakfast establishments shall conform to Section 711.2.1 for size and number.

Exception 2: Larger sizes and numbers of signs shall be allowed only upon issuance of a Special Permit by the Zoning Board of Appeals.

711.4 Directional signs in all districts.

711.4.1 On-premise directional signs, such as "enter", "exit", "drive-through", "parking", etc. shall be permitted to the extent that such signs are necessary for traffic safety and the convenience of the public. Such signs shall be individually approved by the Planning Board.

711.5 Off-premise advertising signs and billboards.

- 711.5.1 Off-premise advertising signs shall be prohibited, except as provided below.
- 711.5.2 No sign shall be permitted to be erected or maintained within any Town right-of-way. Signs located within other public rights-of way shall be specifically approved by the authority having jurisdiction.
- 711.5.3 Advertising signs on private property shall count toward the maximum size and number of signs permitted.
- 711.5.4 Billboards shall require a Special Permit from the Zoning Board of Appeals.
- 711.6 Sign maintenance.
 - 711.6.1 All signs shall be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
 - 711.6.2 Signs which have become dangerous by reason of inadequate anchorage, fastening, construction, dilapidation or electrical fault, shall be deemed prohibited.
 - 711.6.3 Signs which have become abandoned, or no longer advertise a bona fide business conducted or product sold, shall be deemed prohibited. Where a business activity has been discontinued for a period of ninety (90) days, the related sign(s) shall be deemed abandoned.
- 711.7 Temporary and portable signs.
 - 711.7.1 Notwithstanding any provision to the contrary, temporary signs advertising a special event shall be permitted in all districts, without a permit, provided that no one sign shall exceed the

maximum size allowed for a permanent sign. No such temporary sign shall be allowed to be maintained for a period of time exceeding sixty (60) days.

- 711.7.2 Each business establishment shall be allowed one (1) portable sign with up to two (2) sides, each side of which may be twelve (12) square feet in size maximum. No permit shall be required for such sign, provided the sign is removed at the close of each business day.

712 Wetlands

- 712.1 Wetlands areas are those areas so designated on any wetlands map for the Town of Galen and determined by data developed by the State Department of Environmental Conservation or Army Corps of Engineers.
- 712.2 Each landowner who intends to conduct or become involved in a land use activity in a designated wetland shall notify the Code Enforcement Officer, stating the location and approximate acreage to be affected, the intended use for such land and the methods to be employed. The Code Enforcement Officer shall be satisfied that the intended use is permitted by this Law and by the regulations of any other agencies with wetlands jurisdiction.

713 Flood Hazard Areas

- 713.1 Flood hazard areas are those areas so designated on any flood hazard map for the Town of Galen and determined by data developed by the Federal Emergency Management Agency or Army Corps of Engineers.
- 713.2 Construction of buildings within Flood Hazard Areas shall be regulated by the Flood Damage Prevention Law of the Town of Galen (Local Law 2 of 1987) and by the Uniform

Code.

714 Non-conforming Uses and Structures

714.1 Non-conforming uses and structures shall not be extended, enlarged or altered so as to create a greater degree of non-conformity with the terms of this Law. For purposes of illustration, such enlargement, extension or alteration shall include but not be limited to the construction of additions, conversions of use to other non-conforming uses, the construction, installation or replacement of non-conforming signs, and the construction of accessory structures serving the non-conforming use.

Exception 1: It shall be permissible to change the non-conforming use of a structure or land to another non-conforming use, where the hazard classification of the new use is lower than that of the previous use, as provided for in the Uniform Code.

Exception 2: Structural and other alterations shall be permitted where necessary to correct violations of the Uniform Code, or other applicable regulations governing habitability or fire safety.

714.2 No building or structure shall be erected or replaced upon any non-conforming lot, except as provided for in Section 714.5.

714.3 No non-conforming use of land or structure shall be moved or relocated to any portion of the lot or parcel than that presently occupied by such use.

714.4 If any non-conforming use of land or structure shall cease for a period of more than one (1) year, such use shall be deemed abandoned and all subsequent use of the land or structure shall conform to the regulations specified in this Law for the district in which said land or structure is

located.

- 714.5 Should any non-conforming structure or portion thereof be destroyed by any involuntary means such as accidental fire or explosion, or natural disaster, said structure or portion thereof may be rebuilt to the same floor area, provided a permit for such rebuilding shall be obtained within one (1) year of said destruction. Willful destruction of a non-conforming structure or portion thereof shall be deemed an abandonment of use. For purposes of illustration, willful destruction shall include but not be limited to voluntary demolition, arson by the owner or other person at the direction of the owner, or destruction or demolition caused by a failure by the owner to comply with the Uniform Code, or Appendix A of this Law.

715 Supplementary Regulations Governing Agricultural Land Use

- 715.1 Location of agricultural structures in regard to water wells. Barnyards, silos, barn gutters and animal pens shall be located a sufficient distance from wells and other sources of water supply, as required by 10NYCRR Appendix 5-B of New York State Department of Health Regulations or its successor standard. Except where specified differently in said standards, all barnyards, silos, barn gutters and animal pens, whether enclosed or unenclosed, shall be located at least one hundred (100) feet horizontally from a well or similar water supply.

- 715.2 Location of manure and similar waste storage facilities. Any facility used or intended to be used for the purpose of storing liquid and / or solid waste, including but not limited to manure, wastewater and contaminated runoff, shall be located and constructed as required by applicable New

York State Department of Health and / or Department of Environmental Conservation regulations. Concentrated animal feeding operations (CAFOs) shall comply with applicable Natural Resource Conservation Service Conservation Practice Standards. Such facilities may include liquid or solid waste storage pits, bunkers, tanks, lagoons, treatment lagoons, and similar structures.

- 715.3 Location of agricultural structures from property lines and other structures.
Agricultural buildings and structures shall be considered accessory structures for purposes of minimum required setbacks from property lines and other structures.
- 715.4 Concentrated Animal Feeding Operations (CAFOs). Concentrated Animal Feeding Operations, as that term is defined and regulated by New York State Department of Environmental Conservation regulations, shall make available for review any and all NYSDEC permits, approvals and renewals, upon request of the Code Enforcement Officer.
- 715.5 Permits.

715.5.1 A building permit shall be required prior to the construction, extension, or alteration of any well, pond or other potential source of water supply, other than those activities that constitute routine maintenance.

715.5.2 A building permit shall be required prior to the construction, extension, or alteration of any liquid or solid waste storage facility such as manure lagoons, pits, tanks, bunkers*, or similar structures.

* This section shall apply only to bunkers used for the storage of liquid or solid waste

715.5.3 The establishment or expansion of a Concentrated Animal Feeding Operation (CAFO), as defined in NYSDEC regulations, shall require a building permit.

- 715.6 Farm Site Plan. Each application for a building permit to construct, extend or alter any agricultural structure, liquid or solid waste storage and / or treatment facility, well, pond or other water source, or Concentrated Animal Feeding Operation shall be accompanied by a site plan drawn substantially to scale, indicating the following information:
- 715.6.1 The location of all building and other structures on the premises, including distances between such structures and to property lines. Each structure shall be labeled as to its use.
 - 715.6.2 The location of all wells (in use or abandoned), cisterns, ponds, streams, rivers and lakes, and their distances from structures, waste storage structures or areas, septic systems, and property lines.
 - 715.6.3 The approximate area and location of any and all on-site land application of liquid or solid wastes, and a description of each type and origin of waste to be applied.
 - 715.6.4 Compass directions.
 - 715.6.5 Location of access drives, farm lanes, etc.
 - 715.6.6 The approximate boundaries of any and all designated State or Federal wetlands and flood hazard areas.
- 715.7 Approvals.
- 715.7.1 The Code Enforcement Officer shall review each building permit application and submitted farm site plan for

completeness. In the event that the farm site plan and / or building permit lacks required information, or indicates a location or type of activity not permitted by law, the Code Enforcement Officer shall deny the application. Proposed projects occurring in or adjacent to State or Federal wetlands shall be reviewed for compatibility with applicable wetland regulations.

715.7.2 The Code Enforcement Officer shall not base any denial of a building permit application, filed in regard to a farm operation, merely on the type of proposed agricultural activity and its conjectured impact on surrounding properties or the environment. Denials shall be based upon actual regulatory standards contained in or referred to by this Law.

715.8 Unlawful Practice. It shall be unlawful for any agricultural activity or farm operation to pollute or contaminate water or air resources in violation of State or Federal regulations.

715.9 Complaints.

715.9.1 Whenever a violation of this Law is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Code Enforcement Officer. He or she shall record such complaint and take action as provided below or elsewhere in this Law. In any case of an allegation that a farm operation or agricultural activity has polluted any ground or surface water, or the air, such complaint shall contain sufficient documentation from an environmental testing laboratory certified by the New York State Department of Health, to

support that claim.

- 715.9.2 In any case where the Code Enforcement Officer believes that an agricultural facility has been constructed, extended or altered, or a farm operation or agricultural activity is being conducted or proposed in a manner inconsistent with this Law or any regulations or standards referenced herein, he or she may contact the appropriate State or other agency or agencies for a determination of compliance. This may include a request for a sound agricultural practice review by the New York State Department of Agriculture and Markets and / or a review by Wayne County Soil and Water Conservation District personnel.

716 Dangerous Buildings

- 716.1 A dangerous building, as defined in this Law, shall be deemed a prohibited use in every zoning district.
- 716.2 Dangerous buildings shall be abated as provided for in Appendix A of this Law.

717 Swimming Pools

- 717.1 Swimming pools shall be deemed accessory structures for purposes of this Law.
- 717.2 Swimming pools shall be provided with a fence or other barrier as may be required by the Uniform Code.

718 Mobile Homes and House Trailers

- 718.1 The following regulations shall apply to the installation of mobile homes and house trailers:

- 718.1.1 Skirting. The space beneath every mobile home or house trailer shall be skirted with durable materials suitable

for exterior exposures. Skirting shall provide a finished exterior appearance, and any wood skirting shall be pressure treated to prevent decay and termite infestations.

- 718.1.2 Use and configuration. Mobile homes and house trailers shall not be stacked one upon another, nor shall they be used as accessory buildings or additions to other buildings (including other mobile homes or house trailers).

Exception: Mobile homes and house trailers shall be permitted to be used as accessory agricultural buildings.

- 718.1.3 Additions. No additions shall be made to a mobile home or house trailer except: a canopy, deck or porch open on three sides; an addition made by the mobile home or house trailer manufacturer; an addition designed by a registered professional engineer or licensed architect; or an addition which is freestanding and unsupported by the mobile home or house trailer's structure.

- 718.1.4 Temporary use. It shall be permitted to temporarily place a mobile home for use as a dwelling during construction of a home, for up to one hundred eighty (180) days, provided that the mobile home is located not less than thirty (30) feet from any highway right-of-way, nor less than ten (10) feet from any other lot line. A mobile home shall also be permitted to be placed for use by contractors as an office or tool shed, during construction projects. In each case, the mobile home shall be removed upon completion of construction, or one hundred eighty (180) days, whichever is less.

- 718.1.5 Non-conforming mobile homes and house

trailers. Any mobile home or house trailer which is located so as not to conform to the terms of this Law, or which is located on a non-conforming lot, shall not be replaced on its site by any other mobile home or house trailer, except as provided for in Section 714.5 of this Law.

718.1.6 House trailers. In addition to any and all other restrictions, no house trailer shall be permitted to be installed for any purpose unless it complies with the following:

718.1.6.1 The house trailer shall have at least one (1) window in each bedroom which is at least 22 inches in the horizontal or vertical position and at least 5 square feet in unobstructed area. The bottom of the window opening shall be no more than 36 inches above the floor, and the locks and latches on any such window, storm windows or window screens shall be located not more than 54 inches above the finished floor. A bedroom with a door leading directly to the exterior shall be exempt from this requirement.

718.1.6.2 The house trailer shall have at least 2 exterior exit doors. In single-section homes, these shall be located no less than 12 feet, center-to-center, from each other. In multi-section homes, such doors shall be not less than 20 feet, center-to-center, from each other. Such measurement shall be taken in a straight line, regardless of the length of travel between doors.

718.1.7 Abandoned mobile homes and house trailers. No junked, scrapped, discarded, unusable or otherwise

abandoned mobile home or house trailer shall be permitted to be placed or remain on any lot in any district for a period of greater than one (1) year, except in an approved junkyard.

- 718.1.8 Removal of Trailer Tongue. Upon installation of a mobile home or house trailer, the trailer tongue shall be removed and stored under the home or in a separate storage building.

719 Subdivision Regulations

- 719.1 Minor subdivisions shall be individually approved by the Code Enforcement Officer.
- 719.1.1 Each application for approval of a minor subdivision shall be made on a form acceptable to the Code Enforcement Officer, and shall at a minimum provide a survey map showing the area and dimensions of the lot(s) to be subdivided.
- 719.1.2 The Code Enforcement Shall review each proposed minor subdivision and, if he or she is satisfied that each lot so subdivided meets the minimum criteria of the Zoning Law, shall issue a written statement of zoning compliance.
- 719.2 Major subdivisions shall be individually approved by the Planning Board.
- 719.2.1 Each applicant wishing to establish a major subdivision shall submit a preliminary plat application, complete with a scaled site plan and information as required by Article VI of this Law. Each such preliminary application shall be accompanied by the requisite application fee of \$100.00.
- 719.2.2 The Planning Board shall hold a meeting to review the preliminary plat, and shall review each for the criteria

established in Article VI of this Law. Upon review, the Planning Board may require modifications to the plat in accordance with Article VI of this Law.

719.2.3 Within sixty-two (62) days of submission of the preliminary plat, the Planning Board shall, with due notice as required by State Law, hold a public hearing in regard to said preliminary application.

719.2.4 Within sixty-two (62) days of the public hearing required by Section 719.2.3 above, the Planning Board shall either approve, approve with modifications, or disapprove the preliminary plat. Notice of said decision shall be sent to the applicant.

