Appendix 31-4:

Code of the Town of Norfolk (2012)

Code of the Town of Norfolk

COUNTY OF ST. LAWRENCE

STATE OF NEW YORK

SERIAL NO. 16

GENERAL CODE
www.generalcode.com

2012

PREFACE

The Town of Norfolk has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Town Board ordered the following codification of the Town's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Town Board of the Town of Norfolk, including revisions or amendments to existing legislation deemed necessary by the Town Board in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all Town legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other Town legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Table of Contents and Grouping of Legislation

The Table of Contents details the arrangement of material alphabetically by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, the use of article designations has preserved the identity of the individual enactments, and the titles of the articles are listed beneath the chapter title in order to facilitate location of the individual enactments.

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed in which the section number indicates the number of the chapter and the location of the section within that chapter. Thus, the first section of Chapter 30 would be § 30-1, while the sixth section of Chapter 57 would be § 57-6.

Scheme

The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number, if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as pos-

sible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the Town officials is gratefully acknowledged by the editor. The codification of the legislation of the Town of Norfolk reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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PART I

ADMINISTRATIVE LEGISLATION

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[HISTORY: Adopted by the Town Board of the Town of Norfolk as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code

[A local law adopting the Code of the Town of Norfolk and making certain substantive changes to existing local laws of the Town is presently proposed before the Town Board. Upon final adoption, it will be included here as Article I of this chapter.]

Chapter 5

ASSESSOR

§ 5-1. Title.
§ 5-2. Authority.
§ 5-3. Intent.
§ 5-4. Board of Assessors abolished; appointment of Assessor.
§ 5-5. No referendum.

[HISTORY: Adopted by the Town Board of the Town of Norfolk 12-14-2010 by L.L. No. 1-2010. Amendments noted where applicable.]

GENERAL REFERENCES

Taxation — See Ch. 198.

§ 5-1. Title.

This chapter shall be known as "A Local Law to Establish the Office of Single Appointed Assessor Pursuant to Real Property Tax Law § 328."

§ 5-2. Authority.

This chapter is adopted pursuant to Real Property Tax Law § 328.

§ 5-3. Intent.

It is the intent of this chapter to abolish the board of three elected assessors in the Town of Norfolk and to substitute therefor a single appointed Assessor to be appointed pursuant to Real Property Tax Law § 310.

§ 5-4. Board of Assessors abolished; appointment of Assessor.

The offices of the three elected Assessors as previously established and continued by the Town of Norfolk are hereby abolished. The terms of office of the board of three elected Assessors shall terminate on December 31 of the year in which this chapter shall take effect. In the place and stead of the board of the three elected Assessors, the Town of Norfolk shall have one single Assessor to be appointed by the Town Board of the Town of Norfolk.

§ 5-5. No referendum.

Pursuant to Chapter 521 of the Laws of 2006 and the Real Property Tax Law of the State of New York, this chapter shall not be subject to a referendum.

Chapter 16

DEFENSE AND INDEMNIFICATION

§ 16-1. Purpose.
§ 16-2. Definitions.
§ 16-3. Defense of employees.
§ 16-4. Request for defense.
§ 16-5. Construal of provisions.
§ 16-6. Applicability.
§ 16-7. Indemnification of employees.
§ 16-8. Duty only for claims resulting in loss.
§ 16-9. Time limits.
§ 16-10. Authority to purchase insurance.

[HISTORY: Adopted by the Town Board of the Town of Norfolk 3-29-1982 by L.L. No. 1-1982. Amendments noted where applicable.]

GENERAL REFERENCES

Ethics — See Ch. 22.

Notification of defects — See Ch. 168.

§ 16-1. Purpose.

The purpose of this chapter is to encourage participation in public service by providing legal and financial protection to employees of the Town of Norfolk, New York.

§ 16-2. Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

EMPLOYEES — Any person holding a position by election, appointment or employment in the service of the Town, but shall not include a volunteer, any person not compensated for his services or an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative.

TOWN — The Town of Norfolk.

§ 16-3. Defense of employees.

A. Upon compliance by the employee with the provisions of § 16-4 of this chapter, the Town shall provide for the defense of the employee in any civil action or proceeding in any state or federal court or before any administrative tribunal arising out of any alleged act or omission which occurred or is alleged in any supporting papers, complaint or pleading to have occurred while the employee was acting or in good faith purporting to act within the scope of his public employment or duties for the Town. Such defense shall not be provided where such civil action or proceeding is brought by or on behalf of the Town against any employee.

B. Attorney representation.

(1) Subject to the conditions set forth in this chapter, the employee shall be represented by the Town Attorney or an attorney employed or retained by the Town for the defense of the employee. The Town Board shall employ or retain an attorney for the defense of the employee whenever:

(a) The Town does not have a Town Attorney;

(b) The Town Board determines, based upon its investigation and review of the facts and circumstances of the case, that representation by the Town Attorney would be inappropriate; or

(c) A court of competent jurisdiction determines that a conflict of interest exists, and that the employee cannot be represented by the Town Attorney.

(2) Reasonable attorneys' fees and litigation expenses shall be paid by the Town to such attorney employed or retained, from time to time, during the pendency of the civil action or proceeding subject to certification by the Town Supervisor that the employee is entitled to representation under the terms and conditions of this chapter. Payment of such fees and expenses shall be made in the same manner as payment of other claims and expenses of the Town. Any dispute with respect to representation of multiple employees by the Town Attorney or by an attorney employed or retained for such purposes or with respect to the amount of the fees or expenses shall be resolved by the court or tribunal.

C. Where the employee delivers process and a request for a defense to the Town Attorney or the Town Supervisor as required by § 16-4 of this chapter, the Town Attorney or the Supervisor, as the case may be, shall take the necessary steps, including the retention of an attorney under the terms and conditions provided in Subsection B of this section, on behalf of the employee to avoid entry of a default judgment, pending resolution of any question relating to the obligation of the Town to provide a defense.

§ 16-4. Request for defense.

A. The duties to defend provided in this chapter shall be contingent upon:

(1) Delivery to the Town Attorney or, if none, to the Town Supervisor of the original or a copy of any summons, complaint, process, notice, demand or pleading within 10 days after he is served with such document; and[1]

(2) The full cooperation of the employee in the defense of such action or proceeding and defense of any action or proceeding against the Town based upon the same act or omission and in the prosecution of any appeal.

B. Such delivery shall be deemed a request by the employee that the Town provide for his defense pursuant to this chapter, unless the employee shall state, in writing, that a defense is not requested.

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1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 16-5. Construal of provisions.

A. The benefits of this chapter will inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party nor shall any provision of this chapter be construed to affect, alter or repeal any provisions of the Workers' Compensation Law.

B. The benefits of this chapter shall be extended to an employee of a negotiating unit for which an agreement has been negotiated pursuant to Civil Service Law, Article 14, only if such agreement expressly so provides.

C. The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

D. As otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the Town or any right to defense provided for any governmental officer or employee by, in accordance with, or by reason, any other provision of state or federal statutory or common law.

§ 16-6. Applicability.

The provisions of this chapter shall apply to all actions and proceedings specified herein which have been commenced, instituted or brought on or after the effective date of this chapter.

§ 16-7. Indemnification of employees.

The Town shall provide, through insurance or otherwise, for the indemnification of any employee that shall become liable for payment of any sum by virtue of any action or proceeding and arising out of any act performed by such employee while acting in good faith and within the scope of his employment with the Town.

§ 16-8. Duty only for claims resulting in loss. [Added 4-23-1984 by L.L. No. 2-1984]

Notwithstanding any other provision of this chapter, the Town of Norfolk, New York, shall have no duty to defend and/or indemnify any Town officer or employee under this chapter unless the claim or claims against such Town officer and/or employee may result in a loss. "Loss" shall mean any amount which such Town officer and/or employee is obligated to pay for any claim or claims made against them, and shall include money damages, judgments, settlements, and costs, together with the reasonable costs of defending such claim. "Loss" shall not include fines or payment of penalties imposed by law or any matters which may be deemed uninsurable under law.

§ 16-9. Time limits. [Added 4-23-1984 by L.L. No. 2-1984]

The time limits hereinabove set forth shall be strictly construed. Failure on the part of any Town official and/or employee to comply with any of the terms and provisions of this chapter

shall relieve the Town of Norfolk from any and all duty to defend and/or indemnify such Town official and/or employee from any claim made against him.

§ 16-10. Authority to purchase insurance. [Added 4-23-1984 by L.L. No. 2-1984]

It is the intention of the Town Board of the Town of Norfolk, New York, in enacting this chapter, to authorize the Town Board of the Town of Norfolk, New York, to purchase a suitable policy of public officials and employees liability insurance to provide coverage to Town officers and/or employees against whom claims are made for acts arising in the course of their employment with the Town of Norfolk. In no event shall the Town of Norfolk's duty to defend and/or indemnify under this chapter exceed the scope or coverage of any policy so purchased and in effect at the time any such claim is made.

Chapter 22

ETHICS

§ 22-1. Purpose.
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§ 22-15. Political solicitations.
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§ 22-17. Gifts.
§ 22-18. Board of Ethics.
§ 22-19. Posting and distribution.
§ 22-20. Enforcement.
§ 22-21. Effective date.

[HISTORY: Adopted by the Town Board of the Town of Norfolk 8-8-2011. Amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification — See Ch. 16.

§ 22-1. Purpose.

Officers and employees of the Town of Norfolk hold their positions to serve and benefit the public, and not for obtaining uned personal or private gain in the exercise and performance of their official powers and duties. The Town Board recognizes, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes those standards.

§ 22-2. Definitions.

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

BOARD — The governing board of a municipality and any municipal administrative board (e.g., planning board, zoning board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

CODE — This Code of Ethics.

DOMESTIC PARTNER — A person who is neither married nor related by blood or marriage to the Town officer or employee. It is the Town officer's/employee's sole spousal equivalent. The domestic partner lives together with the Town officer/employee in the same residence and is responsible with the Town officer/employee for each other's welfare.

INTEREST — A direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

MUNICIPAL OFFICER OR EMPLOYEE — A paid or unpaid, elected or appointed officer or employee of the Town of Norfolk, including, but not limited to, the members of any municipal board.

MUNICIPALITY — The Town of Norfolk. The word "municipal" refers to the municipality.

RELATIVE — Spouse, domestic partner, child, stepchild, brother, sister, parent, or stepparent of a Town officer or employee, or any person claimed as a dependent on the latest income tax return.

§ 22-3. Applicability.

This Code of Ethics applies to the officers and employees of the Town of Norfolk, and shall supersede any prior municipal Code of Ethics. The provisions of this Code of Ethics shall apply in addition to all applicable state and local laws relating to conflicts of interest and ethics, including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Norfolk.

§ 22-4. Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

§ 22-5. Disclosure of interest in legislation and other matters.

A. Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose, in writing, the nature of the interest.

B. The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

C. In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and shall be included in the minutes of the meeting.

§ 22-6. Recusal and abstention.

A. No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

B. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) If the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function;

(3) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

§ 22-7. Exceptions.

A. This code's prohibition on use of a municipal position (§ 22-4), disclosure requirements (§ 22-5), and requirements relating to recusal and abstention (§ 22-6), shall not apply with respect to the following matters:

(1) Adoption of the municipality's annual budget;

(2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(a) All municipal officers or employees;

(b) All residents or taxpayers of the municipality or an area of the municipality; or

(c) The general public; or

(3) Any matter that does not require the exercise of discretion.

B. Recusal and abstention shall not be required with respect to any matter:

(1) Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by § 22-6 of this code;

(2) Which comes before a municipal officer when the officer would be prohibited from acting by § 22-6 of this code and the matter cannot be lawfully delegated to another person.

§ 22-8. Investments in conflict with official duties.

A. No municipal officer or employee may acquire the following investments:

(1) Investments that can be reasonably expected to require more than sporadic recusal and abstention under § 22-6 of this code; or

(2) Investments that would otherwise impair the person's independence of judgment in the exercise of performance of his or her official powers and duties.

B. This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

(1) Real property located within the municipality and used as his or her personal residence;

(2) Less than 5% of the stock of a publicly traded corporation; or

(3) Bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

§ 22-9. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

A. Can be reasonably expected to require more than sporadic recusal and abstention pursuant to § 22-6 of this code;

B. Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;

C. Violates § 805-a(1)(c) or (d) of the General Municipal Law; or

D. Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

§ 22-10. Future employment.

A. No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

B. No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she served.

C. No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

§ 22-11. Personal representations and claims permitted.

This code shall not be construed as prohibiting a municipal officer or employee from:

A. Representing himself or herself, or his or her spouse or minor children before the municipality; or

B. Asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

§ 22-12. Use of municipal resources.

A. Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

B. No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) Any use of municipal resources authorized by law or municipal policy;

(2) The use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

(3) The occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

C. No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§ 22-13. Interests in contracts.

A. No municipal officer or employee may have an interest in a contract that is prohibited by § 801 of the General Municipal Law.

B. Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by § 803 of the General Municipal Law.

§ 22-14. Nepotism.

Except as otherwise required by law:

A. No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.

B. No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

§ 22-15. Political solicitations.

A. No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

B. No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

§ 22-16. Confidential information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

§ 22-17. Gifts.

A. No municipal officer or employee shall solicit, accept or receive a gift in violation of § 805-a(1)(a) of the General Municipal Law as interpreted in this section.

B. No municipal officer or employee may directly or indirectly solicit any gift.

C. No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of $75 or more when:

(1) The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) The gift is intended as a reward for any official action on the part of the officer or employee.

D. For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed $75 must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

E. Presumption.

(1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding 12 months.

F. This section does not prohibit any other gift, including:

(1) Gifts made to the municipality;

(2) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;

(3) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) Awards and plaques having a value of $75 or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or

(6) Meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

§ 22-18. Board of Ethics.

A. There is hereby established a Board of Ethics for the municipality. The Board of Ethics shall consist of three members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such Board of Ethics shall be appointed by the Town Board, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the Board of Ethics.

B. The Board of Ethics shall render advisory opinions to the officers and employees of the Town of Norfolk with respect to Article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board of Ethics may prescribe. The Board of Ethics shall have the advice of legal counsel employed by the Board, or if none, the municipality's legal counsel. In addition, the Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics, or amendments thereto, upon the request of the Town Board.

§ 22-19. Posting and distribution.

A. The Town Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within 10 days following the date on which the code takes effect. An amendment to the code must be posted within 10 days following the date on which the amendment takes effect.

B. The Town Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Norfolk.

C. Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Town Clerk of the municipality who must maintain such acknowledgments as a public record.

D. The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this Code of Ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

§ 22-20. Enforcement.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

§ 22-21. Effective date.

This code takes effect on August 8, 2011.

Chapter 29

INVESTMENT POLICY

§ 29-1. Scope.
§ 29-2. Objectives.
§ 29-3. Delegation of authority.
§ 29-4. Prudence.
§ 29-5. Diversification.
§ 29-6. Internal controls.
§ 29-7. Designation of depositaries.
§ 29-8. Collateralizing of deposits.
§ 29-9. Safekeeping and collateralization.
§ 29-10. Permitted investments.
§ 29-11. Authorized financial institutions and dealers.

[HISTORY: Adopted by the Town Board of the Town of Norfolk at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Procurement policy — See Ch. 48.

§ 29-1. Scope.

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

§ 29-2. Objectives.

The primary objectives of the local government's investment activities are, in priority order:

A. To conform with all applicable federal, state and other legal requirements (legal);

B. To adequately safeguard principal (safety);

C. To provide sufficient liquidity to meet all operating requirements (liquidity); and

D. To obtain a reasonable rate of return (yield).

§ 29-3. Delegation of authority.

The governing board's responsibility for administration of the investment program is delegated to the Town Supervisor who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

§ 29-4. Prudence.

A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Norfolk to govern effectively.

B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

C. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

§ 29-5. Diversification.

It is the policy of the Town of Norfolk to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

§ 29-6. Internal controls.

A. It is the policy of the Town of Norfolk for all moneys collected by any officer or employee of the government to transfer those funds to the Town Supervisor within three days of deposit, or within the time period specified in law, whichever is shorter.

B. The Town Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

§ 29-7. Designation of depositaries.

The banks and trust companies authorized for the deposit of monies up to the following maximum amounts are:[1]

§ 29-8. Collateralizing of deposits.

In accordance with the provisions of General Municipal Law § 10, all deposits of Town of Norfolk, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

A. By a pledge of "eligible securities" with an aggregate "market value," or provided by General Municipal Law § 10, equal to the aggregate amount of deposits from the categories designated in the policy.

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1. **Editor's Note: The designated depository information is on file in the Town offices.**

B. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

C. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

§ 29-9. Safekeeping and collateralization.

A. Eligible securities used for collateralizing deposits shall be held by the depositary and/or a third-party bank or trust company subject to security and custodial agreements.

B. The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Norfolk or its custodial bank.

C. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing of any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ 29-10. Permitted investments.

A. As authorized by General Municipal Law § 11, the Town of Norfolk authorizes the Town Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

(1) Special time deposit accounts;

(2) Certificates of deposit;

(3) Obligations of the United States of America;

(4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;

(5) Obligations of the State of New York;

(6) Obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the (unit of government);

(7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.

(8) Certificates of participation (COPs) issued pursuant to General Municipal Law § 109-b,

(9) Obligations of this local government, but only with any moneys in a reserve fund established pursuant to General Municipal Law §§ 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

B. All investment obligations shall be payable or redeemable at the option of the Town of Norfolk within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Norfolk within two years of the date of purchase.

§ 29-11. Authorized financial institutions and dealers.

The Town of Norfolk shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent consolidated report of condition (call report) at the request of the Town of Norfolk. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Town Supervisor is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

Chapter 48

PROCUREMENT POLICY

§ 48-1. Applicability; yearly purchasing estimates.

§ 48-2. Formal bids required.

§ 48-3. Quotes and RFPs.

§ 48-4. Award of bid.

§ 48-5. Solicitation of quotes and/or proposals.

§ 48-6. Written proposals not required.

§ 48-7. Annual review of policy.

[HISTORY: Adopted by the Town Board of the Town of Norfolk at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Investment policy — See Ch. 29.

§ 48-1. Applicability; yearly purchasing estimates.

The Town Supervisor shall be responsible for assuring that all purchases are made in accordance with this procurement policy. Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law (GML) § 103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity. All purchases over $350 from the general fund shall require a prior approval of the Town Supervisor and will be presented to the Town Board at the next scheduled meeting.

§ 48-2. Formal bids required.

All purchases of supplies or equipment which will exceed $10,000 in the fiscal year or public works contracts over $20,000 shall be formally bid pursuant to GML § 103.

§ 48-3. Quotes and RFPs.

A. All estimated purchases of:

(1) Less than $10,000 but greater than $3,000 require a written request for a proposal (RFP) and written/fax quotes from three vendors.

(2) Less than $3,000 but greater than $1,000 require an oral request for the goods and oral/fax quotes from vendors.

(3) Less than $1,000 but greater than $250 are left to the discretion of the purchaser.

B. All estimated public works contracts of:

(1) Less than $20,000 but greater than $10,000 require a written RFP and fax/proposals from three contractors.

(2) Less than $10,000 but greater than $3,000 require a written RFP and fax/proposals from two contractors.

(3) Less than $3,000 but greater than $500 are left to the discretion of the purchaser.

C. All written RFPs shall describe the desired goods, quantity and the particular of delivery. The purchaser shall compile a list of all vendors from whom written, fax/oral quotes have been requested and the written, fax/oral quotes offered.

D. All information gathered in complying with the procedures of this section shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

§ 48-4. Award of bid.

The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

§ 48-5. Solicitation of quotes and/or proposals.

A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

§ 48-6. Written proposals not required.

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

A. Acquisition of professional services, except when the Town Board has directed the use of formal requests for proposals;

B. Emergencies;

C. Sole-source situations;

D. Goods purchased from agencies for the blind or severely handicapped;

E. Goods purchased from correctional facilities;

F. Goods purchased from another government agency;

G. Goods purchased at auction;

H. Goods purchased for less than $250;

I. Public works contacts for less than $500.

§ 48-7. Annual review of policy.

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

Chapter 51

RECORDS

ARTICLE I
Public Access to Records

§ 51-1. Purpose and scope.
§ 51-2. Designation of Records Access Officer.
§ 51-3. Location.
§ 51-4. Hours for public inspection.
§ 51-5. Requests for public access to records.
§ 51-6. Subject matter list.
§ 51-7. Denial of access to records.
§ 51-8. Fees.
§ 51-9. Public notice.

ARTICLE II
Records Retention

§ 51-10. Adoption of schedule.
§ 51-11. Disposition.

[HISTORY: Adopted by the Town Board of the Town of Norfolk as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Public Access to Records
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 51-1. Purpose and scope.

A. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.

B. These regulations provide information concerning the procedures by which records may be obtained.

C. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 51-2. Designation of Records Access Officer.

A. The Town Board of the Town of Norfolk is responsible for insuring compliance with the regulations herein, and designates the following person(s) as Records Access Officer(s): Town Clerk, P.O. Box 481, Norfolk, NY 13667.

B. The Records Access Officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a Records Access Officer shall

not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

C. The Records Access Officer shall insure that agency personnel:

(1) Maintain an up-to-date subject matter list.

(2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.

(3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.

(4) Upon locating the records, take one of the following actions:

(a) Make records available for inspection; or

(b) Deny access to the records in whole or in part and explain in writing the reasons therefor.

(5) Upon request for copies of records:

(a) Make a copy available upon payment or offer to pay established fees, if any, in accordance with § 51-8; or

(b) Permit the requester to copy those records.

(6) Upon request, certify that a record is a true copy; and

(7) Upon failure to locate records, certify that:

(a) The Town of Norfolk is not the custodian for such records; or

(b) The records of which the Town of Norfolk is a custodian cannot be found after diligent search.

§ 51-3. Location.

Records shall be available for public inspection and copying at: Town Clerks Office, 5 West Main Street, Norfolk, NY 13667.

§ 51-4. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are: Monday, Tuesday, Thursday, 8:45 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m.; Wednesday, 8:45 a.m. to 12:00 p.m. and 1:00 p.m. to 6:00 p.m.; Friday, 8:45 a.m. to 12:00 p.m.

§ 51-5. Requests for public access to records.

A. A written request may be required, but oral requests may be accepted when records are readily available.

B. If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

C. A response shall be given within five business days of receipt of a request by:

(1) Informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;

(2) Granting or denying access to records in whole or in part;

(3) Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within 20 business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

(4) If the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within 20 business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within 20 business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

D. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

E. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

(1) Fails to grant access to the records sought, fails to deny access in writing or fails to acknowledge the receipt of a request within five business days of the receipt of a request;

(2) Acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

(3) Furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

(4) Fails to respond to a request within a reasonable time after the approximate date given or within 20 business days after the date of the acknowledgment of the receipt of a request;

(5) Determines to grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

(6) Does not grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

(7) Responds to a request, stating that more than 20 business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

§ 51-6. Subject matter list.

A. The Records Access Officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to Subdivision 2 of § 87 of the Public Officers Law.

B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

C. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

§ 51-7. Denial of access to records.

A. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, who or which shall be identified by name, title, business address and business phone number.

B. If requested records are not provided promptly, as required in § 51-5 of these regulations, such failure shall also be deemed a denial of access.

C. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law: Norfolk Town Board, P.O. Box 481, 5 West Main Street, Norfolk, NY 13667, (315) 384-4722.

D. Any person denied access to records may appeal within 30 days of a denial.

E. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

(1) The date and location of requests for records;

(2) A description, to the extent possible, of the records that were denied; and

(3) The name and return address of the person denied access.

F. A failure to determine an appeal within 10 business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

G. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

H. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination, in writing, within 10 business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth Subsection G of this section.

§ 51-8. Fees.

A. There shall be no fee charged for:

(1) Inspection of records;

(2) Search for records; or

(3) Any certification pursuant to this part.

B. Fees for copies may be charged, provided that:

(1) The fee for copying records shall not exceed $0.25 per page for photocopies not exceeding nine inches by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less that $0.25 for such copies;

(2) The fee for photocopies of records in excess of nine inches by 14 inches shall not exceed the actual cost of reproduction; or

(3) An agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

C. An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

D. An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

E. An agency may waive a fee in whole or in part when making copies of records available.

§ 51-9. Public notice.

A notice containing the title or name and business address of the Records Access Officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

MODEL PUBLIC NOTICE

You have a right to see public records.

A. The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

B. The Town of Norfolk has adopted regulations governing when, where, and how you can see public records.

C. The regulations can be seen at all places where records are kept. According to these regulations, records can be seen and copied at: Town Clerk's Office, 5 West Main Street, Norfolk, NY 13667.

D. If you are denied access to a record, you may appeal to the following person(s) or body: Norfolk Town Board, P.O. Box 481, 5 West Main Street, Norfolk, NY 13667, (315) 384-4722.

ARTICLE II
Records Retention
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 51-10. Adoption of schedule.

Records retention and disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law and containing legal minimum retention periods for municipal government records, is hereby adopted for use by all municipal officers in disposing of municipal government records listed therein.

§ 51-11. Disposition.

In accordance with Article 57-A:

A. Only those records will be disposed of that are described in records retention and disposition Schedule MU-1 after they have met the minimum retention period prescribed therein.

B. Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established time periods.

Chapter 58

TERMS OF OFFICE

[The terms of office of the Town Clerk and Town Highway Superintendent were increased from two years to four years as approved by the voters during the November 1989 election.]

PART II

GENERAL LEGISLATION

Chapter 70

ADULT USES

§ 70-1. Purpose; findings.
§ 70-2. Definitions.
§ 70-3. Restrictions.
§ 70-4. Observation from public way prohibited.
§ 70-5. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Norfolk at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Land use and development — See Ch. 150.

§ 70-1. Purpose; findings.

It is recognized that the buildings and establishments operated as adult entertainment uses have serious objectionable operational characteristics. In order to promote the health, safety and general welfare of the residents of the Town of Norfolk, this chapter is intended to restrict adult entertainment uses to Commercial Industrial CI zoned areas of the Town. The Town Board hereby finds that the operational characteristics of adult entertainment uses increase the detrimental impact on a community when such uses are spread throughout the community. The Town Board finds that, based upon common knowledge and experience and studies conducted by other municipalities, both large and small (such as Kansas City, Missouri and the Village of Bergen, New York), the adult entertainment uses sought to be regulated by this chapter have been associated with criminal and other socially undesirable behavior, such as disorderly conduct, prostitution, pornography, drug trafficking and substance abuse, which have the resulting effects of depressing property values in the surrounding neighborhood and increasing the burden upon law enforcement personnel and municipal expenditures therefor. Therefore, this chapter is intended to promote the health, safety and general welfare of the residents of the Town of Norfolk by regulating the concentration and location of such adult entertainment uses.

§ 70-2. Definitions.

A. General. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

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

ADULT ENTERTAINMENT USES — Those uses which prohibit minors due to their age. Adult bookstores and video stores are included within this definition to the extent that at least 10% of the floor area of their stock-in-trade consists of books, magazines,

other periodicals, films, slides and video tapes to which minors are denied access although the establishment is customarily open to the general public.

CODE — The Code of the Town of Norfolk, as amended.

MINOR — A person who has not attained the age of 18 years.

TOWN — The Town of Norfolk.

§ 70-3. Restrictions.

A. No adult entertainment use shall be allowed or permitted in any zoning district of the Town, except a Commercial Industrial CI District. All adult entertainment uses shall comply with the applicable provisions of the Code, including those relating to structures and uses permitted in Commercial Industrial CI District.[1]

B. In addition, no person shall construct, establish, operate or maintain, or be issued a certificate of occupancy for, any adult entertainment use within the Town unless such use meets the following standards:

(1) No more than one adult entertainment use shall be allowed or permitted on any one lot.

(2) No adult entertainment use shall be allowed or permitted on a lot that is closer than 500 feet to:

(a) A lot on which there is another adult entertainment use.

(b) Any R-H, R-A, C-B or C-H District.

(c) Any property that is utilized, in whole or in part, for residential purposes.

(d) Any church or other regular place of worship, community center, funeral home, library, school, nursery school, day-care center, hospital or public park, playground, recreational area or field.

(e) The boundaries of the Town.

C. Where there is a conflict between the regulations as provided in this chapter and any other law, rule or regulation of the Town, including the Code, the most restrictive law, rule or regulation shall apply.

D. All distances set forth herein shall be measured from lot line to lot line or, where applicable, from lot line to boundary.

§ 70-4. Observation from public way prohibited.

No adult entertainment use shall be conducted in any manner that permits the observation of the adult entertainment use from any public way or from any other lot.

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1. **Editor's Note: See Ch. 150, Land Use and Development, Part 2, Zoning.**

§ 70-5. Penalties for offenses.

A violation of any provision of this chapter shall be punishable by a maximum fine of $250 or by imprisonment for not more than 15 days, or both.

Chapter 77

ALCOHOLIC BEVERAGES

§ 77-1. Definitions.
§ 77-2. Prohibited acts.
§ 77-3. Presumptive evidence of possession.
§ 77-4. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Norfolk 7-11-1977; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

§ 77-1. Definitions.

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

INTENT TO CONSUME — Includes any of the following: drinking from the container; possession with movement of the container to the mouth; and any circumstances evidencing an intent to ultimately consume in any public place.

OPEN BOTTLE OR OTHER CONTAINER — Any bottle, can, glass or other receptacle suitable for or used to hold any liquid, which has been uncapped, uncorked, the tab removed or the top sliced, cut or broken, or its original condition altered in such a way that the liquid can flow out of it.

§ 77-2. Prohibited acts.

No person shall have in his possession with intent to consume any open bottle or container containing or which previously contained liquor, beer, wine or alcoholic beverage while such person is on any public highway, public street, public sidewalk or public parking area within the Town of Norfolk, St. Lawrence County, New York.

§ 77-3. Presumptive evidence of possession.

Any open, resealed or partially empty container containing an alcoholic beverage found in any parked or standing vehicle shall be presumptive evidence that the same is in the possession of all occupants of said vehicle; provided, however, that the provisions of this chapter shall not apply to any person drinking an alcoholic beverage while operating a motor vehicle upon a public highway in violation of § 1227 of the Vehicle and Traffic Law of the State of New York.

§ 77-4. Penalties for offenses.

A violation of this chapter shall constitute an offense punishable by a fine not exceeding $250 or by imprisonment for 15 days, or both.

Chapter 84

ANIMALS

ARTICLE I
Control of Animals

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§ 84-2. Definitions.
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Dangerous and Vicious Dogs

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[HISTORY: Adopted by the Town Board of the Town of Norfolk as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Land use and development — See Ch. 150.
Noise — See Ch. 166.
Property maintenance — See Ch. 177.