719.2.5 Upon approval or approval with modifications by the Planning Board, the applicant shall obtain any and all necessary permits and approvals concerning water supply, sewage disposal, highway access, and other activities requiring State, County, or Federal permits and approvals.

719.2.6 Upon approval by the New York State Department of Health and other agencies, and within six (6) months of approval of the preliminary plat, the applicant shall submit a final plat for Planning Board approval.

719.2.7 The Planning Board shall hold a public hearing within sixty-two (62) days of submission of the final plat application.

719.2.8 The Planning Board shall, within sixty-two (62) days of the public hearing required by Section 719.2.7, approve, conditionally approve, or disapprove the final plat.

719.2.9 When making a conditional approval, all conditions imposed by the Planning Board shall be binding, and a violation of any such conditions shall be deemed a violation of this Law.

719.2.10 If, during the course of review, it is determined that a plat will require an area variance, the applicant may appeal for said variance directly to the Zoning Board of Appeals, without first submitting a building permit application.

719.2.11 Upon disapproval of any preliminary or final plat, the applicant may re-apply with a new, full application and the requisite fee.

720 Recreational Cabins.

720.1 Recreational cabins are not required to be located on lots with street frontage.

720.2 No recreational vehicle shall be permitted to be placed, for use as a recreational cabin, except in an approved campground.

721 Storage for Residential Structures.

721.1 Every dwelling shall be provided with an attached or detached storage building located on the same lot which is not less than one hundred (100) square feet in area for each dwelling unit or rooming unit.

722 Abandoned Wells and Cesspools.

722.1 Open wells, cesspools, and similar openings shall be provided with a substantial cover in an approved manner. Abandoned wells, cesspools and similar hazards shall be filled and capped in an approved manner.

**Recreational Vehicles and Recreational Park
Trailers** [Added by Local Law 1-2018]

- 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.

[Editor's Note: Section 723.5 omitted from original]

- 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.

724

Floating dwellings [Added by Local Law 1-2018]

- 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 complied 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.

725 Special provisions for vehicles and vessels [Added by Local Law 1-2018]

- 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.

726 Standards for development [Added by Local Law 1-2018]

- 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.

727 Construction operations [Added by Local Law 1-2018]

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.

[Section 727.4.3 omitted in original]

- 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.

728 Docks [Added by Local Law 1-2018]

- 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.

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.

730 Outdoor Illumination. [Added by Local Law 1-2018]

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.

ARTICLE 8

ADMINISTRATION AND ENFORCEMENT

801 Code Enforcement Officer

801.1 Establishment. There is hereby established the office of Code Enforcement Officer, who shall be appointed by the Town Board. The Code Enforcement Officer and any Assistant Zoning Officer is hereby given the power, duty, and authority to enforce the provisions of this Law. He or she shall have the power to make inspections of buildings and premises necessary to carry out his or her duties in the enforcement of this Law. He or she shall examine all applications for permits, issue permits for the construction, alteration, enlargement and occupancy of all uses which are in accordance with the requirements of this Law, record and file all applications for permits with accompanying plans and documents and make such reports as may be required.

801.2 Assistants and Deputies. The Town Board may designate one or more assistant or deputy code enforcement officers to assist in the enforcement of this Law, and who shall act under the direct supervision of the Code Enforcement Officer. The Town Board may designate a person to act as an Acting Code Enforcement Officer and to exercise all of the duties and powers conferred upon the Code Enforcement Officer by this Law in case of the absence or inability of the Code Enforcement Officer to act for any reason.

801.3 Training and Continuing Education. The Code Enforcement Officer and each assistant or deputy code enforcement officer charged with enforcement of the provisions of this Law, shall receive a minimum of eight (8) hours of training or education relating to zoning enforcement, within one (1) year of appointment, and during each two (2) years

thereafter. The Town Clerk shall be responsible for keeping records of all training received.

801.4 Restrictions on Officers. No code enforcement officer or assistant or deputy code enforcement officer shall engage in activity inconsistent with his or her duties, nor shall they, during the term of their employment, be engaged directly or indirectly in any construction business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans and specifications thereof within the jurisdiction of the Town of Galen. Neither shall they be engaged in any business, the primary purpose of which is the sale, leasing, installation and / or maintenance of fire protection equipment. Nothing contained herein shall prohibit any such employee from such activities in conjunction with the construction of a building or structure owned by him or her, and not constructed for sale.

801.5 Relief from Personal Liability. No code enforcement officer or assistant or deputy code enforcement officer shall, while acting pursuant to the provisions of this Law, be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of their official duties, provided that such acts are performed in good faith and without gross negligence.

802 Building Permits

802.3 Purpose. To insure compliance with the provisions of this Law, no person shall erect, alter, change in use or demolish any building or structure, or part thereof, nor alter the use of land subsequent to the adoption of this Law, until a building permit has been issued by the Code Enforcement Officer.

- 802.4 Permitted Uses. Unless otherwise specified herein, all applications for permitted uses shall be accompanied by two full sets of plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any building and accessory structures, signs, parking or loading areas, or other physical features and such other information as may be required by this Law, or may be necessary to determine and provide for enforcement of this Law.
- 802.5 Special Permitted Uses. All applications for uses requiring a special permit shall be accompanied by plans and such other information as may be required by the Zoning Board of Appeals or Planning Board in accordance with this Law.
- 802.6 Duplicate Plans. Where an application will require review by more than one agency, department, or other office, the applicant shall be responsible for providing an additional full set of plans and other information for each such approving agency or department.
- 802.7 Issuance of Permits. It shall be the duty of the Code Enforcement Officer to issue a building permit, provided he or she is satisfied that the structure, building, sign, parking area and the proposed use thereof, conform with all requirements of this Law, and that all other reviews and actions, if any, called for in this Law have been complied with and all necessary approvals secured therefore.
- 802.8 Posting of Permit. A copy of the building permit shall be kept conspicuously on the premises affected and protected from the weather until such time as authorized to be removed by the Code Enforcement Officer.
- 802.9 Unlawful Work. No owner, contractor,

workman or other person shall perform any construction or demolition or other work unless a building permit covering such work has been displayed as required by this Law, nor shall they perform work of any kind after notification of the revocation of said permit.

802.10 Denial of Permits. When the Code Enforcement Officer is not satisfied that the applicant's proposed development or other action will meet the requirements of this Law, he or she shall refuse to issue a building permit and the applicant may appeal to the Zoning Board of Appeals for a reversal of the Code Enforcement Officer's decision.

802.11 Expiration of Permits. Work for which a building permit was issued shall be commenced within six (6) months of the date of issuance of the permit, and shall be completed within eighteen (18) months of the date of issuance. After such time, a building permit shall expire. Upon expiration of a permit, application may be made for a new permit, which shall be issued upon payment of the established fee and shall be valid for a period of six (6) months from the date of issuance.

802.12 Revocation of Permits. If it shall appear at any time to the Code Enforcement Officer that the application of accompanying plans are in any material respect false or misleading, or that part of the work being done upon the premises is differing materially from that indicated in the application, he or she may revoke the building permit forthwith, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the Code Enforcement Officer. In the event that the applicant files for a new permit, the Code Enforcement Officer may, at his or her discretion, impose a surcharge equal to twice the original building permit

fee. Any such surcharge shall be in addition to the application fee for the new permit.

- 802.13 Revocation of Special Permits. If it shall at any time appear that the terms or conditions of a Special Permit have been violated, the Code Enforcement Officer shall notify the owner of record of the property for which the Special Permit exists to correct the violation(s) within thirty (30) days. If the violations have not been corrected within said thirty (30) days, the Code Enforcement Officer is hereby authorized to revoke the Special Permit. If the Code Enforcement Officer has had to issue an order to correct violations relative to Special Permit conditions more than twice in any five (5) year period of time, he or she is authorized to revoke the Special Permit. Upon revocation of a Special Permit, the property owner shall cease all operations and occupancy relative thereto.

803 Certificate of Compliance

- 803.1 Unlawful Use. No land, building or structure hereafter used, constructed, extended or altered to an extent which would require the issuance of a building permit shall continue to be used or occupied for more than ten (10) days after completion of the work unless a certificate of compliance shall have been issued by the Code Enforcement Officer.

Exception: No new building or structure shall be occupied in whole or in part until a certificate of compliance or temporary certificate of compliance shall have been issued.

- 803.3 Contents of Certificate. A certificate of compliance shall certify that the work has been completed and that the use and occupancy are in conformity with the requirements of this Law. The certificate shall specify the use or uses and the extent

thereof to which the building or structure or its parts may be put. Each certificate of compliance shall bear a certificate number, date of issuance, zoning district, street address, and other pertinent information.

803.4 Temporary Certificate. The Code Enforcement Officer is permitted to issue a temporary certificate of compliance, allowing occupancy of a building or structure or parts thereof before the entire work covered by the building permit have been completed, provided that such portions as have been completed may be occupied safely and without endangering public safety or welfare. A temporary certificate of compliance shall remain valid for a period not exceeding ninety (90) days except that, for good cause, the Code Enforcement Officer may allow one (1) extension for a period of not more than ninety (90) days. No additional extensions shall be permitted.

803.5 Voluntary Requests. Nothing contained in this Law shall prevent the issuance of a certificate of compliance for an existing structure, upon request of the owner or occupant, provided the structure is safe to occupy and in compliance with the requirements of this Law. Where a structure or land contain legal, pre-existing, non-conforming uses or other legal, non-conforming elements, such information shall be recorded on the certificate of compliance.

803.6 Fees. There shall be no fee for a certificate of compliance issued to certify work accomplished under a valid building permit. The fee for a certificate that is voluntarily requested, or a certificate issued after expiration of a building permit, shall be ten dollars (\$10.00).

804 Planning Board

804.3 Establishment. Pursuant to Section 271 of

the Town Law of the State of New York, a Planning Board is hereby established in the Town of Galen.

- 804.4 Appointment. The Planning Board shall consist of five (5) members to be appointed by the Town Board. The terms for appointees shall be for one, two, three, four, and five years from and after the date of appointment. Their successors shall be appointed for terms of five years after the expiration of the terms of their predecessors.
- 804.5 Agricultural Member. At least one (1) regular member of the Planning Board shall be a person who derives ten thousand dollars (\$10,000) or more in gross annual income from the production of crops, livestock or livestock products, aquacultural products, or woodland products, as defined in Section 301 of New York State Agriculture and Markets Law.
- 804.6 Alternate Members. There shall be two (2) alternate Planning Board member positions for purposes of substituting for a member in the event such member is unable to participate. Each alternate Planning Board member position shall be for a term of two (2) years. The chairperson shall designate alternate members to substitute for regular members when said regular members are unable to participate.
- 804.7 Appointment of Officers, Meetings. The Town Board shall appoint a Chairperson. Meetings of the Planning Board shall be held at the call of the Chairperson and at such other times as the Planning Board may determine. The Planning Board shall select a vice chairperson from its regular membership, who shall have the duties of chairperson in the event that the chairperson is unable to attend a meeting.
- 804.8 Training and Continuing Education. Each

member of the Planning Board and each alternate member, shall complete a minimum of four (4) hours of training related to the work of the Planning Board, in each two (2) year period of time. The Town Clerk shall keep records of the training that Planning Board members receive. Such training may be presented by the Code Enforcement Officer.

804.9 Duties and Responsibilities. It shall be the duty of the Planning Board to review applications for new buildings, structures and uses, as provided for in Article 6 of this Law, and as follows:

804.9.1 The Planning Board shall review all requests for variances and Special Permits, and shall recommend action thereupon to the Zoning Board of Appeals.

804.9.2 The Planning Board shall review and make determinations of significance for all Type I Actions and Unlisted Actions, as defined in the State Environmental Quality Review Act, for all applications involving approval under the terms of this Law. In cases where an approval requires both Planning Board and Zoning Board approval, the Planning Board shall be the Lead Agency. Where an action involves the approval of the Town Board, the Town Board shall be the Lead Agency.

804.9.3 The Planning Board shall review all proposed amendments to this Law, and recommend action thereupon to the Town Board. The Planning Board may also propose or suggest amendments or other actions related to this Law of the enforcement and administration thereof.

804.10 Removal of Members. The removal of any member of the Planning Board shall be in accordance with Section 271 of the Town Law

of the State of New York.

805 Zoning Board of Appeals

- 805.3 Establishment. Pursuant to Section 267 of the Town Law of the State of New York, a Zoning Board of Appeals is hereby established in the Town of Galen.
- 805.4 Appointment. The Zoning Board of Appeals shall consist of five (5) members to be appointed by the Town Board. The terms of the initial appointees shall be for one, two, three, four, and five years from and after the date of appointment. Their successors shall be appointed for terms of five years after the expiration of the terms of their predecessors.
- 805.5 Alternate Members. There shall be two (2) alternate Zoning Board of Appeals member positions for purposes of substituting for a member in the event such member is unable to participate. Each alternate Zoning Board of Appeals member position shall be for a term of two (2) years. The chairperson shall designate alternate members to substitute for regular members when said regular members are unable to participate.
- 805.6 Appointment of Officers, Meetings. The Town Board shall appoint a Chairperson. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals may determine. The Zoning Board of Appeals shall select a vice chairperson from its regular membership, who shall have the duties and responsibilities of the chairperson in the event that the chairperson is unable to attend.
- 805.7 Training and Continuing Education. Each member of the Zoning Board of Appeals and each alternate member, shall complete a minimum of four (4) hours of training related to the work of the Zoning Board of

Appeals, in each two (2) year period of time. The Town Clerk shall keep records of the training that Zoning Board of Appeals members receive. Such training may be presented by the Code Enforcement Officer.

805.8 Duties and Responsibilities. The Zoning Board of Appeals shall have the following duties and responsibilities:

805.8.1 The Zoning Board of Appeals shall hear and decide appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the Code Enforcement Officer or his or her assistant or deputy, in regard to this Law. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from, and may make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Code Enforcement Officer. Specifically, the Zoning Board of Appeals may grant Use Variances and Area Variances, and may issue interpretations of this Law, and issue Special Permits as authorized in this Law, and as follows:

805.8.1.1 The Zoning Board of Appeals shall have the power, upon an appeal from an a decision or determination of the Code Enforcement Officer, to grant Area Variances in accordance with test prescribed in Section 267-b of the Town Law of the State of New York.

805.8.1.2 The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer, to grant

Use Variances in accordance with the test prescribed in Section 267-b of the Town Law of the State of New York.

805.8.1.3 The Zoning Board of Appeals may issue Special Permits as authorized to do by this Law, in accordance with all of the provisions of this Law relative to Special Permits, and in accordance with Section 274-b of the Town Law of the State of New York. The Zoning Board of Appeals shall be further authorized to issue a Waiver of any or all specific requirements for a Special Permit, as stipulated in this Law, where such requirements are found by the Board to be unnecessary in the interest of the public health, safety or general welfare, or inappropriate to a particular special use permit.

805.8.1.4 The Zoning Board of Appeals may issue Temporary Permits. Said temporary permits shall expire one (1) year after issuance, and may be renewed only upon a new application to the Board. As a prerequisite for issuance or renewal, the Zoning Board of Appeals shall find that the proposed use is temporary in nature, and does not pose a threat to the public health, safety or welfare. No temporary permit shall be renewed more than once.

805.8.1.5 The Zoning Board of Appeals

shall, in the granting of area variances, use variances, and special permits, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. In granting variances, the Board shall grant only the minimum variance deemed necessary.

805.8.1.6 In no event shall the Zoning Board of Appeals issue a variance or approval to construct, alter, extend or use a building or land in violation of the Uniform Code.

806 Procedures before the Zoning Board of Appeals

806.1 All applications to the Zoning Board of Appeals shall be made upon approved forms, shall be complete, and shall include all information as required by this and any other law relating to the approval or appeal so requested, and shall be accompanied by the necessary fee as stipulated in this Law.

806.2 Except as otherwise provided herein, the Zoning Board of Appeals shall follow the procedure found in Section 267-a of the Town Law of the State of New York, relative to Zoning Board of Appeals procedures, including the requirements for public hearing, notice and publication, and re-hearings. In addition to any and all other notice requirements, the Town Clerk shall notify in writing, at their last known address as recorded in the Office of the Town Assessor, the owner of record of each tax parcel adjacent to the tax parcel to which the appeal or requested approval applies.

807 Referral to Wayne County Planning Board

807.1 Before final action is taken on any variance, special permit, site plan, major subdivision, or amendment to this Law, the action shall first be submitted to the Wayne County Planning Board for review and recommendation, in accordance with Section 239-m of the General Municipal Law of New York State. The board with authority for final approval shall not act contrary to the recommendation of the Wayne County Planning Board, except as provided for in Section 239-m of the General Municipal Law.

Exception: Requests for Area Variances shall not be subject to Wayne County Planning Board review, as may be stipulated by written agreement between Wayne County and the Town of Galen.

808 Fees

808.1 Building Permit fees shall be paid prior to permit issuance, and are non-refundable. Fees for building permits shall be as established in Appendix A of this Law.

808.2 Fees for variances and Special Permits shall be as follows, except where a greater fee may be stipulated elsewhere in this Law:

808.2.1 The application fee for an Area Variance shall be fifty dollars (\$50.00).

808.2.2 The application fee for a Special Permit shall be seventy-five dollars (\$75.00).

808.2.3 The application fee for a Use Variance shall be seventy-five dollars (\$75.00).

808.2.4 There shall be no application fee for an appeal to the Zoning Board of Appeals for an interpretation only.

808.2.5 Where an applicant is requesting more than one (1) type of approval, each shall be considered a separate appeal and shall require a separate application fee.

809 Violations

809.1 Unlawful Practice. It shall be unlawful for any person, firm or corporation to construct, alter, repair, remove, move, demolish, equip, use, occupy or maintain any building, structure, land or portion thereof in violation of any provision of this Law or fail in any manner to comply with any notice, directive or order of the Code Enforcement Officer, or to construct, alter or use and occupy any building, structure, land or part thereof in a manner not permitted by an approved building permit or certificate of zoning compliance.

809.2 Discovery of Violations. The Code Enforcement Officer shall determine the existence of violations of the provisions of this Law through such investigations as he or she shall conduct pursuant to the issuance of building permits and certificates of zoning compliance and through the prompt investigation of such written complaints as are filed with him or her by persons having reason to believe that such violations exist. The Code Enforcement Officer may also determine the existence of such violations by means of investigations at his or her own initiative.

809.3 Procedure for Abatement of Violations. Whenever it is found that there has been a violation of this Law, a violation notice and / or appearance ticket may be issued to the person, individual, partnership, or corporation owning, operating or maintaining the premises in which such violation has been noted.

809.3.1 Violation notices shall be in writing, shall identify the property or premises, shall specify the violation or remedial action to be taken and shall provide that said violation must be corrected within ten (10) days from receipt of said violation notice unless said ten (10) day period shall be modified at the discretion of the Code Enforcement Officer, or unless a shorter or longer period of time has been prescribed for in this Law.

809.3.2 Violation notices and other orders or notices referred to in this Law shall be served upon the person committing or permitting such violation, or upon the owner or one of the owner's executors, legal representatives, agents, lessees, any tenant or other person occupying the premises or other person having a vested or contingent interest in the premises, either personally or by certified mail, addressed to the last known address, if any, of such owner, tenant, or occupant, as recorded in the office of the Town Assessor.

809.3.3 The Code Enforcement Officer shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket subscribed by him or her, directing a designated person to appear in court at a designated time in conjunction with the commission of a violation of this Law or any order made thereunder.

809.4 Penalties for Violation. Any person, firm or corporation who or which fails to comply with or violates any provision of this Law shall be guilty of an offense punishable as provided for in Section 268 of the Town Law of the State of New York.*

* Sec. 268 of Town Law provides for a fine of not more than \$350.00 or up to 6 months imprisonment, or both, for a first offense; a fine of not less than \$350.00 nor more than \$700.00, or up to 6 months imprisonment, or both, for a second offense within five years; a fine of not less than \$700.00 nor more than \$1,000.00, or up to 6 months imprisonment for a third or greater offense within five years. Each week of continued violation constitutes a separate additional violation.

810 Amendments

- 810.1 Any changes or amendments to this Law shall be made in accordance with Section 265 of the Town Law of the State of New York.
- 810.2 The Planning Board shall review and make recommendation upon any proposed amendments to this Law, prior to adoption.
- 810.3 Proposed amendments to this Law shall be referred to the Wayne County Planning Board for review and recommendation before adoption.
- 810.4 All requirements of the State Environmental Quality Review Act shall be complied with prior to adoption of an amendment to this Law.

811 Alternative Dispute Resolution

- 811.1 Alternative Dispute Resolution (ADR) may be used to resolve conflicts and facilitate mutually-agreeable decisions regarding site plan or major subdivision approvals, special use permits, re-zonings, and the preparation of comprehensive plans.
- 811.2 At any point in a project review process, the board having the authority to take final action (hereinafter referred to as the Board) may, if it deems appropriate and the parties consent, appoint a mediator to work informally with the applicant, neighboring property owners, and other concerned citizens to address concerns raised about the proposed application. Such mediation may be conducted by any qualified and impartial person. The mediator shall have no power to impose a settlement or bind the parties or the Board, and any settlement reached shall require the approval of the Board to assure compliance with all provisions of this Law.

Appendix A

ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CODE

A101 Area of Responsibility

A101.1 The Town is responsible for the administration and enforcement of the Uniform Code for all public and private buildings, premises and equipment located within the Town of Galen.

Exception 1: The Village of Clyde shall be responsible for the administration and enforcement of the Uniform Code within the corporate limits of the Village of Clyde.

Exception 2: As otherwise provided in Sections A101.3, A101.4 and A101.5

A101.2 The Town is also responsible for the administration and enforcement of the Uniform Code with respect to buildings, premises and equipment in the custody of, or activities related thereto undertaken by the Town of Galen or for any special purpose unit created by or for its benefit.

A101.2.1 The Town of Galen shall apply for and obtain building permits for work, and certificates of code compliance, as provided in this Law. However, the Town shall not be required to pay any fee for said permit or certificate.

A101.3 The County of Wayne, or the State of New York, whichever shall be the authority having jurisdiction, is responsible for the administration and enforcement of the Uniform Code with respect to buildings, premises and equipment in the custody of, or activities related thereto undertaken by, a Wayne County department, bureau, commission, board or authority.

A101.4 The State of New York is responsible for the administration and enforcement of the Uniform Code with respect to buildings, premises and equipment in the custody of, or activities related thereto undertaken by, a State department, bureau, commission, board or authority.

A101.5 The State Education Department is responsible for the administration and enforcement of the Uniform Code for school districts and boards of cooperative educational services.

A101.6 Subjects Not Regulated by the Uniform Code. Where no applicable standards or requirements are set forth in the Uniform Code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the Town of Galen, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards shall be deemed as prima facie evidence of compliance with the intent of the Uniform Code. Nothing herein shall derogate from the authority of the Code Enforcement Officer to determine compliance with codes or standards for those activities or installations within the Code Enforcement Officer's jurisdiction or responsibility.

A101.7 Matters Not Provided For. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by the Uniform Code shall be determined by the Code Enforcement Officer.

A102 Code Enforcement Officer

A102.1 Establishment. There is hereby established the office of Code Enforcement Officer, who shall be appointed by the Town Board.

A102.2 Duties and Responsibilities. The Code Enforcement Officer and any assistant or deputy code enforcement officer shall have the power, duty and authority to enforce this Chapter (Appendix A of the Town of Galen Zoning Law), and the Uniform Code. The duties of assistants and deputies shall be restricted as provided for in Section A102.4. He or she shall have the power to make inspections of buildings and premises necessary to carry out his or her duties in the enforcement of this Chapter and the Uniform Code. He or she shall examine all applications for permits, issue permits for the construction, alteration, enlargement, use and occupancy of all buildings, structures and facilities which are in compliance with this Chapter and the Uniform Code, record and file all applications and permits with accompanying plans and documents and make such reports as may be required.

A102.3 Assistants and Deputies. The Town Board may designate one or more assistant or deputy code enforcement officers to assist in the enforcement of this Chapter and the Uniform Code, and who shall act under the direct supervision of the Code Enforcement Officer. The Town Board may designate a person to act as an Acting Code Enforcement Officer and to exercise all of the duties and powers conferred upon the Code Enforcement Officer by this Chapter in case of the absence or inability of the Code Enforcement Officer to act for any reason.

A102.4 Qualifications, Training and Continuing Education. Each code enforcement officer and his or hers assistants and deputies, shall possess satisfactory experience, professional training, or both, in the field of building construction, design, modification and maintenance. The Code Enforcement Officer shall complete and maintain the necessary training and certification as stipulated in 19NYCRR Part

434 (NYS Code Enforcement Officer certification). Assistant and deputy code enforcement officers shall complete and maintain a level of training appropriate to their specific duties. An assistant and deputy whose duties include only the inspection of existing buildings (i.e. fire and property maintenance inspections only), shall be NYS certified as a Code Compliance Technician. The Code Enforcement Officer and his or her deputies and assistants shall not be required to reside within the Town of Galen, but shall be capable of timely response should an emergency requiring their services occur.

A102.5 Restrictions on Officers. No code enforcement officer or assistant or deputy code enforcement officer shall engage in activity inconsistent with his or her duties, nor shall they, during the term of their employment, be engaged directly or indirectly in any construction business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans and specifications thereof within the jurisdiction of the Town of Galen. Neither shall they be engaged in any business, the primary purpose of which is the sale, leasing, installation and / or maintenance of fire protection equipment. Nothing contained herein shall prohibit any such employee from such activities in conjunction with the construction of a building or structure owned by him or her, and not constructed for sale.

A101.6 Relief from Personal Liability. No code enforcement officer or assistant or deputy code enforcement officer shall, while acting pursuant to the provisions of this Law or the Uniform Code, be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of their official duties, provided that such acts are

performed in good faith and without gross negligence.

- A101.7 Legal Defense. In any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Law and the Uniform Code, shall be defended by the legal representative of the Town of Galen until the final termination of the proceedings. The Code Enforcement Officer or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Law or the Uniform Code; and any officer or employee of the Code Enforcement Office, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

A103 Other Duties and Powers

- A103.1 The Code Enforcement shall have all other duties and powers as designated in Article 8 (Administration & Enforcement) of this Law.
- A103.2 Identification. The Code Enforcement Officer and any subordinates, shall carry proper identification when inspecting structures or premises in the performance of duties under this Law or the Uniform Code.
- A103.3 Administrative Guidelines. The Code Enforcement Officer shall have the authority to adopt written administrative guidelines covering those activities not specifically covered by this Law or the Uniform Code, such as procedures for handling complaints, conducting inspections, issuing violation notices, and establishment of an order of authority within his or her Department.

A104 Records and Reports

A104.1 Maintenance of Records. The Code Enforcement Officer shall keep permanent records of transactions and activities conducted by him or her, including lists of applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, notices, and orders issued, variances approved, and other information as required by the Uniform Code. All such records shall be public records subject to the Freedom of Information Law.

A104.2 Annual Report. The Code Enforcement Officer shall annually submit a report and summary of all business conducted by the Code Enforcement Officer, including permits and certificates issued, fees collected, orders and notices issued, inspections and tests made, and appeals or litigation pending or concluded, which report shall be filed prior to January 15 of the following year.

A105 Building Permits

A105.1 Purpose. To insure compliance with the provisions of the Uniform Code, no person shall erect, alter, install, change in use, remove, relocate or demolish any building or structure, or part thereof, nor alter the use of land subsequent to the adoption of this Law, until a building permit has been issued by the Code Enforcement Officer. All work required to conform to the Uniform Code shall require a building permit.

Exception: The following categories of work shall be exempt from the requirements for building permits:

- (A) Construction or installation of one-story detached structures associated with one- or two-family dwellings or townhouses, which are used for tool and

storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet.