ARTICLE I
Control of Animals
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 84-1. Purpose.

This article is to promote the health, safety and general welfare of the people of the Town of Norfolk, New York, including the protection of the property of the Town and its inhabitants, and the preservation of peace and good order by imposing restrictions upon the keeping and running at large of certain animals and livestock within the Town.

§ 84-2. Definitions.

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

AT LARGE — Off the premises of the owner.

DOMESTIC ANIMALS — Pets and farm animals, including, but not limited to, dogs, sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, chickens.

EXOTIC ANIMALS — Any mammal, bird or reptile that has not been domesticated or must be caged or restrained or which is classified by the State of New York, Department of Environmental Conservation as "dangerous wildlife."

OWNER — Any person owning, keeping, harboring, feeding, boarding or having the care, custody or control of any domestic animal or exotic animal on property (premises) owned or rented by him and, when such owner shall be a child under the age of 16 years, the head of the household in which such child resides shall be deemed to be the owner of such domestic or exotic animal for all purposes of this article.

§ 84-3. Noise; disturbance of the peace prohibited; liability.

A. No person shall keep, suffer or permit to be kept on the premises of the owner, or person having control of such dog, any dog which by its continual barking, howling or whining or other frequent or long-continued noise shall unreasonably disturb the comfort or repose of any other person.

B. No person who owns or has control of a domestic or exotic animal shall permit or suffer such animal to damage or destroy property of any kind of any other person to attack or bite any person peaceably conducting himself in any place where such person may lawfully be, or to attack, chase, injure or kill any animal of another person, when such animal is in any place where it may lawfully be. For the purpose hereof, when any animal is at large contrary to the provisions of this article and commits any of such acts, the owner or person in control shall be deemed to have permitted or suffered the animal to have committed such acts.

§ 84-4. Confinement required; running at large prohibited; sanitary conditions to be maintained.

A. Every owner and/or custodian of livestock or any of the above defined animals shall keep such animals securely and safely confined upon the owner's own or leased lands by adequate fencing or other lawful restraints so as to ensure that said animals cannot leave the confines of the owners own or leased lands.

B. No person who is the owner or has custody of any animals or livestock as defined in this article shall permit or allow any such animal to go upon any private property or public or private way in the Town of Norfolk owned by any person other than the owner or custodian of said livestock, without the express permission of the owner of said property or public or private way.

C. No owner shall keep or suffer to be kept a dog in the habit of continually chasing or barking at automobiles, bicycles or moving vehicles.

D. No owner shall keep or suffer to be kept any animal which commits a nuisance in a public highway, public building, public park or on any private property except with the consent of the owner of the property thereof.

E. No owner shall keep or suffer to be kept any animal which continually runs at large with a pack of other similar animals or chases other animals or children.

F. No owner shall permit a female dog which is in heat to run at large nor shall he permit conditions to exits in which male dogs are attracted to the premises of the female dog in heat, where such attraction causes a nuisance to adjoining property owners.

G. No person who owns an animal shall permit the premises, structure or enclosure in which such animal is kept to be unclean or unsanitary.

§ 84-5. Seizure, redemption and disposition of animals.

The Animal Control Officer, or any police officer, shall seize any animal found to be in violation of this article or in violation of the provisions of Article 7 of the Agriculture and Markets Law of this state, and such animal shall be impounded, redeemed, euthanized, or sold as provided in § 117 of the Agriculture and Markets Law of this state, and the owner of such animal shall pay the costs of seizure, euthanization and impoundment as provided therein.

§ 84-6. Dangerous animals; determination of rabies; disposition.

The owner of any animal which has attacked or injured another person or animal contrary to the provisions of this article shall confine such animal for such length of time as may be directed by the Animal Control Officer for the purpose of determining whether such animal is affected by rabies, and, if so affected, such animal shall be destroyed under the direction of the Animal Control Officer.

§ 84-7. Confinement of dangerous animal to owner's premises.

The owner of any animal which has attacked or injured another person or animal as provided herein shall not thereafter permit such animal to be at any place other than on the premises of the owner unless such animal is securely fitted with a properly fitting muzzle of a type which shall not permit such animal to bite another person or animal.

§ 84-8. Filing of complaints; penalties for offenses.

A. Any person who observes a domestic or exotic animal (or animals), or the owners thereof, in violation of any of the provisions of this article may file a written complaint in the form prescribed by the Penal Law of the State of New York with a local Criminal Justice having appropriate jurisdiction setting forth the conduct of such domestic or exotic animal (or animals), or that of the owner, including the date thereof, the damage caused, a description of such animal and the name and residence, if known, of the owner of the said animal. Thereupon, the Judge or Justice shall immediately determine if there is probable cause to believe the animal is dangerous and, if so, shall issue an order to any Animal Control Officer, peace officer acting pursuant to his special duties, or police officer, directing such officer to immediately seize such animal and hold same pending judicial determination as herein provided. Whether or not the Judge or Justice finds there is probable cause for such seizure, he shall, within five days and upon written notice of not less than two days to the owner of the animal, hold a hearing on the complaint. If satisfied that the animal is a dangerous animal, the Judge or Justice shall then order the owner or any Animal Control Officer acting pursuant to his special duties, or police officer, to destroy the animal immediately or shall order the owner to confine securely such animal permanently or at such time as otherwise specified in the order. If the owner fails to destroy or confine the animal as required by such order, any Animal Control Officer acting pursuant to his special duties, or police officer, shall destroy such animal on or off the premises of the owner.

B. Any violation of this article shall be deemed an offense punishable by a fine of not less than $25 nor more than $250 or confinement in jail for a term not exceeding 15 days, or both such fine and imprisonment. Each day a violation occurs as the case may be shall constitute a separate violation. The provisions hereof are in addition to the regulations, restrictions, requirements and penalties contained in Article 7 of the Agriculture and Markets Law of the State of New York.

ARTICLE II
Dog Control
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 84-9. Title.

The title of this article shall be "Dog Licensing and Control Law of the Town of Norfolk, County of St. Lawrence."

§ 84-10. Statutory authority.

This article is enacted pursuant to the provisions of (Chapter 59, Part T, of the Laws of 2010) Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

§ 84-11. Purpose.

The Town Board of the Town of Norfolk, County of St. Lawrence, hereby finds and declares that the purpose of this article is to provide for the licensing and identification of dogs, also to protect the health, safety and property of others from annoyance and damage caused by dogs.

§ 84-12. Definitions.

All terms not specifically defined herein shall have the meaning assigned to such terms within § 108 of the Agriculture and Markets Law of the State of New York.

AGRICULTURE AND MARKETS LAW — The Agriculture and Markets Law of the State of New York in effect during the life of this article.

DANGEROUS DOGS — As defined by New York State Agriculture and Market Law; Article III, Dangerous and Vicious Dogs, of this chapter; and § 84-14 of this article.

DOG — Any member of the species Canis familiaris, both male and female.

DOG AT LARGE — A dog that is in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

DOG CONTROL OFFICER — The person authorized by the Town Board of the Town of Norfolk to enforce the Town ordinances and the New York State Agriculture and Market Laws, as defined by the Laws of the State of New York.

IDENTIFICATION TAG — A tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and state, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

OWNER — The person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the Dog Control Officer and a reasonable search has been made. If a dog is not licensed, the term "owner" shall designate and cover any person or persons, firm, association or corporation, who, or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought, or comes within the Town.

OWNER OF RECORD — The person in whose name a dog was last licensed pursuant to this article.

PERSONAL OR PHYSICAL INJURY — Impairment of physical condition; or substantial pain.

RESIDENT — An individual who maintains a residence within the Town of Norfolk, County of St. Lawrence, State of New York.

TOWN — The Town of Norfolk, County of St. Lawrence, and State of New York.

§ 84-13. Licensing and vaccination.

A. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required.

B. Each license issued pursuant to this article shall be valid for a period of one year and shall expire on the last day of the last month of the period for which it was issued. No license shall be issued for a period expiring after the last day of the 11th month following the expiration date of the current rabies certificate for the dog being licensed.

C. All dogs owned or kept by residents of the Town of Norfolk or harbored in the Town of Norfolk for a period of five days or more shall be licensed by the owner or individuals having responsibility or control of the dog.

D. Individual dog license fee.

(1) Four dollars for a spayed/neutered dog.

(2) Twelve dollars for an unsprayed/unneutered dog.

E. These fees may be amended from time to time by resolution of the Town Board of the Town of Norfolk, St. Lawrence County, New York.

F. State mandated animal population control surcharge.

(1) Each individual dog license for a spayed/neutered dog shall be subject to an animal population control surcharge in the amount of $1 payable at the time the dog license application is filed.

(2) Each individual dog license for unsprayed/unneutered dog shall be subject to an animal population control surcharge in the amount of $3 payable at the time the dog license application is filed.

G. Replacement tag fee. A replacement tag fee of $3 shall be charged to offset the costs associated with the provision and replacement of identification tags.

H. Fee exemptions.

(1) There shall be no fee for any license issued for the following as defined in Article 7 of the State Agriculture and Markets Law:

(a) Guide dog.

(b) Hearing dog.

(c) Service dog.

(d) War dog.

(e) Working search dog.

(f) Detection dog.

(g) Police work dog.

(h) Therapy dog.

(2) Each copy of any license for such dogs shall be conspicuously marked "Guide Dog," "Hearing Dog," "Service Dog," "Working Search Dog," "War Dog," "Detection Dog," "Police Work Dog," or "Therapy Dog" as may be appropriate by the Clerk.

I. Upon validation by the Town Clerk of the Town, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk of the Town. Such record shall be made available upon request to the State Commissioner of Agriculture and markets, or successor thereof.

J. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.

K. Change of ownership, lost or stolen dogs:

(1) Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.

(2) In the event of a change in ownership of any dog which has been assigned an official identification number or in the event of a change of address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Town Clerk.

(3) If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Town Clerk.

(4) In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal.

L. Identification tag.

(1) The Town Clerk shall assign a Town permanent official identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on a identification tag which shall be affixed to the collar of the dog at all times.

(2) An identification tag is not required to be worn while the dog is participating in a dog show.

(3) The official permanent identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of

ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

(4) No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned.

(5) At the time a dog is first licensed, one identification tag shall be furnished to the owner at no additional charge. Any replacement tag shall be obtained by the owner at the owner's expense. Any person wishing to replace a tag previously issued shall pay the sum of $3 to the Town Clerk for the replacement tag.

M. There will not be distinct purebred licenses as previously provided for by the state. Any and all existing purebred licenses will now be required to comply with this article.

N. No person shall own or possess a dog within the Town unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and the laws of the Town.

O. All dogs within the Town that are six months of age or older, unless otherwise exempted, shall be licensed. No license shall be required for any dog which is under the age of six months and which is not at large.

P. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk of the Town a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town.

Q. The Town does not allow the licensing of dogs by a shelter or pound.

§ 84-14. Injuries caused by dogs; guard dogs.

A. No person who owns or harbors a dog shall permit the dog to cause serious physical injury to another person.

B. No person who has been found guilty previously of a violation of this article and who owns or harbors a dog shall allow a dog to cause physical injury to another person.

C. No person who owns or harbors a dog who has been previously found to be a dangerous dog shall suffer or permit the dog to cause physical injury to another person.

D. The owner of any premises patrolled by any guard dog shall post a sign at each point of public access with lettering in clear and concise English at least 2.5 inches high and in color contrasting to that of the background stating that the premises are patrolled by a guard dog.

§ 84-15. Dogs in heat.

Every owner of a female dog in heat shall confine the animal during such period in or on the premises of the owner or person harboring such animal.

§ 84-16. Seizure of dogs.

A. A dog may be seized for any of the following reasons:

(1) Any dog that is found at large and not under effective restraint as required by this article.

(2) Any dog which is not identified and not on the owner's premises.

(3) Any dog which is not licensed, whether on or off the owner's premises.

(4) Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probably cause to believe the dog is a dangerous dog.

(5) Any dog which poses a threat to public safety.

B. The Dog Control Officer or peace officer observing a violation of this article in his presence shall issue and serve an appearance ticket for such violation.

C. Any person who observes a dog in violation of this article may file a complaint under oath with a Dog Control Officer of the Town specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provision of this article.

D. The fees for impoundment of any dog or dogs shall be $15 per day. Fees are to be paid to the shelter harboring the dog or dogs.

§ 84-17. Restriction on number of dogs.

A. It shall be unlawful to keep or harbor more than four dogs, ages six months or older, on any premises in the Town of Norfolk, regardless the number of owners, except by a special permit issued by the Town Board with favorable recommendation of the Planning Board and the Code Enforcement Officer. No permit shall be issued if the issuance thereof shall be inconsistent with the applicable provisions of the Code of the Town of Norfolk.

§ 84-18. Enforcement.

A. Any police officer or Dog Control Officer of the Town of Norfolk is authorized to issue an appearance ticket for the violation of any provision of this article.

B. Any dog which is observed running at large in violation of the provisions of this article may be picked up or seized by a Dog Control Officer, Animal Control Officer, police officer or by any other persons or agency duly designated by the Town of Norfolk to perform such service.

C. Any such person who seizes such animal shall be empowered to exercise such degree of force as shall be necessary to effect such seizure without intentionally injuring or harming such animal.

§ 84-19. Ability to restrain; use of leash.

The owner having custody and control of any dog in the Town of Norfolk shall control and restrain the same and shall be of such physical ability to be able to control and restrain the same by an adequate collar and leash not exceeding six feet in length, except when such a dog is on the premises of said person or is subject to the provisions related to dangerous dogs.

§ 84-20. Prohibited acts.

A. No person owning or having custody and control of any dog shall suffer, permit or allow such dog to urinate, defecate or to commit any other nuisance in a park, public building or area, store, parking lot or public sidewalk or on any private property without such consent of owner of such property.

B. No person shall permit any dog to habitually bark or cry to the extent that the animal shall disturb or interfere with the peaceful living of any person.

C. No person shall allow a dog to run at large. No dog, whether licensed or unlicensed, muzzled or not muzzled, shall be allowed to run at large on any street, sidewalk, lane or public avenue.

D. No person shall keep a female in heat unsecured or confined.

E. No person shall allow a dog to cause damage or destruction to property or otherwise commit a nuisance other than on the premises of the owner of the person harboring the dog.

F. No person shall allow a dog to not wear an identification tag at any time the dog is off the owner's property in compliance with Article 7 of the Agriculture and Markets Law of the State of New York.

G. No person shall allow a dog to chase, jump upon or at, or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such persons in reasonable apprehension of bodily harm or injury.

H. No person shall allow a dog to habitually chase, run alongside of, or bark at motor vehicles, motorcycles, or bicycles while on a public street, highway or upon private property without the consent or approval of the owner of such property.

I. It shall be unlawful for the owner of a dog or dogs to fail to provide such dog or dogs with adequate food, water or shelter at all times.

J. Any firm, person, society or corporation shall at all times keep the area wherein the dogs are kept, possessed or harbored in a neat, clean and sanitary condition and in accordance with the regulations of the Board of Health and Public Health Laws of the State of New York, and such area shall be open to inspection by the proper Town and health officials at all reasonable times. If dog or dogs are not claimed within a period of five days after detention, they may be disposed of at the discretion of the firm, person, society or corporation harboring them.

§ 84-21. Fees.

Any costs incurred by the Town pursuant to any section of this article may be recovered by the Town.

A. Dogs seized shall be returned only after payment of all boarding and other fees as may be established from time to time.

B. In the event that the Town Justice Court rules that an animal has to be destroyed, or the owner does not want to accept the return of a captured dog, and the animal must be destroyed or the owner chooses not to adhere to the restrictions of the dangerous dog section of this article and the Town must take steps to destroy the animal, the owner shall be responsible to reimburse the Town all costs and expenses incurred in the destruction of the animal.

§ 84-22. Penalties for offenses.

Any person convicted of a violation of this article shall be liable to a civil penalty of:

A. At least $15 and not exceeding $25 for the first violation.

B. Not exceeding $50 for a second violation.

C. Not exceeding $75 for each subsequent violation.

ARTICLE III
Dangerous and Vicious Dogs
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 84-23. Legislative findings.

A. It is hereby found and determined that the regulation and control of vicious dogs is a matter of grave concern and that these dogs pose a serious danger to the public health, safety and welfare.

B. In the past few years unpredictable dangerous and vicious dogs have, with and without provocation, attacked and seriously injured and killed individuals across the country, with children or the elderly being the most frequent victims.

§ 84-24. Definitions.

As used in this article, the following words and terms shall have the following meanings:

DANGEROUS DOG —

A. Any dog:

(1) Which, when unprovoked, approaches any person upon the streets, sidewalks or on any public grounds or places in a vicious or terrorizing manner or in any apparent attitude of attack.

(2) With a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(3) Which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property.

(4) Which has been ordered confined pursuant to the provisions of § 123 of the Agriculture and Markets Law.

B. Notwithstanding the foregoing, except pursuant to Subsection A(4) above, no dog may be considered to be a dangerous/vicious dog by reason of any injury or damage sustained by a person when such person was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime; any injury or damage sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog; or any injury or damage caused by the dog in protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

KEEPER — Any person other than the owner of a dangerous/vicious dog who harbors or has in his or her possession a dangerous/vicious dog or manages, controls or cares for a dangerous/vicious dog.

OWNER — Any person or legal entity having a possessory property right in an animal or who harbors, cares for or exercises control over an animal or knowingly permits an animal to remain on premises occupied by him.

UNCONFINED — Outside the confines of a residence or commercial structure commonly occupied by human beings or an enclosure of at least six feet in height with secure sides, top and bottom or, if there is no bottom, with sides which extend at least one foot underground, and which shall be locked and designed to prevent the escape of the animal or the entry of young children.

VICIOUS DOG —

A. Any dog owned, harbored or trained primarily or in part for the purpose of dog fighting.

B. Any dog owned, harbored or trained primarily or in part for the purpose of attacking a human being or domestic animal upon command.

C. Any dog known by the owner to be or identifiable as, in whole or in part, of a breed commonly known as a "pit bull," which shall include dogs wholly or partly of the breeds known as "American Staffordshire terrier," "American pit bull terrier," "bull terrier" and "Staffordshire bull terrier," but shall not include any purebred dog of the breed "bull terrier" or "Staffordshire bull terrier" which is registered as such with the American Kennel Club.

§ 84-25. Restrictions.

No person should suffer, permit or allow any dangerous/vicious dog to remain unconfined on property within the Town of Norfolk or to go beyond the boundaries of such property unless such dog is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length and is under the direct control and supervision of the owner of the dog. The owner or keeper of a dangerous/vicious dog shall post conspicuous notices on the perimeter of the property where such dog is kept to warn persons of the nature of the dog confined therein.

§ 84-26. Exceptions.

A. The provisions of this article shall not apply to:

(1) Animal shelters designated by the Department of Health to keep or hold animals, including all shelters operated by the American Society for the Prevention of Cruelty to Animals.

(2) Places of public exhibition, contest or show sponsored by a dog club association or similar organization and persons who have brought a dog temporarily within the jurisdiction of the Town of Norfolk for the purpose of showing a dog to such an exhibition, contest or show or for other entertainment purposes as defined in regulations promulgated by the Town Board, provided that the sponsor of the exhibition, contest, show or entertainment has obtained written permission from the Town Board and has provided protective measures adequate to prevent dogs from escaping or injuring the public.

(3) Laboratories operated pursuant to § 504 of the Public Health Law or educational or scientific institutions.

(4) Persons authorized to enforce the provisions of this article.

B. This article shall not be deemed to prohibit any business transaction concerning a dog that is not physically present in the Town.

§ 84-27. Registration.

The owner of any dangerous/vicious dog shall register such dog with the office of the Town Clerk no later than 180 days after the effective date of this article.

§ 84-28. Insurance required.

A. No owner of any dangerous/vicious dog shall be allowed to register said animal unless such owner produces proof that he has obtained liability insurance in the amount of at least $100,000 covering any damage or injury which may be caused by such dog during the twelve-month period for which registration is sought.

B. The owner of a dangerous/vicious dog shall maintain liability insurance in full force and effect at all times as required by Subsection A of this section, unless he shall cease to own, keep or harbor the dog prior to the expiration of such registration.

§ 84-29. Enforcement.

A. Any police officer or Code Enforcement Officer of the Town of Norfolk is authorized to issue an appearance ticket or uniform appearance ticket for the violation of any provision of this article.

B. Any animal which is observed running at large in violation of the provisions of this article may be picked up or captured by a dog warden, Animal Control Officer, police officer or by any other person or agency duly designated by the Town of Norfolk to perform such service. Any such dog warden, Animal Control Officer, police officer or the authorized person or agency who picks up or captures such animal shall be empowered to exercise such degree of force as shall be necessary to effect such pickup or capture without intentionally injuring or harming the animal.

C. When the animal seized is a dog, it shall be held, cared for and disposed of in a manner consistent with § 117 of the Agriculture and Markets Law of New York.

D. Every reasonable effort will be made by the Town of Norfolk to locate and notify the owner of the pickup or capture of his or her animal. Upon such location and notification to the owner, the Department of Health will return the animal to its owner within a prompt and reasonable period of time, provided that such return of the animal is not contrary to the provisions of this article. The Town may require reasonable proof of ownership. The return of such animal to its owner shall be deemed proof of ownership unless such animal has a valid license tag pursuant to the provisions of the Agriculture and Markets Law of the State of New York, in which case such tagging shall be deemed proof of such ownership. The owner shall be subject to the penalties provided in this article.

§ 84-30. Penalties for offenses.

Any person violating any of the provisions of this article, as the same may be from time to time amended, shall be punishable by imprisonment for not more than 15 days or by a fine of not more than $250, or by both such fine and imprisonment.

Chapter 89

BED-AND-BREAKFASTS

§ 89-1. Purpose.
§ 89-2. Definitions.
§ 89-3. Compliance with Uniform Code required; classification.
§ 89-4. Permitted zones.
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§ 89-6. Conditions.
§ 89-7. Review procedures.
§ 89-8. Repealer.
§ 89-9. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Norfolk at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Land use and development — See Ch. 150.

§ 89-1. Purpose.

The purpose of this chapter is to authorize and regulate the establishment and operation of bed-and-breakfasts in the Town of Norfolk and to ensure the preservation of the character, integrity and property values of surrounding areas within which such facilities are located and maintained.

§ 89-2. Definitions.

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

BED-AND-BREAKFAST — A dwelling in which rooms are rented to guests with no more than one meal served daily, and the entire service, food and lodging are to be included in one stated price.

DWELLING — A building containing one or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the permanent occupancy of one family and used exclusively therefor.

§ 89-3. Compliance with Uniform Code required; classification.

All bed-and-breakfasts shall comply with the applicable provisions of the New York State Uniform Fire Prevention and Building Code and the rules and regulations promulgated thereunder.

§ 89-4. Permitted zones.

Bed-and-breakfasts shall be a permitted accessory use in any and all of the R-Districts of the Town of Norfolk as established in Chapter 150, Land Use and Development, Part 2, Zoning, of the Code of the Town of Norfolk.

§ 89-5. Application.

A. No bed-and-breakfast shall be established or operate within the Town of Norfolk without first obtaining an application issued by the Code Enforcement Officer in accordance with the terms and conditions of this chapter. The applicant will submit four copies of each of the following: an application, site plan and other supporting documentation to the Code Enforcement Officer along with a nonrefundable application fee as set from time to time by resolution of the Town Board. The power to approve, approve with conditions or deny the application and site plan as required by this chapter is vested in the Code Enforcement Officer after review thereof by the Town Planning Board.

B. Upon receipt of the application, site plan and application fee, the Code Enforcement Officer shall examine and review same to determine that it is complete, adequate in all respects and complies with the conditions of this chapter. After he has reviewed the application, site plan and other supporting documentation and determined same to be complete in all respects, he shall refer same to the Planning Board for its review and action within seven days of receipt of the application. Simultaneously he shall deliver the application fee to the Town Clerk. The application and site plan shall contain the following:

(1) Name, address and telephone number of the owner(s) and the applicant if the owner is not the applicant.

(2) Address of proposed bed-and-breakfast, together with tax parcel identification number.

(3) Zoning district classification of the site.

(4) A sketch, drawn to scale, showing the floor plan of the dwelling, together with any proposed changes, renovations and additions to same.

(5) A site plan showing the applicant's entire land holdings, that portion of the applicant's property under consideration, as well as all parcels and streets within 200 feet of applicant's property, and the current uses thereof.

(6) The site plan shall be drawn to scale and include the following information:

(a) Title of drawing.

(b) North point, scale and date.

(c) Boundaries of the project (site).

(d) Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking areas, streets, retaining walls, fences and hedges.

(e) Location of all existing and proposed access and egress drives.

(f) Location, design and size of all existing and proposed signs and outdoor lighting facilities.

(g) Location of existing and proposed buffer and screening areas, structures and vegetation.

C. The Planning Board may require such additional or supportive information as it deems necessary for a complete assessment of the proposed bed-and-breakfast so as to ensure its compatibility with existing and permitted building and land uses adjacent to the site and in close proximity thereto.

§ 89-6. Conditions.

A. The owner of the bed-and-breakfast must reside in and continue to reside in the dwelling as his/her/their principal residence. The owner will provide a sworn statement certifying to such residency upon request of the Code Enforcement Officer.

B. The parcel improved by the bed-and-breakfast shall provide or establish off-street parking spaces for the members of the owner's family residing in the dwelling unit as well as at least one parking space per room or unit let. Further, said parking spaces shall not be established or permitted in the front yard of the site and shall be located or screened from view so as to provided no variation from the residential character of the site.

C. Each bed-and-breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area when the facility is established in a residential district as provided for in Chapter 150, Land Use and Development, Part 2, Zoning.

D. The number of paying guests accommodated per night shall not exceed eight. Further, no guest shall stay for a period of time in excess of 14 consecutive days.

E. Each bedroom occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be property installed and functioning on or near the ceiling in the room or hallway from which each bedroom rented to paying guests exists.

F. The Code Enforcement Officer shall be given such access to the dwelling as he deems necessary from time to time for the purpose of making inspections to ensure compliance with all federal, state and local codes, rules and regulations, including the New York State Uniform Fire Prevention and Building Code. Such inspections may be made with or without prior notice thereof.

G. A single exterior sign or display may be established on the site of the bed-and-breakfast. Said sign or display shall not exceed eight square feet in area. No freestanding sign shall be located less than 15 feet from the front property line nor less than five feet from the side property line. No freestanding sign may be located less than 50 feet from any other freestanding sign. Further, said sign or display shall be as unobtrusive as reasonably possible and may be illuminated by no more than two seventy-five-watt light bulbs which shall be shielded so as to prevent glare, etc.

H. The bed-and-breakfast shall be maintained and operated at all times so as to comply with the New York State Uniform Fire Prevention and Building Code and the rules and regulations promulgated thereunder, as amended.

I. The driveway entrance or exit shall not exceed 15 feet in width.

J. The Planning Board shall have the right to impose and include much other and additional conditions as it may deem necessary to effectuate the purpose of this chapter.

K. The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the Planning Board.

L. The minimum size lot on which a bed-and-breakfast establishment may be located is 20,000 square feet. A bed-and-breakfast establishment may be permitted on a lot with a smaller area only if such lot is located in a nonresidential district and the Planning Board finds that a bed-and-breakfast establishment can be adequately accommodated within the existing principal dwelling building, that it will not overburden the property and that it will be a use compatible with the surrounding properties.

M. Minimum house size is 2,000 square feet.

§ 89-7. Review procedures.

A. Within 30 days of the Planning Board's receipt of a completed application and site plan from the Code Enforcement Officer, the Planning Board shall act on it. In the event that the Planning Board fails to take such action, the application and site plan shall be deemed approved. The Planning Board's action shall be in the form of a written statement to the Code Enforcement Officer with a copy to the applicant clearly stating its recommendation for approval, conditional approval with the conditions enumerated, or denial with the reasons therefor. A copy of the minutes of the Planning Board meeting at which the application and site plan are considered may be deemed a sufficient report. The Planning Board's review of the application and site plan shall include but not be limited to the following considerations:

(1) Adequacy and arrangement of vehicle traffic access and circulation.

(2) Location, arrangement, appearance and sufficiency of off-street parking.

(3) Location, arrangement, size and design of lighting and signs.

(4) Relationship and compatibility of proposed use (bed-and-breakfast) to uses of adjacent parcels in the immediate vicinity, together with their scale.

(5) Adequacy, type and arrangement of trees, shrubs, fences and other landscaping or improvement constituting a visual or noise-deterring buffer between the site and adjacent or adjoining uses.

(6) Any other matter which may effect the health, welfare and safety of the community as a whole and the parcels in the immediate vicinity of the site.

B. The Planning Board's statement may include recommendations as to desired renovations to the application and site plan.

§ 89-8. Repealer.

Any provision of Chapter 150, Land Use and Development, Part 2, Zoning, of the Code of the Town of Norfolk or the local laws of the Town of Norfolk which are in conflict with or inconsistent with this chapter shall be deemed repealed to the extent of such inconsistency on the effective date of this chapter.

§ 89-9. Penalties for offenses.

A violation of this chapter is hereby declared to be an offense punishable by a fine not exceeding $250 or by imprisonment for not more than 15 days, or both.

Chapter 95

CONSTRUCTION CODES, UNIFORM

§ 95-1. Purpose and intent.
§ 95-2. Definitions.
§ 95-3. Code Enforcement Officer and inspectors.
§ 95-4. Building permits.
§ 95-5. Construction inspections.
§ 95-6. Stop-work orders.
§ 95-7. Certificates of occupancy/certificates of compliance.
§ 95-8. Notification regarding fire or explosion.
§ 95-9. Unsafe building and structures.
§ 95-10. Operating permits.
§ 95-11. Firesafety and property maintenance inspections.
§ 95-12. Complaints.
§ 95-13. Recordkeeping.
§ 95-14. Program review and reporting.
§ 95-15. Enforcement; penalties for offenses.
§ 95-16. Fees.
§ 95-17. Intermunicipal agreements.

[HISTORY: Adopted by the Town Board of the Town of Norfolk 6-13-1994 by L.L. No. 1-1994; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 120.
Outdoor furnaces — See Ch. 127.
Land use and development — See Ch. 150.
Property maintenance — See Ch. 177.
Sewers — See Ch. 181.
Water — See Ch. 227.

§ 95-1. Purpose and intent.

This chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this chapter.

§ 95-2. Definitions.

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

BUILDING PERMIT — A permit issued pursuant to § 95-4 of this chapter. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.

CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE — A certificate issued pursuant to § 95-7B of this chapter.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer appointed pursuant to § 95-3B of this chapter.

CODE ENFORCEMENT PERSONNEL — Includes the Code Enforcement Officer and all inspectors.

COMPLIANCE ORDER — An order issued by the Code Enforcement Officer pursuant to § 95-15A of this chapter.

ENERGY CODE — The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR — An inspector appointed pursuant to § 95-3D of this chapter

OPERATING PERMIT — A permit issued pursuant to § 95-10 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this chapter.

PERMIT HOLDER — The person to whom a building permit has been issued.

PERSON — Includes an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP-WORK ORDER — An order issued pursuant to § 95-6 of this chapter.

TEMPORARY CERTIFICATE — A certificate issued pursuant to § 95-7D of this chapter.

TOWN — The Town of Norfolk.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 95-3. Code Enforcement Officer and inspectors.

A. The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this chapter. The Code Enforcement Officer shall have the following powers and duties:

(1) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;

(2) Upon approval of such applications, to issue building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and to include in building permits, certificates of occupancy/certificates of

compliance, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance, temporary certificates and operating permits, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter;

(4) To issue stop-work orders;

(5) To review and investigate complaints;

(6) To issue orders pursuant to § 95-15A, Compliance orders, of this chapter;

(7) To maintain records;

(8) To collect fees as set by the Town Board of this Town;

(9) To pursue administrative enforcement actions and proceedings;

(10) In consultation with this Town Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter; and

(11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.

B. The Code Enforcement Officer shall be appointed by the Town Board of this Town. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this chapter. Any such Acting Code Enforcement Officer shall have current New York State Code Enforcement certification.

D. One or more inspectors may be appointed by the Town Board of this Town to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement

personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

E. The compensation for the Code Enforcement Officer and inspectors shall be fixed from time to time by the Town Board of this Town.

§ 95-4. Building permits.

A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, demolition, or the extension of electrical, plumbing or HVAC systems of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

B. Exemptions. No building permit shall be required for work in any of the following categories:

(1) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(2) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(3) Construction of temporary motion picture, television and theater stage sets and scenery;

(4) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(5) Installation of partitions or movable cases less than five feet, nine inches in height;

(6) Painting, wallpapering, tiling, carpeting, or other similar finish work;

(7) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(8) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(9) Repairs, provided that such repairs do not involve:

(a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;

(b) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;

(c) The enlargement, alteration, replacement or relocation of any building system; or

(d) The removal from service of all or part of a fire protection system for any period of time.

C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

D. Applications for building permits. Applications for a building permit shall be made, in writing, on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) A description of the proposed work;

(2) The Tax Map number and the street address of the premises where the work is to be performed;

(3) The occupancy classification of any affected building or structure;

(4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) At least two sets of construction documents (drawings and/or specifications) which:

(a) Define the scope of the proposed work;

(b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;

(c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;

(d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and

(e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.

F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

G. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The building permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

I. Time limits. Building permits shall become invalid unless the authorized work is commenced within 12 months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

J. Revocation or suspension of building permits. If the Code Enforcement Officer determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that:

(1) All work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code; and

(2) All work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

K. Fee. The fee specified in or determined in accordance with the provisions set forth in § 95-16, Fees, of this chapter must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.

§ 95-5. Construction inspections.

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection B of this section is ready for inspection.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

(1) Work site prior to the issuance of a building permit;

(2) Footing and foundation;

(3) Preparation for concrete slab;

(4) Framing;

(5) Building systems, including underground and rough-in;

(6) Fire-resistant construction;

(7) Fire-resistant penetrations;

(8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;

(9) Energy Code compliance; and

(10) A final inspection after all work authorized by the building permit has been completed.

C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 95-16, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 95-6. Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of stop-work orders. Stop-work orders shall:

(1) Be in writing;

(2) Be dated and signed by the Code Enforcement Officer;

(3) State the reason or reasons for issuance; and

(4) If applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by registered mail or certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by registered mail or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 95-15, Enforcement; penalties for offenses, of this chapter or under any

other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 95-7. Certificates of occupancy/certificates of compliance.

A. Certificates of occupancy/certificates of compliance required. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.

B. Issuance of certificates of occupancy/certificates of compliance. The Code Enforcement Officer shall issue a certificate of occupancy/certificate of compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/certificate of compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy/certificate of compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy/certificate of compliance:

(1) A written statement of structural observations and/or a final report of special inspections; and

(2) Flood hazard certifications.

C. Contents of certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall contain the following information:

(1) The building permit number, if any;

(2) The date of issuance of the building permit, if any;

(3) The name, address and tax map number of the property;

(4) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;

(5) The use and occupancy classification of the structure;

(6) The type of construction of the structure;

(7) The assembly occupant load of the structure, if any;

(8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) Any special conditions imposed in connection with the issuance of the building permit; and

(10) The signature of the Code Enforcement Officer issuing the certificate of occupancy/certificate of compliance and the date of issuance.

D. Temporary certificate. The Code Enforcement Officer shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the Code Enforcement Officer issue a temporary certificate unless the Code Enforcement Officer determines that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely; that any fire- and smoke-detecting or fire protection equipment which has been installed is operational; and that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy/certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 95-16, Fees, of this chapter must be paid at the time of submission of an application for a certificate of occupancy/certificate of compliance or for temporary certificate.

§ 95-8. Notification regarding fire or explosion.

The Chief of any Fire Department providing fire-fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent, any fire the origin of which has been traced to the electrical system of any buildings or structures, and any emergency response involving carbon monoxide detector activation.

§ 95-9. Unsafe building and structures.

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by local law, as now in effect or as hereafter amended from time to time.

§ 95-10. Operating permits.

A. Operation permits required.

(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) in the publication entitled Fire Code of New York State and incorporated by reference in 19 NYCRR 1225.1;

(b) Hazardous processes and activities, including, but not limited to, commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening, and waste handling;

(c) Use of pyrotechnic devices in assembly occupancies;

(d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more;

(e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town; and

(f) Manufactured home parks.

(2) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an operating permit prior to commencing such activity or operation.

B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

C. Inspections. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit.

D. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate operating permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single operating permit to apply to all such activities.

E. Duration of operating permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

F. Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.

G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 95-16, Fees, of this chapter must be paid at the time submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 95-11. Firesafety and property maintenance inspections.

A. Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at the following intervals:

(1) Firesafety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.

(2) Firesafety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.

(3) Firesafety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2) of this subsection, and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) of this subsection, shall be performed at least once every 24 months.

B. Inspections permitted. In addition to the inspections required by Subsection A of this section, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon:

(1) The request of the owner of the property to be inspected or an authorized agent of such owner;

(2) Receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) Receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. Fee. The fee specified in or determined in accordance with the provisions set forth in § 95-16, Fees, of this chapter must be paid prior to or at the time each inspection performed pursuant to this section.

§ 95-12. Complaints.

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other local law or regulation adopted for administration and enforcement by the Code Enforcement Officer. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 95-15, Enforcement; penalties for offenses, of this chapter;

C. If appropriate, issuing a stop-work order;

D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 95-13. Recordkeeping.

The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:

A. All applications received, reviewed and approved or denied;

B. All plans, specifications and construction documents approved;

C. All building permits, certificates of occupancy/certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;

D. All inspections and tests performed;

E. All statements and reports issued;

F. All investigations conducted;

G. All other features and activities specified in or contemplated by §§ 95-4 through 95-12, inclusive, of this chapter; and

H. All fees charged and collected.

§ 95-14. Program review and reporting.

A. The Code Enforcement Officer shall monthly submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 95-13, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.

B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

§ 95-15. Enforcement; penalties for offenses.

A. Compliance orders.

(1) The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall:

(a) Be in writing;

(b) Be dated and signed by the Code Enforcement Officer;

(c) Specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter;

(d) Specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity;

(e) Specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;

(f) Direct that compliance be achieved within the specified period of time; and

(g) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

(2) The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code and any other local Town law.

C. Penalties.

(1) In addition to those penalties proscribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than $200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.

(2) Any violation of any part of this chapter or orders issued in compliance with this chapter or any other Town local law shall constitute a violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine not to exceed $250, or 15 days imprisonment, or both such fine and or imprisonment. Each day such violation continues shall constitute a separate violation.

D. Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition

in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board of this Town.

E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 95-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 95-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

F. An action proceeding in the name of the Town may be commenced in any court of competent jurisdiction to compel compliance with or restrain violation of this chapter or orders or other Town laws issued in compliance with this chapter or any other local laws of this Town.

§ 95-16. Fees.

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy/certificates of compliance, temporary certificates, operating permits, firesafety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this chapter.

§ 95-17. Intermunicipal agreements.

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

Chapter 104

CURFEW

§ 104-1. Unlawful actions.
§ 104-2. Exemptions.
§ 104-3. Enforcement; penalties for offenses.

[Adopted by the Town Board of the Town of Norfolk 7-10-1958; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Loitering — See Ch. 157.

§ 104-1. Unlawful actions.

It shall be unlawful for any child under the age of 16 to remain in or upon any public street, highway, park, vacant lot or other public place between the hours of 10:00 p.m. and 6:00 a.m.

§ 104-2. Exemptions.

Exemptions are as follows:

A. If the child is accompanied by his/her legal guardian or other responsible person over the age of 21, and such person is approved by the child's parent or legal guardian.

B. If the child is legally employed for the period from 1/2 hour before to 1/2 hour after work, while going directly between his/her home and place of employment. This also applies if the child is in a public place while in the course of his/her employment. To come under this exemption, the child must be carrying a written statement from the employer attesting to the place and hours of employment.

C. Until the hour of 12:30 a.m. if the child is on the sidewalk directly adjacent to the building where the child resides.

D. If the child is coming directly from a school activity or religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event, but in no case beyond 12:30 a.m.

§ 104-3. Enforcement; penalties for offenses.

A. Violations. A police officer who has probable cause to believe that a child is in violation of this chapter shall take such child to the police station where the child's parent or guardian shall be immediately notified. The child will be held until a parent or guardian comes to take the child home. The parent or guardian will be given a copy of this chapter when they arrive to pick up the child. If no parent or guardian arrives within two hours,

the child will be turned over to the custody of the juvenile authorities until the parent or legal guardian can take custody of the child.

B. The first violation of this chapter will cause the parent or legal guardian of the child to receive written notice of the violation, warning them that further violations will result in the imposition of a penalty as provided by law. Upon a second violation, a fine of $50 will be imposed. Upon a third violation, a fine of $150 will be imposed, as well as a report made to Child Protective Services.

Chapter 120

FLOOD DAMAGE PREVENTION

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Flood Hazard Area Development Permit Application Form

Certificate of Compliance

[HISTORY: Adopted by the Town Board of the Town of Norfolk 12-28-1987 by L.L. No. 1-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 95.

Land use and development — See Ch. 150.

ARTICLE I
Statutory Authorization and Purpose

§ 120-1. Findings.

The Town Board of the Town of Norfolk finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Norfolk and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 120-2. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development which may increase erosion or flood damages;

E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and

F. Qualify and maintain participation in the National Flood Insurance Program.

§ 120-3. Objectives.

The objectives of this chapter are:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To provide that developers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

ARTICLE II
Terminology

§ 120-4. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

APPEAL — A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-99, V, VO, VE, or V1-30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — That portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING — Any structure built for support, shelter, or enclosure for occupancy or storage.

CELLAR — Has the same meaning as "basement."

COASTAL HIGH HAZARD AREA — The area subject to high velocity waters, including, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE, VO or V.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

ELEVATED BUILDING — A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) — An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation data is provided.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevations of the base flood.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters;

B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — Has the same meaning as "regulatory floodway."

FLOOR — The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LOWEST FLOOR — Lowest level, including basement or cellar, of the lowest enclosed area. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement or cellar is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME — Has the same meaning as "manufactured home."

NATIONAL GEODETIC VERTICAL DATUM (NGVD) — As corrected in 1929 is a vertical control used as a reference for establishing elevations within the floodplain.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this chapter.

ONE-HUNDRED-YEAR FLOOD — Has the same meaning as "base flood."

PRINCIPALLY ABOVE GROUND — That at least 51% of the actual cash value of the structure, excluding land value, is above ground.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 120-12B of this chapter.

SAND DUNES — Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION — The initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials.

STRUCTURE — A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL IMPROVEMENT —

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, excluding land values, either:

(1) Before the improvement or repair is started; or

(2) If the structure has been damaged and is being restored, before the damage occurred.

B. For the purposes of this definition "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(2) Any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE — A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

ARTICLE III
General Provisions

§ 120-5. Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Norfolk.

§ 120-6. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM), or Flood Insurance Rate Map (FIRM) No. 01-04 Com. No. 361183, dated April 15, 1986, is hereby adopted and declared to be a part of this chapter. The FHBM or FIRM is on file at the Town Clerk's office, Norfolk, NY.

§ 120-7. Interpretation; conflict with other laws.

A. This chapter is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986, and shall supersede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 120-8. Penalties for offenses.

No structure shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than $250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Norfolk from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under Article VI will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 120-9. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Norfolk, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

ARTICLE IV
Administration

§ 120-10. Designation of local administrator.

The Town Board is hereby appointed local administrator to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 120-11. Establishment of development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 120-6. Application for a development permit shall be made on forms furnished by the local administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

A. Application stage. The following information is required where applicable:

(1) Elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

(3) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in § 120-13C(1);

(4) Certificate from a licensed professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in § 120-14B; and

(5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Construction stage. Upon placement of the lowest floor, or floodproofing by whatever means, it shall be the duty of the permit holder to submit to the local administrator a certificate of the as-built elevation of the lowest floor, or floodproofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certificate shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

§ 120-12. Duties and responsibilities of local administrator.

Duties of the local administrator shall include, but not be limited to:

A. Permit application review:

(1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

(2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. A hydraulic engineering study may be required of the applicant for this purpose.

(a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.

(b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

(4) Review all development permits for compliance with the provisions of § 120-13E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 120-6, Basis for establishing the areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 120-13D(4) in order to administer § 120-14, Specific standards, and § 120-15, Floodways.

C. Information to be obtained and maintained.

(1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar, of all new or substantially improved structures, and whether or not the structure contains a basement or cellar.

(2) For all new or substantially improved floodproofed structures:

(a) Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed; and

(b) Maintain the floodproofing certifications required in §§ 120-13 and 120-14.

(3) Maintain for public inspection all records pertaining to the provisions of this chapter, including variances, when granted, and certificates of compliance.

D. Alteration of watercourses.

(1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, NY 10278.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FHRM, FIRM or FBFM boundaries.

(1) The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

(2) Base flood elevation data established pursuant to § 120-6 and/or § 120-12B, when available, shall be used to accurately delineate the area of special flood hazards.

(3) The local administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.

F. Stop-work orders.

(1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 120-8 of this chapter.

(2) All floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 120-8 of this chapter.

G. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of this chapter.

H. Certificate of compliance.

(1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of either the development permit or the approved variance.

(2) All other development occurring within the area of special flood hazard will have upon completion a certificate of compliance issued by the local administrator.

(3) All certificates shall be based upon the inspections conducted subject to § 120-12G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

ARTICLE V
Provisions for Flood Hazard Reduction

§ 120-13. General standards.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors.

This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.

(2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or five acres.

E. Encroachments.

(1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the area of special flood hazards set forth in § 120-12A(3), Permit review. This may require the submission of additional technical data to assist in the determination.

(2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 120-12B or 120-13D(4) and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(3) In all areas of the special flood hazard where floodway data is provided or available pursuant to § 120-12B, the requirements of § 120-15, Floodways, shall apply.

§ 120-14. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 120-6, Basis for establishing the areas of special flood hazard, and § 120-12B, Use of other base flood data, the following standards are required:

A. Residential construction. New construction and substantial improvements of any resident structure shall:

(1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.

(2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and

(c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed to the base flood level.

(1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and

(c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

(2) If the structure is to be floodproofed:

(a) A licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(b) A licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is floodproofed.

(3) The local administrator shall maintain on record a copy of all such certificates noted in this section.

C. Construction standards for areas of special flood hazards without base flood elevations.

(1) New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor (including basement) elevated at least two feet above the highest adjacent grade next to the proposed foundation of the structure.

(2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and

(c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

§ 120-15. Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, § 120-4). The floodway is an extremely hazardous area due to high velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by § 120-12B, all encroachments, including fill, new construction, substantial improvements, and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

ARTICLE VI
Variance Procedure

§ 120-16. Appeals Board.

A. The Zoning Board of Appeals as established by the Town of Norfolk shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger of life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;

(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

E. Upon consideration of the factors of § 120-16D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The local administrator shall maintain the records of all appeal actions, including technical information and report any variances to the Federal Emergency Management Agency upon request.

§ 120-17. Conditions for variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in § 120-16D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this chapter.

C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

(1) The criteria of Subsections A, D, E and F of this section are met;

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances shall only be issued upon receiving written justification:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk.

120 Attachment 1

Town of Norfolk

Flood Hazard Area Development Permit Application Form

FOR OFFICIAL USE ONLY
Permit No. _____
Fee Received _____ Date _____

_____ of _____

_____ County, New York

Permit Application for Development in Flood Hazard Areas

A. General instructions page 4 (Applicant to read and sign)

B. For assistance in completing or submittal of this application contact:

_____, Floodplain Administrator,
(Name)

_____
(Address)

_____, NY ( ) _____-_____

1. Name and Address of Applicant

_____ ____ _____
(First Name) (MI) (Last Name)

Street Address: _____

Post Office: _____ State: _____ Zip Code: _____

Telephone: ( ) _____-_____

2. Name and Address of Owner (If Different)

_____ ____ _____
(First Name) (MI) (Last Name)

Street Address: _____

Post Office: _____ State: _____ Zip Code: _____

Telephone: ( ) _____-_____

3. Engineer, Architect, Land Surveyor (If Applicable)

_____ ____ _____
(First Name) (MI) (Last Name)

Street Address: _____

Post Office: _____ State: _____ Zip Code: _____

Telephone: ( ) _____-_____

PROJECT LOCATION

Street Address: _____ Tax Map No. _____

_____

Name of, distance and direction from nearest intersection or other landmark

_____

_____

Name of Waterway: _____

PROJECT DESCRIPTION (Check all applicable boxes and see Page 4, Item 3)

Structures	Structure Type
___ New Construction	___ Residential (one- to four-family)
___ Addition	___ Residential (More than four-family)
___ Alteration	___ Commercial
___ Relocation	___ Industrial
___ Demolition	___ Mobile Home (single lot)
___ Replacement	___ Mobile Home (Park)
	___ Bridge or Culvert

Estimated value of improvements if addition or alteration: _____

Other Development Activities

___ Fill ___ Excavation ___ Mining ___ Drilling ___ Grading

___ Watercourse alteration ___ Water System ___ Sewer System

___ Subdivision (New) ___ Subdivision (Expansion)

___ Other (Explain)

CERTIFICATION

Application is hereby made for the issuance of a floodplain development permit. The applicant certifies that the above statements are true and agrees that the issuance of the permit is based on the accuracy thereof. False statements made herein are punishable under law. As a condition to the issuance of a permit, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless to the community from suits, actions, damages and costs of every name and description resulting from the said project. Further, the applicant agrees that the issuance of a permit is not to be interpreted as a guarantee of freedom from risk of future flooding. The applicant certifies that the premises, structure, development, etc. will not be utilized or occupied until a certificate of compliance has been applied for and received.

_____ _____

Date Signature of Applicant

_____ of _____

Flood Hazard Development Permit

Administrative Action
Completed by Floodplain Administrator

Proposed project located in ___ "A" zone with elevation

___ "A" zone without elevation

___ Floodway

___ Coastal High Hazard Area (V-Zone)

Base flood elevation at site is _____

Source documents: _____

_____

PLAN REVIEW:

Elevation to which lowest floor is to be elevated _____ feet (NGVD)

Elevation to which structure is to be floodproofed _____ feet (NGVD)

Elevation to which compacted fill is to be elevated _____ feet (NGVD)

ACTION

___ Permit is approved, proposed development in compliance with applicable floodplain management standards.

___ Additional information required for review. Specify: (i.e., encroachment analysis)

_____

___ Permit is conditionally granted, conditions attached.

___ Permit is denied. Proposed development not in conformance with applicable floodplain management standards. Explanation attached. A variance, subject to Public Notice and Hearing, is required to continue project.

Signature _____ Date _____
(Permit Issuing Officer)

This permit is valid for a period of one year from the above date of approval.

BUILDING CONSTRUCTION DOCUMENTATION

The certified "As Built" elevation of lowest floor (including basement) of structure is

_____ feet NGVD.

Certification of registered professional engineer, land surveyor or other recognized agent, documenting these elevations is attached.

CERTIFICATE OF OCCUPANCY/COMPLIANCE

Certificate of Occupancy and/or Compliance Issued:

Date _____ Signature _____

_____ of _____

_____ County, New York

Development in Flood Hazard Areas
Instructions

1. Type or print in ink.

2. Submit _____ copies of all papers including detailed construction plans and specifications.

3. Furnish plans drawn to scale, showing nature, dimension and elevation of area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically the following is required: (A) NGVD (Mean Sea Level) elevation of lowest floor including basement of all structures; (B) description of alterations to any watercourse; (C) statement of techniques to be employed to meet requirements to anchor structures, use flood resistant materials and construction practices; (D) show new and replacement potable water supply and sewage systems will be constructed to minimize flood damage hazards; (E) Plans for subdivision proposal greater than 50 lots or five acres (whichever is least) must provide base flood elevations if they are not available; (F) Additional information as may be necessary for the floodplain administrator to evaluate application.

4. Where a non-residential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the local floodplain management regulations.

5. No work on the project shall be started until a permit has been issued by the floodplain administrator.

6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory compliance.

7. Applicant will provide all required elevation certifications and obtain a certificate of compliance prior to any use or occupancy of any structure or other development.

Applicant's Signature _____ Date _____

120 Attachment 2

Town of Norfolk

Certificate of Compliance for Floodplain Development

_____ of _____

_____ County, New York

(Applicant shall fill in all pertinent information in Section A including 1 or 2

SECTION A

Premises location _____ Permit No. _____

_____ Variance No. _____

_____ Date _____

Applicant Name and Address _____

_____

Telephone No. _____

CHECK ONE

New Building _____

Existing Building _____

Other (List) _____

_____

1. I certify that I have completed the above project in accordance with the Community's floodplain management regulations and have met all the requirements which were conditions of my permit. I now request completion of this certificate of compliance by the program administrator.

   Signed _____

   Date _____

2. I certify that I have completed the above project in accordance with conditions of variance number _____, dated _____ to the Community's floodplain management regulations and have met all requirements which were a condition of the variance. I now request completion of this certificate of compliance by the program administrator.

   Signed _____

   Date _____

SECTION B (Local Administrator will complete, file, and return a copy to the applicant.)

Final Inspection Date _____ by _____

This certifies that the above described floodplain development complies with requirements of Flood Damage Prevention Local Law No. _____, or has a duly granted variance.

Signed _____
(Local Administrator)

Date _____

Supporting Certifications: Floodproofing, elevation, hydraulic analysis, etc; (List).

_____

_____

Chapter 127

FURNACES, OUTDOOR

§ 127-1. Title; statutory authority.
§ 127-2. Legislative intent.
§ 127-3. Definitions.
§ 127-4. Permit required.
§ 127-5. Existing outdoor furnaces.
§ 127-6. Specific requirements.
§ 127-7. Suspension of permit.
§ 127-8. Waivers.
§ 127-9. Penalties for offenses.
§ 127-10. Effect on other regulations.

[HISTORY: Adopted by the Town Board of the Town of Norfolk at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 95. Land use and development — See Ch. 150.

§ 127-1. Title; statutory authority.

A. This chapter shall be known as the "Town of Norfolk Outdoor Furnace Local Law."

B. It is adopted pursuant to Municipal Home Rule Law § 10.

§ 127-2. Legislative intent.

Although outdoor furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This chapter is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Town.

§ 127-3. Definitions.

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

FIREWOOD — Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

OUTDOOR FURNACE — Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a healing system providing heat for any interior space.

UNTREATED LUMBER — Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

§ 127-4. Permit required.

No person shall cause, allow or maintain the use of an outdoor furnace within the Town of Norfolk without first having obtained a permit from the Town Code Enforcement Official. Application for permit shall be made to the Code Enforcement Official on the forms provided.

§ 127-5. Existing outdoor furnaces.

Any outdoor furnace in existence on the effective date of this chapter shall be permitted to remain, provided that the owner applies for and receives a permit from the Town Code Enforcement Official within one year of such effective date; provided, however, that upon the effective date of this chapter all the provisions hereof, except § 127-6B, C and D, shall immediately apply to existing outdoor furnaces. All of the provisions of this chapter shall continue to apply to existing outdoor furnaces which receive permits except § 127-6B, C and D. If the owner of an existing outdoor furnace does not receive a permit within one year of the effective date of this chapter, the outdoor furnace shall be removed. "Existing" or "in existence" means that the outdoor furnace is in place on the site.

§ 127-6. Specific requirements.

A. Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace. Burning of any and all other materials in an outdoor furnace is prohibited.

B. Permitted zones. Outdoor furnaces shall be permitted only in the Residential-Agricultural (R-A) Zoning Districts as shown on the Town's Zoning Map.

C. Minimum lot size. Outdoor furnaces shall be permitted only on lots of three acres or more.

D. Setbacks. Outdoor furnaces shall be set back not less than 200 feet from the nearest lot line.

E. Months of operation. Outdoor furnaces shall be operated only between September 1 and May 31.

F. Spark arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

§ 127-7. Suspension of permit.

A. A permit issued pursuant to this chapter may be suspended as the Code Enforcement Official may determine to be necessary to protect the public health, safety and welfare of the residents of the Town of Norfolk if any of the following conditions occurs:

(1) Emissions from the outdoor furnace exhibit greater than 20% opacity (six-minute average), except for one continuous six-minute period per hour of not more than 27% opacity, which shall be determined as provided in 6 NYCRR 227-1.3(b);

(2) Malodorous air contaminants from the outdoor furnace are detectable outside the property of the person on whose land the outdoor furnace is located;

(3) The emissions from the outdoor furnace interfere with the reasonable enjoyment of life or property;

(4) The emissions from the outdoor furnace cause damage to vegetation or property; or

(5) The emissions from the outdoor furnace are or may be harmful to human or animal health.

B. A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this chapter subject to the penalties provided in § 127-9 hereof.

§ 127-8. Waivers.

Where the Town Zoning Board of Appeals finds that extraordinary and unnecessary hardships may result from strict compliance with this chapter, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of this chapter or of jeopardizing the health, safety or welfare of the public. In varying any regulations, the Zoning Board of Appeals may impose such conditions and requirements as it deems reasonable and prudent. The Zoning Board of Appeals may, at its discretion, hold a public hearing as part of its review. If the Zoning Board of Appeals grants the waiver, a permit shall be issued for the outdoor furnace. If the Zoning Board of Appeals denies the waiver, the outdoor furnace must either be brought into compliance with this chapter or removed. If the Zoning Board of Appeals does not take any action with respect to the waiver within 60 days from its receipt of an application for waiver, the waiver shall be deemed denied.

§ 127-9. Penalties for offenses.

Failure to comply with any of the provisions of this chapter shall be a violation and, upon conviction thereof, shall be punishable by a fine of not more than $500 or imprisonment for a period of not more than 10 days, or both, for the first offense. Any subsequent offense shall be punishable by a fine of not more than $1,000 or imprisonment for a period of not more than 30 days, or both. In addition, any permit issued pursuant to this chapter shall be revoked upon conviction of a second offense and the subject outdoor furnace shall not be eligible for another permit. Each day that a violation occurs shall constitute a separate offense. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this chapter. Any fine imposed hereunder shall constitute a lien upon the real property where the outdoor furnace is located until paid.

§ 127-10. Effect on other regulations.

Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States Environmental Protection Agency, New York State Department of Environmental Conservation, Adirondack Park Agency, Lake George Park Commission or any other federal, state, regional or local agency. Outdoor furnaces, and any electrical, plumbing or other apparatus or device used in connection with an outdoor furnace, shall be installed, operated and maintained in conformity with the manufacturer's specifications and any and all local, state and federal codes, laws, rules and regulations. In case of a conflict between any provision of this chapter and any applicable federal, state or local ordinances, codes, laws, rules or regulations, the more restrictive or stringent provision or requirement shall prevail.

Chapter 129

GAMES OF CHANCE

§ 129-1. License required.

[HISTORY: Adopted by the Town Board of the Town of Norfolk 7-25-1977 by L.L. No. 1-1977. Amendments noted where applicable.]

§ 129-1. License required.

An authorized organization may conduct games of chance within the limits of the Town of Norfolk upon obtaining a license therefor, and subject to the regulations set forth in Article 9-A of the General Municipal Law, the provisions of the New York State Racing and Wagering Board and this chapter.

Chapter 150

LAND USE AND DEVELOPMENT

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§ 150-29. Title.

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[HISTORY: Adopted by the Town Board of the Town of Norfolk 9-1973; as amended 3-17-1997. Amendments noted where applicable.]

GENERAL REFERENCES

Adult uses — See Ch. 70.
Bed-and-breakfasts — See Ch. 89.
Uniform construction codes — See Ch. 95.
Flood damage prevention — See Ch. 120.
Outdoor furnaces — See Ch. 127.
Abandoned property — See Ch. 175.
Property maintenance— See Ch. 177.
Sewers — See Ch. 181.
Water — See Ch. 220.
Wind energy — See Ch. 227.

Part 1
Subdivision Regulations

ARTICLE I
Title

§ 150-1. Title.

This Part 1 shall be known and may be cited as the "Town of Norfolk Subdivision Ordinance."

§ 150-2. Legislative authority.

This Part 1 is adopted pursuant to New York State Town Law § 276.

ARTICLE II
Purpose, Scope and Definitions

§ 150-3. Purpose and intent.

It is the purpose and intent of this Part 1 to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that land to be subdivided shall be in accord with the Town Plan; that the land shall be

of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern or open-space characteristics of adjacent properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if any, and Town Plan, and shall be of such width, grade and location as to accommodate the prospective traffic and to facilitate fire protection and other services that would need to be provided; and to insure that proper provision shall be made for recreation, open space and conservation.

§ 150-4. Scope.

A. Where applicable. This Part 1 shall apply to the division of any parcel of land as herein defined.

B. Town Planning Board authority. This Part 1 authorizes and empowers the Planning Board of the Town of Norfolk to approve or disapprove preliminary and final plats as defined herein, and the development of entirely or partially undeveloped plats, including those already filed with the Clerk of St. Lawrence County. The term "undeveloped" shall mean those plats where 20% or more of the lots within the plat are unimproved.