- (B) Installation of swings and other playground equipment associated with a one- or two-family dwelling or townhouses.
- (C) Installation of swimming pools associated with a one- or two-family dwelling or townhouses, where such pools are designed for a water depth of less than twenty-four (24) inches and are installed entirely above ground.
- (D) Installation of fences which are not part of an enclosure surrounding a swimming pool.
- (E) Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids.
- (F) Construction of temporary motion picture, television and theater stage sets and scenery.
- (G) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or townhouses.
- (H) Installation of partitions or movable cases less than 5'-9" in height.
- (I) Painting, wallpapering, tiling, carpeting, or other similar finish work.
- (J) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances.
- (K) Replacement of any equipment provided the replacement does not alter the equipment's listing or render it

inconsistent with the equipment's original specifications (see Sections A105.1.3 and A105.1.5)

(L) Repairs, provided that such repairs do not involve the removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component; the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; the enlargement, alteration, replacement, or relocation of any building system.

(M) The temporary removal from service of all or part of a fire protection system, subject to the approval of the Code Enforcement Officer.

A105.1.1 Solid Fuel Burning Appliances. A building permit shall be required for installation of any solid fuel burning appliance, chimney or flue.

A105.1.2 Agricultural Structures. Building permits shall be required for all agricultural structures.

A105.1.3 Fuel-Fired Equipment. The installation and replacement of any permanent fuel-fired equipment, including but not limited to: furnaces, boilers, water heaters, and generators, shall require a building permit.

A105.1.4 Handicapped Accessibility. Alterations or construction for the purpose of providing or improving handicapped accessibility shall require a building permit.

A105.1.5 Electrical Equipment. The extension of any electrical system, and the installation or replacement of any electric water heater, central air

conditioning condenser, and generator shall require a building permit.

A105.1.6 Re-roofing. Re-roofing shall require a building permit.

Exception: Agricultural structures.

A105.1.6.1 Roofing operations utilizing heat-producing systems or other ignition sources shall be performed only by contractors that are licensed by the Town of Galen. The fee for each license shall be \$50.00. Before said license shall be issued, said contractor shall submit proof of general liability insurance coverage in an amount not less than \$100,000. Each license shall expire one (1) year from the date of issuance.

A105.2 Information Required. All applications for building permits shall be accompanied by two full sets of plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any building and accessory structures, signs, parking or loading areas, or other physical features and such other information as may be required by this Law, or may be necessary to determine and provide for enforcement of the Uniform Code. In addition, each application shall provide the following minimum information:

- (A) A description of the proposed work.
- (B) The tax map number and the street address.
- (C) The occupancy classification of any affected building or structure.

- (D) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code.

A105.2.1 Construction documents shall not be accepted as part of an application for a building permit unless such documents indicate with sufficient clarity and detail the nature and extent of the work proposed; substantial that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code; and are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law.

A105.3 Issuance of Building Permit.

A105.3.1 The Code Enforcement Officer shall examine each application for a building permit to ascertain whether the proposed construction is in substantial conformance with the requirements of the Uniform Code. Construction documents that are accepted and approved as part of a permit application shall be so marked in writing or by a stamp. One set of approved construction documents shall be retained by the Code Enforcement Official, and a second set of approved documents shall be kept at the work site for use by the Code Enforcement Officer.

A105.3.2 The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the Uniform Code and all other laws, ordinances, rules, and regulations applicable thereto. All work shall conform to the approved plans and

specifications and the Uniform Code. Amendments to permits shall be individually approved by the Code Enforcement Officer.

- A105.3.3 When a building permit has been issued in error because of inaccurate, incorrect, or incomplete information, or the work for which the permit was issued violates the Uniform Code, the Code Enforcement Officer shall revoke or suspend the permit until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with the applicable provisions of the Uniform Code.
- A105.3.4 Each issued building permit shall be visibly displayed at the work site and remain visible until the project has been completed and a certificate of code compliance has been issued.
- A105.3.5 Applications for permits to demolish a building or portion thereof, which was constructed prior to January 1, 1974, shall be accompanied by a pre-demolition asbestos survey, as required by New York State Department of Labor regulations.
- A105.3.6 Permits shall be valid for the period of time as specified in Section 802.11 of this Law.

A106 Operating Permits

- A106.1 Operating permits shall be required for conducting the activities or using the categories of buildings listed below:
- (A) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3), or 2703.1.1(4) of the Fire Code of New

York State (see 19NYCRR Part 1225).

- (B) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling.
- (C) The use of pyrotechnic devices in assembly occupancies.
- (D) Buildings containing one or more areas of public assembly with an occupant load of one hundred (100) persons or more.
- (E) Buildings of Group "H" occupancy classification, as defined in the Uniform Code.
- (F) Temporary membrane structures and tents having an area in excess of 200 square feet, and canopies having an area in excess of 400 square feet. The Code Enforcement Officer may waive the requirement for an operating permit for temporary membrane structures, tents and canopies when, in his or her opinion, doing so will not endanger public health and safety.
- (G) Open burning or incinerators within any mobile home park.

A106.2 Parties who propose to undertake the types of activities or operate the types of buildings listed in Section A106.1, including pre-existing buildings, uses and activities, shall be required to obtain an operating permit prior to commencing or continuing such operation. Applications for operating permits shall contain sufficient information to permit a determination that quantities, materials, and activities conform to the requirements of the Uniform Code. Tests and reports necessary to verify conformance shall be required.

A106.3 The Code Enforcement Officer shall have the authority to issue a single operating permit for more than one hazardous activity at a single site.

A106.4 Operating permits shall remain in effect until reissued, renewed or revoked, and shall expire as follows:

- (A) Operating permits for pyrotechnic displays in assembly occupancies shall be limited to thirty (30) days.
- (B) Operating permits for areas of public assembly shall be limited to one (1) year.
- (C) All other operating permits shall be limited to three (3) years.
- (D) Operating permits shall be non-transferable (upon transfer of ownership or control of property).

A106.5 Whenever the Code Enforcement Officer finds that activities do not comply with applicable provisions of the Uniform Code, the operating permit shall be revoked or suspended. Once satisfied that the activity will be in compliance with the Uniform Code, the Code Enforcement Officer shall reinstate the operating permit.

A106.6 The fee for an operating permit shall be \$50.00.

A107 Stop Work Orders

A107.1 Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure is being carried out in violation of the provisions of the Uniform Code, without a valid permit, or in a dangerous or unsafe manner, he or she shall notify in writing the owner of the property, or the owner's agent, or the

person performing the work, to suspend all work. Said notice shall be personally served, or prominently posted upon the premises, or mailed to the owner of record of the premises, as recorded in the office of the Town Assessor, by certified mail.

A107.2 Stop work orders shall state the reason for issuance and the conditions which must be satisfied before work will be permitted to resume.

A107.3 Upon issuance of a stop work order, all persons performing work shall suspend all work activities until the stop work order has been rescinded by the Code Enforcement Officer.

A107.4 Where an emergency exists, the Code Enforcement Officer shall not be required to give a written notice prior to stopping the work.

A108 Certificates of Compliance

A108.1 A certificate of compliance shall be required for all work that is the subject of a building permit, and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification to another. No person shall use or occupy any constructed, extended, relocated, altered or converted structure or portion thereof until a certificate of compliance has been issued by the Code Enforcement Officer.

A108.2 Before issuing a certificate of compliance, the Code Enforcement Officer shall perform a complete inspection of the building, structure or work. Where applicable, a written statement of structural observations and / or a final report of special inspections, prepared in accordance with the provisions of the Uniform Code, must be received prior to the issuance of the certificate. The Code Enforcement Officer

shall be satisfied that all work conforms to the approved plans and specifications and the Uniform Code.

A108.2.1 Where applicable, flood hazard certifications, prepared in accordance with the provisions of the Uniform Code, must be received prior to issuance of the certificate.

A108.3 Information. Certificates of compliance shall contain the following minimum information:

- (A) The building permit number, if any.
- (B) The date of issuance of the permit, if any.
- (C) The name, address and tax map number of the property.
- (D) If the certificate is not applicable to the entire structure, a description of that portion of the structure for which the certificate is issued.
- (E) The use and occupancy classification of the structure.
- (F) The type of construction of the structure.
- (G) The assembly occupant load of the structure, if any.
- (H) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required.
- (I) Any special conditions imposed in connection with the issuance of the building permit.
- (J) The signature of the official issuing the certificate and the date of issuance.

- A108.4 Temporary Occupancy. The Code Enforcement Officer may issue a certificate for temporary use and occupancy of a structure, as provided for in Section 803.4 of this Law.
- A108.5 Restrictions. In no event shall the Code Enforcement Officer issue any Certificate of Compliance or Temporary Certificate, for any portion of a building or structure until the required fire detection, alarm and suppression systems have been installed, tested and approved.
- A108.6 Affidavit of Design Professional. Prior to Issuance of a certificate of compliance, other than a temporary certificate as provided in A108.4, there shall be filed with the Code Enforcement Officer an affidavit from the registered architect or licensed professional engineer whose seal and signature appears on the approved plans. The affidavit shall state that the deponent has inspected the building or structure and that the building or structure has been constructed in substantial conformance with the approved plans and the Uniform Code.

Exception: Construction of one- and two-family dwellings, their accessory structures, and agricultural structures.

A109 Inspections

- A109.1 Construction Inspections. Work for which a building permit has been issued under this Law shall remain accessible and exposed for inspection by the Code Enforcement Officer. It shall be the duty of the permit holder to notify the Code Enforcement Officer when construction work is ready for inspection. The Code Enforcement Officer may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of

the Code Enforcement Officer. No work shall be enclosed or covered unless authorized by the Code Enforcement Officer.

A109.1.1 Construction inspections shall be made of the following elements:

- (A) Work site prior to issuance of a permit
- (B) Footing and foundation
- (C) Preparation for concrete slab
- (D) Framing
- (E) Building systems, including underground and rough-in
- (F) Fire resistant construction
- (G) Fire resistant penetrations
- (H) Solid fuel burning appliances, chimneys, flues and gas vents
- (I) Energy code compliance
- (J) Final inspection of all authorized work upon completion

A109.1.2 Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the Code Enforcement Officer shall have the authority to require that such work be exposed for inspection.

A109.1.3 Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the Uniform Code or of this Law. Inspections presuming to give authority to violate or cancel the provisions of the Uniform Code or this Law shall not be valid.

A109.1.4 It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Code Enforcement Officer nor the Town of Galen shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A109.1.5 It shall be the duty of the person requesting any inspections required either by this Law or the Uniform Code to provide access to and means for inspection of the work.

A109.1.6 A survey of the lot may be required by the Code Enforcement Officer to verify that the structure is located in accordance with the approved plans.

A109.2 Fire Safety and Property Maintenance Inspections.

A109.2.1 Fire safety and property maintenance inspections of buildings that contain a Group A Assembly occupancy, as defined by the Uniform Code, shall be conducted annually.

A109.2.2 Fire safety and property maintenance inspections of Group R-2 dormitories, as defined by the Uniform Code, shall be conducted annually.

A109.2.3 Fire safety and property maintenance inspections of Group R-1, R-2, R-3 Bed and Breakfasts, and R-4 occupancies, as defined by the Uniform Code, shall be conducted every three (3) years.

A109.2.4 Fire safety and property maintenance inspections of non-residential occupancies shall be conducted every three (3) years.

Exception: There shall be no

regular fire safety and property maintenance inspections required for Group U buildings used as agricultural buildings, as defined in the Uniform Code.

A109.2.5 Notwithstanding any provision of this Law to the contrary, there shall be no regular fire safety and property maintenance inspections required for one- and two-family (Group R-3 occupancy) dwellings, except for R-3 Bed and Breakfasts.

A109.3 Right of Entry. When necessary to make an inspection to enforce any of the provisions of this Law and the Uniform Code, or when the Code Enforcement Officer has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of the Uniform Code which makes the building or premises unsafe, dangerous or hazardous, the Code Enforcement Officer may enter the building or premises at all reasonable times to inspect or perform his or her duties, subject to constitutional limitations.

A109.3.1 Except in cases of jurisdiction by another agency, the Code Enforcement Officer shall be further authorized to enter and examine any marine vessel, vehicle, train, or aircraft for purposes of enforcement of the Uniform Code.

A109.3.2 Should entry be refused, the Code Enforcement officer shall have recourse to the remedies provided by law to secure entry, including application to any Court of competent jurisdiction for an administrative search warrant.

A109.4 Inspection Fees. Inspection fees are established as follows, and shall be in addition to all other required fees:

- A109.4.1 The fee for inspection of buildings requiring an annual inspection shall be \$25.00.
- A109.4.2 The fee for inspection of buildings requiring a triennial inspection shall be \$75.00.
- A109.4.3 The fee for any re-inspection with full correction of cited violations shall be \$0.00; the fee for any re-inspection without full correction of cited violations shall be \$25.00 for such re-inspection. Re-inspection fees shall apply to all types of inspections, including construction and property maintenance inspections and violations.
- A109.4.4 Inspection fees that are unpaid after forty-five (45) days shall be billed and collected in the manner described in Section A113.7.1.

A110 Code Enforcement Officer Notification

- A110.1 Notification regarding fire or explosion.
The Fire Chief of any fire department providing fire fighting services for a property in the Town of Galen, shall notify the Code Enforcement Officer of any fire or explosion involving structural damage, fuel burning appliance, chimney or gas vent.
- A110.2 Notification regarding hazardous materials.
The Code Enforcement Officer shall be notified of any unauthorized release of any quantity of hazardous materials that is reportable under State or Federal Regulations.

A111 Outdoor Fires.

- A111.1 Outdoor fires, including bonfires and rubbish fires, shall not be permitted unless legally authorized by New York State Department of Environmental Conservation laws and regulations governing such fires.

A111.1.1 The fire department and Code Enforcement Officer shall be notified whenever outdoor burning is being conducted. Notification shall include such information as time and location.

A112 Authority to Disconnect Utilities.

A112.1 The Code Enforcement Officer or his or her authorized representative shall have the authority to disconnect a utility service or energy supplied to a building, structure, or building service equipment regulated by the Uniform Code in case of emergency where necessary to eliminate an immediate hazard to life or property.

A112.2 The Code Enforcement Officer shall, whenever practicable, notify the serving utility, the owner and occupant of the building, structure, or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or service equipment, in writing, of such disconnection immediately thereafter.

A112.3 For purposes of this Section, the term "building service equipment" shall mean the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

A113 Abatement of Dangerous Buildings.

A113.1 Duty of Code Enforcement Officer. The Code Enforcement Officer shall make inspections of all unsafe or dangerous buildings within the Town of Galen and report to the Town Board all unsafe or dangerous buildings

which from time to time may be found within the limits of the Town of Galen.

- A113.2 Commencement of Proceedings. When the Code Enforcement Officer has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building as defined in this Law, the Code Enforcement Officer shall commence proceedings to cause the repair or demolition of the building.
- A113.3 Notice and Order. The Code Enforcement Officer shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
- (A) The street address and legal description sufficient for identification of the premises upon which the building is located.
 - (B) A statement that the Code Enforcement Officer has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of this Law.
 - (C) A statement of the action required to be taken as determined by the Code Enforcement Officer.
- A113.4 Service of Notice and Order. The notice and order shall be served as specified in Section A124.3.
- A113.5 Repair or Demolition. Upon service of the notice and order to repair, vacate or demolish a building, the owner thereof shall, at his or her option, repair or demolish said building.
- A113.5.1 All required permits for repair or demolition shall be secured therefor and the work physically commenced

within sixty (60) days from the date of the notice and order. The work shall be completed within such time as the Code Enforcement Officer shall determine is reasonable under all of the circumstances.

A113.5.2 An order by the Code Enforcement Officer, requiring the repair or demolition of a building, may be appealed to the Zoning Board of Appeals as provided for in this Law. If the order relates to condemnation of a structure under the provisions of the Uniform Code, said appeal shall be made to the Regional Board of Review.

A113.6 Emergency Work. In case there shall be, in the opinion of the Code Enforcement Officer, actual or immediate danger of the falling of a building so as to endanger public safety, life or property or actual or immediate menace to health or public welfare as a result of the conditions present in or about the building, he or she shall cause the necessary work to be done to render such building temporarily safe, whether the procedure prescribed in this Law for dangerous buildings has been instituted or not.

A113.6.1 When emergency work is to be performed under this Section, the Code Enforcement Officer shall cause the owner thereof to be served personally or by certified mail, return receipt requested, and, if served by certified mail, shall post on the premises a notice to comply containing a description of the premises, a statement of the facts in which the building is unsafe or dangerous and orders and directions to correct the conditions which constitute an emergency within a specified period of time not to exceed three (3) days from

actual or constructive receipt of the notice.

A113.6.2 In the event that the emergency does not permit any delay in correction, the notice shall state the Town of Galen has corrected the emergency condition.

A113.6.3 In both cases, the notice shall state that the corrective costs of the emergency will be assessed against the owner pursuant to the provisions of this Law.

A133.6.4 The Code Enforcement Officer is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of a dangerous or unsafe building so as to prevent accidents.

A113.7 Noncompliance with Order. In the event of neglect or refusal of the person(s) so notified to comply with an order by the Code Enforcement Officer to repair or demolish, the Town Board shall provide for the demolition and removal of such building either by Town employees or by contract.

A113.7.1 All costs of said work, including legal fees, plus an administrative fee of fifty dollars (\$50.00) shall be billed to the owner of the building. If not paid within forty-five (45) days, said bill shall be assessed upon the real property at which the work occurred, and shall constitute a lien and charge upon the real property on which it was levied, until paid or otherwise satisfied or discharged, and shall be collected by the Town Clerk in the manner provided by law for the collection of real property taxes.

A113.8 Evacuation. The Code Enforcement Officer shall be authorized to order the immediate

evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the Code Enforcement Officer.

A113.9 Condemnation Pursuant to Uniform Code.
Nothing contained in this Law shall prohibit or restrain the Code Enforcement Officer from condemning and ordering vacated any building or structure under the provisions of the Uniform Code.

A113.10 Vacant Structures. A vacant structure which is not secured against unauthorized entry as required by the Uniform Code, shall be deemed unsafe.

A113.10.1 The Code Enforcement Officer is authorized, after failure by the owner to comply with a written order to secure a vacant structure, to cause such structure to be locked, boarded, or otherwise secured by Town employees or private contractors. The costs of such work, plus an administrative fee of fifty dollars (\$50.00) shall be billed to the owner of real property and collected as provided for in Section A113.7.1.

A114 Cooperation of Other Departments.

A114.1 The Code Enforcement Officer may request and shall receive, so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of the Fire, Health and other departments or officers and of all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

[A114.2 Added by Local Law 1-2018]

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.

A115 Electrical Inspections.

- A115.1 The Code Enforcement Officer shall be responsible for overall approval of all electrical work authorized by a building permit.
- A115.2 The Code Enforcement Officer may, to the extent he or she deems appropriate, rely on inspections made by third party electrical inspectors, to assist in making any determination that new or existing electrical work conforms to the requirements of the Uniform Code.
 - A115.2.1 Each electrical inspector providing inspection services in the Town of Galen shall be approved by the Code Enforcement Officer, and shall possess an appropriate level of training, education, experience and certification so as to be able to competently perform

his or her duties.

A115.2.3 The Code Enforcement Officer may at any time deemed appropriate by him or her, require an inspection by an approved electrical inspector. The property owner shall be responsible for any and all costs associated with said inspection.

A115.2.4 Each authorized electrical inspector shall, upon discovery of an uncorrected, defective or hazardous electrical installation, report such discovery to the Code Enforcement Officer immediately and in writing.

A115.2.5 The Town of Galen shall not be held liable for any real or alleged failure of an authorized electrical inspector to observe or cite any violation or other hazardous or defective condition.

A116 Special Tests and Inspections.

A116.1 Whenever required by the Uniform Code, or whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform with the requirements of the Uniform Code, the Code Enforcement Officer may require the same to be subjected to tests or inspections in order to furnish proof of such compliance.

A116.1.1 The property owner shall be responsible for all costs associated with special tests and inspections.

A117 Deputy Health Officer.

A117.1 In addition to any and all other duties, the Code Enforcement Officer shall act as the Deputy Health Officer, for purposes of enforcement of the State Sanitary Code.

A118 Duty of Design Professional.

A118.1 Inspections and Reports. The architect or professional engineer whose seal and signature appear on the drawings for buildings or structures or his or her designated representative, shall be responsible for making periodic visits to the construction site, at the owner's expense, to inspect the progress and quality of the construction, and to determine in general if the construction is proceeding in accordance with the drawings, specifications and addenda thereto. The design professional shall immediately report any defects or discrepancies to the Code Enforcement Officer.

Exception: The construction of one- and two-family dwellings (not including townhouses), their accessory structures, and agricultural structures.

A118.2 Limitation on Duties. The architect or engineer shall not be required to make exhaustive or continuous on-site inspections to check the construction, except where such continuous inspections may otherwise be required by the Uniform Code.

A119 Enforcement of the Multiple Residence Law.

A119.1 The Code Enforcement Officer shall be responsible for enforcement of the Multiple Residence Law of New York State, within the area of responsibility of the Town of Galen.

A120 Permit and Plan Review Fees

A120.1 Plan Review Fees. When construction documents are submitted for review by the Code Enforcement Officer, a plan review fee of \$25.00 shall be paid at the time of submitting the construction documents for plan review. The plan review fee specified in this Section are separate from the permit

fees specified in Section A120.2 and are in addition to the permit fees.

Exception: There shall be no plan review fee for plan review of agricultural structures, one- or two-family dwellings (not including townhouses), mobile or modular homes, house trailers, or accessory structures associated with residential uses.

A120.2 Permit Fees. Fees for building permits shall be as set forth in Table A120.2, and shall be paid before the permit is issued. Where fees are based upon square footage, the fee shall be calculated by the gross square footage of all floor areas, excluding unfinished basements and unfinished attics.

Table A120.2 [Amended by Local Law 1-2018]

<u>Type of Application or Activity</u>	<u>Fee</u>	<u>Min. Fee</u>	<u>Max.</u>
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

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.

Type of Application or Activity	Fee	Min. Fee	Max.
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*		
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*		

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.

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.

Type of Application or Activity	Fee	Min. Fee	Max.
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)
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

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.

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.

A120.3 Multiple Types of Work. In a case where a permit is applied for more than one category of work, the permit fee shall be that which is the highest for any one category of work involved, except that separate permits shall be required for each of the following types of work:

- (A) Solid fuel burning appliances.
- (B) Demolition or removal of a structure.
- (C) Swimming pools, hot tubs and spas.
- (D) Telecommunication towers.
- (E) Wind Energy Conversion Systems.
- (F) Gas or oil well drilling.
- (G) Signs.
- (H) Home Occupations.

A120.4 Amendments. Any amendment to a permit application, or authorized change in approved plans, shall require a \$5.00 fee.

A120.5 Renewals. All renewals of permits shall incur the same fee as the original approval.

A120.6 Unauthorized Construction. Where work has commenced before issuance of a building permit, there shall be a surcharge of \$25.00 imposed.

A120.7 Truss Type Construction. Prior to issuance of a building permit, the owner of a building of truss type construction shall pay an additional fee of \$50.00 for enforcement of Part 1264 of Title 19 of the New York Code of Rules and Regulations

A121 Appeals and Variances

A121.1 Appeals to Regional Board of Review. Where practical difficulties or unnecessary

hardship may result from enforcement of the strict letter of any provision of the Uniform Code, applications for variances may be made to the Regional Board of Review in accordance with Part 440 of Title 19 of the New York Code of Rules and Regulations. Whenever it is claimed that the Code Enforcement Officer misconstrued the Uniform Code in approving or disapproving any application or granting or refusing to grant any permit or certificate of code compliance, the person affected may appeal from the decision of the Code Enforcement Officer to the Regional Board of Review in accordance with Part 440 of 19NYCRR. Appeals from provisions of the Multiple Residence Law, in accordance with Section 325 of that Law, may also be made to a Regional Board of Review.

A122 Complaints.

- A122.1 Complaint Procedure. Any person alleging a bona fide violation of the Uniform Code or this Law shall make such complaint in writing, and shall state the location and the conditions or activities which are alleged to be in violation.
- A122.2 Duty of Code Enforcement Officer. Upon receipt of a written complaint, the Code Enforcement Officer shall promptly investigate or cause to be investigated the matter reported to him or her. If information and time permit, the Code Enforcement Officer should report the outcome of his or her investigation to the reporting party as soon as possible. Anonymous complaints and complaints received by other than written means, shall be handled in a manner deemed appropriate by the Code Enforcement Officer in each case.

A123 Violations.

- A123.1 Violation of Local Law. It shall be a violation of this Law for any person, firm

or corporation to construct, install, alter, repair, replace, move, remove, demolish, equip, use, occupy or maintain any building, structure or premises or portion thereof in violation of any provision of this Chapter or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer, or to construct, alter, use or occupy any building, structure or premises in a manner not permitted by an approved building or operating permit or certificate of code compliance.

A123.2 Notice of Violation. The Code Enforcement Officer shall serve a notice of violation or order in accordance with Section A124.

A123.3 Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section A124 shall be deemed guilty of a violation pursuant to the Penal Law.

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. [Amended by Local Law 1-2018]

- A123.5 Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Town of Galen from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop any illegal act, conduct, business or utilization of the building, structure or premises.
- A123.6 Cutting and Destruction of Weeds. Pursuant to a violation of the Uniform Code, upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, any duly authorized employee of the Town of Galen or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the actual costs of such removal plus an administrative fee of fifty dollars (\$50.00) shall be paid by the owner or agent responsible. The billing and collection of said costs shall be as provided for in Section A113.7.1

A124 Notices and Orders.

- A124.1 Notice to Owner or to Person Responsible. Whenever the Code Enforcement Officer determines that there has been a violation of this Law or the Uniform Code, or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person responsible in the manner prescribed in Section A124.2. Notices for condemnation procedures shall comply with Section A113.
- A124.2 Form. Such notice prescribed in Section A124.1 shall be in accordance with all of the following:
- (A) Be in writing.

- (B) Include a description of the real estate sufficient for identification.
- (C) Include a statement of the violation(s) and why the notice is being issued.
- (D) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the building, structure or premises into compliance.
- (E) Inform the property owner of the right to appeal.

A124.3 Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

- (A) Delivered personally.
- (B) Sent by certified or first-class mail addressed to the last known address; or
- (C) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure or premises affected by such notice.

A124.4 Appearance Tickets. The Code Enforcement Officer shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket subscribed by him or her, directing a designated person to appear in Court at a designated time in connection with the commission of a violation of this Law or the Uniform Code.

A124.5 Unauthorized Tampering. Signs, tags or seals posted or affixed by the Code Enforcement Officer shall not be mutilated, destroyed or tampered with or removed without authorization from the Code Enforcement Officer.

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.

[Sections A124.6 and A124.7 added by Local Law 1-2018]

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.

A125 Fireworks Display.

A125.1 Permit Authority. Pursuant to Subdivision "1" of Section 405.00 of the Penal Law of the State of New York, the Code Enforcement Officer is hereby designated the "permit authority" to grant and issue permits for the public display of fireworks in accordance with the provisions of Section 405.00 of the Penal Law.

A126 Records Searches and Other Fees.

A126.1 Records Searches. Records searches (for Certificates of Compliance, Building Permits, Violations, etc.) shall require a fee of \$10.00.

A126.2 Permits pursuant to the MRL. Permits for storage of flammable / combustible liquids, removal of fire escapes, and storage of motor vehicles, pursuant to the NYS Multiple Residence Law, shall be \$5.00, and shall be in addition to any and all other permits required by this Law.

APPENDIX B

LAND USE PLAN

B101 Introduction.