§ 150-5. Definitions.

Words and terms. The words and terms used in this Part 1 shall be as defined in Part 3 of this chapter.

ARTICLE III
Procedure

§ 150-6. Preapplication conference and sketch plan.

A. Preapplication conference and sketch plan. Prior to the filing of an application for approval of a preliminary plat, the subdivider or his agent may appear and submit a sketch plan and accompanying information as provided in Appendix A[1] with a request for informal consideration by the Planning Board and for an expression of its views. No formal application is thereby required. The purpose of such appearance and submission of information and data is primarily to afford the subdivider an opportunity to consult informally and at an early stage with the Planning Board with a view toward conserving the time and expense of the subdivider and creating mutual opportunities for an exchange of information that will aid in assuring a desirable subdivision in the public interest.

B. Regulated wetlands and flood hazard areas. Any person filing an application should check with the St. Lawrence County Clerk, County Planning Office, or New York State Department of Environmental Conservation to ascertain the possibility of regulated wetlands or flood hazard areas being involved in the project.

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1. **Editor's Note: Appendix A is included at the end of this chapter.**

§ 150-7. Application; plat; required information.

A. Written application and plat. Whenever any subdivision of land as herein defined is proposed to be made and following any preapplication conference and review of any sketch plan, the owner or his agent shall apply in writing to the Planning Board for approval of such subdivision. There shall first be filed with the Planning Board a preliminary plat of the entire property for approval and subsequently thereto a final plat for conditional approval and signing as hereinafter specified.

B. Required information. Required information to be included in the application for a preliminary and final plat is as stipulated in Appendix A of this chapter[2] which is hereby made a part of this Part 1.

§ 150-8. Preliminary plat process: submission, content and consideration.

A. Submission. Three copies of the preliminary plat and supplementary material required shall be submitted to the Planning Board with written application for preliminary plat approval not less than seven days prior to a regularly scheduled Planning Board meeting, which meeting date shall be the date of submission. The preliminary plat shall be clearly marked "preliminary plat."

B. Content. On reaching conclusions regarding the general program and objectives following the preapplication conference, the subdivider shall cause to be prepared a preliminary plat which shall consist of, at minimum, those items of information called for in Appendix A.[3]

C. State Environmental Quality Review Act.

(1) Compliance. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQR) and its implementing regulations as set forth in 6 NYCRR Part 617 prior to taking action on the preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time period for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

D. Completeness of preliminary plat; referral to County Planning Board.

(1) Completeness. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

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2. **Editor's Note: Appendix A is included at the end of this chapter.**

3. **Editor's Note: Appendix A is included at the end of this chapter.**

(2) Referral to County Planning Board. The Planning Board shall refer all applicable preliminary plats to the St. Lawrence County Planning Board before taking final action, pursuant to § 239-n of General Municipal Law. This referral requirement is described in § 150-67 of Part 2, Zoning.

E. Referral to neighboring municipalities. Pursuant to General Municipal Law § 239-nn, for a subdivision review under this section involving property located within 500 feet of an adjacent municipality, notice of any public hearing shall be given by mail or electronic transmission to the clerk of the adjacent municipality not less than 10 days prior to the date of said hearing.[4]

F. Planning Board acting as lead agency under the State Environmental Quality Review Act.

(1) Planning Board as lead agency under the State Environmental Quality Review Act; public hearing; notice; decision.

(a) Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

[1] If EIS not required. If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after receipt of a complete preliminary plat by the Clerk of the Planning Board; or

[2] If EIS required. If the Planning Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.

(b) Public hearing; notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

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4. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(c) Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:

[1] If EIS not required. If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required the Planning Board shall make its decision within 62 days after the close of the public hearing; or

[2] If EIS required. If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

(d) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

G. Planning Board not as lead agency under the State Environmental Quality Review Act; public hearing; decision.

(1) Public hearing on preliminary plats. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement, the Planning Board shall hold the public hearing on the preliminary plat within 62 days after the receipt of a complete preliminary plat by the Clerk of the Planning Board.

(2) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

(3) Decision. The Planning Board shall by resolution approve with or without modification or disapprove the preliminary plat within 62 days after the close of the public hearing on such preliminary plat.

(4) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

H. Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of such preliminary plat, such plat shall be certified by the Clerk of the Planning Board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the owner.

I. Filing of decision on preliminary plat. Within five business days from the date of the adoption of the resolution approving the preliminary plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

J. Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.

§ 150-9. Final plat: submission, referral and consideration.

A. Submission of final plats. Final plats shall conform to the definition provided by these regulations. Final plats may require further review under the State Environmental Quality Review Act.

B. Referral. The Planning Board shall refer all applicable final plats to the St. Lawrence County Planning Board prior to taking final action, pursuant to § 239-n of General Municipal Law and §§ 150-8 and 150-9 of this Part 1.

C. Referral to neighboring municipalities. Pursuant to General Municipal Law § 239-nn, for a subdivision review under this section involving property located within 500 feet of an adjacent municipality, notice of any public hearing shall be given by mail or electronic transmission to the clerk of the adjacent municipality not less than 10 days prior to the date of said hearing.[5]

D. Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to this Part 1, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Clerk of the Planning Board.

E. Final plats when no preliminary plat is required to be submitted; receipt of complete final plat. When no preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration has been filed or until a notice of

5. **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.

F. Final plats; not in substantial agreement with approved preliminary plats, or when no preliminary plat is required to be submitted. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plat approved pursuant to this Part 1, or when no preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted conforming to the definition provided by this section the following shall apply:

(1) Planning Board as lead agency; public hearing; notice; decision.

(a) Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

[1] If EIS not required. If the Planning Board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with a preliminary plat, or on a final plat when no preliminary plat is required to be submitted, shall be held within 62 days after the receipt of a complete final plat by the Clerk of the Planning Board; or

[2] If EIS required. If the Planning Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.

(b) Public hearing; notice; length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

(c) Decision. The Planning Board shall make its decision on the final plat as follows:

[1] If EIS not required. If the Planning Board determines that the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days after the date of the public hearing; or

[2] If EIS required. If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.

(d) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

(2) Planning Board not as lead agency; public hearing; notice; decision.

(a) Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement, the Planning Board shall hold the public hearing on the final plat within 62 days after the receipt of a complete final plat by the Clerk of the Planning Board.

(b) Public hearing; notice; length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

(c) Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat within 62 days after the close of the public hearing on such final plat. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

G. Approval and certification of final plats.

(1) Certification of plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Clerk of the Planning Board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board and a copy of such signed plat shall be filed with the Town Clerk as determined by the Town Board, in accordance with § 150-9N of this Part 1.

(2) Approval of plat in sections. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.

(3) Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend for periods of 90 days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.[6]

H. Default approval of preliminary or final plat. The time periods prescribed herein within which the Planning Board must take action on a final plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning Board. In the event the Planning Board fails to take action on a final plat within the time prescribed therefor, or within such extended period as may have been established by the mutual consent of the owner and the Planning Board, such final plat shall be deemed granted approval. The certificate of the Town Clerk as to the date of submission of the preliminary or final plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsements or other evidence of approval herein required.

I. Filing of decision on final plat. Within five business days from the date of the adoption of the resolution approving the final plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

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6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

J. Notification of action taken.

(1) Notice to applicant. Any conditional approval, required modification and the reasons therefor, or disapproval and the reasons therefor, shall be stated in the records of the Planning Board, and the applicant so notified with a certified copy within five days from the date of action taken.

(2) Notice to County Planning Board. The Clerk of the Planning Board shall notify the St. Lawrence County Planning Board of its final action within 30 days of taking that action, pursuant to § 239-n of General Municipal Law and § 150-67 of Part 2, Zoning.

K. Expiration of approval upon failing to file with County Clerk. The signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a plat as herein provided; or the approval by such Planning Board of the development of a plat or plats already filed in the office of the St. Lawrence County Clerk if such plats are entirely or partially undeveloped; or the certificate of the Town Clerk as to the date of the submission of the final plat and the failure of the Planning Board to take action within the time herein provided, shall expire within 62 days from the date of such approval, or from the date such certificate is issued, unless within such sixty-two-day period such plat or a section thereof shall have been duly filed or recorded by the owner in the office of the County Clerk. In the event the owner shall file only a section of such approved plat in the office of the County Clerk, the entire approved plat shall be filed within 30 days of the filing of such section with the Town Clerk. Such section shall encompass at least 10% of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Subdivision 2 of § 265-a of New York State Town Law.

L. Subdivision abandonment. The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of § 560 of the Real Property Tax Law.

M. Required improvements. Within six months of the resolution granting conditional approval, the applicant shall either post assurances of completing improvements or complete the improvements.

(1) Posting assurances of completing improvements.

(a) In an amount set by the Planning Board, the applicant shall file with the Town Clerk either a certified check or a performance bond to cover the full cost of any required improvements. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year or such other period as the Planning Board may determine appropriate, not to exceed three years, shall be set forth in the bond within which time required improvements must be completed.

(b) If the subdivider elects to provide a bond or certified check for all required improvements, as specified herein, such bond or check shall not be released

until satisfactory as-built drawings are received and approved. If, however, the subdivider completes all required improvements the approved as-built drawings shall be submitted and approved prior to signature of the final plat by the Planning Board Chairman.

(2) Completing improvements. The subdivider shall complete all required improvements to the satisfaction of the Code Enforcement Officer and Planning Board and shall file with the Board a letter and required drawings signifying the satisfactory completion of all such required improvements. For any required improvements not so completed and approved, the subdivider shall file with the Town Clerk a bond or certified check covering the cost of such improvements and the cost of satisfactorily installing any improvement not approved, in accordance with the requirements of Subsection M(1) above.

N. Signature and filing. Upon satisfactory completion of the above requirements, the Chairman of the Planning Board shall affix his signature to the final plat, which signatures shall constitute final approval of the plat. Within 30 days from the date of such signature denoting final approval, or from the date of issuance of a certificate issued by the Town Clerk noting failure of the Planning Board to act within the prescribed time, the final plat, or approved sections thereof, shall be duly filed by the applicant in the office of the St. Lawrence County Clerk.

ARTICLE IV
Minimum Standards and Required Improvements

§ 150-10. Land to be safe for building.

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and shall be in keeping with the objectives of the Town Plan. All standards set forth herein are required minimum standards and, where conditions warrant, the Planning Board may call for such additional measures as are reasonable and appropriate under the circumstances.

§ 150-11. Use of natural features.

The utmost consideration shall be given to existing natural features of both the subdivision and adjoining lands and every effort shall be made to preserve and design around existing land forms, tree cover, waterways and any other exceptional physical characteristics.

§ 150-12. Monuments.

The tract boundary lines and the lines of all streets or roads shall be monumented with concrete, stone or iron monuments with monument caps. Individual properties shall be monumented with iron pins or pipe.

§ 150-13. Streets.

A. Streets to conform. The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Map, if any, and to the Town Plan, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets. Street grades shall conform reasonably to the natural topography.

B. Connections to other streets. The arrangement of streets in a subdivision shall provide for the continuation, if appropriate, of residential streets in the surrounding area and be such as to compose a convenient system both for the subdivision and connections to the public highway system.

C. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.

D. Frontage streets. Where a subdivision abuts, contains or has access to an existing or proposed major traffic artery, the Planning Board may require a frontage street (parallel service street) or reverse frontage (parallel street set the depth of one lot inside the subdivision) with screen-planting contained in a nonaccess reservation along the property line or such other treatment as may be necessary for adequate protection of both the subdivided properties and the appearance of the Town and to afford separation of through and local traffic.

E. Reserve strips prohibited. Reserve strips controlling access to streets, water or sewage mains, lines or treatment plants, or other land dedicated or to be dedicated to public use shall be prohibited unless control thereof is expressly placed with the Town under conditions approved by the Town Board.

F. Offsets. Street jogs with center-line offsets of less than 150 feet shall not be permitted.

G. Reverse curve tangents. A tangent between reverse curves on major and collector streets shall be 150 feet minimum; on minor streets 100 feet minimum, in length.

H. Intersection angles. In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins, and no street shall intersect any other street at less than 75°.

I. Grades. Street grades shall be not less than 0.5% nor more than 10%.

J. Culs-de-sac. Cul-de-sac streets shall not be longer than 500 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 100 feet and street right-of-way line diameter of at least 150 feet. At the end of temporary dead-end streets a temporary turnaround with an outside improved surface diameter of 100 feet shall be provided unless the Planning Board shall approve an alternate arrangement. Dead-end streets shall not be permitted, except as provided herein.

K. Names. No street or highway names shall be used which will duplicate or be confused with the names of existing streets or highways in the Town. Subdivision street names shall be subject to the approval of the Planning Board.

L. Table of street widths. Street rights-of-way and pavement or improved surface area shall have the following widths. The classification of streets shall be as determined by the Planning Board.

Classification	Minimum Right-of-Way	Minimum Improved Surface	
Major streets	66 feet	40 feet (two 12-foot traffic lanes, and two 8-foot parking lanes)	
Collector streets	60 feet	30 to 32 feet (two 11- to 12-foot traffic lanes, and one 8-foot parking lane)	
Minor streets	50 feet	Urban	28 to 30 feet (two 10- to 11-foot traffic lanes, and one 8-foot parking lane)
		Rural	18 to 22 feet (two 9- to 11-foot traffic lanes, and two 6-foot shoulders)

M. Construction standards. Roadway and related construction shall be the responsibility of the subdivider, as set forth below:

(1) Subgrade. All topsoil shall be removed from an area on each side of the center line sufficient to accommodate the required pavement and shoulder width, unless a fill of three feet or more is required. Fills must be made with material approved by the Planning Board and shall be placed in layers not over six inches thick and each layer shall be properly rolled. All muck, quicksand, spongy and any other objectional material shall be graded as described following. A distance sufficient to accommodate the required pavement and shoulder width on each side of the center line shall be 12 inches below the finished grade, as shown on the street profile. After it has been properly shaped, it shall be thoroughly rolled and compacted. Drainage ditches, where provided, shall be on each side of the road at a suitable distance from the center line of the road, shall be adequate to carry all stormwater drainage and shall be otherwise satisfactory to, and be approved by, the Planning Board. Where in the opinion of the Planning Board such open drainage ditches cannot be appropriately provided without creating a hazard or nuisance, storm sewers shall be provided. The grade of the outside area or sidewalk and planting strip section shall in no case be lower than the crown. No gravel or stone is to be placed on the subgrade until the subgrade is approved by the Code Enforcement Officer.

(2) Base course.

(a) The thickness and method of constructing the base course may vary, when conditions warrant, depending upon the amount of traffic anticipated, the type of material used, and the condition of the subgrade. All materials and construction procedure shall be subject to the approval of the Planning Board and the Code Enforcement Officer.

(b) A base course at least 30 feet wide and corresponding to the required surface and shoulder width, consisting of not less than 12 inches of compacted stone or gravel approved by the Planning Board shall be installed. Street and road culverts shall be installed by the subdivider, where necessary. Driveway culverts shall be corrugated metal or reinforced concrete or approved plastic, installation to be approved by the Code Enforcement Officer. Where there is no natural stream or watercourse for the drainage of surface water from the proposed street or road, the subdivider shall secure rights-of-way and construct ditches or install stormwater sewers to a natural waterway or as the Planning Board directs.

(3) Surface course.

(a) A surface course of gravel, oil and stone, or asphaltic concrete pavement of a grade and quality as specified by the Planning Board shall be placed on the roadway. The exact specifications for the surface course shall depend upon:

[1] Number and type of units;

[2] Street classification, volume and type of traffic; and

[3] Schedule for completion

(b) Responsibility for the surface course may include a payment to the Town highway fund based on a lineal-foot cost of applying the surface course.

(4) Curbs and gutters. Where curbs exist on abutting properties, their extension by the developer shall be required throughout the proposed subdivision. All curbs shall be approved by the Planning Board. Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriate surfacing by the subdivider.

(5) Sidewalks. The Planning Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least four feet wide and four inches thick shall be installed where required as specified by the Planning Board.

§ 150-14. Blocks.

A. Considerations. Lengths, widths and shapes of blocks shall be determined with due regard to:

(1) The type of development proposed;

(2) Zoning requirements as to lot sizes and dimensions, and to the requirements of this Part 1;

(3) Need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress and egress; and

(4) Limitations and opportunities of topography.

B. Length. Block lengths shall not exceed 1,500 feet, nor be less than 750 feet. Block width shall generally be two lots deep.

C. Pedestrian right-of-way. A pedestrian right-of-way, not less than 12 feet wide, in addition to any street, shall be provided where deemed essential by the Planning Board to provide safe circulation, or access to schools, playgrounds and other community facilities.

§ 150-15. Lots.

A. Appropriateness. The lot size, width, depth, shape and orientation, and the building setback lines shall be appropriate for the location of the subdivision, topographical conditions and for the type of development and use contemplated.

B. Relation to zoning regulations. In addition, all lots shall have area and width equal to minimum requirements of Part 2, Zoning, applying to the district in which they are located.

C. Width of corner lots. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

D. Frontage on street. The subdividing of land shall be such as to provide each lot with frontage on an improved street, with satisfactory access to an existing public street.

E. Acceptance of streets by the Town. Every street shown on the plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the Town and formally accepted as a public street by resolution of the Town Board; or alternatively until it has been condemned by the Town for use as a public street.

F. Angle of side lot lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

G. Off-street parking. Off-street parking space shall be required for all uses. In the case of dwellings, at least 180 square feet of off-street parking space per dwelling unit shall be provided back of the building setback line, plus access drive and maneuvering space.

§ 150-16. Grading; drainage.

A. Relation to area drainage. Storm and surface water drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage systems must be sufficient to handle discharge from the entire drainage area whether inside or outside the subdivision, based on a fifty-year storm.

B. Cost and design standards. The cost of the facility in excess of that for the particular subdivision shall be as determined by the Planning Board and may be pro rated among upstream property owners and the Town. No subdivision shall be approved where anticipated runoff incident to the subdivision development will overload existing downstream facilities during a fifty-year storm. Drainage structures and facilities shall be

installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided, where necessary. The subdivider shall allow no holes, depressions or other undrained areas to remain, except such wet areas as are protected by state or federal regulations or as approved by the Planning Board.

§ 150-17. Easements.

A. Utility easements. Adequate easements centered on rear or side lot lines shall be provided for utilities, where necessary. A minimum easement width of 20 feet is required.

B. Stormwater drainage easement. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose and as determined by the Planning Board.

C. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street right-of-way, perpetual unobstructed easements at least 20 feet in width shall be provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easement shall be cleared and graded where required.

§ 150-18. Utilities.

A. Subdivider responsibilities. Electric, telephone and other available utilities shall be arranged for by the subdivider.

B. Underground installation. Utilities shall be placed underground in accord with Public Service Commission guidelines and as required and approved by the Planning Board. The Planning Board shall require that any underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is surfaced.

§ 150-19. Sewage disposal system.

If, in the opinion of the Planning Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a community system, the developer shall provide sanitary sewers and laterals for each lot for such service. Community disposal systems must conform to standards and inspection by the State Health Department as may be applicable. Where public or community sanitary sewers are not feasible, the developer shall provide specifications, including locations for installation of individual sewerage systems, for each lot in accordance with state and local requirements upon specific approval by the Planning Board.

§ 150-20. Water supply system.

If, in the opinion of the Planning Board, a subdivision can be reasonably served by the extension of a public or community water supply system, the subdivider shall connect each lot at the property line with the public or community supply system. Community water supply systems, where provided, must conform to standards and inspection by the State Health Department as may be applicable. Where public or community water supply is not feasible, the developer shall provide specifications, including location for installation of individual water supply systems, for each lot in accordance with state and local requirements upon specific approval by the Planning Board.

§ 150-21. Streetlights; trees; signs; screening.

A. Lights. Streetlights shall be arranged for by the subdivider, where appropriate, as determined by the Town Board, and be of the type and at such interval as specified by the Town Board.

B. Trees. Preservation of existing trees shall be the responsibility of the subdivider (see § 150-11 above).

C. Maintenance of unpaved area. The area between the gutter and the property line shall be seeded and otherwise improved by the subdivider and maintained by the owner.

D. Street signs. Street name signs shall be provided by the Town.

E. Required screening. When so required by the Planning Board, a screen-planted easement not less than 12 feet wide, across which there shall be no right of access, may be required along the line of lots between the subdivision and any adjoining industrial, commercial, major street, railroad or other similar use.

§ 150-22. Public sites and open space.

Where a proposed park, playground, school or other public use shown in the Town Plan, or not anticipated in such Town Plan, is located in whole or in part in a subdivision, such area shall either be dedicated to the Town; or it shall be reserved for acquisition by the Town within a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the Town regarding the time and method of acquisition, and the cost thereof. A maximum of 10% of the area of the subdivision may be required for dedication for park, playground or other recreation uses. If the Planning Board determines that a suitable park or parks of adequate size cannot be located in any such plat or it is otherwise not practical, the Planning Board may require as a condition to approval of any such plat such other or further conditions as may be authorized by law, including payment to the Town of an acceptable sum per gross acre of land that would otherwise have been acceptable for recreation purposes, which shall constitute a fund to be used exclusively for park, playground or other recreational purposes designed to serve such subdivision, including the improvement of existing facilities.

ARTICLE V
Administration and Enforcement

§ 150-23. Plat approval.

A. Prohibition absent approval. No subdivision as herein defined shall be developed or offered for sale nor shall any lot included in such subdivision be recorded with the County Clerk until a final plat has been approved, signed and filed in accord with this Part 1.

B. Town Attorney certifications. Following conditional approval of a final plat and before the Planning Board Chairman shall affix his signature to the Plat, the Town Attorney shall certify that:

(1) Offers of cession for dedicating streets, easements, rights-of-way and any sites for public use; agreements covering the improvement and maintenance of unceded public open spaces and the conditions and limitations, if any, are satisfactory;

(2) Any protective covenants are in proper form for recording;

(3) The required improvements have been completed or a certified check or performance bond satisfactory in form and sufficiency to the Town has been posted in lieu thereof in accordance with the provisions of Town Law, and that the applicant or subdivider is the landowner; and

(4) Any other data, such other certificates, affidavits or other agreements as may be required by the Planning Board in the enforcement of this Part 1 are satisfactory.

C. Formal approval of facilities by Town Board. Approval of the final plat by the Planning Board shall not constitute acceptance by the Town Board of the dedication of such facilities without formal acceptance by the Town Board.

§ 150-24. Administration and enforcement by Code Enforcement Officer.

This Part 1 shall be administered and enforced by the Code Enforcement Officer appointed by, and acting as the duly authorized agent of, the Town Board. The Code Enforcement Officer shall make such inspections of the premises and of required improvements as are necessary to carry out his duties. No building/use permit or certificate of compliance shall be issued by him or continue in force and effect, except when all provisions of this Part 1 and other applicable portions of this chapter have been complied with.

§ 150-25. Violations; penalties for offenses.

A. Violations. Any person or persons who commit or permit any acts contrary to the provisions of this Part 1 shall be guilty of a violation thereof and, upon conviction, shall be subject to a fine not exceeding $250 or imprisonment for a period not to exceed 30 days, or both. Each week the violation continues shall constitute a separate and additional offense.

B. Compelling compliance. In addition to the above-provided penalties and punishments, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of this Part 1.

§ 150-26. Application for area variance; judicial review.

A. Application for area variance without appeal.

(1) Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with Part 2, Zoning, regulations, application may be made to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination of the Code Enforcement Officer. In reviewing such application, the Zoning Board of Appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance. In reviewing requests for variances, the Zoning Board of Appeals shall use the tests established below.

(2) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community be such grant. In making such determination the Zoning Board of Appeals shall also consider.

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

(c) Whether the requested area variance is substantial;

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

(e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(3) In granting such variances, the Board of Appeals shall have the authority to require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied.

B. Court review. Any person or persons, jointly or severally aggrieved by any final order under this Part 1 may seek to have such order reviewed in the manner provided by Article 78 of the New York Civil Practice Law and Rules.

§ 150-27. Amendment; required referral.

A. Authority of the Town Board. The Town Board may on its own motion, amend, supplement, repeal or change the regulations and applicable standards of this Part 1 by resolution after public hearing.

B. Planning Board may propose changes. The Planning Board may, by resolution, propose an amendment to the Town Board suggesting a change or repeal of specific portions or applicable standards of this Part 1. Within a reasonable time from the time such resolution is filed with the Town Clerk, it shall be the duty of the Town Board to hold the requisite public hearing and a vote on such proposed amendment.

C. Hearing. Before any amendment, supplement or change in this Part 1, there shall be a public notice and hearing as required by law. Such hearing may be held by the Town Board, by a committee of the Town Board, or by the Planning Board on request of the Town Board. A majority vote of the members of the Town Board shall be required to amend this Part 1.

D. Referral to Town Planning Board. All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within 30 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.

E. Changes to ordinance not subject to referral to County Planning Board. Referral to the County Planning Board of proposed amendments, supplements or changes to this Part 1, Subdivision Regulations, is not required by § 239-n of General Municipal Law. See §§ 150-8 and 150-9 for referral of proposed subdivision plats.

§ 150-28. Interpretation.

In their interpretation and application, the provisions of this Part 1 shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general well-being. Whenever the requirements of this Part 1 are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard shall govern.

Part 2
Zoning

ARTICLE VI
Title and Legislative Authority

§ 150-29. Title.

This Part 2 shall be known and may be cited as the "Town of Norfolk Zoning Ordinance."

§ 150-30. Legislative authority.

This Part 2 is adopted pursuant to § 261 of the New York State Town Law.

ARTICLE VII
Purpose, Scope and Definitions

§ 150-31. Purpose.

General purposes. The provisions of this Part 2 shall be held to be the minimum requirements adopted to promote the health, safety and general welfare of the Town of Norfolk. Such requirements are deemed necessary to achieve the following purposes:

A. To protect the character and maintain the stability of residential, recreational, commercial and agricultural areas within the Town, and to promote the orderly and beneficial development of such areas.

B. To regulate the intensity of use of building lots, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy and convenience of access to property, and to protect the public health and safety.

C. To establish building lines and the location of buildings designed for residential, recreational, commercial, agricultural, or other uses within such lines.

D. To fix reasonable standards to which buildings or structures or the use of the land shall conform.

E. To prohibit uses, buildings or structures which are incompatible with the existing or desirable character of development within specified zoning districts.

F. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

G. To limit congestion in the public streets and so protect the public health, safety, convenience, and the general welfare by providing for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles.

H. To provide protection against fire, flood, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare.

I. To conserve and enhance the taxable value of land and buildings throughout the Town through an enlightened approach to land development and building location.

J. To promote the Town and the development of new homes, industry, and commercial enterprise in an orderly fashion.

§ 150-32. Scope.

A. Application. This Part 2 shall apply to the use of any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Town of Norfolk.

B. Prior approval required. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed or used for any purpose or in any manner other than as specified among the uses herein listed as permitted in the district in which such building or land is located without the appropriate approval.

§ 150-33. Definitions.

The words and terms used in this Part 2 shall be as defined in Part 3 of this chapter.

ARTICLE VIII
Districts and Uses

§ 150-34. Designation of districts.

A. Districts. For the purposes of this Part 2 the Town of Norfolk is divided into the following districts:

R-H	Residential-Hamlet District
R-A	Residential-Agricultural District
C-B	Commercial-Business District
C-H	Commercial-Highway District
C-I	Commercial-Industrial District
P-D	Planned Development District
P-D (MHC)	Planned Development District (Mobile/Manufactured Home Court)

B. L-C Land Conservation Overlay. Provision is made for a Land Conservation Overlay in which additional standards are applied in addition to those of the underlying zoning district.

§ 150-35. R-H Residential Hamlet District.

A. Purposes: to delineate those areas where predominantly single-family residential development has occurred or is likely to occur in accordance with the Town Plan; to maintain the quality of residential areas by requiring lot and building standards which accurately reflect existing conditions and service potential; and to protect the integrity of residential areas by prohibiting the intermixture of residential and incompatible nonresidential uses.

B. Permitted uses:

(1) One-, two-family dwelling.

(2) Mobile/manufactured home, Class A.

(3) Existing farm.

(4) Public building, public use.

(5) Public park, playground, golf course.

(6) School, church.

(7) Service organization, club, lodge.

(8) Accessory building or use.

C. Special uses permitted upon authorization of Town Planning Board:

(1) Three-, four-family dwelling.

(2) Day-care center.

(3) Funeral home.

(4) Home occupation.

(5) Public utility structure or use.

§ 150-36. R-A Residential-Agricultural District.

A. Purposes: to delineate those areas of the Town which are appropriate for agricultural and open space purposes and for low-density residential uses and to preserve the integrity of such areas for these purposes.

B. Permitted uses:

(1) Farm.

(2) One-, two-family dwelling.

(3) Mobile/manufactured home, Class A and B.

(4) Public building, public use.

(5) Public park, playground, golf course.

(6) School, church, cemetery.

(7) Accessory building, or use.

C. Special uses permitted upon authorization of Town Planning Board:

(1) Animal hospital, kennel, stable.

(2) Commercial excavation/mining.

(3) Commercial recreation.

(4) Day-care center.

(5) Fish and game club.

(6) Home occupation.

(7) Junkyard, sanitary landfill.

(8) Lagoon, disposal area.

(9) Livestock holding area.

(10) Public utility structure, use.

(11) Roadside stand/temporary sale.

(12) Sale and servicing of farm implements.

(13) Small residential business.

(14) Three-, four-family dwelling.

§ 150-37. C-B Commercial-Business District.

A. Purposes: to delineate areas appropriate for retail commercial and business activity and to reserve them for this use.

B. Permitted uses:

(1) Bank, post office.

(2) Business office, professional office.

(3) Hotel, motel.

(4) Launderette.

(5) Public building, public use.

(6) Retail store, personal service shop.

(7) Tavern, restaurant.

(8) Accessory building, use.

C. Special uses permitted upon authorization of Town Planning Board:

(1) One-, two-family dwelling.

(2) Three-, four-family dwelling.

(3) Day-care center.

(4) Public utility structure, use.

D. No apartments shall be permitted on the ground floor in this district. **[Added 4-13-2009 by L.L. No. 1-2009]**

§ 150-38. C-H Commercial-Highway District.

A. Purposes: to delineate areas appropriate for general commercial activity, especially those oriented to the highway and automobile traffic, and to reserve them for this use.

B. Permitted uses:

(1) Uses permitted in C-B District.