The Town of Galen was formed February 14, 1812, from a portion of Junius, Seneca County. The area was first explored and settled prior to this time. A blockhouse was first constructed in 1722, and acted as a trading station prior to and during the French & Indian Wars. During the American Revolution, the area was used for smuggling goods from Canada. The first permanent settlers arrived in 1800. The area was known as Block House, and later as Lauraville. The Town of Galen was named after the ancient Greek physician, because it was part of the Military Tract set aside for veterans of the medical branches of the Army and Navy, who served during the Revolution.

Galen is bisected by the Clyde River, which is now part of the Erie Canal and was one of the first official highways in Wayne County. With the completion of the Erie Canal in 1822, the Town developed rapidly from increased shipping and industry. The completion of the New York Central Railroad in 1853 continued this growth. Some major industries in Galen were farming, lumber and glass production.

The Village of Clyde was incorporated May 2, 1835, and there have been several other hamlet areas in the Town, including Lock Berlin, Marengo, Angells Corners, Lockpit, and Meadville.

B102 Intent and Purpose of Plan.

It is the intent and purpose of this Land Use Plan to identify the goals, objectives, principles, guidelines, policies and standards for the immediate and long-range protection, enhancement, growth and development of the Town of Galen located outside the limits of the Village of Clyde.

More specifically, this plan shall serve the following objectives:

- A. The preservation of natural open areas and

the potential recreational resources in the Town.

- B. The creation of compatible land uses in areas adjacent to the Village of Clyde, and in the hamlets of Lock Berlin and Marengo.
- C. The location and development of industrial areas in close proximity to services, such as utilities, highways, rail facilities, waterways and vacant land suitable for development.
- D. The development of a balanced supply of housing to provide a suitable range of housing.
- E. The continued growth and maintenance of desirable residential areas, free from environmental deficiencies and provided with an adequate system of community services.
- F. The preservation and strengthening of hamlet areas in order to encourage new private investment.
- G. The preservation and expansion of the Town's existing economic base, recognizing the status of agricultural activities by reserving to the extent practicable, areas considered as good for crops and grazing.
- H. The preservation of historically significant structures from unilateral demolition.

B103 Residential Land Use Plan.

The residential land use plan shall include three primary types of residential areas, as follows:

- A. Low-density residential areas, including those within the County-adopted, State-certified Agricultural District, should be preserved as such, but should allow for a variety of compatible residential uses. These compatible uses may include one-and two-family residences on minimum one-acre

lots. Higher-density uses should be allowed with special approval of the Planning and/or Zoning boards. Such higher-density uses may include townhouses, apartment buildings, rooming houses, mobile home parks, and major subdivisions.

- B. Medium- to high-density residential areas, including those outside of the County-adopted, State-certified Agricultural District, in closer proximity to the Village of Clyde, and in traditional hamlet areas such as Lock Berlin and Marengo, should be preserved and encouraged. Such areas should allow for most types of residential development, although some forms of manufactured housing may not be appropriate given the potential density of development in these areas and limited lot sizes (i.e. pre-HUD house trailers, or mobile home parks). Lot sizes less than one acre should be acceptable, especially where public utilities (i.e. water and sewer) are available, as these will eliminate the need for septic systems and wells.
- C. Mixed-use areas incorporating both residential and light commercial uses should be encouraged and developed in hamlet areas, and along portions of the Route 31 corridor. Mixed use should serve to encourage new private investment in and along these areas, supported by infrastructure. Mixed-use areas should be those in which both businesses and residences have traditionally co-located.

B104 Business Land Use Plan.

The business land use plan shall include three (3) primary types of business development, as follows:

- A. Highway commercial development along the Route 31 corridor, which is the primary east-west highway in the Town; highway commercial development to a lesser degree along Route 414 north and south of the Village of Clyde.

- B. Commercial development within the hamlet areas of the Town, where existing clusters of residential uses can benefit from and help support such development. These areas may include mixed-use districts as outlined under the residential land use plan.
- C. Commercial uses that directly support or are closely related to agricultural land use, should be permitted and encouraged outside of traditional business districts. Farm-related and farm service uses should be permitted in the agriculturally-zoned areas of the Town. Some minor commercial uses such as woodworking shops, etc. may be permitted. Allowing small commercial uses with a limited impact on traffic can serve to promote the local Amish and Mennonite communities, which are an important and growing segment of the Town's population.

B105 Industrial Land Use Plan.

The industrial land use plan shall include four (4) primary types of development, as follows:

- A. Industrial development along Route 31 east, adjacent to similarly zoned areas within the Village of Clyde, where there are existing industrial uses and infrastructure. This area is close in proximity to the highway, railroad and canal, and is close to the Village for fire protection and potential future infrastructure improvements.
- B. Industrial development along Route 31 west and Old Route 31 west, where there are existing industrial land uses, and infrastructure such as highways, railroad and canal, and which are close to the Village of Clyde for fire protection and potential future infrastructure improvements. In this area, where there are numerous different existing industrial and commercial uses, and also designated and/or proposed Empire Zones for industrial development, a minimum of lot sizing,

setback, and use restrictions should serve to promote economic development. As a counter to minimal zoning regulations in this area, site plan review and approval by the Planning Board should be required in most cases.

- C. Industrial land uses that are closely associated with agricultural activities, such as grain elevators, feed mills, fruit & crop ripening, etc., should be allowed within the agriculturally-zoned areas of the Town, so as to be located in close proximity to and directly support and be supported by, agriculture.
- D. Mining, commercial logging, the operation of sawmills, and similar uses, dependent upon the geographic location of resources, should be permitted in both industrial areas and those zoned for agriculture, which make up the largest single land use district in the Town.

B106 Open Space Land Use Plan.

The open space land use plan shall include three (3) primary components, as follows:

- A. In those areas of the Town that are designated as wetlands and/or flood hazard areas, development should be strictly regulated to promote the safety of the public and preserve unique wetland habitats.
- B. In agricultural areas, farming and preservation of farmland should be encouraged through larger minimum lot sizes and restrictions on general commercial uses.
- C. Areas for outdoor recreation, such as along the Erie Canal and the Clyde River, should be preserved and appropriate uses of land encouraged to that end. Agricultural tourism and related recreational opportunities should be permitted in the agriculturally zoned areas.

Aquifer Protection Plan.

The Town Board recognizes that the Village of Clyde depends solely upon public wells, which draw water from the unconsolidated sand and gravel aquifer located in the Town of Galen. This aquifer is replenished by rainfall within the aquifer's watershed. Land uses and development overly the recharge area.

The disposal of hazardous substances, petroleum products and other substances, and the accidental spills of such substances can lead to public and private losses and costs, business interruptions, and damage to facilities and utilities.

Therefore, use regulations should be imposed to minimize the potential for water supply contamination without being overly burdensome. Regulations should provide for varying degrees of protection based upon proximity to the wellhead and public health risk. More stringent regulations should occur closer to the well head, where time for recognition and response is reduced.

Land use regulations and required documentation should be based upon engineering studies considering the aquifer's characteristic, area topography, and anticipated pumping rates.

Plan for Controversial Land Uses.

The Town Board recognizes that certain land uses have been, are presently, or may be controversial. In many cases, local regulation of controversial land uses may be preempted by State or Federal law. This Section shall serve to guide the Town in regard to regulation of certain specific types of land uses.

- A. Manufactured Housing. Manufactured housing can include "mobile homes" certified as constructed to Federal HUD standards; manufactured "house trailers" built prior to the Federal HUD standards; and "modular" homes built and certified to the New York State Uniform Fire Prevention & Building Code.

The Town cannot regulate the age or construction of HUD-certified mobile homes, nor can it regulate the construction of NYS-certified modular homes. Pre-HUD house trailers generally must be allowed where similar HUD-certified homes are permitted, and are regulated by the NYS Uniform Code. Manufactured housing of all types must be permitted for farm labor housing for farm operations, within State-certified Agricultural Districts.

The Town cannot exclude manufactured homes from its territorial limits, and such homes serve as cost-effective housing for a significant portion of the Town's population. Mobile home parks may be permitted with an appropriate level of regulation, but should not be allowed in general residential areas with small potential lot sizes. State-certified modular homes must be permitted wherever residential uses are allowed.

- B. Multiple Dwellings. The Town cannot exclude multiple dwellings from its boundaries. Just as with manufactured housing, apartment buildings are a form of affordable housing. Multiple dwellings should be allowed in most residential areas, subject to special approval by the Planning and/or Zoning boards. Multiple dwellings are further regulated by the Uniform Code and the Multiple Residence Law.
- C. Religious Uses. Case law has determined that religious uses (churches, etc.) must be permitted within residentially-zoned areas. In addition, Federal law (the Religious Land Use and Institutionalized Persons Act) prohibits a municipality from unreasonable regulation of religious land uses. Therefore, religious uses should be permitted wherever residential uses or similar assembly uses are allowed.

- D. Group Homes, In-Home Day care, etc. Uses such as group homes for the disabled, and in-home day cares are regulated by New York State. Such uses are to be regulated as one- or two-family dwellings, or in some cases, as multiple dwellings, for purposes of land use application. Therefore, no special category should be applied to these types of uses for zoning purposes.
- E. Adult Uses. Adult entertainment uses cannot be wholly excluded from the Town, but may be restricted as to their location. The Town Board finds that such uses, which may be injurious to the morals, health, and general welfare of the community, may be most appropriately restricted to industrially-zoned districts where a minimum impact upon adjacent land uses will be realized.
- F. Telecommunications Facilities. Telecommunications facilities, and in particularly telecommunications towers, can pose a detrimental visual impact on surrounding properties. The Town may not prohibit, under the 1996 Federal Telecommunications Act, the siting of such facilities within its boundaries. However, the Town may restrict the installation of telecommunications facilities to certain areas. Therefore, telecommunications towers should not be allowed within general residential districts, and only upon special approval of the Planning and/or Zoning boards.
- G. Agricultural Uses. The Town recognizes that certain intensive agricultural operations, and particularly Concentrated Animal Feeding Operations, can pose a detrimental effect upon adjacent land uses. The Town Board also recognizes the special status of farm operations within the County-adopted, State-certified Agricultural District. The Town Board also recognizes that some large-scale farm operations are regulated by the NYS Department of Environmental Conservation.

The Town is preempted from adopting unreasonable restrictions on agricultural uses, but should establish regulations that reference existing State standards to allow for local enforcement options.

- H. Wind Energy Conversion Systems (Windmills). Wind energy conversion systems are an environmentally-friendly method of generating electricity. However, the Town Board recognizes that such facilities (often incorporating a tower), can pose a significant visual impact upon adjacent land uses. Therefore, wind energy conversion systems should require special approval of the Planning and/or Zoning boards.

APPENDIX C

SOLAR PHOTOVOLTAIC SYSTEM PERMITTING PROCESS

A local law to amend the Town of Galen Zoning Law in connection with the New York State Unified Solar Permit Initiative. Be it enacted by the Town Board of the Town of Galen as follows:

C101 Legislative Intent.

While the Town currently encourages and expedites the installation of solar energy systems, this amendment seeks to coordinate such efforts to maximize rebates from the New York State Energy Research and Development Authority (NYSERDA) and local, state and federal tax incentives by streamlining and standardizing the application process by adopting policies pursuant to the "New York State Unified Solar Permit" as part of NYSERDA PON 2721 Cleaner, Greener Communities Program (CGCP) Phase II, Category 1 Initiative. The Cleaner, Greener Communities Program Phase II, Category 1 Initiative process calls for the creation of a "New York State Unified Solar Permit" providing for an expedited and more uniform process that could be used by municipalities throughout New York State (excluding Nassau County and Suffolk County), thereby ensuring local permitting consistency. As part of this process the amendment provides for: (a) minimal permitting fees; (b) permit determination (issuance or denial) within 14 days upon receipt of a complete and accurate application; (c) a New York State Unified Solar Permit, including a Professional Engineer or Registered Architect certified drawing of panel location and layout; (d) increased accessibility to permitting information by posting information about the permit application process online, with links to any relevant building and electrical code, licensing or insurance requirements, contact information for questions about the process, and a list of steps in the permitting process; (e) establish a single, comprehensive inspection and commit to providing time for an inspection within 7 days of inspection request to minimize project cost; (f) utilize the NY-SUN

Trainers Network (funded by NYSERDA) to train and educate local officials and code enforcement officials; (g) review zoning laws and remove excessive reviews.

C102 Amendment.

C102.1 Residential Solar Photovoltaic System Installations.

C102.1.1 Applications for residential solar photovoltaic system installations that meet the requirements as set forth below shall be (i) eligible for expedited review (with a determination within 14 days of submittal of a completed application), and (ii) charged a fair permit fee:

1. The proposed solar installation shall be on the roof of a residential building or legal accessory structure with a single layer of roof covering. A waiver may be requested in writing from the Chief Building Inspector (Code Enforcement Officer) for an installation on a second layer of roof covering.
2. The proposed solar installation shall be flush-mounted parallel to the roof surface and no more than 6 inches above the surface with an 18-inch clearing at the roof ridge and an 18-inch wide clear path to the ridge.
3. The proposed solar installation shall create a gravity roof load of no more than 5 pounds per square foot for solar photovoltaic (PV) installations.
4. The system must be installed by a North American Board of Certified Energy Practitioners (NABCEP)

certified contractor listed on the
NYSERDA approved contractors list.

5. The PV panels proposed to be used must have been certified by a nationally-recognized testing laboratory as meeting the requirements of the Underwriters Laboratory (UL) Standard 1703 and inverters must be on a list of NYS Public Service Commission type-tested inverters which are tested by UL or other nationally-recognized laboratories to conform with UL 1741.
6. To the extent the installation requires or includes use of other equipment such as modules, combiner boxes, and a mounting system, all equipment and systems must be approved for public use and be in full compliance with all current National Electrical Code (NEC) requirements.

C102.1.2 Applicants must complete and submit the uniform "New York State Unified Solar Permit" and submit all documents as set forth in the "Requirements for Application Submittal" for standard installations.

C102.1.3 The applicant must submit a Professional Engineer (PE) or Registered Architect (RA)- certified drawing (hand drawn or better) of the solar panel location and layout on the roof, as well as an equipment location diagram and a one line electrical diagram.

C102.1.4 A professional Engineer or Registered Architect must also certify the load bearing and wind load sufficiency of the proposed solar installation.

C102.1.5 A new survey is not required, but if the solar energy system is proposed for an accessory structure on the residential property, the applicant shall provide an existing survey and demonstrate that the accessory structure is legal.

C102.1.6 After approval of an application for solar panel construction and / or installation, the applicant shall be required to affix a warning label on all utility meters and at any Alternating Current (AC) disconnect switch indicating that there is an operating solar electric system grid-parallel on site.

C102.1.7 The Town of Galen shall maintain a list by address of all solar energy installations to be shared with relevant emergency responders (i.e. fire department).

C103 Definition.

Solar Photovoltaic System. Devices consisting of solar cells, inverter, and components necessary to generate alternating-current (AC) power when exposed to sunlight.

C104 Authority.

This local law is enacted pursuant to Section 10 of Municipal Home Rule Law.

C105 Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be judged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

C106 Effective Date.

This Local Law shall take effect upon filing in the Office of the Secretary of State.

APPENDIX D

ABANDONED VEHICLES

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.

[Appendix D added by Local Law 1-2018]

Figure 701.2 Obstructions at Corner Lots

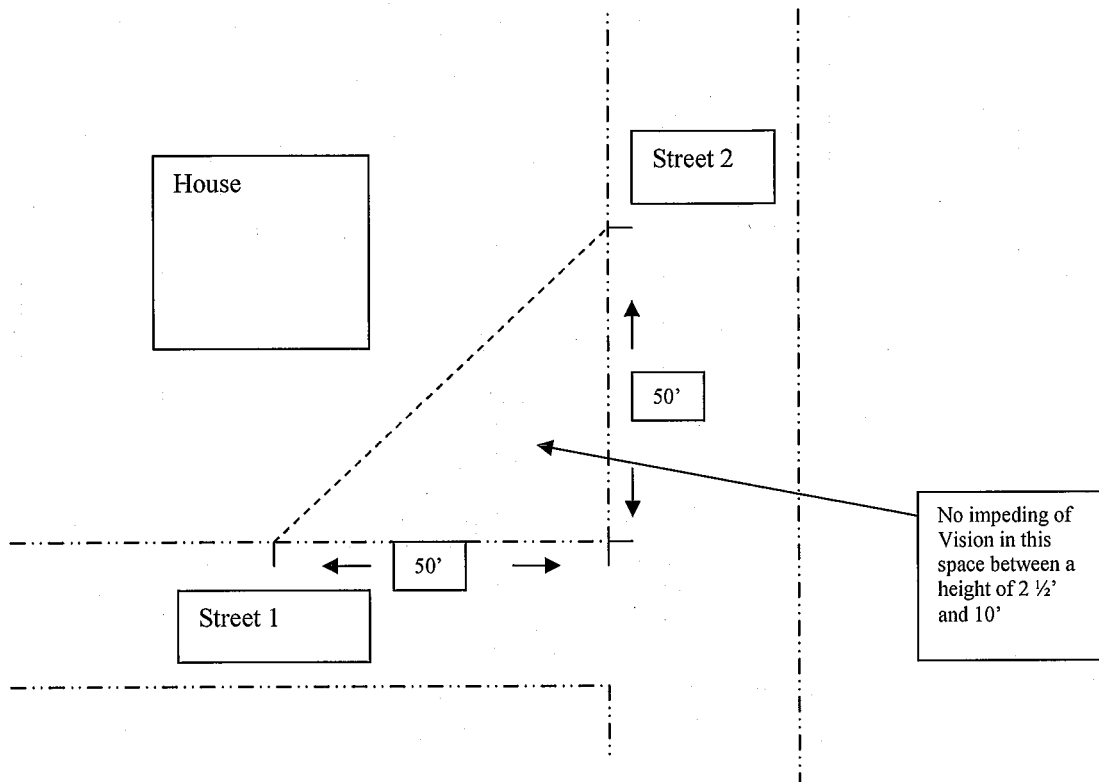


Figure 702 Height Limits and Exceptions

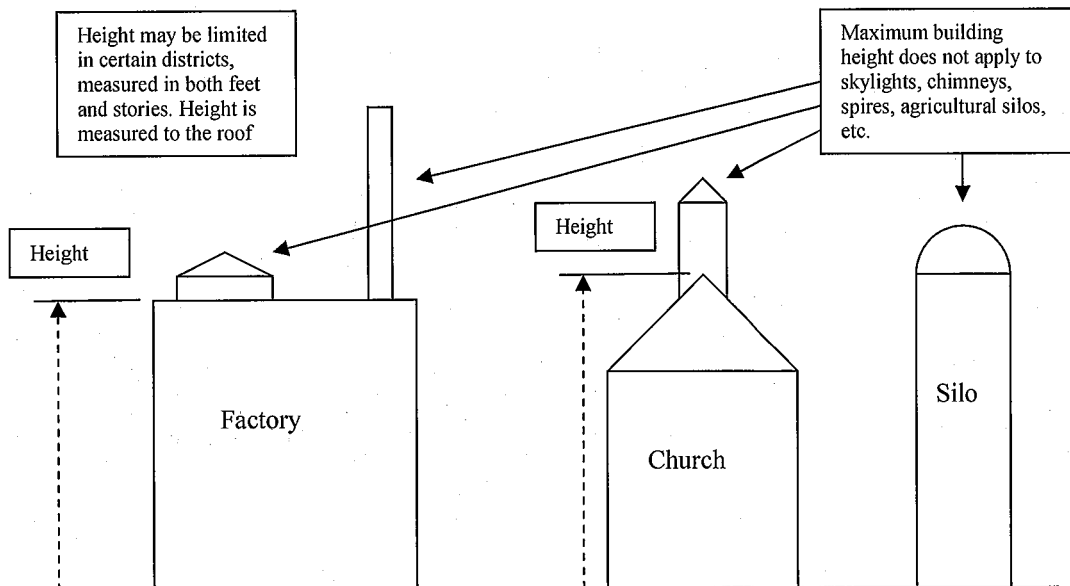


Figure 703 Yard Regulations (Corner and Through Lots)

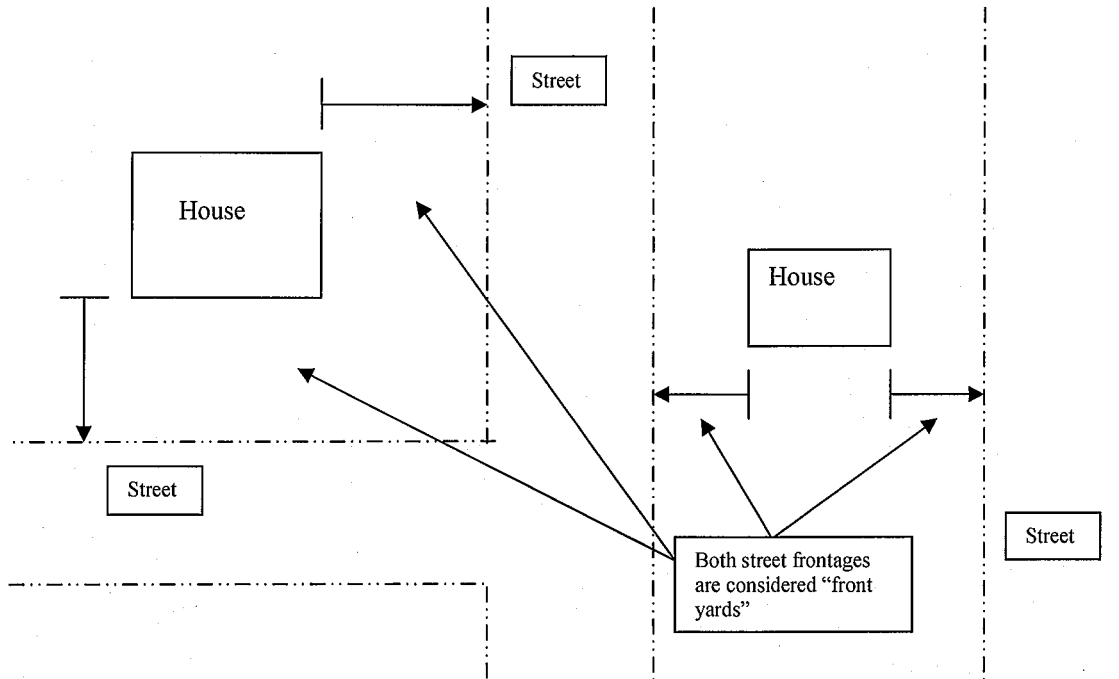


Figure 704 Attached Accessory Structures

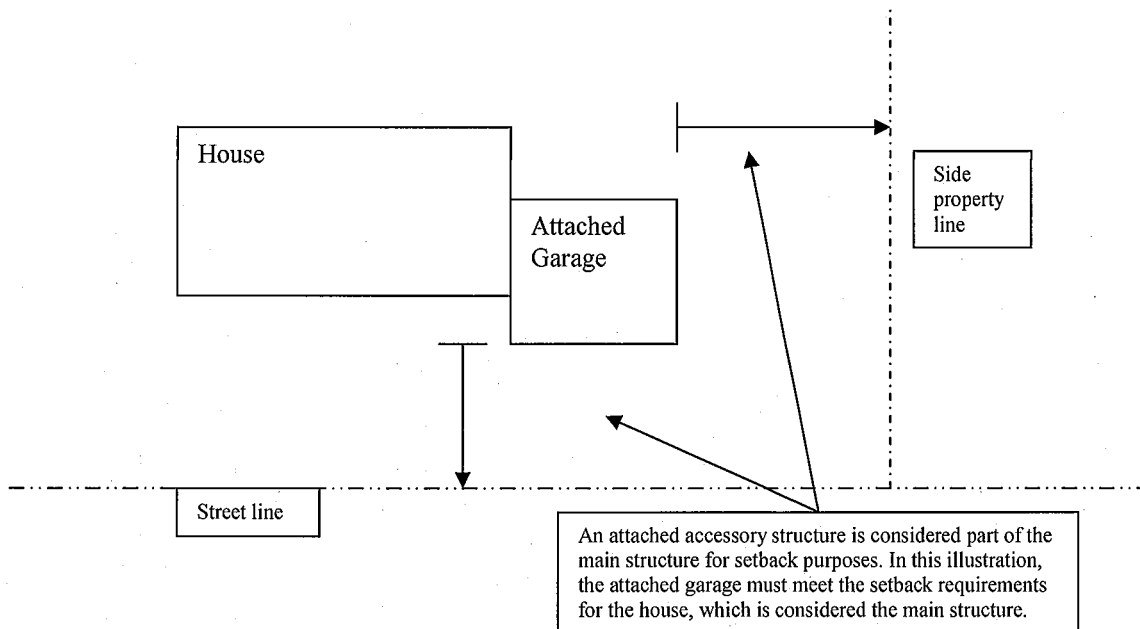
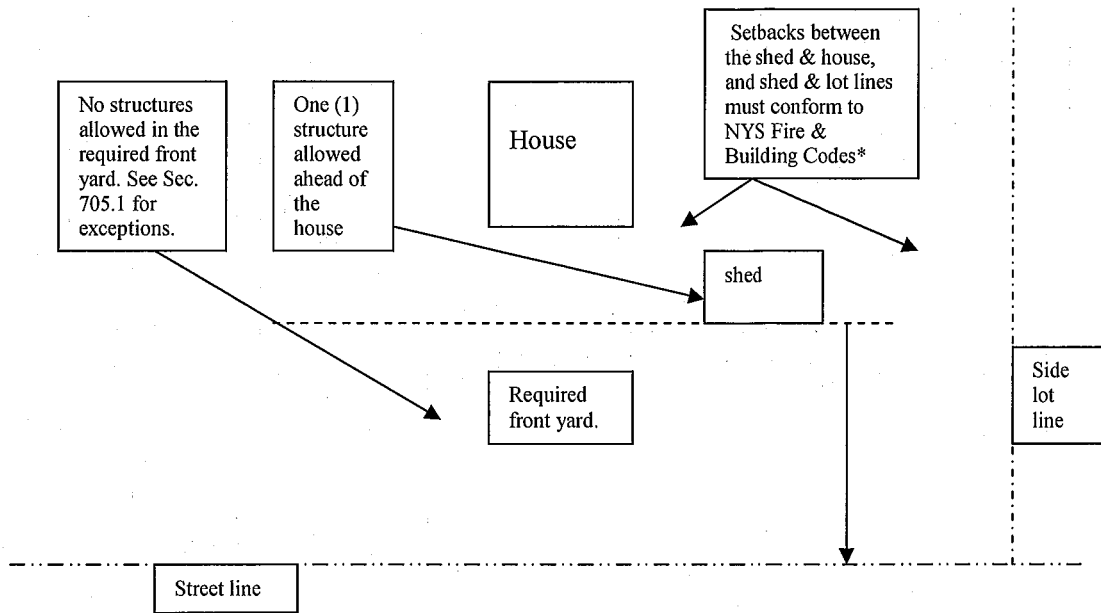


Figure 705 (1)

Detached Accessory Structures



* Typically three (3) feet to a lot line, and six (6) feet minimum between structures. A lesser distance may be permitted using fire-resistant construction. Consult with the Code Enforcement Officer.