(2) Commercial storage, warehousing, trucking operations.

(3) Sale and servicing of automobiles, farm implements, mobile/manufactured homes, recreational vehicles.

C. Special uses permitted upon authorization of Town Planning Board:

(1) Uses specially permitted in C-B District.

(2) Auto wash.

(3) Commercial recreation.

(4) Day-care center.

(5) Drive-in/drive-through restaurant.

(6) Gasoline station, public garage.

(7) Public utility structure, use.

D. No apartments shall be permitted on the ground floor in this district. **[Added 4-13-2009 by L.L. No. 1-2009]**

§ 150-39. C-I Commercial-Industrial District.

A. Purposes: to delineate those areas appropriate for heavy commercial and light industrial uses and to reserve them for these uses.

B. Permitted uses:

(1) Uses permitted in C-H District.

(2) Fabrication, assembly plant.

(3) Highway garage, equipment storage.

(4) Sale of building supplies, materials.

(5) Sale of feed, farm supplies.

C. Special uses permitted upon authorization of Town Planning Board:

(1) Uses specially permitted in C-H District.

(2) Commercial excavation, processing.

(3) Day-care center.

(4) Junkyard.

(5) Public utility structure, use.

§ 150-40. P-D Planned Development District.

A. Purposes: to provide a means of developing those land areas within the community considered appropriate for new residential, recreational, commercial or industrial use, or a satisfactory combination of these uses, in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of this Part 2.

B. Procedure to establish a P-D District.

(1) Application for establishment of a Planned Development District shall be made to the Town Board. The Town Board shall refer the application to the Planning Board for a recommendation within 30 days of receipt. The applicant shall furnish basic data as required under preliminary plat/plan in Appendix A of this chapter, which is hereby made a part of this Part 2.[7]

(2) The Planning Board shall review such application and make a recommendation to the Town Board within 45 days. The Planning Board may recommend such changes in the preliminary plans as are found to be necessary to meet the requirements of this subsection, to protect the established permitted uses in the vicinity, and to promote the orderly growth and sound development of the community. In evaluating the proposal and in reaching its conclusions regarding the preliminary plans, the Planning Board shall consider and make findings regarding those considerations set forth under Subsection C(3) below. The Planning Board may recommend approval, disapproval, or conditional approval subject to modifications regarding the proposed development.

(3) All applications for creation of a Planned Development District that fall within the purview of § 239-m of General Municipal Law shall be referred by the Town Board to the St. Lawrence County Planning Board, which shall review and comment on the referral within 30 days. See § 150-67 of this Part 2.

(4) The Town Board shall hold a public hearing after public notice. The Town Board may, by resolution, delegate the hearing to the Town Planning Board. Five days' written notice of the hearing shall be provided to all owners of land in the proposed P-D District and to all owners of other lands within 500 feet of the proposed boundary. The Town Board shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto. It may amend the Zoning Map to establish and define the type and boundaries of the Planned Development District, and in so

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7. **Editor's Note: Appendix A is included at the end of this chapter.**

doing may state specific conditions in addition to those provided by this Part 2 further restricting the nature or design of the development.

C. Procedure to develop an established P-D District. For the approval of development within an established Planned Development District:

(1) Amendment of the Zoning Map shall not constitute authorization to develop in the district.

(2) Such authorization, after a Planned Development District has been established, shall require that the applicant submit to the Planning Board such plans and specifications, supporting documents and data as are required under final plat/plan in Appendix A of this chapter. A copy of the proposed development shall be referred to the St. Lawrence County Planning Board for review when § 239-m of General Municipal Law is applicable (see § 150-67 of this Part 2).

(3) The Planning Board shall set forth the particular ways in which the proposed development would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:

(a) In what respects the development plan is or is not consistent with the stated purposes of the Planned Development District.

(b) The extent to which the plan departs from zoning regulations formerly applicable to the property in question, including, but not limited to, bulk, density, and permitted uses.

(c) The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood.

(d) The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height.

(e) The provision for pedestrian circulation and open space in the planned development, the reliability of the proposal for maintenance and conservation of common open space and pedestrian circulation as related to the proposed density and type of development, if applicable.

(f) The traffic circulation features within the site including the amount of, location of, and access to, automobile parking and terminal loading areas.

(g) The amount of traffic generated at peak hours and the provision for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards such as inadequate site distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes.

(h) The provision for snow removal, stormwater drainage, sanitary sewerage, solid waste disposal and power and other utilities and services on and adjacent to the site.

(i) The proposed location, type and size of signs and landscape features.

(j) The physical design of the plan and the manner in which said design does or does not make adequate provision for service demands (water, sewer, fire, etc.), provide adequate control over vehicular traffic, and further the amenities of light, air and visual enjoyment.

(4) No permit for development shall be issued until the Planning Board has made its determination based on the foregoing considerations and issuance of a permit has been authorized by the Planning Board.

(5) All conditions imposed by the Town Board in its amendment establishing the district and all subsequent conditions imposed by the Planning Board in their review of the development plans, including any conditions, the performance of which may be precedent to the issuance of any permit, shall run with the land and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated district.

(6) Notification of action taken will be given to the St. Lawrence County Planning Board within 30 days of such action on matters previously referred to and reviewed by such Board in accord with § 239-m of New York State General Municipal Law.

(7) If construction of the development in accordance with the approved plans and specifications has not begun within one year after the date of the resolution authorizing issuance of the permit, all permits shall become null and void, the approval shall be deemed revoked and vacated, and the Town Board shall have the authority to again amend the Zoning Map to restore the zoning designation for the district to that which it had been prior to the application, or to rezone to any other district.

§ 150-41. P-D (MHC) Planned Development District (Mobile/Manufactured Home Court).

The creation, expansion, extension or alteration of any new or existing mobile/manufactured home court shall require application to the Town Board to amend the Zoning Map to create or alter, and subsequently develop, a Planned Development District (Mobile/Manufactured Home Court) using the process in § 150-40 above.

A. Application to existing mobile/manufactured home courts. The boundaries of all existing mobile/manufactured home courts of record shall be located on the Zoning Map as Planned Development Districts (Mobile/Manufactured Home Court) without application, hearing, or individual Town Board action and need not meet current Town standards for mobile/manufactured home courts. Existing mobile/manufactured home courts shall be required to obtain an initial and annual operating permit. All existing mobile/manufactured home courts so placed retroactively on the Zoning Map shall be limited to the site plan and number and size of mobile/manufactured homes accommodated on April 1, 1996. The boundaries of a P-D (MHC) District thus created retroactively may be expanded, the number and size of mobile/manufactured homes

allowed within the district may be modified, and the site plan for the district may be modified, upon application to the Town Board for an amendment to the specific mobile/manufactured as it existed on April 1, 1996.

B. District size minimum. A P-D (MHC) shall have a minimum area of five acres.

C. Interior lot minimum.

(1) Within the P-D (MHC) the minimum lot size for individual mobile/manufactured home sites shall be 6,000 square feet and within the individual mobile/manufactured home site, yard requirements shall be as follows:

(a) Front yard: 20 feet.

(b) Side yards (each): 15 feet.

(c) Rear yard: 15 feet.

(2) Note: While the front yard setback of 20 feet is to be measured from the edge of the right-of-way this has the effect of making the setback 45 feet from the center line of the right-of-way.

D. Utility and service facilities. All water supply and sewage disposal systems will comply with any applicable regulations of the Town and be approved by the State Health Department, as is applicable, before any Town operating permit is issued or renewed. In addition, provisions for the following shall be reviewed and approved by the Town Board:

(1) Storm and surface drainage.

(2) Open areas, yards and drives.

(3) Garbage and refuse disposal.

E. Utility and fuel installations.

(1) All wiring, fixtures and appurtenances shall be installed and maintained in accordance with the New York State Uniform Fire Prevention and Building Code. Whenever practical, electrical transmission and other utility lines shall be placed below ground.

(2) Fuel tanks, where used, shall be placed at a distance at least five feet from any exit and shall have a safety shutoff at the tank. A centralized fuel supply system is encouraged wherever possible.

F. Roadways. No individual mobile/manufactured home within a P-D (MHC) Mobile/Manufactured Home Court will have direct access to an existing public street. Internal roadways within a mobile/manufactured home court shall be considered a "minor street" and shall have a minimum right-of-way and a minimum paved or stone course as regulated in § 150-13L and M of Part 1, Subdivision Regulations, of this chapter. There shall be no dead-end streets in any court. A cul-de-sac or wye turnaround may be

provided in accord with those provisions set forth in § 150-12J of Part 1, Subdivision Regulations.

G. Off-street parking. One off-street parking space shall be provided for each mobile/manufactured home outside the required right-of-way. Mobile/manufactured home courts shall comply with all other generally applicable off-street parking requirements as set forth elsewhere in this Part 2.

H. Recreation area. Open space areas (up to 10% of the land area) suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed P-D (MHC) District.

I. Improvements.

(1) Enclosure. Each mobile/manufactured home owner/tenant shall be required to enclose the bottom portion of the mobile/manufactured home with a metal, wood or other suitable skirt, properly ventilated, after location in the mobile/manufactured. Notification of such requirement shall be the responsibility of the mobile/manufactured home court operator.

(2) Sidewalks, lighting and landscaping shall be in keeping with surrounding development, the unique features of the site, and the health and safety of the occupants of the mobile/manufactured as determined by the Town Board. Attractive site development and landscaping shall be a consideration in determining the adequacy of the mobile/manufactured proposal.

J. Permits.

(1) No mobile/manufactured home court shall be established in a P-D (MHC) District until an initial operating permit has been applied for and granted by the Town Board. Existing mobile/manufactured home courts holding valid operating permits as of April 1, 1996, shall be deemed to hold valid initial permits and are therefore exempt from this requirement to apply to the Town Board for an initial permit.

(2) All initial permits for the operation of a mobile/manufactured home court shall be effective until June 1 of the calendar year after their issuance. An application for renewal of the operating permit shall be made to the Town Clerk 30 days prior to the expiration date of the previous permit. The Code Enforcement Officer shall issue or deny such permit in accord with the requirements set forth in these and other applicable regulations and the established fee schedule.

§ 150-42. L-C Land Conservation Overlay.

A. Purposes. To recognize and place additional safeguards on certain areas of the Town that are more prone to flooding and water pollution than are other areas of the Town.

B. Permitted uses and standards. Within this Land Conservation Overlay, which includes that area 200 feet on either side of the shoreline at normal water level of those streams and waterways and such additional area as delineated on the Zoning Map, all

development review will be in accord with the special use process as outlined in this Part 2 and according to the following:

(1) No permanent building or structure shall be located within 50 feet of the shoreline at normal water level except as permitted by the Town Planning Board, in accordance with guidelines established by the Planning Board, and in accordance with those uses otherwise permitted in the underlying district.

(2) In addition, the setback of any permanent building from the shoreline shall be considered in relation to the slope of the land and the arrangement of the septic system and tile field and such setback shall be as determined by the Town Planning Board to accomplish the purposes of the Land Conservation Overlay as outlined herein.

(3) All on-site sanitary waste disposal systems shall be constructed and located outside the setback required in Appendix 75A of the New York State Sanitary Code.

(4) All land uses shall be subject to the Town's local law covering development in federally defined flood hazard areas.

(5) Developers should check for state regulated wetlands before pursuing proposals for new land uses.

§ 150-43. Zoning Map.

Establishment. The location and boundaries of zoning districts are hereby established on the Zoning Map of the Town of Norfolk as shown in Attachment II.[8] Said Zoning Map, as amended, with all notations, references and designations shown thereon, is hereby made a part of this Part 2.

§ 150-44. Interpretation of district boundaries.

A. Basis for district boundaries. The district boundary lines are intended generally to follow the center line of streets and highways; the center line of railroad rights-of-way; existing lot lines; the center line of rivers, streams, and other waterways; sewer and water district boundaries; and Town boundary lines. Where a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a dimension expressing its distance in feet from a street line or other boundary line as indicated; or by use of the scale appearing on the Zoning Map.

B. When construed. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundary. Where district boundaries are so indicated that they are approximately parallel to the center line of streets or highways, such district boundaries shall be construed to be parallel thereto and at such distance therefrom as indicated on the Zoning Maps.

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8. **Editor's Note: Attachment II is included at the end of this chapter.**

C. Lots in two districts. Where a zoning district boundary line divides a lot, the standards for the less restrictive district may extend not more than 50 feet into the more restricted portion of the lot, provided the lot has frontage on a street in the less restrictive district.

D. Determination of uncertain boundary. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Board of Appeals shall render a determination with respect thereto.

ARTICLE IX
Supplementary Regulations

§ 150-45. Lots: standards; nonconformities; exceptions.

A. Dimensions in Attachment I. Regulations governing lot area and lot width; front, side and rear yards; building coverage; and building height are specified in Attachment I,[9] subject to the additional standards of this Part 2. Attachment I accompanies and, with all explanatory matter thereon, is hereby made a part of this Part 2.

B. Application of dimensional regulations. No building shall be erected and no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.

C. Yards and open spaces unique to each building. No yard or other open space provided about any building for the purpose of complying with the provisions of this Part 2 shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

D. Construction on nonconforming lots of record. A permitted building or use may be constructed on any lot of record as of October 15, 1973, in any district in which permitted even if said lot is less than the minimum area required for building lots in the district, providing the following conditions exist or are met:

(1) No adjoining lots owned. The owner of said lot owns no adjoining vacant land which would create a conforming lot if combined with the lot which is deficient in area.

(2) Yards to conform. Any structure erected on a nonconforming lot shall have front, side and rear yards conforming to the minimums required for the district in which said lot is located, except where conditions make this impossible, and then, such shall be as determined by the Board of Appeals. The Code Enforcement Officer may not authorize nonconforming yards.

E. Corner lot. On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One

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9. **Editor's Note: Attachment I is included at the end of this chapter.**

rear yard shall be provided on each corner lot and the owner shall designate the rear yard on the application for a permit.

F. Through lot. Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the principal structure shall be erected to face the street on which those adjoining structures face.

G. Front yard exception. When a vacant lot in any district is situated between two improved lots, the front yard of the vacant lot shall have a depth equal to the average depth of the front yards of the two adjoining improved lots, but not less than 20 feet from the street right-of-way.

H. Transition yard requirements. Where the front yard of a lot in a residential district abuts the front yard of a lot in a nonresidential district, there shall be provided in the nonresidential district a front yard at least equal in depth to that required in the residential district. Where a side or rear yard in a residential district abuts a side or rear yard in a nonresidential district, there shall be provided along such abutting line or lines, in the nonresidential district, a side or rear yard at least equal in depth to that required in the residential district. In no case, however, shall the abutting nonresidential district side or rear yard be less than 10 feet.

I. Projections into required yards.

(1) Limitation on building trim. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, eaves and other minor or decorative architectural features; provided, however, that such features shall not project more than two feet into any required yard.

(2) Terraces. A paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls or other forms of enclosure exceeding six feet in height.

(3) Porches. In determining the percentage of building coverage or the size of yards for the purpose of this Part 2, porches or decks roofed or unroofed, enclosed or unenclosed, that are attached to or abut the structure shall be considered a part of the building and therefore shall not be located within any required yard.

(4) Fire escapes. An open fire escape may extend into any required yard not more than six feet, provided that such fire escape shall not be closer than nine feet from any point to any lot line.

J. Height requirements.

(1) General application. No building or structure shall have a greater number of stories, nor have an aggregate height greater than is permitted in the district in which such building or structure is located. The height limitations of this Part 2 shall not apply to belfries, church spires and cupolas that are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to flag poles, monuments, silos, telecommunications antennas and equipment, and similar structures. Such features, however, shall be erected only to such height as is

necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the height limitations.

(2) Limitation on height. No building shall be erected, reconstructed or structurally altered to exceed in height the limit herein designated for the district in which such building is located.

K. Number of residential structures on lot. No more than one residential structure on any lot shall be permitted in districts other than Planned Development unless lot area and yard requirements are met for each residential structure, including required street frontage. No more than three residential structures may be located on any lot unless through the creation of a Planned Development District.

§ 150-46. Walls; fences; hedges; visibility at street intersections.

A. Maintenance setback. In any residential district, any fence, hedge or wall, with the exception of division fences as regulated in § 300 of New York State Town Law, shall be no closer to any lot line fronting on a highway than two feet from the right-of-way or four feet from the inside edge of any existing sidewalk, and no closer than two feet from the lot line to any other side or to the rear. Responsibility for maintenance of division fences, walls or hedges located on the lot line will be according to Town Law.

B. Condition. Any fence, wall or hedge shall be maintained in safe and presentable condition and shall be constructed of materials which are compatible with surrounding uses. Barbed wire fences shall not be erected or maintained except for farm purposes.

C. Appearance. Fences shall be built with a finished side facing neighboring residential premises.

D. Height. No fence, wall or hedge shall exceed three feet in height between the street and the required front setback, nor six feet in height from the setback to the rear maintenance setback, nor six feet in height along the rear maintenance setback, except as otherwise may be provided in these regulations.

E. Visibility at street intersections. On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting, or temporary structure more than three feet in height shall be erected, placed or maintained which obstructs visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 30 feet distant from the point of intersection, measured along said lines.

§ 150-47. Screening.

A. Enclosed uses. Any use required by this Part 2 to be screened shall provide a fence, screen, or landscaping sufficient to obscure such uses from view from abutting properties or from the public right-of-way.

B. Unenclosed uses. Any commercial or industrial use which is not conducted within a building, including, but not limited to, junkyards, storage yards, building materials yards, and which is in, abuts or is adjacent to a residential district or fronts on a public right-of-way, shall be obscured from view from any residential district and public right-of-way in an effective manner. This subsection shall not apply to nurseries, and the display for sales purposes of new or used motor vehicles and trailers or farm equipment if set back at least 30 feet from the edge of the pavement.

C. Required approval. Plans and site design for the installation of such fencing or screening as are required by this Part 2 shall be reviewed and approved by the Code Enforcement Officer prior to issuance of a building/use permit.

D. Condition. Any fencing or screening installed in accordance with this subsection shall be maintained in good order to achieve the objectives of the same. Failure to maintain fencing or to replace dead or diseased planted screening materials shall be considered a violation of this Part 2.

§ 150-48. Accessory buildings: number; height; location.

On any lot accessory buildings or uses in connection with the principal structure and use may be constructed and located subject to the following:

A. Farm structure exemption. There shall be no number or height limitation on barns, silos and other structures on farms as defined in the New York State Agriculture and Markets Law. Otherwise, height limitations for accessory buildings are the same as for the principal building or as otherwise shown in Attachment I.[10]

B. Yards; requirements for accessory buildings housing livestock. Accessory buildings shall comply with the front yard requirements for the principal building, except that front and side yard requirements for accessory farm buildings or other structures designed to house livestock other than a household pet shall be a minimum of 100 feet from the road center line and 100 feet from the side lot line.

C. Setbacks, detached buildings. Accessory buildings which are not attached to a principal building may be erected in accordance with the following requirements:

(1) Rear or side yard: at least 15 feet from side and rear property lines.

(2) Side yard, street side of corner lot: same as for principal building.

(3) Not closer to a principal or other accessory building than 10 feet.

D. Setbacks, attached buildings. When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this Part 2 applicable to the principal building.

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10. Editor's Note: Attachment I is included at the end of this chapter.

§ 150-49. Swimming pools.

A private swimming pool, properly enclosed as may be required by state regulations, shall be considered an accessory use (permit required) to a residence in any residential district. Such pool shall not be located in any minimum required front, side or rear yard as listed in Attachment I.[11]

§ 150-50. Off-street parking.

A. Minimum requirements. Off-street parking space shall be required for all principal buildings constructed or substantially altered after the effective date of this Part 2. Each off-street space shall consist of at least 180 square feet with a minimum width of nine feet. In addition, space necessary for aisles, maneuvering and drives shall be provided and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Parking requirements are specified in Attachment I, which has previously been made a part of this Part 2.

B. Parking for multiple uses on one lot. For any lot having more than one use, parking space shall be required for each use. Parking space in residential districts shall be located in the side or rear yard only.

C. Parking of tractor-trailer bodies in residential areas. Tractor-trailer bodies are allowed in the R-A District. They shall be considered accessory buildings and must conform to all accessory building requirements as otherwise contained in this chapter.

D. Parking at gasoline stations. Off-street parking for gasoline stations in Commercial-Highway or Commercial-Industrial Districts shall be limited to employee and customer cars which are licensed.

E. Parking/floor area ratio. For the purposes of computing parking requirements, floor areas shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas. For uses not specified, the Town Planning Board shall establish parking requirements in specific cases consistent with those specified in Attachment I.[12]

F. Off-street parking for multiple dwellings. Provisions shall be made for off-street parking in the ratio of 1 1/2 spaces for each dwelling unit contained in a row house or multiple dwelling. No parking shall be developed, provided for or maintained within 10 feet of any lot line or public or private road. The Planning Board, upon a finding that, under the conditions presented to it, the requirement of such number of parking spaces is excessive for multiple dwellings proposed, may waive the requirement of actual construction of a number of such required parking spaces, provided that in no case shall the number of parking spaces actually provided and maintained be less than one parking space for each dwelling unit and that appropriate space be reserved and set aside for the balance of the parking spaces required to be provided as set forth above.[13]

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11. **Editor's Note: Attachment I is included at the end of this chapter.**

12. **Editor's Note: Attachment I is included at the end of this chapter.**

13. **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 150-51. Off-street loading.

A. Commercial and industrial uses. Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected to have a gross floor area in excess of 1,500 square feet and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Any required off-street loading berth shall have a clear area not less than 12 feet in width by 25 feet in length.

B. Location. An off-street loading space may occupy any part of any required side or rear yard, except no such berth shall be closer than 100 feet to any lot in any residential district unless wholly within a completely enclosed area or within a building.

§ 150-52. Signs.

A. General sign standards. The following regulations shall apply to all signs:

(1) Condition. Signs must be constructed of durable materials and be maintained in good condition. The Code Enforcement Officer shall determine when a sign has become dilapidated and may order its removal upon approval of the Town Board.

(2) Not to be located in public ways. Signs, other than temporary signs or an official traffic sign, shall not be erected within the right-of-way lines of any public street or highway, nor project beyond property lines.

(3) Permitted signs. A permit shall be required for the erection, alteration or reconstruction of any business or advertising sign.

(4) Temporary signs. Temporary signs erected for special events or property sale, rental or repair are exempt from permitting. All temporary signs shall be removed by the property owner or his agent when the circumstances leading to their use no longer apply.

(5) Planning Board review in special districts. In any Planned or Land Conservation District, the Town Planning Board shall review and approve any proposed sign as a part of its review of a project in such area.

B. Residential-Hamlet District signs. In R-H Districts the Code Enforcement Officer may grant sign permits as follows:

(1) Identifying sign. One business or professional sign, not to exceed four square feet of sign area, may show the name and/or address of the home occupation of the resident of the premises. In the case of a corner lot, such sign shall be located on the principal street frontage.

(2) Real estate sign. One nonilluminated sale or rental sign not to exceed six square feet of sign during and pertaining to the sale, lease, or rental of the land or building. Such sign shall be of a temporary nature.

(3) Tradesman's sign. One tradesman's sign, not to exceed six square feet of sign area, during and pertaining to construction, repairs or alterations on the property. Such

signs shall not be permanently affixed to the premises and shall be removed promptly upon completion of the work.

(4) Institutional sign. One institutional or religious identification sign not to exceed 12 square feet in area.

(5) Real estate development sign. A sign advertising the sale or development of a tract of land may be erected upon the tract by the developer, builder, contractor, agent or owner. The size of sign shall not exceed 20 square feet. Such sign must be at least 30 feet from the edge of the pavement.

C. Commercial District signs. In the Commercial-Business, Commercial-Highway and Commercial-Industrial Districts the applicable signs above may be permitted by the Code Enforcement Officer and, in addition, the Town Planning Board may grant special permits for signs, using the following standards:

(1) Principal and accessory sign. One principal business sign which shall not project into a public street right-of-way and shall not be closer than 10 feet to any lot line, except where such is attached to and flush with the face of any building. No attached or unattached sign shall be higher than the principal building to which it is accessory, and no sign shall be erected upon the roof of any building. The gross surface area of a business sign in the commercial districts shall not exceed two square feet per lineal foot of building frontage for nonilluminated signs, or one square foot per lineal foot of building frontage for illuminated signs.

(2) Sign clearance and illumination. All business signs shall have sufficient clearance so as to provide clear and unobstructed visibility for vehicles entering and leaving the highway and, if illuminated, the light shall not be directed toward any public highway or adjacent residential use.

D. Residential-Agricultural District signs. In Residential-Agricultural Districts, the applicable signs above are permitted and, in addition, a business sign is permitted where applicable, provided that such signs shall not exceed 32 square feet in area, and, if illuminated, the light shall not be directed toward any public highway or adjacent residential property.

E. Advertising signs (off-premises). Off-premises advertising signs are allowed under special permit through the Town Planning Board in R-A, C-B, C-H and C-I districts as follows:

(1) The maximum size of any advertising sign shall be 50 square feet, and, if illuminated, the light shall not be directed toward any public highway or adjacent residence.

(2) Any advertising sign shall be located at least 50 feet from the edge of the pavement of the nearest street or highway. No such sign shall be erected or established within 200 feet of any street or road intersection, or of any dwelling.

(3) Any applicant who wishes to erect an advertising sign must apply to the Planning Board for design review. The Planning Board may authorize issuance of a permit

for an advertising sign after design review only if all the following two guidelines are met:

(a) Sign scale is appropriate in relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures.

(b) Sign is compatible with the character of the surrounding area.

§ 150-53. Manufactured housing/mobile homes.

Mobile/manufactured homes on individual lots. Mobile/manufactured homes may be located on individual lots or parcels of land where permitted, subject to the specific requirements of this section. Because many mobile/manufactured homes have an exterior appearance which is uncharacteristic of conventional housing, the location and maintenance requirements of this section are designed to insure that these homes are compatible with surrounding uses, that proposed sites are suitable, and that property values are protected. Four or more of these homes on one lot are subject to the requirements for mobile/manufactured home courts.

A. Class A mobile/manufactured home ("double-wide"). Class A mobile/manufactured homes that meet the definition in Part 3 of this chapter may be located on individual sites in all districts if they meet all of the following standards:

(1) The mobile/manufactured home shall be occupied only as a single-family residence.

(2) The mobile/manufactured home shall have an adequate supply of water and a sewage disposal system. Both systems shall satisfy the recommended standards of the New York State Department of Health for individual water and waste disposal systems.

(3) The mobile/manufactured home shall be located in conformance with all the area requirements of the zoning district in which it is located.

(4) The mobile/manufactured home shall be attached to a permanent foundation system, including tie-downs, approved by the Code Enforcement Officer. Acceptable foundation systems for Class A mobile/manufactured homes include masonry or treated wood foundations, cellars or basements to below the frost line, or reinforced concrete pads over a compacted, approved subbase of crushed stone, sand or gravel. After attachment to a foundation system, any open space between the bottom portion of the mobile/manufactured home and the ground shall be covered with a metal, wood or other suitable skirt and properly ventilated.

(5) Landscaping shall be provided to achieve the same character as the surrounding properties.

(6) The exterior of the mobile/manufactured home and the lot or parcel of land on which it is placed shall be maintained in a neat, orderly and presentable condition.

B. Class B mobile/manufactured home ("single-wide"). Class B mobile/manufactured homes that meet the definition in Part 3 of this chapter may be located on individual sites in the R-A, P-D and MHC Districts, if they meet all of the following standards:

(1) The mobile/manufactured home shall be occupied only as a single-family residence.

(2) The mobile/manufactured home shall have an adequate supply of water and a sewage disposal system. Both systems shall satisfy the recommended standards of the New York State Department of Health for individual water and waste disposal systems.

(3) The mobile/manufactured home shall conform to all the area requirements of the zoning district in which it is located.

(4) The mobile/manufactured home shall be attached to a foundation system, including tie-downs, approved by the Code Enforcement Officer. Acceptable foundation systems include masonry or treated wood foundations, treated wood or concrete piers to below the frost line, or reinforced concrete pads over 12 inches of compacted crushed stone, sand or gravel, or concrete blocks on 12 inches of compacted crushed stone or gravel. After attachment to a foundation system, any open space between the bottom portion of the mobile/manufactured home and the ground shall be covered with a metal, wood or other suitable skirt, and properly ventilated.

(5) Landscaping shall be provided to achieve the same character as the surrounding properties.

(6) The exterior of the mobile/manufactured home and the parcel of land on which it is located shall be maintained in a neat, orderly and presentable condition.

C. Accessory use of mobile/manufactured homes. Mobile/manufactured homes may be located as accessory uses by special permit on individual lots in accordance with the following:

(1) In R-A Zones a Class B mobile/manufactured home may be located as an accessory dwelling unit for family members or hired help on farms of at least 25 acres. Only one such accessory dwelling unit shall be permitted per principal farm residence, and the unit shall be located in conformance with the yard and parking requirements of the zoning district. The mobile/manufactured home shall have an adequate supply of water and a sewage disposal system in conformance with New York State Department of Health standards.

(2) In the R-H and R-A zones, a Class B mobile/manufactured home may be located on an individual lot as an accessory dwelling unit for an aged or infirm family member, subject to the following restrictions:

(a) The mobile/manufactured home shall be located in conformance with the yard and parking requirements of the zoning district.

(b) The mobile/manufactured home shall have an adequate supply of water and a sewage disposal system. Both systems shall satisfy the recommended standards of the New York State Department of Health for individual water and waste disposal systems.

(c) Landscaping and screening shall be provided to protect neighboring uses.

(d) The exterior of the mobile/manufactured home and the parcel of land on which it is located shall be maintained in a neat, orderly and presentable condition. Failure to maintain the property may result in revocation of the special permit.

(e) The applicant shall submit evidence documenting financial and/or medical need for such unit and shall sign a statement agreeing to remove the mobile/manufactured home in the event of the death or departure of the family member.

D. Replacement or restoration of mobile/manufactured homes. A mobile/manufactured home nonconforming as to use may be replaced by a newer mobile/manufactured home, or may be restored, provided setback requirements are met subject to issuance of a building permit. A replacement mobile/manufactured home may be larger, provided the unit will conform to all setback requirements. Said replacement must be completed as per § 150-56C of this Part 2.

§ 150-54. Maintenance of yards and structures.

A. Purpose of regulating maintenance. Any parcel of land, building, structure, use or appurtenant system in the Town shall be maintained and used in a state and manner which protects the health, well-being, economic stability and good appearance of the community.