Figure 705 (2)

Exceptions

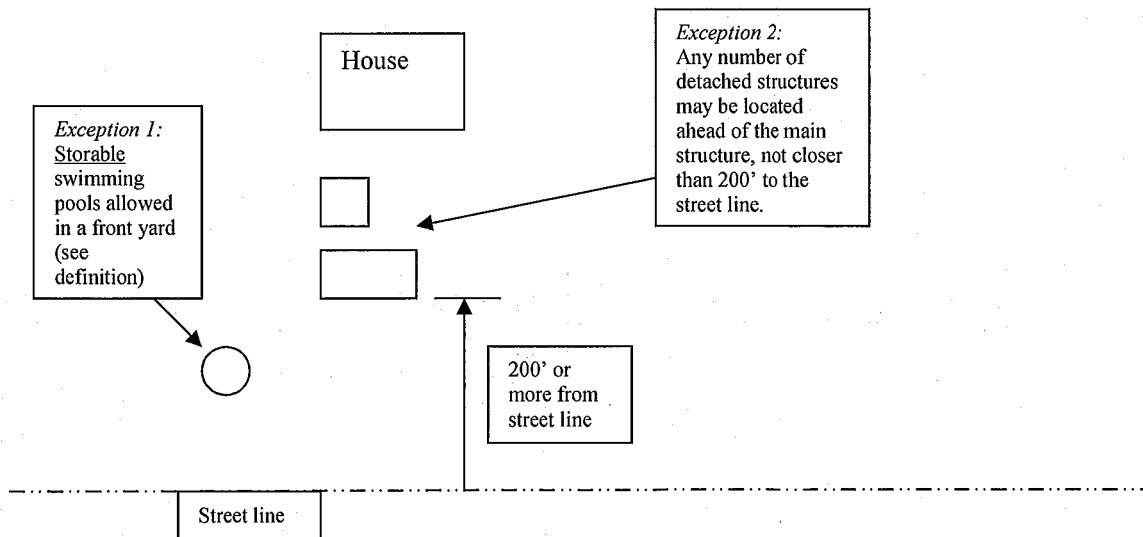


Figure 709.2 Design Standards for Off-Street Loading Berths

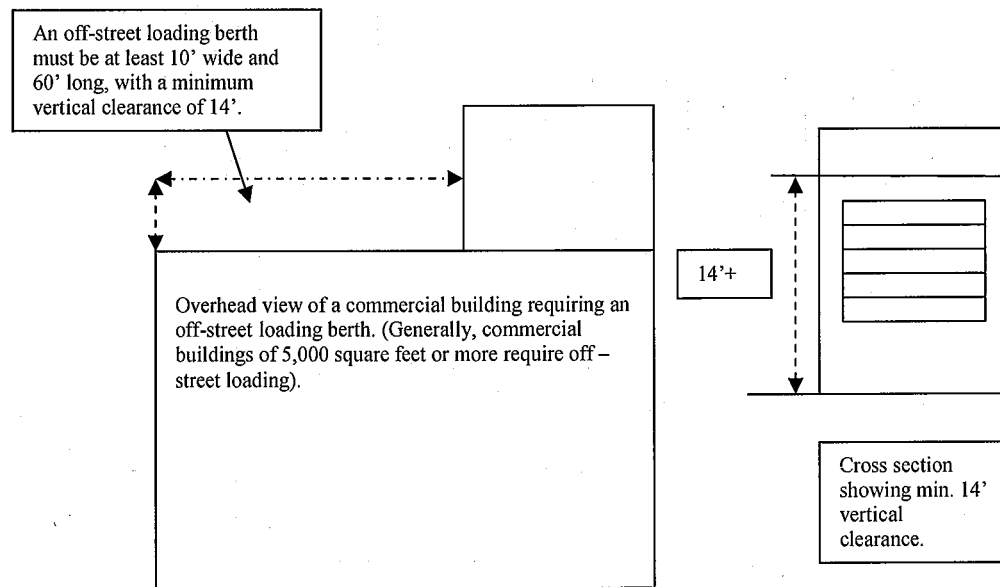
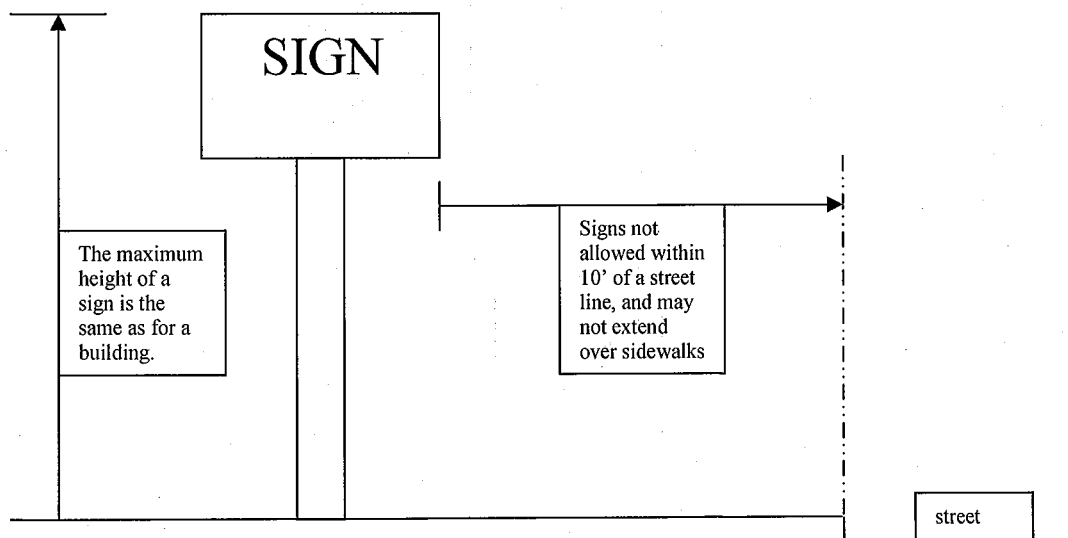


Figure 711(1) General Sign Requirements*



* Other restrictions may apply – see Section 711

Figure 711 (2)

Projecting Signs

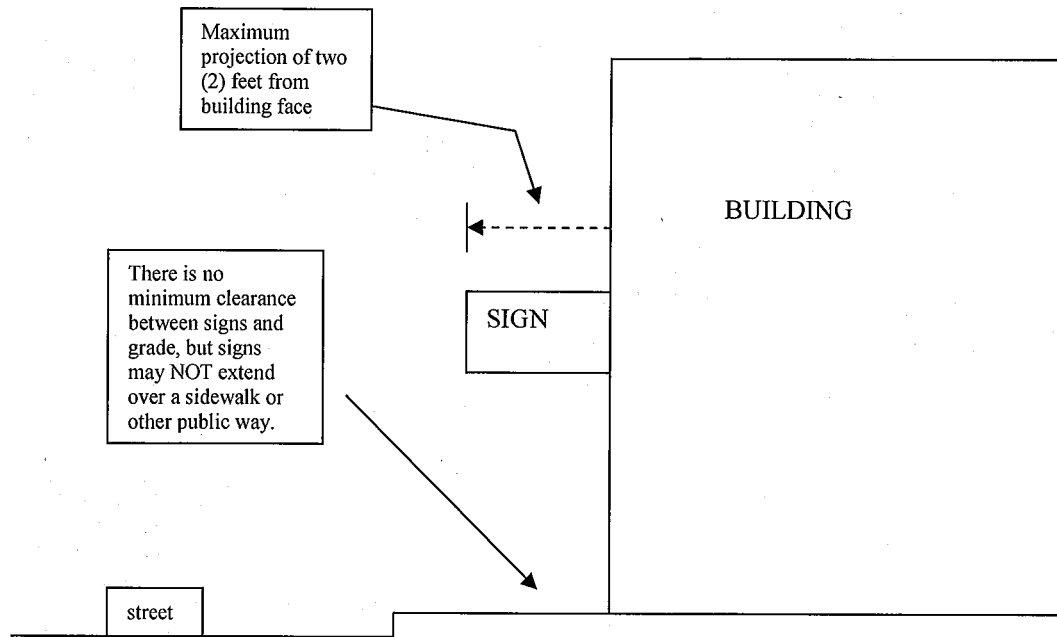


Figure 712

Wetlands

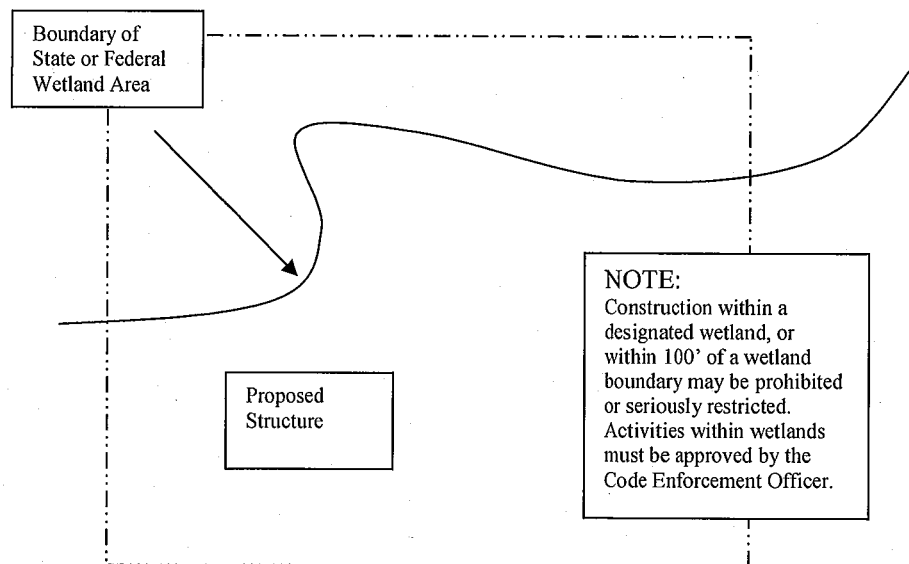


Figure 713 Flood Hazard Areas

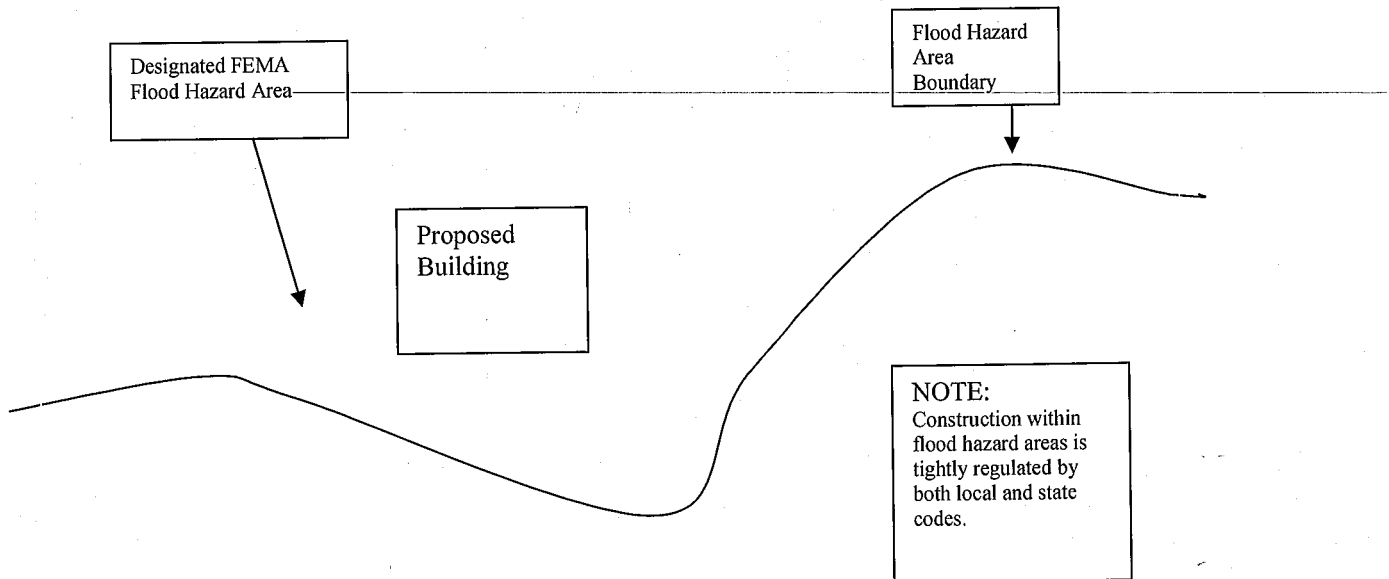
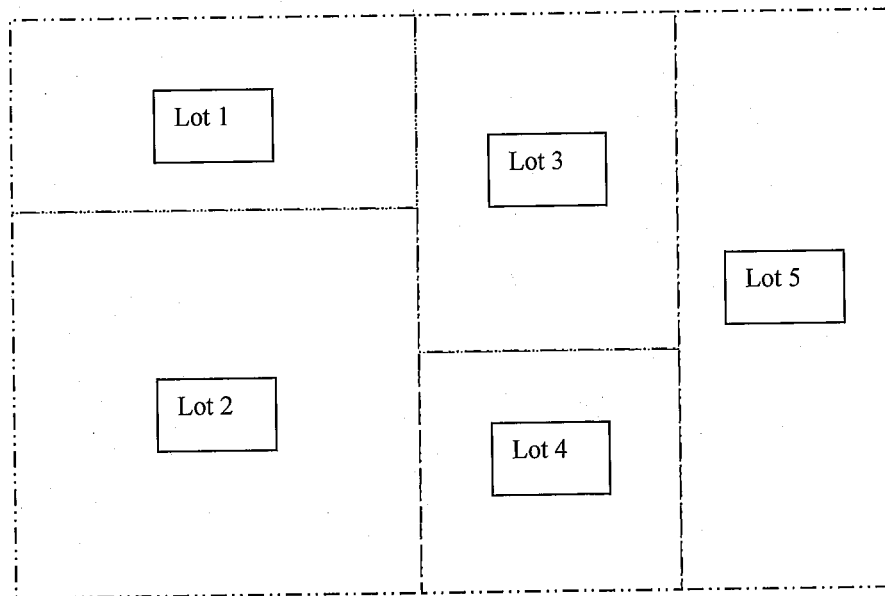


Figure 719 Illustration of a Major Subdivision*



* A tract of land divided into five (5) or more parcels, lots, blocks or sites for sale or rent as building plots. If each lot is five (5) or more acres in size, it is only considered a "minor subdivision" (see definitions and Section 719 for approval requirements. NOTE: A tract of land shall be considered a "major subdivision" upon the sale, rental, or offering for sale or lease of the fifth lot or plot within any consecutive 3-year period of time.