B. Higher standards to prevail. In any case where the provisions of this regulation impose a higher standard than those set forth in any regulation of the Town of Norfolk or under the laws of the State of New York, then the standards as set forth herein shall prevail; but if the provisions of this regulation impose a lower standard than any regulations of the Town of Norfolk or of the laws of the State of New York, then the higher standard contained in any other ordinance or law shall prevail.

C. Duties of owners, operators and occupants. Owners, operators, and occupants shall have all the duties, obligations and responsibilities prescribed in this section, and no such person or entity shall be relieved of any such duty, obligation or responsibility hereunder, nor may any such person or entity assert as a defense against any charge made under this section that another owner, operator or occupant or any other third person or entity is also responsible therefore and in violation thereof.

D. Maintenance standards.

(1) Exterior of premises. The exterior of all premises shall be kept free from hazards, which include but are not limited to the following:

(a) Garbage and rubbish, as defined in Part 3 of this chapter.

(b) Unsafe structures: structurally unsafe or unsound buildings, structures or fences or abandoned, uncovered or structurally unsound wells, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations.

(c) Discarded appliances: unscreened, abandoned refrigerators, boilers, hot water heaters, television sets and other similar major appliances.

(d) Natural growth: dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating condition or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such condition.

(e) Ground surface hazards: hidden or uncovered ground or surface hazards, such as sharp or jagged projections or obstructions.

(f) Infestation: rodents, vermin, pest infestations and conditions causing the same.

(2) Open storage. No furniture, equipment, or other merchandise shall be stored or displayed in any yard area for longer than 10 days. All such materials and equipment shall be stored in an enclosed building or so located upon the premises as not to be visible from public roads or adjacent properties.

(3) Unlicensed motor vehicles. No parking or storage of an unlicensed motor vehicle, including trailers, shall be permitted in any front or side yard as defined in the Table of Uses[14] for more than 10 days. Unlicensed vehicles shall be stored in locations which provide visual screening from public roads and adjacent properties.

(4) Sewage and water. All existing individual water supply and sewage disposal systems shall be maintained in a sanitary and operable condition and shall not pose a threat to the health and well-being of any user thereof or to the community. Any such water supply system found to be contaminated or sewage disposal system found to be inoperable or otherwise posing a threat to the public health shall be improved according to the standards of the New York State Uniform Fire Prevention and Building Code for individual water supply and waste disposal systems.

E. Collection policies. **[Added 4-13-2009 by L.L. No. 2-2009]**

(1) Containers shall be watertight, must have covers, and shall be kept dean and sanitary.

(2) Garbage shall be drained of liquids, wrapped in paper or placed in a plastic bag and in a container with other refuse. In case of overflow, recyclables only may be placed in a bin or plastic bags at the curb next to the container in a manner that will prevent them from blowing away.

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14. Editor's Note: Attachment I, Table of Uses, is included at the end of this chapter.

(3) All containers and other acceptable refuse shall not be placed at curbside earlier than 12 hours prior to scheduled pickup. Containers and any items (garbage or recyclables) not picked up must be removed from the curbside by 7:00 p.m. the day of scheduled pickup.

F. Failure to comply and enforcement. **[Added 4-13-2009 by L.L. No. 2-2009]**

(1) If any person shall fail to comply with this section, the Code Enforcement Officer shall mail a certified notice of such condition to the property owner, occupant, or agent of record, and require corrective action of said violation within seven days of receipt of notice.

(2) Two notices shall be sent annually per calendar year (January 1 through December 31). One of the notices may be verbal communication. Subsequent violation of the same nature shall be enforced without further notification as per the subsections below.

(3) If the required corrective actions are not taken, the property owner, occupant or agent shall be liable to pay a penalty of $25 per each violation not to exceed 30 days.

(4) Failure to comply with said violation notice may cause the Town to have such work to be done, and all expenses of same shall be collected as hereinafter provided.

(5) Whenever the municipality shall perform the work on failure of the owner, occupant or agent to do so as required by Subsection F(1), the Town shall compute the bill as follows:

(a) If the work is done by an independent contractor, the amount of the bill, plus an additional charge of 25% thereon to cover the expenses of administration and supervision.

(b) If the work is done by municipal employees and equipment, the employee hourly rate, plus a surcharge of 25% to cover the expenses of administration and supervision and the usual and customary charges for the use of equipment and materials, if any.

§ 150-55. Unsafe and substandard buildings.

A. Improve or remove. Any unsafe or hazardous building, structure or installation, including any dilapidated dwelling unit no longer suitable for human habitation, shall be improved to satisfactory condition in accord with these and any other applicable regulations or be demolished and/or removed.

B. Code Enforcement Officer responsibilities in enforcement. The Code Enforcement Officer shall inspect any premises which Town Board has reason to believe may be unsafe or unfit for occupation. The Code Enforcement Officer shall then file a report with the Town Board. If the Town Board, upon review of such report, determines that the structure, building or dwelling so inspected is unsafe or substandard, it shall serve a

notice, either personally or by registered mail, upon the owner, or his agent or legal representative, and upon any occupants in said unsafe or substandard dwelling or structure, or, if the owner cannot be determined or located, by registered mail upon any person designated as the owner in the register of the receiver of taxes as shown in the St. Lawrence County Clerk's office. Such notice shall contain a description of the premises and a statement of particulars in which the building or structure is unsafe or substandard. The notice shall also contain an order that such building or structure be made safe or removed within 60 days, and that the area upon which same was constructed be sealed and secured. If service of such notice be by registered mail, a copy of such notice shall be posted upon the premises.

C. Survey and report; court order. Such notice shall also state that upon neglect or refusal of the person so served to comply with the notice, a survey of the premises shall be made by an inspector, architect, builder or engineer to be appointed by the Town Board. The notice shall also state that the person served shall have the right to appoint an inspector, architect, builder, or engineer of his own choosing and at his own expense and, that upon the failure of such person to so appoint an inspector, architect, builder, or engineer to conduct such a survey, one will be appointed for him and the two surveyors so appointed shall file a report. The notice shall so state that if upon receipt of the surveyors' reports it appears that the building or structure is unsafe or dangerous, an application will be made to the New York State Supreme Court in and for the County of St. Lawrence for an order determining that the building or structure is a public nuisance and directing that it may be taken down and removed; that a copy of the report or survey be posted upon the premises; that all costs and expenses incurred by the Town in connection with the proceedings to remove or secure be assessed against the premises and owner thereof.

D. Emergency situations. Nothing in the foregoing shall restrict the Town from summarily improving or demolishing and/or removing any building, structure, installation or situation where an immediate and continuous danger to the public health, safety or well-being is present.

E. Recovery of costs. The cost of any repairs, improvements, demolition or removal carried out by the Town may be assessed against the real property upon which such cost was incurred as a municipal lien. Any part of the building, structure or materials demolished or removed may be salvaged and sold, the proceeds of which shall be credited against the cost of demolition or removal; and any balance above such cost shall be deposited and held secure for that responsible party when a final settlement and disposition is made.

§ 150-56. Nonconforming situations.

Lawful use may continue. The lawful use of any land or building existing on the effective date of this Part 2 may be continued, although such building or use does not conform with the provisions herein, and any such building may be reconstructed or structurally altered and the nonconforming use therein changed, subject to the following regulations:

A. Changes. A nonconforming use shall not be changed to another use except in conformity with this Part 2, unless otherwise approved by the Board of Appeals, after application to and consideration by such Board of Appeals.

B. Discontinuance. Whenever a nonconforming use has been discontinued for a period of one year, any future use shall be in conformity with the provisions of this Part 2.

C. Replacement or restoration of mobile/manufactured homes. A mobile/manufactured home nonconforming as to use may be replaced by a newer mobile/manufactured home, or may be restored, provided setback requirements are met, subject to issuance of a building permit. A replacement manufactured home may be larger, provided the unit will conform to all setback requirements. Said restoration must be completed within one year or if damaged by fire, within two years of such occurrence or the use of the building or land as a legal nonconforming use hereafter shall be terminated.

D. Replacement or restoration of buildings. A building nonconforming as to use may be replaced, restored or reconstructed, subject to issuance of a building permit, provided the foundation and dimensions shall not exceed that which existed before said replacement, restoration or reconstruction, unless otherwise approved by the Board of Appeals after application to and consideration by the Board of Appeals. Said replacement, reconstruction or restoration must be completed within one year, except for two years in the case of fire or natural disaster.

ARTICLE X
Special Uses

§ 150-57. Applicability; review; fees for annual operating permits.

A. Applicability. In addition to meeting the minimum requirements for the district in which they are located, special uses shall be subject to other regulations as described in this article.

B. Town Planning Board review. On application, the Town Planning Board may authorize the Code Enforcement Officer to issue a special permit for any use for which approval of the Planning Board is required by this Part 2. The Town Planning Board shall make a specific finding, after public hearing, that the special use will be consistent with the conditions set forth in this article. Such finding shall be set forth fully in writing. All special permits that would affect real property within the jurisdictional area set forth in § 239-m of General Municipal Law shall be referred to the County Planning Board before final action is taken, as set forth in § 150-67 of this Part 2. The Planning Board shall, pursuant to law, hold a public hearing on any such application prior to acting thereon. In reviewing such application for a special permit, the Planning Board may consider the following and may approve, approve with conditions, or disapprove the application. The Planning Board may require such conditions on approval that provide for and safeguard the welfare and quality of life of adjacent landowners and the residents of the Town.

(1) Compatibility. The general question of compatibility of a specially permitted use is resolved by inclusion of the use categorically in the district. However, the Planning Board may consider whether the specific location, size and character of a particular proposed use would be in harmony with the appropriate and orderly development of the neighborhood and adjacent districts and uses.

(2) Traffic and parking. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout, parking arrangement, and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. The Planning Board may consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of development of the neighborhood.

(3) Effect on adjacent uses and neighborhood. Aesthetics, the location and height of buildings, the location, nature and height of walls and fences, lighting, signage, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings and the general neighborhood, or impair the value thereof.

C. Fees for annual operating permits. Fees for any annual operating permits shall be as established from time to time by resolution of the Town Board. See Article XI, § 150-61.

§ 150-58. Application of standards to certain uses.

Standards shall be applied to special uses as follows:

A. Auto wash.

(1) Such establishment shall not be closer than 200 feet to a residential district.

(2) The wash water shall not pollute any body of water nor create hazardous or unsightly conditions because of surface drainage.

(3) The number and location of driveways shall be subject to review and approval of the Town Planning Board.

B. Campsite.

(1) Location and review process. Campsites shall be located and maintained only in those districts as specially permitted in this Part 2 and in accord with the standards herein.

(2) Conformance of existing campsites. All existing, conforming campsites of record shall comply with this Part 2 whenever any addition, expansion or alteration of the use or operation is proposed and shall be required to obtain an special use permit and initial annual operating permit from the Planning Board. Existing, nonconforming campsites shall be subject to § 150-45 of this Part 2. In addition, existing campsites shall comply in every regard with minimum standards for health, sanitation and cleanliness.

(3) Lot and site area. A campsite shall have a minimum lot size of five acres and shall have minimum individual campsite areas as determined by the Town Planning Board.

(4) Utility and service facilities.

(a) All water supply and sewage disposal systems will comply with any applicable regulations of the Town and be approved by the State Health Department, as applicable, before any permit is issued. Each campsite will contain adequate and suitably located rest room facilities, each to include one or more of the following: toilet and urinal closets; lavatory or washing sinks; bath or shower stalls. The number and type of each shall be determined by the Town Planning Board. In addition, a sewage dumping station will be provided for those travel trailers which have self-contained toilet facilities.

(b) Provision for the following shall be approved by the Town Planning Board:

[1] Storm and surface drainage.

[2] Open areas, yards, drives.

[3] Garbage and refuse disposal.

(5) Roadways and parking. Access roads shall have a right-of-way and a paved or stone course as regulated in § 150-13L and M of Part 1, Subdivision Regulations. There shall be no dead-end streets in any campsite except that a cul-de-sac or a wye turnaround may be provided in accord with those provisions set forth in § 150-13J of Part 1, Subdivision Regulations. Individual travel-trailer or recreation sites shall not be located in the required right-of-way.

(6) Improvements.

(a) Lighting, landscaping and buffer areas shall be as determined by the Town Planning Board and shall be in keeping with surrounding development, the unique features of the site and the health and safety of occupants in the campsite. Attractive site development shall be a consideration in determining the adequacy of the proposed campsite.

(b) Open space areas suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed campsite. A minimum of one acre or 10% of the land area, whichever is greater, shall be required for open space purposes in any campsite designed for 20 or more units.

(7) Permits.

(a) No campsites shall be established in the Town until a special use permit and an annual operating permit have been applied for and granted in compliance with this Part 2.

(b) All initial annual operating permits for the operation of a campsite shall be subject to approval by the Town Planning Board. The annual operating permit for campsites shall be effective until June 1 of the calendar year after its issuance.

(c) An application for renewal of the annual operating permit shall be made to the Code Enforcement Officer 30 days prior to the expiration date of the previous permit. The CEO may not renew the annual operating permit of any campsite that is not in compliance with the above requirements and any additional requirements established in the special use permit by the Planning Board. The CEO shall approve or deny the renewal of such annual operating permit using the standards in effect in these and other applicable regulations and any conditions in the special use permit, after payment of the required fee.

C. Day-care center:

(1) Off-street parking, one space per employee plus one per each five children for which the center is licensed.

(2) Loading/unloading area off the public right-of-way.

(3) Signs per the district regulations.

(4) Fencing of the play yard to a height of no less than four feet and of a type approved by the Planning Board.

(5) A copy of the completed application for licensing under 18 NYCRR Part 418 must accompany the local application.

D. Drive-in/drive-through restaurant, refreshment stand.

(1) Such use shall not be closer than 200 feet to a residential lot line.

(2) The use shall have frontage on a public street.

(3) Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Town Planning Board.

(4) Such use shall be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property and the highway.

(5) Such establishment, in addition to meeting the off-street parking requirements of Attachment I, shall provide four stacking spaces per bay on the lot to prevent the waiting of automobiles in the public street.

E. Holding area; kennel; riding stable; animal hospital; harboring wild animals.

(1) No such use shall be located within 200 feet of any adjoining lot or any existing dwelling other than the principal residence on the same parcel.

(2) The Town Planning Board shall determine that any such proposed use shall not jeopardize the health, welfare or useful enjoyment of any surrounding property before any permit is authorized.

F. Home occupation.

(1) Such use shall not display or create outside the building any evidence of the home occupation, except that one nonilluminated sign having an area of not more than two square feet shall be permitted.

(2) Such use is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not utilize more than 20% of the gross floor area of the dwelling and its accessory buildings.

(3) Off-street parking shall be provided for all clients, customers, or patients.

G. Junkyard. No person shall establish, operate or maintain a junkyard in any area of the Town until a special use permit has been authorized by the Town Planning Board and the operator has obtained an annual operating permit. All junkyards shall comply with the following requirements:

(1) Size. The minimum lot size shall be 10 acres.

(2) Location. New junkyards are permitted only in the R-A and C-I Districts. Unless specifically varied by the Board of Appeals, the following setback requirements shall apply to new junkyard: Said use shall not be located within 100 feet from any highway, body of water, or property line, nor within 500 feet from any existing dwelling, church, school, hospital, public building or place of public assembly.

(3) Fencing. Every junkyard shall be completely surrounded with a fence which substantially screens it and shall have a suitable gate which shall be closed and locked except during the working hours of said use. Such fence shall not be erected nearer than 100 feet from the center line of a public highway. All junk and dumping materials stored or deposited at the site shall be kept within the enclosure, except during transportation of same in the reasonable course of the business.

(4) Natural screening. Where the topography, land forms, natural growth of trees or similar considerations accomplish the fencing and screening purposes of this subsection, the fencing requirements hereunder may be reduced by the Town Planning Board; provided, however, that such a natural barrier effectively controls access to and views of said junkyard.

(5) Established junkyards. Within 60 days of the effective date of this subsection, the owner of any existing, nonpermitted junkyard in the Town shall submit to the Town Planning Board an application for a special use permit and an initial annual operating permit. Existing junkyards shall be brought into compliance with the requirements set forth above in regard to screening and fencing. The Town Planning Board, at the time of the application, shall designate the maximum allowable time to comply with the screening and fencing requirements. The Town Planning Board shall authorize a special use permit for an existing junkyard only if it finds that the use will not constitute a detriment to the public health, safety, welfare, convenience or property values.

(6) Permits.

(a) No junkyard shall be established in the Town until a special use permit and an annual operating permit have been applied for and granted in compliance with this Part 2.

(b) Junkyards granted a special use permit by the Planning Board shall not operate without an annual operating permit. The initial annual operating permits for the operation of a junkyard shall be subject to approval by the Town Planning Board. The annual operating permit for a junkyard shall be effective until June 1 of the calendar year after its issuance.

(c) An application for renewal of the annual operating permit shall be made to the Code Enforcement Officer 30 days prior to the expiration date of the previous permit. The CEO may not renew the annual operating permit of any junkyard that is not in compliance with the above requirements and any additional requirements established in the special use permit by the Planning Board. The CEO shall approve or deny the renewal of such annual operating permit using the standards in effect in these and other applicable regulations and any conditions in the special use permit, after payment of the required fee.

(7) Revocation for noncompliance. Lack of compliance with the above requirements and any of the requirements stipulated in the special use permit shall constitute a violation of this Part 2. Upon a finding that a junkyard is not complying with terms of its special use permit, the Town Planning Board may, after a public hearing thereon, revoke the special use permit and the Town may seek an action to cause the junkyard to cease operation.

H. Mining and mineral extraction.[15]

(1) Purpose.

(a) Mined materials such as clay, sand, silt, gravel, and rock for construction purposes. Facilities to contribute to the supply of these materials are necessary to support construction activity in a cost-effective manner. Providing a reasonable supply of competitively priced extractive materials is a goal of the Town.

(b) While the Town of Norfolk wishes to contribute to the continued supply of mined materials, it believes that it must protect the health and welfare of its residents by confining mining and mineral extraction to certain specific zones where such activities will be a specially permitted use along with the several other uses permitted in those zones.

(c) The health of the residential, agricultural, and business community in the Town of Norfolk is an essential goal of the Town. This goal requires that adverse effects to the environment, such as excessive noise and dust, degradation of water resources, and other hazards to the public, be mitigated or avoided entirely. Accordingly, the special use permit requirements will be

15. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

used by the Town to determine whether a mining or mineral extraction use is appropriate for the neighborhood in which it is proposed and whether the use can be operated in a manner that meets the criteria for approval of a special use permit pursuant to this article. These standards are designed to work in conjunction with Environmental Conservation Law § 23-2701 et seq.

(2) Processing. The Town recognizes that processing is an integral part of mining and mineral extraction processes. However, the Town is also mindful that processing is one of the more invasive of the activities that is part of mining and mineral extraction activity in terms of noise and other environmental hazards. If the processing of mined products is permitted as a standalone use in the designated zones it would give soil mines a potential for a life well beyond the exhaustion of materials available from the site where the processing machinery is located. It is the Town's intention not to permit this to occur by providing that the permitted uses in the zones where mining and mineral extraction are allowed do not include the processing of materials not mined at the subject site. The Town considers the processing of material taken from other sites to be an industrial activity and not included within the uses permitted in the zones where mining and mineral extraction are permitted uses.

(3) Reclamation of land. While state law has denied to the Town the power to regulate the reclamation of land used for mining and mineral extraction, it is the purpose and intention of the Town to make full use of special permit powers granted to it by state law. To protect the health and welfare of its residents and to achieve the goals of the Town as stated above, it is the intention of the Town that the special permit powers described herein be utilized to the full extent permitted by law.

(4) Exemptions. The following, to the extent specified herein, are exempt from the permitted zone requirements of this section:

(a) Excavation in conjunction with utility installation, which is to be backfilled;

(b) Excavation in conjunction with a development project that has a special use permit approval, site plan approval or subdivision approval and where the excavation is incidental to the development project;

(c) Excavation in conjunction with road construction within the limits of the right-of-way or slope rights of any Town, county, or state highway, or for the sole purpose of building roads and slopes incidental thereto which lie within the area of a subdivision approved by the Planning Board;

(d) Excavation which by its nature lasts for a matter of hours or days, e.g., graves, septic tanks, swimming pools, etc., and does not involve removal of material from the property;

(e) Agricultural drainage work incidental to agricultural operations, including farm ponds, if no material is removed from the property;

(f) Excavation for structures, parking areas, and rights-of-way;

(g) Regrading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property;

(h) Dredging operations under the jurisdiction of the United Stated Army Corps of Engineers and other governmental entities;

(i) Excavation in conjunction with the drainage maintenance or improvements under Town, county or state jurisdiction;

(j) The improvement of a single lot or parcel of land in connection with construction of a dwelling, multifamily dwelling, building, or any other structure or structures for which a building permit has been issued; and

(k) The excavation, in any calendar year, of not more than 200 cubic yards of material per acre within any parcel or any contiguous parcels in any twelve-month period, provided that no more than 750 cubic yards of material may be removed from any parcel in any calendar year.

(5) Location. Mining and mineral extraction are allowed in the districts as shown on the Table of Uses of this Part 2, subject to special use permit review and approval.[16]

(6) Special use permits.

(a) No mining or mineral extraction activity shall be conducted within the Town without the issuance of a special use permit.

(b) An application for a special use permit shall not be complete unless it is accompanied by the requisite filing fee, a complete copy of the application to the New York State Department of Environmental Conservation for a mining permit, including all maps, reports and documentation incidental thereto, and the mining permit which has been issued by the Department in relation to the subject operation. An application for a special use permit shall not be acted upon by the Planning Board unless the location of the proposed activities lies entirely within the boundaries of a zone where soil mining is a permitted use or a variance has been obtained from the Zoning Board of Appeals for any land not within said zones.

(c) The Planning Board is authorized, to retain the services of consultants having expertise in the field of mining and mineral extraction. The reasonable cost of any consultation and review shall be borne by the applicant.

(d) The special use permit shall be subject to the following conditions which shall be established by the Planning Board and shall be set forth in the special use permit:

[1] Any conditions of special use permit approval pursuant to § 150-57 of this article.

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16. Editor's Note: The Table of Uses and Lot Requirements is included at the end of this chapter.

[2] Any limitations or prohibitions on the use of Town roads for the purpose of ingress and egress to and from the mining site to and from public thoroughfares.

[3] Any limitations or prohibitions on the routing of mineral transport vehicles on Town roads.

[4] All of the limitations, requirements and conditions as specified in the applicant's mining permit issued by the New York State Department of Environmental Conservation concerning setback from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, if required, dust control and hours of operation.

[5] The ability of the Town to enforce all of the reclamation requirements contained in the applicant's mined land reclamation permits issued by the New York State Department of Environmental Conservation.

(7) Enforcement. It is the intention of this subsection to obtain and this subsection does, therefore, include all power and authority granted by New York State law to the Town to enforce all conditions of an applicant's mining permit, any special use permits hereunder and the conditions of the applicant's mined land reclamation permit.

I. Multiple-family dwelling unit.

(1) Floor space, health, safety, and sanitary conditions shall be adequate to insure livability and be in accord with the New York State Multiple Residence Law where applicable.

(2) Adequate off-street parking arrangements for each dwelling unit shall be provided in accordance with Attachment I.[17]

(3) Such residential units shall be in keeping with the Town Plan for the area in accordance with Attachment I.

J. Public utility.

(1) Such facility shall not be located on a residential street, unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such streets.

(2) The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.

(3) Adequate fences, barriers and other safety devices shall be provided, and the facility shall be screen-planted in accordance with the provisions of § 150-47 of this Part 2.

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17. **Editor's Note: Attachment I is included at the end of this chapter.**

K. Recreation, commercial.

(1) Commercial recreation shall be permitted only when the proposed use is compatible with and does not detract from surrounding uses, or open space, natural and forest characteristics.

(2) The Town Planning Board shall determine that any traffic, noise or light likely to be generated by any such activity will not substantially affect the essential nature and useful enjoyment of the nearby uses and the stated purposes of the zoning district.

L. Roadside stand/temporary sale.

(1) No person shall establish, operate or maintain a roadside stand/temporary sale in any area of the Town until a special use permit and an annual operating permit has been authorized by the Town Planning Board, unless specifically exempted. The annual operating permit will expire annually on June 1.

(2) Such use shall not interfere with the normal flow of traffic or present a hazard by way of its proximity to the highway and in this regard that adequate pull-off and parking area is provided.

(3) Such use shall not present a nuisance or be objectionable to neighboring uses in terms of traffic, noise or unsightliness.

(4) The annual operating permit shall be valid for a period not to exceed four months and shall indicate the goods to be sold and the location. An application for renewal of the annual operating permit shall be made to the Code Enforcement Officer prior to the opening date of the roadside stand/temporary sale. The CEO may not renew the annual operating permit of any roadside stand/temporary sale that is not in compliance with the above requirements and any additional requirements established in the special use permit by the Planning Board. The CEO shall approve or deny the renewal of such annual operating permit within 30 days using the standards in effect in these and other applicable regulations and any conditions in the special use permit, after payment of the required fee.

(5) Exempted from this special use permit and annual operating permit requirement are the following temporary uses, provided they meet the requirements established for each of the following:

(a) Garage sales. Sales of tangible personal property shall be held on the premises of an owner of goods for sale or on the property of a charitable organization. Retail sales shall be conducted for no more than 14 days in any calendar year. Longer periods of business operation will classify the use as a roadside stand/temporary sale and will require a special use permit and annual operating permit.

(b) Fund-raising events for charitable organizations.

(c) Town sponsored or approved uses.

(d) Sale of a single motor vehicle. The sale and display of a not more than one motor vehicle at any one time.

(e) Estate or household auctions. Such auctions shall be held on the premises of an owner of tangible personal property being auctioned.

M. Small residential business.

(1) The primary residence of the owner shall be located on the same premises as the business.

(2) The number of nonresident employees shall be limited to no more than two.

(3) There shall be no noise generated that is louder than 65 dBA measured at the lot line.

(4) Glare shall be limited by directing any exterior lighting within the lot lines.

(5) Electromagnetic radiation shall not interfere with television and radio reception on adjacent lots.

(6) Businesses that will emit state-threshold levels of dust, smoke or fumes shall obtain air quality permits from the Regulatory Affairs Office of the New York State Department of Environmental Conservation prior to submitting an application.

(7) Off-street parking shall be provided for all customers and employees.

(8) Signage shall meet the standards for the district.

(9) Open storage areas for materials, inoperable vehicles, and parts shall be surrounded by a visual barrier as determined appropriate by the Town Planning Board.

(10) Petroleum bulk storage permits for premises with 1,100 or more gallons of petroleum storage, including solvents and heating and other fuels, shall be obtained from the New York State Department of Environmental Conservation prior to submitting an application for the small residential business.

(11) Hours of operation will be specified in the special use permit.

ARTICLE XI
Administration and Enforcement

§ 150-59. Required permits.

No use or building project subject to these regulations may be undertaken without a permit. Applications for permits must conform to the requirements of this section.

A. Application. A completed application must include:

(1) Applicant/owner. The full name and address of the property owner and of the applicant, if different, and if either be a corporation, the names and addresses of their responsible officers.

(2) Location. The address(es) and Tax Map number(s) for the project location, and a copy of a portion of the Tax Map showing the location and surrounding properties with their Tax Map numbers.

(3) Site description. A physical description of the site on which the proposed project is to be undertaken and an indication of surrounding land uses.

(4) Intended use. A statement of the intended use or occupancy of all parts of any proposed building or structure.

(5) Use description. A brief description of the proposed activity.

(6) Cost. An estimate of the cost of the proposed work, with appropriate substantiation. Estimate to include labor costs.

(7) Other information. Such other information as may reasonably be required by the reviewing authority to establish compliance of the proposed use with the requirements of the applicable regulations.

(8) Signature. The signature of the owner or authorized agent.

(9) Plans. Each application shall be accompanied by three sets of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction, the existing features of the site, the nature and character of the work to be performed and the materials to be incorporated, minimum distances of existing and planned structures on the site to lot lines and to structures on adjoining property, widths and grades of adjoining streets, walks, and alleys, and, where required by the Code Enforcement Officer, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. Plans and specifications shall bear the signature of the person responsible for the design and drawings and where required by §§ 7209 and 7807, as amended, of Article 145 and 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer. The Code Enforcement Officer may waive the requirements for filing plans and specifications for minor alterations and issue a building permit so stating.

B. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Officer and approval shall be received from the Code Enforcement Officer prior to the commencement of such change of work.

§ 150-60. Certificate of compliance.

A. Certificate required before occupancy. No land shall be occupied or used and no building, structure or system hereafter erected, altered or extended shall be used or

changed in use until a certificate of compliance shall have been issued by the Code Enforcement Officer, stating that the building, structure or system and proposed use thereof complies with the provisions of this Part 2, unless a variance shall have been granted by the Board of Appeals.

B. Application for certificate. All certificates of compliance shall be applied for coincident with the application for the building/use permit. Said certificate shall be issued within 10 days after the erection or alteration shall have been approved as complying with the provisions of this Part 2.

C. Filing. A copy of all certificates of occupancy shall be submitted for filing with the Town Clerk by the Code Enforcement Officer.

§ 150-61. Fees.

Fees for a building/use permit, special use permit, annual operating permit, area variance, use variance, and certificate of compliance. Fees shall be paid to the Town Clerk according to a fee schedule as may be established from time to time by resolution of the Town Board. In addition, connection and water and sewer charges for uses in the Sewer and Water Districts will be as established from time to time by resolution of the Town Board.

§ 150-62. Enforcement.

A. Code Enforcement Officer duties. The Code Enforcement Officer (CEO) shall administer and enforce all the provisions of this Part 2. The specific duties of the Code Enforcement Officer shall be to:

(1) Receive applications. The Code Enforcement Officer shall keep a record of all applications received and shall direct that all fees be paid to the Town Clerk. He or she shall determine that the applications include all required information. An application shall not be deemed complete until the established fee has been received.

(2) Approval; denial; referral. The Code Enforcement Officer shall approve, in writing, applications, plans and specifications in compliance with this Part 2, and issue permits for the erection and alteration of buildings, or structures or parts thereof and for the use of land for standard uses (see lists of permitted uses). He or she shall approve the renewal of any annual operating permit that is in full compliance with all requirements and conditions established by this Part 2 and the Planning Board. He or she shall deny all applications for permitted uses not in compliance. Such approval, denial or referral shall be accomplished within 10 days from the date of receipt of the application. In the event of denial, the Code Enforcement Officer shall advise applicants of their right to apply to the Zoning Board of Appeals for a variance. He or she shall refer applications for special use permits to the Planning Board.

(3) Inspect premises. The Code Enforcement Officer shall inspect the premises for which such applications have been received, plans approved, or permits issued.

(4) Certificate of occupancy. The CEO Shall approve or deny applications for certificates of occupancy within 10 days of notification of readiness for inspection.

(5) Maintain records. The CEO shall maintain all Code Enforcement Officer records on file with the Town Clerk consisting of applications, permits, denials, inspection reports, recommendations, complaints, violation notices, orders, certificates of occupancy, correspondence and proof of payment of required fees to the Town Clerk. The Town Clerk is responsible for filing a copy of fee receipts in the CEO files.

(6) Issue orders and notices. The CEO shall issue, in writing, all appropriate notices or orders, including stop-work orders, to remove illegal or unsafe conditions.

(7) Violations. The CEO shall serve violation notices and orders upon a property owner or the owner's agent personally or by certified mail or by posting conspicuously on the premises to which the notice applies.

(8) Report to Town Board. The CEO shall report at least annually to the Town Board all approvals, denials, permits and certificates issued, orders and notices issued, and other matters as appropriate.

B. Inspections.

(1) Compliance inspection. The Code Enforcement Officer shall have the authority to conduct inspections, where a permit or special permit has been issued, at such times during the course of construction as will permit the observation of compliance to the terms and conditions of the permit or special permit.

(2) Certificate of occupancy. The Code Enforcement Officer shall have the authority to conduct inspections where a certificate of occupancy or certificate of compliance is required, prior to its issuance.

(3) Investigate complaints. The Code Enforcement Officer shall have the authority to conduct inspections in response to bona fide complaints regarding conditions or activities allegedly failing to comply with this Part 2.

§ 150-63. Violations; penalties for offenses.

A. Punishment for violations. Any person who shall fail to comply with a written order of the Code Enforcement Officer within 10 days, or the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of law, or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer made thereunder, shall be punishable by a fine not exceeding $350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than $350 nor more than $700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years,

punishable by a fine not less than $700 nor more than $1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Part 2 shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.[18]

B. Effect of guilt of violation. Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise of any person found guilty of such an offense.

C. Actions and proceedings. Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or use or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises, and these remedies shall be in addition to penalties otherwise prescribed by law.

§ 150-64. Planning Board.

A. Establishment; membership; duties.

(1) Planning Board established. There is hereby created a Town of Norfolk Planning Board (the "Planning Board") pursuant to § 271 of New York State Town Law.

(2) Composition. The Planning Board shall consist of five members, all of whom shall reside in the Town at the time of their respective appointments and during their terms of office.

(3) Alternate members. Alternate members of the Planning Board may be appointed by resolution of the Town Board, for terms established by the Town Board, as provided in Town Law § 271. The Chairperson of the Planning Board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made. All provisions relating to Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.[19]

(4) Appointment of members and terms of office. Appointment of Planning Board members shall be made by the Town Board. No member of the Town Board shall be eligible for membership on the Planning Board. No person shall be disqualified

18. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

19. **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

from serving as a member of the Planning Board by reason of serving as a member of the Village of Norwood Planning Board or County Planning Board. Each member shall be appointed for a term of five calendar years. Terms shall expire on the last day of the fifth year. Terms shall be staggered such that one term shall expire each year. Reappointment of a member shall be at the discretion of the Town Board.

(5) Vacancies; removals. In the event of a vacancy arising during the term of office of any member for any reason, such vacancy shall be filled by appointment of a new member who shall serve the balance of the term. The Town Board shall have the power to remove, after public hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for not attending more than three consecutive regular meetings.

(6) Selection and responsibilities of officers. The Town Board shall, by resolution, select a Chair. The Planning Board may select a Vice Chair and Secretary. The Chairperson shall preside at all meetings of the Planning Board and shall take such actions on behalf of the Planning Board as are authorized by the vote of its members. The Chairperson, or acting chairperson, may administer oaths and compel the attendance of witnesses. The Vice Chair shall act for the Chair at such times as the Chair is unavailable. In the absence of the Chair and Vice Chair the Planning Board may designate a member to serve as Chairperson.

(7) Meetings; quorum; votes. 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 meet at such times of its choosing, but shall schedule a regular meeting during which all matters before it may be considered at least quarterly during the year, in accordance with the requirements for public notice, access and participation established in the State's Open Meetings Law. All proceedings of the Planning Board shall be recorded and, unless otherwise provided for by law, be a matter of public record. A quorum shall be obtained for any purpose of the Planning Board when at least three of the members are present. The Planning Board may not act in any manner or for any purpose in the absence of a quorum of its membership except that it may adjourn a meeting. Votes of the Planning Board shall be taken following a recorded motion and second from the membership, and shall be recorded as to ayes and nays. A majority of three of the five memberships of the Planning Board shall constitute the "majority vote" of the Planning Board required for all purposes under this section.

(8) Hearing; determination.

(a) The Planning Board shall hold a public hearing within 62 days of receipt of a full application for a special permit and give due notice thereof to the parties, and by publication at least once in the official newspaper five days before the date of the hearing. Written notice of the hearing shall be provided to all owners of land located within 500 feet of real property affected by such special permit except where such land affected is outside the Town. Upon the hearing, any party may appear in person or by agent or by attorney.

(b) The applicant shall bear the cost of advertising as required in connection with hearings, or a reasonable fee relating thereto, and which shall be paid to the Town Clerk prior to the hearing of such appeal. The Town Board shall establish and post any such schedule of fees. The Planning Board shall take final action on the special permit within 62 days. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Planning Board shall be filed in the office of the Town Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

(9) Notice to County Planning Board. At least five days before such hearing, the Planning Board shall mail notices thereof to the parties, and to the County Planning Board as required in § 239-m of New York State General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision one of § 239-m of the General Municipal Law.

(10) Compliance with SEQR. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR Part 617 of the New York Codes, Rules and Regulations.

(11) Rehearing. A motion for the Planning Board to hold a rehearing to review any decision of the Planning Board not previously reviewed may be made by any member. A unanimous vote of all members then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as the original hearing. Upon such rehearing the Planning Board may reverse, modify or annul its original decision upon the unanimous vote of all members then present, provided the Planning Board finds that the rights vested in persons acting in good faith in reliance upon the reviewed decision will not be prejudiced thereby.

(12) Reports and filing. All decisions of the Planning Board shall be by resolution, and a copy of each decision shall be sent to the applicant, to the Town Clerk and to the Code Enforcement Officer. Every rule, regulation, order, requirement, decision or determination of the Planning Board shall immediately be filed in the Town office within five business days and shall be a public record. Each decision shall set forth fully the reasons for the decision of the Planning Board and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards pertaining thereto where applicable.

B. Powers and authorities of Planning Board. The Planning Board is hereby authorized to undertake certain responsibilities as follow:

(1) To make these recommendations: to propose and to make recommendations to the Town Board on amendments to the zoning regulations, including amendments to the Zoning Map; to make recommendations to the Town Board concerning approval of proposed Planned Development Districts, mobile/manufactured home courts, and campsites; and to make recommendations on variances referred by the Zoning Board of Appeals.

(2) To act on certain applications:

(a) To receive applications for all approvals as required under these regulations, including subdivisions, special uses, signs in Planned Development and Land Conservation Districts;

(b) To determine that applications are complete (The Town Board is authorized to establish, charge and receive such fees as are determined necessary to undertake and conduct any application. The Planning Board shall not deem an application to be complete until the fee established for the review of the application has been received.);

(c) To hold hearings and to require, receive and consider reports, testimony, and other evidence during its proceedings, and to make such additional inquiry as it deems necessary into any matters relevant to the making of its determination on any matters properly before it;

(d) To review applications in accordance with the provisions of these regulations and to make findings provided for therein;

(e) To approve, approve with modifications or conditions or both, or disapprove applications over which it has final authority (In the event that the Planning Board determines that modifications or conditions are necessary in approving an application, it may require or impose such modifications and conditions as, in its discretion, are reasonably necessary to adequately safeguard the public health and safety, or are needed to provide for and safeguard the welfare and quality of life of adjacent landowners and of the residents of the Town.);

(f) To require the posting of a bond or other similar performance guarantee to ensure compliance with its decision and with any conditions established for approval; and

(g) To recover from an applicant any Town costs involved in review of the development, whether incurred in hiring expert consultants or in the course of carrying out the duties of local officials.

(3) To adopt rules. The Planning Board is authorized, after public hearing, to adopt any additional rules and regulations that it deems necessary for the efficient administration of this Part 2, subject to the approval of the Town Board.

(4) To act as State Environmental Review Act (SEQRA) lead agency. As required under SEQRA, the Planning Board is authorized to act as the lead agency for the purpose of reviewing a proposal pursuant to that law on matters upon which it is authorized to act.

(5) To revoke approvals. Once an approval has been granted, the Planning Board is authorized to act on the request of any person, or on its own initiative, to suspend or, at its discretion, revoke such approval when work or other compliance with the approved project is not accomplished as required. The Planning Board may also recommend to the Town Board, in such instance and as appropriate, that any

building permit or other approval that has been granted be likewise suspended or revoked.

(6) To make assessments to cover additional costs of review. The setting of a fee amount by the Town Board shall not be deemed to preclude the Planning Board from assessing additional amounts when the cost of the review exceeds the amount of the fee originally assessed. The Planning Board may, in its discretion, allow direct payment by the applicant of costs and charges to any business, agent or contractor of the Planning Board that is retained by the Planning Board in connection with the review. The Planning Board shall refund all of any portion of any additional amount that is collected but not spent in connection with the review within 30 days of the completion of the review or of the termination of the review for any reason. At the request of any applicant, the Planning Board shall render a statement documenting the expenditure of any additional amount charged. The statutory basis for assessing additional amounts is found in Town Law § 261, which is interpreted in 1979 Opinions of the Attorney General, p. 217 (Pleasant Valley), and the regulatory basis for assessing additional amounts in the course of SEQR reviews is found in 6 NYCRR Part 617.13.

(7) To make reports and recommendations. The Planning Board shall have full power and authority to make such investigations, maps, reports and recommendations in connection therewith relating to the planning and development of the Town as it deems desirable, providing the total expenditures shall not exceed the appropriation provided therefor.

C. Judicial review. Any person or persons jointly or severally aggrieved by any decision of the Town Planning Board may apply to the Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceeding shall be instituted within 30 days after the filing of a decision of the Planning Board in the office of the Town Clerk.

§ 150-65. Board of Appeals; appeals procedure.

A. The Board of Appeals: establishment; membership; terms; chairperson; rules and regulations.

(1) There is hereby established a Board of Appeals consisting of five members which shall function in the manner prescribed by § 267 of New York State Town Law.

(2) The members of the Board of Appeals shall be residents of the Town of Norfolk and shall be appointed by the Town Board to serve five-year terms, with terms fixed so that one term expires at the end of each calendar year. Members may be appointed to serve successive terms. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint the new member for the unexpired term.

(3) Alternate members. Alternate members of the Zoning Board of Appeals shall be appointed by resolution of the Town Board, for terms established by the Town Board, as provided in Town Law § 267. The Chairperson of the Zoning Board of

Appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made. All provisions relating to Zoning Board of Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.[20]

(4) No person who is a member of the Town Board shall be eligible for membership on the Board of Appeals.

(5) The Town Board shall have the power to remove, after public hearing, any member of the Board of Appeals for cause. Any member may be removed for noncompliance with minimum requirements relating to meeting attendance and training as established by the Town Board by local law.

(6) The Chairperson shall be designated by the Town Board. In the absence of a Chairperson, the Board of Appeals may designate a member to serve as acting Chairperson.

B. Procedures; referral to Town Planning Board. The Board of Appeals shall act in strict accordance with the procedures and standards specified by law and by this chapter. All appeals and applications made to the Board of Appeals shall be in writing, on forms prescribed by the Board. Every appeal shall refer to the specific provisions of this chapter involved, and shall set forth the interpretation that is claimed or the details of the variance that is applied for, and the basis thereof. At least 10 days before the date of the hearing required by law on an appeal to the Board of Appeals, the Board shall transmit to the Planning Board a copy of said appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on said appeal, and the Planning Board shall submit a report of such advisory opinion. Upon failure to submit such report, the Planning Board shall be deemed to have approved the appeal.

C. Meetings; records. All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. Meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall also keep records of its examinations and other official actions.

D. Reports and filing. All decisions of the Board of Appeals shall be by resolution and a copy of each decision shall be sent to the applicant, to the Town Clerk and to the Code Enforcement Officer. Every rule, regulation, order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the Town office

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20. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

within five business days and shall be a public record. Each decision shall set forth fully the reasons for the decision and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards pertaining thereto where applicable.

E. Appeal; timing.

(1) The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Code Enforcement Officer. It shall also hear and decide all matters referred to it upon which it is required to pass under this chapter. Applicants for special permit and subdivision approvals shall have the right to request an area variance without the necessity of a determination by the Code Enforcement Officer, per § 274-a of Town Law. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Code Enforcement Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation in the regulations thereof. Such appeal may be taken by any persons aggrieved, or by an officer, department, board or bureau of the Town.

(2) Such appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the Code Enforcement Officer by filing with the Code Enforcement Officer and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Code Enforcement Officer shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

F. Stay. An appeal stays all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer, from whom the appeal is taken, certifies to the Board of Appeals after the notice of appeal shall have been filed with the Code Enforcement Officer, that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

G. Hearing; determination; filing. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and by publication at least once in the official newspaper five days before the date of the hearing. Written notice of the hearing shall be provided to all owners of land located within 500 feet of real property affected by such variance except where such land affected is outside the Town. Upon the hearing, any party may appear in person or by agent or by attorney. The applicant shall bear the cost of advertising as required in connection with hearings, or a reasonable fee relating thereto, and which shall be paid to the Town Clerk prior to the hearing of such appeal. The Town Board shall establish and post any such schedule of fees. The Board of Appeals shall decide upon the appeal within 62 days. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Board of Appeals shall be filed in the

office of the Town Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

H. Notice to County Planning Board. At least five days before such hearing, the Board of Appeals shall mail notices thereof to the parties, and to the County Planning Board as required in § 239-m of New York State General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of § 239-m of the General Municipal Law.

I. Compliance with SEQR. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR Part 617 of the New York Codes, Rules and Regulations.

J. Rehearing. A motion for the Board of Appeals to hold a rehearing to review any order, decision or determination of the Board of Appeals not previously reviewed may be made by any member of the Board. A unanimous vote of all members then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as the original hearing. Upon such rehearing the Board of Appeals may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

K. Jurisdiction. The Board of Appeals shall have the following powers and duties prescribed by statute and by this chapter.

(1) Orders, requirements, decisions, interpretations, determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall 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 from whose order, requirement, decision, interpretation or determination the appeal is taken.

(2) Use variances.

(a) The Board of Appeals, on appeal from the decision or determination of the Code Enforcement Officer, shall have the power to grant use variances, as defined herein.

(b) No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

[1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

[2] The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

[3] That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

[4] That the alleged hardship has not been self-created.

(c) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(3) Area variances.

(a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer or upon a request by an applicant for approval of a subdivision or special permit, to grant area variances as defined herein.

(b) In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board of Appeals shall also consider:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

[3] Whether the requested area variance is substantial;

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(c) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(4) Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed

use of the property. Such conditions shall be consistent with the spirit and intent of this Part 2, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

L. Judicial review. Any person or persons jointly or severally aggrieved by any decision of any officer, department, board or bureau of the Town, may apply to the Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceeding shall be instituted within 30 days after the filing of a decision of the Board of Appeals in the office of the Town Clerk.

§ 150-66. Amendment; required referral.

A. Authority of Town Board. The Town Board may on its own motion, and after public hearing, amend, supplement, repeal or change the regulations and applicable standards of this Part 2.

B. Planning Board role. The Planning Board may, by resolution, propose an amendment to the Town Board suggesting a change or repeal of specific portions or applicable standards of this Part 2.

C. Hearing. Before any amendment, supplement or change is made to this Part 2, there shall be a public notice and hearing as required by law. Written notice of the hearing shall be provided to all owners of land located within 500 feet of real property affected by such amendment except where such land affected is outside the Town. Such hearing may be held by the Town Board, or by the Planning Board on request of the Town Board. A majority vote of the members of the Town Board shall be required to amend this Part 2 except in the instance of a protest petition as described following.

D. Protest. If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged by the owners of 20% or more of the area of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least a majority plus one of the members of the Town Board.

E. Referral of proposed amendments to Town Planning Board. All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within 30 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be a recommendation of approval of the proposed amendment.

F. Referral of amendments to County Planning Board. All amendments that would affect real property within the jurisdictional area set forth in § 239-m of General Municipal Law shall be referred to the County Planning Board before final action is taken, as set forth in § 150-67 of this Part 2.

§ 150-67. Referrals to County Planning Board.

Pursuant to §§ 239-m and 239-n of New York State General Municipal Law, certain amendments, special use permits, variances, and subdivisions must be referred to the County Planning Board for a recommendation based upon an evaluation of county-wide and intercommunity impacts before the local board with jurisdiction may take final action, as indicated below.

A. Amendment. Whenever any amendment is proposed to this Part 2 that would change the district classification or regulation applying to real property within a distance of 500 feet from any boundary line of a neighboring municipality or from the right-of-way of any county or state highway, the right-of-way of any drainage project for which the county has established channel lines, the boundary of any state or county land upon which a public building or institution is situated, or the boundary of a farm located in an agricultural district, the Town Board shall, before taking final action, refer said proposed amendment to the St. Lawrence County Planning Board for a recommendation.

B. Special use permit. Whenever any special use permit would affect real property within 500 feet of boundaries and rights-of-way as listed in Subdivision A above, the Town Planning Board shall, before taking final action, refer said proposed special use permit to the St. Lawrence County Planning Board.

C. Variance. Whenever any use variance or area variance would affect real property within 500 feet of boundaries and rights-of-way as listed in Subsection A above, the Zoning Board of Appeals shall, before taking final action, refer said proposed variance to the St. Lawrence County Planning Board.

D. County Planning Board action. The County Planning Board shall have 30 days after a full statement is sent, or such longer period as may have been agreed upon, in which to report its recommendations to the referring board. If the County Planning Board fails to report within the thirty-day period, the referring board may take final action by a normal majority without such report, except that any County Planning Board report received after 30 days or such longer period as may have been agreed upon, but two or more days prior to final action by the referring board, shall be subject to the extraordinary majority vote provisions.

E. Effect of County Planning Board recommendation. If the County Planning Board recommends disapproval or modifications, the referring board may not act contrary except by a vote of a majority plus one of all the members, after adoption of a resolution setting forth their reasons. Within 30 days after taking final action the referring board shall file a report of its final action with the County Planning Board.

§ 150-68. Notification of adjoining municipalities. [21]

Pursuant to General Municipal Law § 239-nn, for a special use permit review, granting of a use variance or site plan review and approval involving property located within 500 feet of an adjacent municipality, notice of any public hearing shall be given by mail or electronic

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21. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

transmission to the clerk of the adjacent municipality not less than 10 days prior to the date of said hearing.

§ 150-69. State environmental quality review (SEQR).

A. Applicability. The State Environmental Quality Review Act requires that local government examine the environmental impact of all actions they permit, fund, or construct. Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby incorporated into this Part 2 by reference.

B. Environmental assessment. All Type I and unlisted actions (8 NYCRR Part 617) shall require the submission of an environmental assessment form at the time an application is filed with the Town.

C. Lead agency and determination of significance. The board that is empowered to approve the specific action shall be lead agency, and shall determine the environmental significance of the proposed action prior to taking final action. If in the opinion of the lead agency, after review of the environmental assessment form, there appears the potential for a significant environmental impact, the lead agency shall cause the applicant to prepare a draft environmental impact statement (DEIS). Review, notice and action on the EIS shall be conducted according to 8 NYCRR Part 617. Lead agencies shall be as follow:

(1) For amendments to the Zoning Map: Town Board.

(2) For amendments to this Part 2: Town Board.

(3) For special use permits: Planning Board.

(4) For variances: Zoning Board of Appeals.

§ 150-70. Coordination with agricultural districts program.

New York State Town Law requires that local governments exercise their powers in a manner which does not unreasonably restrict or regulate farm structures or farming practices in contravention of the purposes of the Agriculture and Markets Law, unless such restrictions or regulations bear a direct relationship to the maintenance of public health or safety.

A. Agricultural data statement; submission; evaluation. Any application for a special use permit, use variance, or subdivision approval pursuant to this Part 2 that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The Town Planning Board or Zoning Board of Appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form.

B. Agricultural data statement; notice provision. Upon the receipt of such application by the Town Planning Board or Zoning Board of Appeals written notice of such application shall be mailed to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required for the project. The cost of mailing said notice shall be borne by the applicant.

C. Agricultural data statement; content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a Tax Map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

D. Notice to the County Planning Board. The Town Planning Board or Zoning Board of Appeals shall refer all applications requiring an agricultural data statement to the County Planning Board as required by §§ 239-m and 239-n of the General Municipal Law.

§ 150-71. Interpretation.

In their interpretation and application, the provisions of this Part 2 shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general well-being. Whenever the requirements of this Part 2 are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standard shall govern.

A.

§ 150-72. Effective date.

This Part 2 took effect originally on October 15, 1973, and was subsequently amended. This and future amendments shall take effect upon approval by the Town Board and upon compliance with all requirements for notice, referral, hearing and publication pursuant to §§ 264 and 276 of the Town Law and § 239-m of the General Municipal Law.

Part 3
Definitions

ARTICLE XII
Terminology

§ 150-73. Word usage.

For the purposes of this Town of Norfolk Land Use and Development Code, certain terms or words used herein shall be interpreted as follows:

A. Words used in the present tense shall include the future.

B. The singular number includes the plural, and the plural the singular.

C. The word "lot" includes the word "plot" or "parcel."

D. The word "person" includes a corporation, partnership, association or organization as well as an individual.

E. The word "building" includes the word "structure."

F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged or designed to be used or occupied."

G. The word "shall" is mandatory.

§ 150-74. Definitions.

In addition, the following words and terms are to be interpreted as defined hereunder:

ACCESSORY BUILDING — A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

ALLEY — A service way which affords a secondary public means of vehicular access to abutting property.

ALTERATION — A change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement whether by expanding on a side or by increasing in height, or the moving from one location or position to another.

ANIMAL HOSPITAL — A place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

AUTO WASH — A structure designed or intended primarily for the washing of automobiles, including conveyor, drive-through and self-service types.

BASEMENT — A space of full story height partly below grade and having at least half of its clear floor-to-ceiling height above the established grade of the street center line, or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living accommodations.

BED-AND-BREAKFAST/TOURIST HOME — An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee.

BUILDING — Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property, specifically excepting tractor trailer bodies. When a building is divided into entirely separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING AREA — The total ground floor area of a principal building and accessory buildings exclusive of uncovered porches, steps and terraces.

BUILDING COVERAGE — That portion of the plot or lot area covered by a building.

BUILDING, DETACHED — A building surrounded by open space on all sides on the same lot.

BUILDING, FLOOR AREA — The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of the bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

BUILDING, HEIGHT OF — The vertical distance measured from the established grade at the street center line or, if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE — A line parallel with the front, side and rear property lines, respectively, beyond which structure may not extend as determined by this chapter.

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which said building is situated.

CAMPSITE — A parcel of land designed to accommodate two or more tents, recreational vehicles or other accommodation for seasonal or other more or less temporary or transitory living arrangements; or buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as "day camp" purposes; or for overnight, weekend or longer periods of camping by organized groups.

CELLAR — That space of a building that is partly or entirely below grade, which has more than half its height, measured from floor to ceiling, below the established grade at the street center line or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living accommodations.

CODE ENFORCEMENT OFFICER — The duly designated official responsible for enforcing this chapter as prescribed herein. The duties of such Code Enforcement Officer may be assigned to the Highway Superintendent, Town Engineer, Sewer and Water Superintendent or others, as directed by the Town Board.

COMMERCIAL EXCAVATION/MINING — Removal or recovery, for gain, by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a mining activity, so as to make them suitable for commercial, industrial, or construction use.

COMMERCIAL RECREATION — A recreation facility operated as a business and open to the public for a fee.

DAY-CARE CENTER — A facility providing day care outside a family home to three or more children for more than three hours a day, or a program in which day care is provided in a family home for more children than may be cared for in a group family day-care home. (See "family day-care home," "group family day-care home").

DIVISION FENCE — As set forth in § 300 of New York State Town Law, a division fence separates two adjoining tracts of land for the purpose of keeping animals off the other's lands. The owners must share equitably in making and maintaining the fence, except where they otherwise agree. The owner of an adjoining tract of land who does not keep animals thereon within five years of erection or repair is not obligated or liable for erecting, maintaining or repairing a division fence. Town Law provides further details concerning each adjoining owner's rights and responsibilities.

DRIVE-IN/DRIVE-THROUGH RESTAURANT OR REFRESHMENT STAND — Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages to persons in automobiles or out-of-doors, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

DWELLING, CONDOMINIUM — Any apartment, townhouse or other residential building or portion thereof, involving a combination of two kinds of ownership of real property:

A. Fee simple ownership of the individual dwelling unit; and

B. Undivided ownership together with other purchasers of the common elements of the structure, land and appurtenances, the management thereof controlled by a property owners' or like association.

DWELLING, GUEST HOUSE — An accessory seasonal dwelling unit built on the same lot with the principal dwelling and not for rent.

DWELLING, MULTIPLE-FAMILY — A building or portion thereof designed for year-round occupancy, containing separate apartments or condominium dwelling units for three or more families living independently of each other, other than hotels, motels, campsites and rooming houses.

DWELLING, ONE-FAMILY — A detached building designed for year-round occupancy by one family only, other than a mobile/manufactured home, recreational vehicle, or any temporary structure.

DWELLING, TOWNHOUSE — A multiple-family dwelling consisting of three or more attached dwelling units, each having a ground floor, designed for year-round occupancy and containing separate dwelling units for occupancy by one family per unit.

DWELLING, TWO-FAMILY — A detached building designed for year-round occupancy by two families living independently of each other, other than a mobile/manufactured home, recreational vehicle, or rooming house.

DWELLING UNIT — A building or portion thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.

EASEMENT — A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

FAMILY — One or more persons occupying the premises, whether or not related by blood, marriage or adoption, and living as a single housekeeping unit.

FAMILY DAY-CARE HOME — A program where day care is provided for three to six children for more than three hours per day in a family home occupied as a residence. The home may care for an additional one or two school-age children if those children receive care primarily before and after school. A family day-care home is considered a permitted accessory use of any residence in this chapter.

FARM — A parcel of land containing at least 10 acres which is used for the raising of agricultural, dairy or livestock products, except where such is an accessory and noncommercial garden to a principal residential use on the same lot. The term includes the necessary farm structures within the prescribed limits and the storage of equipment used on the premises. It excludes the raising of fur-bearing animals, riding academies, boarding stables, harboring wild animals, and dog kennels. It also excludes a holding area where cattle, livestock or poultry are held and fed commercially in a restricted area as distinguished from a traditional farm.

FINAL PLAT/PLAN — The final map or drawing on which the plan of subdivision or planned development is presented for approval.

FRONTAGE STREET — Within a subdivision, a minor street that is adjacent and parallel to a major traffic artery and that is intended to provide a single point of access to the major street for lots that would otherwise front directly on the major street.

GARAGE, PRIVATE — A roofed building for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC — A building or part thereof operated for gain and used for the storage, hiring, selling, greasing, washing, servicing, or repair of motor-driven vehicles.

GARBAGE — Animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GASOLINE STATION — Any area of land, including structures thereon, that is used or design to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term "gasoline station" shall be deemed to include filling station and service station.

GROUP FAMILY DAY-CARE HOME — A program in which day care is provided in a family home occupied as a residence for seven to 10 children, including not more than four children under two years of age, or up to 12 children where all the children in care are over

two years of age. A group family day-care home is considered a permitted accessory use of any residence in this chapter.

HARBORING WILD ANIMALS — The noncommercial keeping of feral animals, for example cougar, lion, and wolf, for which a state or federal permit is required, whether or not the required permit has been obtained.

HIGHWAY SUPERINTENDENT — The duly elected or appointed official responsible for overseeing construction and maintenance of the Town highway system.

HOLDING AREA — A special farm area where cattle or other livestock are held and bulk fed commercially in a restricted area as distinguished from a pasture and other parts of an operating farm.

HOME OCCUPATION —

A. Any use customarily conducted entirely within a dwelling and operated only by a resident of the premises and in which not more than two nonresidents are employed or engaged, and which use is clearly incidental to the use of the dwelling as a place of residence; and further provided that no article is sold or offered for sale except such as may be produced by a resident of the premises. In particular, the term "home occupation" includes, but is not limited to, the following:

   (1) Professional or business service.

   (2) Art, craft or photographic studio.

   (3) Dressmaker or seamstress.

   (4) Barbershop or beauty shop.

   (5) Day care in a family home.

B. However, a home occupation shall not be interpreted to include a commercial stable or kennel; harboring wild animals for gain; animal hospital, restaurant; tourist or boarding house; convalescent home; funeral home; nor stores, trades or businesses of the kind herein excepted.

HOSPITAL — A building or structure for the diagnosis and medical or surgical care of human sickness or injuries.

HOTEL or MOTEL — A building or group of buildings where transient guests are lodged for hire.

JUNK — Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

JUNKYARD — A lot, land, or structure, or part thereof, used for the collecting, storage and/or sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of the parts thereof. It shall mean any place of storage or deposit, whether in connection with another

business or not, where two or more unregistered, old or second-hand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom; or reclaiming for use of some or all of the materials therein, whether metal, glass, fabric or otherwise; or disposing of the same; or for any other purpose. Such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk, two or more such vehicles.

KENNEL — Any structure or premises in which more than six dogs are kept, boarded, bred or trained for commercial gain, or where any number of wild (feral) animals are harbored, kept, boarded, bred or trained, whether or not for commercial gain.

LANDFILL, SANITARY — The depositing of refuse in a natural or man-made depression or trench, or dumping it at ground level, compacting to the smallest practical volume, and covering with earth or other material in a systematic and sanitary manner.

LAUNDERETTE — A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive or laundry facilities provided in an apartment, fraternity, sorority, residential or resort hotel or club.

LOT — A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this chapter, and having its principal frontage on a public street or an officially approved place.

LOT AREA — The total area included within side and rear lot lines and the street or highway right-of-way.

LOT, CORNER — A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135°.

LOT DEPTH — The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINES — The property lines bounding the lot, including:

A. LOT LINE, FRONT — The lot line separating the lot from the street right-of-way.

B. LOT LINE, REAR — The lot line opposite and most distant from the front lot line.

C. LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT, THROUGH — A lot having frontage on two approximately parallel or converging streets other than a corner lot.

LOT WIDTH — The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

MANUFACTURED HOUSING — A factory-finished, moveable dwelling unit designed and built on a frame, or a frame and wheels, to be transported in one or more sections to its

destination, and bearing a seal certifying that the unit meets the US Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards.

MOBILE/MANUFACTURED HOME — A moveable or portable unit designed and constructed to be towed on its own chassis, comprised of frame and wheels. "Mobile/manufactured home" shall mean a unit designed to be capable of use for year-round residential purposes, not a travel or camping trailer.

MOBILE/MANUFACTURED HOME, CLASS A — A new or used double-wide manufactured housing unit certified as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and bearing the seal of that Department, and meeting the following compatibility standards:

A. The minimum width of the mobile/manufactured home at its narrowest point shall be not less than 20 feet when erected on site.

B. The exterior material of the mobile/manufactured home shall be similar to that customarily used in site-built residential structures. Siding materials shall be nonreflective in nature.

C. The mobile/manufactured home shall have a sloping roof with eave projections of at least 10 inches. The roof shall be constructed with composition shingles or other materials customarily used in site-built residential structures. Such roof shall be nonreflective in nature.

D. The mobile/manufactured home shall be attached to a permanent foundation approved by the Code Enforcement Officer.

E. The exterior covering material of the mobile/manufactured home shall extend to the ground, except that where a permanent perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.

MOBILE/MANUFACTURED HOME, CLASS B — A twelve-foot or greater width single-wide mobile/manufactured home certified as meeting the Manufactured Home Construction and Safety Standards of the United States Department of Housing and Urban Development and bearing the seal of that Department. Each unit shall be inspected by the Code Enforcement Officer and determined to be in good condition and safe for residential occupancy.

MOBILE/MANUFACTURED HOME, CLASS C — A mobile/manufactured home not certified as meeting Housing and Urban Development or New York State Codes.

MOBILE/MANUFACTURED HOME COURT — A parcel of land which has been planned and improved as a Planned Development District after approval of the Town Board and Town Planning Board for the placement of four or more mobile/manufactured homes for dwelling purposes.

MODULAR HOME — A HUD-approved manufactured housing unit designed and constructed to be transported to a building site, removed from its towing chassis, and placed on a permanent foundation.

NONCONFORMING LOT — Any lot in single ownership, which does not conform with the minimum area and/or dimensions required in the district in which it is situated and where the owner of said lot does not own any adjoining property, the subdivision of which could create one or more conforming lots.

NONCONFORMING SITUATION — Use of a building or of land that does not comply with the regulations for the district in which it is situated and where such use or building existed and/or was used legally at the time of adoption of this chapter.

NUISANCE — Any public or private condition that would constitute a nuisance; any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the health or safety of persons, on, near, or passing in the proximity of the premises where said condition exists.

NURSERY SCHOOL — Facilities for the daytime care or instruction of two or more children from two to five years old inclusive, and operated on a regular basis, for pay.

NURSING HOME — A proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care but who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.

OFFICIAL MAP — The map established by the Town of Norfolk, if any, pursuant to § 270 of New York State Town Law showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats. Streets not accepted by the Town as public streets may be shown thereon, but shall be marked as private streets.

OVERLAY — A mapped area that supplements the regular zoning districts, an overlay is a means of recognizing the special qualities of certain areas. Land uses per se are not regulated in overlay areas, but are regulated according to the underlying zoning district. Overlays may cover parts of any district. Specifically, the Land Conservation Overlay shows areas in which development can be expected to be more difficult, especially for environmental reasons. The L-C Overlay includes recognized flood hazard areas, state-regulated wetlands, and areas with higher potential for water pollution than other areas of the Town.

PARKING SPACE — A space designated for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.

PLANNED DEVELOPMENT DISTRICT — A tract of land designed for and capable of being used for one or more residential, commercial, industrial or recreational uses which have certain facilities in common and which have been designed as an integrated unit; after such land has been so designated by amendment to this chapter.

PRELIMINARY PLAT/PLAN — The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision or planned development submitted for consideration.

PRINCIPAL USE — The primary or predominant use of any lot.

PROCESSING OF A MINED MATERIAL — Adding a product to a mined material and/or conversion of mined materials into other products, such as, but not limited to, concrete and asphalt.

PUBLIC UTILITY — A closely regulated private or publicly owned enterprise with an exclusive franchise for providing a public service. Such uses shall include utility substations, transformers, switches and auxiliary apparatus serving a distribution area, and water and sewage pumping stations and like facilities.

RECREATIONAL VEHICLE — A mobile recreational unit, including travel trailer, pickup camper, converted bus, tent-trailer, camper trailer or similar device used for temporary, portable housing, and bearing a valid, current license and inspection sticker.

RESIDENTIAL STRUCTURE — A structure containing one or more dwelling units of any type defined in this chapter.

REVERSE FRONTAGE STREET — Within a subdivision, a minor street that is set the depth of one lot inside the subdivision and is parallel to the major traffic artery (see "frontage street").

RIDING STABLE — See "commercial recreation."

RIGHT-OF-WAY —

A. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer and other similar uses;

B. Generally, the right of one to pass over the property of another.

ROADSIDE STAND/TEMPORARY SALE — A semipermanent structure, stand or location for the sale of any product or material for a total period of less than one year. Roadside sales limited to garden produce raised on the premises are exempt from regulation under this chapter. Temporary sales of the garage sale or yard sale variety are exempt from regulation if they take place for no longer than 14 days total in any calendar year.

RUBBISH — All combustible and noncombustible waste materials other than garbage; and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and the residue from burning wood, coal, coke or other combustible material and solid commercial and industrial waste. No chemicals such as those used in swimming pools, oil, gasoline, or any other chemical which could cause a fire, explosion, or obnoxious gas shall be considered "rubbish."

SIGN — Any device affixed to, painted, or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business; except that this chapter shall not apply to any flag or insignia of a government or government agency, school or religious group, nor any official traffic control device. Each display surface shall be considered to be a sign.

SIGN, ADVERTISING — A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed and only incidentally on the premises, if at all. A commercial billboard shall be construed to be an advertising sign.

SIGN, BUSINESS — A sign which directs attention to a business or profession conducted, or a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

SIGN, FLASHING — Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this chapter, any revolving illuminated sign shall be considered a flashing sign.

SMALL RESIDENTIAL BUSINESS — A small-scale business conducted as an accessory use on a residential premises by the owner-occupant and no more than two nonresident employees under conditions stipulated in Article X of this chapter.

SPECIAL USE — A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such use may be permitted in certain zoning districts as a special use, if specific provision for such use is made in Part 2, Zoning, of this chapter.

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) — The regulations under Title 6 of the New York Codes, Rules and Regulations (6 NYCRR Part 617) provide for incorporating environmental review within the decision-making of any agency of any governmental unit in the State of New York. The terms "action," "agency," "applicant," "coastal area," "directly undertaken action," "environmental assessment form," or "EAF," "environmental impact statement" or "EIS," "excluded action," "Type I action," "Type II action," and "unlisted action" shall have the meaning set forth in 6 NYCRR 617.2 of SEQR.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF — That part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five feet of clear headroom shall not be considered as floor area.

STREET — A public or private way for vehicular traffic, including the following:

A. Major streets and highways are those principal through traffic arteries.

B. Collector streets are those which carry traffic from minor streets to major streets.

C. Minor streets are those which are used primarily for access to abutting residential properties. A cul-de-sac is a minor street with only one outlet and having a turning loop or wye at the closed end.

D. Frontage roads are generally parallel with and adjacent to major streets and highways; and provide access to abutting properties and protection from through traffic.

E. Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

STRUCTURAL ALTERATION — Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SUBDIVIDER — Any person, firm, corporation, partnership or association, who shall layout any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION — The division of any parcel of land into four or more lots, plots, sites or other division of land, for the purpose, whether immediate or future, for transfer of ownership or building development, of one or more of the parcels and shall include resubdivision in whole or in part of any plat, filed or unfiled, which is entirely or partially undeveloped.

THEATER, OUTDOOR — Any open lot or part thereof, with its appurtenant structures and facilities, devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis.

TOWN PLAN — A Comprehensive Plan prepared for and by the Town pursuant to § 272-a of New York State Town Law which plan indicates the general locations recommended for the various public works, places and structures and for the general physical development of the Town, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

USE — The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

VARIANCE — An authorized departure by the Board of Appeals from the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary hardship.

YARD, FRONT — An open space extending across the principal street side or the waterfront side of a lot measured between the side lot lines, the depth of which yard is the minimum horizontal distance between the street center line or shoreline at normal water level, and the building line or any projection thereof other than steps, extending not more than six feet from the front of the building, except as otherwise provided in this chapter.

YARD, REAR — An open space extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof other than steps, extending not more than six feet from the rear of the building, except as otherwise provided in this chapter. The rear yard shall in all cases be at the opposite end of the lot from the front yard. On corner lots, where there are two front yards, the owner shall designate one rear yard.

YARD SALE — See "roadside stand/temporary sale."

YARD, SIDE — An open space from the front yard to the rear yard between the building and the nearest side lot line unoccupied and unobstructed from the ground upward, except for steps and as otherwise specified in this chapter.

150 Attachment 1

Town of Norfolk

Appendix A
Required Plat/Plan And Supplemental Data

Plans and data to be submitted in accord with the requirements as outlined in Chapter 150, Land Use and Development, are as follows:

1. Sketch plan.

    A. Site plan – to scale.

        1. Location map showing location of proposed subdivision or planned development in the Town, boundaries of the tract, contiguous properties and zoning districts and easements.

        2. Existing features including existing land use, land and water areas, topographical features and other important elements of the site.

        3. General layout showing possible lot and street arrangement.

    B. Development data.

        1. Total acreage of tract.

        2. Proposed timetable or stages for sale or development.

        3. Type of project, i.e., sale of lots, buildings, etc.

        4. Existing and proposed utilities and service facilities.

        5. Proposed number of lots and typical lot size.

    C. Legal data.

        1. Names and addresses of owner, subdivider, developer and professional advisors.

2. Preliminary plat or plan.

    A. Site plan – minimum scale of one inch equals 100 feet; preferred scale of one inch equals 40 feet, to include:

        1. Title, scale, north arrow and date.

        2. Tract boundaries and owners of record of adjoining properties.

3. Topographic data based on USGS or equivalent, and other site characteristics including soils, drainage, and tree cover.

4. Existing land use on and immediately adjacent to the parcel.

5. Lot layout, including number to identify each lot and letter to identify each block, minimum setback or building line.

6. Street layout, including right-of-way and improved surface widths, street names and typical cross sections of proposed roadways.

7. Location and description of utilities on and adjacent to the tract and proposed connection thereto, or alternative means of water supply, sewage disposal, electric, telephone and other service facilities.

8. Location, dimension and purpose of any easement.

9. Existing drainageways and provision for collection and discharging surface drainage and run-off.

10. Location, dimension and description of land or facilities to be dedicated or reserved for public use.

B. Development data.

1. As required for sketch plan, as it may have been amended.

2. Feasibility data on sewer, water and storm water drainage, including documentation from on-site investigation.

3. Lineal feet of streets, acres in park or recreation areas.

C. Legal data.

1. Application.

2. As required for sketch plan.

3. Required fee, if any.

3. Final plat or plan.

A. Site plan – Scale to be same as for preliminary plat or plan:

1. As required for preliminary plat or plan.

2. Tract boundary lines, right-of-way lines, easements and individual lot lines with accurate dimensions, bearings, radii, arcs, and central angles of all curves and location and description of all monuments.

3. Reference to adjoining platted land or names of owners of record of unplatted lands.

4. Topographic data showing contours at a minimum of two-foot intervals for development areas and at five-foot intervals for undeveloped areas, related to USGS or other permanent bench mark.

5. All trees to be removed or within 50 feet of any area where the natural contour is to be altered which are of eight-inch caliper or more as measured three feet above ground level.

6. Typical cross-sections of streets, including pavement, shoulders, ditches, and walks and cross sections of drainage easements, as necessary.

7. Profiles of street center lines showing vertical curve data, slopes of tangents and elevations of street intersections and other critical points.

8. Profiles of storm and sanitary sewers, if any, showing diameter of pipe, and distance between manholes.

B. Development data.

1. As required for preliminary plan.

2. Detailed drawings and specifications for water supply, storm water disposal, sanitary sewage disposal and any other required facilities, services or installations.

C. Legal data.

1. As required for preliminary plat or plan.

2. Certification of title showing that applicant is the land owner.

3. Certification by surveyor or engineer of survey and plat accuracy.

4. Protective covenants in form for recording, including covenants governing the maintenance of unceded public space or reservations.

5. Offers of cession dedicating streets, easements, open space and other facilities.

6. Endorsement and approval by the State Health Department, as applicable, of sewer and water facility drawings and proposal.

7. Copies of agreements showing the manner in which areas reserved by the subdivider or developer are to be maintained.

8. Certificate by a licensed professional engineer and/or landscape architect that required facilities have been designed to meet the minimum standards of this Land Use Code or as otherwise required by law.

9. Any other data as may be required by the Planning Board or Town Board for the enforcement of this chapter.

10. Required fee.

4. As-built drawings.

A. Construction drawings will be filed upon completion of any required improvements. No certified check or performance bond shall be released until the drawings and documents listed below have been filed with and approved by the Planning Board or Town Board, as may be appropriate:

1. Facilities and improvements as located and constructed in accord with the final plat or plan, certified to be a licensed land surveyor, professional engineer, and/or landscape architect, as is appropriate.

2. All offers of cession, deeds, abstracts and easements for any street, sewer, water or other facilities as approved and certified to by the Town Attorney.

150 Attachment 2

Town of Norfolk
Appendix B

14-16-4 (9/95) — Text 12

PROJECT I.D. NUMBER	SEQR

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I — PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality	County
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. IS PROPOSED ACTION: ☐ New ☐ Expansion ☐ Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? ☐ Yes ☐ No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? ☐ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open space ☐ Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNIDNG, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OF LOCAL)? ☐ Yes ☐ No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? ☐ Yes ☐ No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? ☐ Yes ☐ No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II — ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage of flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C5. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
☐ Yes ☐ No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☐ No If Yes, explain briefly:

PART III — DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e., urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide an attachments as necessary, the reasons supporting this determination:

_____
Name of Lead Agency

_____ _____
Print or type Name of Responsible Officer in Lead Agency | Title of Responsible Officer

_____ _____
Signature of Responsible Officer in Lead Agency | Signature of Preparer (if different from responsible officer)

_____
Date

150 Attachment 3

Town of Norfolk

Appendix C
SEQR Type I and Type II

617.4 TYPE I ACTIONS.

(a) The purpose of the list of Type I actions in this section is to identify, for agencies, project sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than Unlisted actions. All agencies are subject to this Type I list.

(1) This Type I list is not exhaustive of those actions that an agency determines may have a significant adverse impact on the environment and require the preparation of an EIS. However, the fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS. For all individual actions which are Type I or Unlisted, the determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in subdivision 617.7(c) of this Part.

(2) Agencies may adopt their own lists of additional Type I actions, may adjust the thresholds to make them more inclusive, and may continue to use previously adopted lists of Type I actions to complement those contained in this section. Designation of a Type I action by one involved agency requires coordinated review by all involved agencies. An agency may not designate as Type I any action identified as Type II in section 617.5 of this Part.

(b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency:

(1) The adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations;

(2) The adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;

(3) The granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;

(4) The acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;

(5) Construction of new residential units that meet or exceed the following thresholds:

(i) Ten units in municipalities that have not adopted zoning or subdivision regulations;

(ii) Fifty units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

(iii) In a city, town or village having a population of less than 150,000, 250 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

(iv) In a city, town or village having a population of greater than 150,000 but less than 1,000,000, 1,000 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; or

(v) In a city or town having a population of greater than 1,000,000, 2,500 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

(6) Activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50% of any of the following thresholds:

(i) A project or action that involves the physical alteration of 10 acres;

(ii) A project or action that would use ground or surface water in excess of 2,000,000 gallons per day;

(iii) Parking for 1,000 vehicles;

(iv) In a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area;

(v) In a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area;

(7) Any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height;

(8) Any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25% of any threshold established in this section;

(9) Any Unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is

listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places (The National Register of Historic Places is established by 36 Code of Federal Regulation (CFR) Parts 60 and 63, 1994 (see section 617.17 of this Part));

(10) Any Unlisted action, that exceeds 25% of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR Part 62, 1994 (see section 617.17 of this Part); or

(11) Any Unlisted action that exceeds a Type I threshold established by an involved agency pursuant to section 617.14 of this Part.

617.5 TYPE II ACTIONS.

(a) Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (c) of this section apply to all agencies.

(b) Each agency may adopt its own list of Type II actions to supplement the actions in subdivision (c) of this section. No agency is bound by an action on another agency's Type II list. An agency that identifies an action as not requiring any determination or procedure under this Part is not an involved agency. Each of the actions on an agency Type II list must:

(1) In no case, have a significant adverse impact on the environment based on the criteria contained in subdivision 617.7(c) of this Part; and

(2) Not be a Type I action as defined in section 617.4 of this Part.

(c) The following actions are not subject to review under this Part:

(1) Maintenance or repair involving no substantial changes in an existing structure or facility;

(2) Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;

(3) Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;

(4) Repaving of existing highways not involving the addition of new travel lanes;

(5) Street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

(6) Maintenance of existing landscaping or natural growth;

(7) Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

(8) Routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;

(9) Construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;

(10) Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;

(11) Extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;

(12) Granting of individual setback and lot line variances;

(13) Granting of an area variance(s) for a single-family, two-family or three-family residence;

(14) Public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;

(15) Minor temporary uses of land having negligible or no permanent impact on the environment;

(16) Installation of traffic control devices on existing streets, roads and highways;

(17) Mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;

(18) Information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;

(19) Official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);

(20) Routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;

(21) Conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;

(22) Collective bargaining activities;

(23) Investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;

(24) Inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;

(25) Purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;

(26) License, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;

(27) Adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;

(28) Engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;

(29) Civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;

(30) Adoption of a moratorium on land development or construction;

(31) Interpreting an existing code, rule or regulation;

(32) Designation of local landmarks or their inclusion within historic districts;

(33) Emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;

(34) Actions undertaken, funded or approved prior to the effective dates set forth in SEQR (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request or any person, or on his own motion, require the preparation of an environmental impact statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;

(35) Actions requiring a certificate of environmental compatibility and public need under articles VII, VIII or X of the Public Service Law and the consideration of, granting or denial of any such certificate;

(36) Actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to section 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and

(37) Actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.

150 Attachment 4

Town of Norfolk

Attachment I
Table of Uses and Lot Requirements

Districts (1)	Permitted Uses (2)	Special Uses Permitted Upon Authorization of the Town Planning Board (3)	Minimum Lot Size		Maximum Percentage of Lot to be Occupied (6)	Building Height (maximum)		Yard Dimensions (minimum in feet)				Off-Street Parking
			Area (square feet) (4)	Width (feet) (5)		In Stories (7)	In Feet (8)	Front (9)	Side		Rear (12)	One Space Per (13)
									One (10)	Both (11)		
R–H Residential Hamlet	Existing farm		—	—								
	One-, two-family dwelling		30,000*	100*				75	15	40	40	Dwelling unit
	Mobile home (Class A only)		30,000*	100*				75	15	40	40	Dwelling unit
	School, church		1 acre	150	25%	2 1/2	35	75	25	50	50	
	Public park, playground, golf course		1 acre	150				75	25	50	50	400 square feet of floor space
	Public building, use		1 acre	150				75	25	50	50	
	Service organization, club, lodge		1 acre	150				75	25	50	50	
	Accessory building, use		—	—					15			
		Day-care center	1 acre	150				75	25	50	50	Employee
		Home occupation	—	—				75	20	40	40	Dwelling unit
		Three-, four-family dwelling	40,000**	150**	25%	2 1/2	35	75	20	40	40	
		Funeral home	1 acre	150								
		Public utility structure or use	—	—								

Districts (1)	Permitted Uses (2)	Special Uses Permitted Upon Authorization of the Town Planning Board (3)	Minimum Lot Size		Maximum Percentage of Lot to be Occupied (6)	Building Height (maximum)		Yard Dimensions (minimum in feet)				Off-Street Parking
			Area (square feet) (4)	Width (feet) (5)		In Stories (7)	In Feet (8)	Front (9)	Side		Rear (12)	One Space Per (13)
									One (10)	Both (11)		
R–A Residential-Agricultural	One- , two-family dwelling		30,000	100				75	25	50	50	Dwelling unit
	Farm		10 acres	200				75	25	50	50	
	Mobile home, Class A, B		30,000	100				75	25	50	50	Dwelling unit
	School, church, cemetery		2 acres	200				75	25	50	50	
	Public park, playground, golf course		2 acres	200	20%	2 1/2	35	75	25	50	50	400 square feet of floor space
	Public building, public use		2 acres	200				75	25	50	50	
	Accessory building, use		—	—								
		Home occupation						75	25	50	50	Dwelling unit
		Small residential business	30,000	100								
		Livestock holding area	—	—				—	100	200	100	
		Lagoon, disposal area	—	—				100	100	200	100	
		Junk yard, sanitary landfill	10 acres	—				100	100	200	100	
		Commercial excavation/mining	—	—	20%	2 1/2	35	100	100	200	100	
		Animal hospital, kennel and/or stable	2 acres	200				100	100	200	100	
		Roadside stand/temporary sale	—	—								
		Sale, servicing of farm implements	2 acres	—								

Districts (1)	Permitted Uses (2)	Special Uses Permitted Upon Authorization of the Town Planning Board (3)	Minimum Lot Size		Maximum Percentage of Lot to be Occupied (6)	Building Height (maximum)		Yard Dimensions (minimum in feet)				Off-Street Parking
			Area (square feet) (4)	Width (feet) (5)		In Stories (7)	In Feet (8)	Front (9)	Side		Rear (12)	One Space Per (13)
									One (10)	Both (11)		
R–A Residential-Agricultural (Cont'd)		Public utility structure or use	—	—								
		3 or 4 family dwelling										
		Day-care center										
		Fish and game club										
		Commercial recreation										
C–B Commercial-Business	Public building, public use		20,000	100	—[2]							
	Retail store, personal service shop		20,000	100								
	Bank, post office		20,000	100								300 square feet of retail floor space
	Hotel, motel		20,000	100								
	Tavern, restaurant		20,000	100		3	40					
	Business, professional office		20,000	100	30%							
	Launderette		20,000	100								
	Accessory building, use		—	—								
		One-, two-family dwelling	30,000*	100*				75	15	40	40	
		Day-care center	30,000	150								Employee
		Dwelling unit		40,000**	150**			75	20	40	40	
		Three-, four-family dwelling			30%	3	40					
		Public utility, structure or use	—	—								

Districts (1)	Permitted Uses (2)	Special Uses Permitted Upon Authorization of the Town Planning Board (3)	Minimum Lot Size		Maximum Percentage of Lot to be Occupied (6)	Building Height (maximum)		Yard Dimensions (minimum in feet)				Off-Street Parking
			Area (square feet) (4)	Width (feet) (5)		In Stories (7)	In Feet (8)	Front (9)	Side		Rear (12)	One Space Per (13)
									One (10)	Both (11)		
C–H Commercial-Highway	Uses permitted in C-B District		1 acre	150				75	25	50	50	800 square feet of floor space
	Sale and servicing of automobiles, farm implements, mobile homes, recreational vehicles		1 acre	150				75	25	50	50	
	Commercial storage, warehousing, trucking operations		1 acre	150				75	25	50	50	
		Uses specially permitted in C-B Districts	Per C-B District	Per C-B District								
		Gas station, public garage	1 acre	150	30%	3	40	75		50	50	
		Auto wash	1 acre	150				75	25			
		Drive-in/drive-through restaurant	1 acre	150								
		Commercial recreation	2 acre	200						50	50	
		Public utility structure or use	—	—				75	25	50	50	
		Day-care center	1 acre	150				75	25			

Districts (1)	Permitted Uses (2)	Special Uses Permitted Upon Authorization of the Town Planning Board (3)	Minimum Lot Size		Maximum Percentage of Lot to be Occupied (6)	Building Height (maximum)		Yard Dimensions (minimum in feet)				Off-Street Parking
			Area (square feet) (4)	Width (feet) (5)		In Stories (7)	In Feet (8)	Front (9)	Side		Rear (12)	One Space Per (13)
									One (10)	Both (11)		
C–I Commercial-Industrial	Uses Permitted in C-H District		1 acre	150				75	25	50	50	1,000 square feet of floor space plus one space per employee
	Sale of building supplies or materials		1 acre	150				75	25	50	50	
	Sale of feed, farm supplies		1 acre	150	35%	3	40	75	25	50	50	
	Fabrication or assembly plant		1 acre	150				75	25	50	50	
	Highway garage, equipment storage		1 acre	150				75	25	50	50	
		Uses specially permitted in C-H District	Per C-H District	Per C-H				100	100	200	100	
		Junk yard	10 acres		35%	3	40					
		Commercial excavation and processing	—	—				100	100	200	100	
		Public utility structure or use	—	—								
		Day-care center	1 acre	150								
L–C Land Conservation	Uses otherwise permitted in the underlying district upon approval of the Town Planning Board under the special use process and in accordance with those regulations applicable in the underlying district, except where the Town Planning Board determines these minimums insufficient to achieve the purpose of this district, in which case they will establish appropriate minimum in accord with the circumstances of the instant situation.											
P–D Planned Development	Uses with a demonstrated need and which are deemed appropriate by the Planning and Town Boards under § 150-40C(3) and approved as outlined therein	A minimum of 2 acres for the establishment of a district – as determined by the Planning and Town Boards.										

NOTES:

[1] Front yard is measured from the center of the road.

* 30,000 square feet minimum lot area and 100 foot minimum lot width with neither public sewer nor public water.
20,000 square feet minimum lot area and 100 foot minimum lot width with either public sewer or public water.
15,000 square feet minimum lot area and 100 foot minimum lot width with both public sewer and public water.

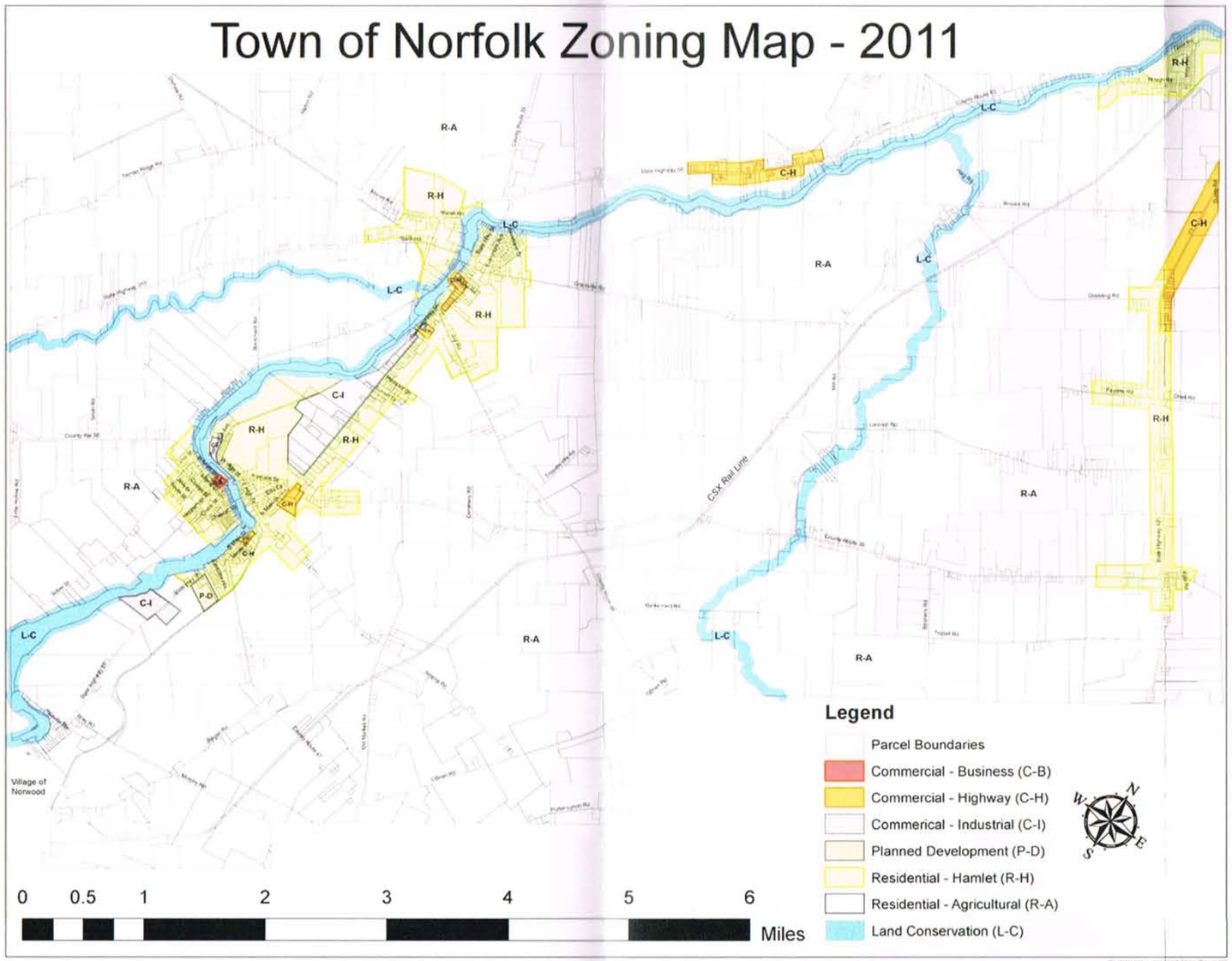
** 40,000 square feet minimum lot area and 150 foot minimum lot width with neither public sewer nor public water.
30,000 square feet minimum lot area and 150 foot minimum lot width with either public sewer or public water.
20,000 square feet minimum lot area and 100 foot minimum lot width with both public sewer and public water.

[2] Adjoining, contiguous uses may be considered as one unit for area and yard dimension with approval of the Planning Board.

150 Attachment 5

Town of Norfolk

Attachment II
Zoning Map



150 Attachment 6

Town of Norfolk

Attachment III

Processing an Agricultural Data Statement
(Pursuant to Section 305-a of the Agriculture and Markets Law)

- Any application requiring: Special use permit
  Site plan approval
  Use variance or
  Subdivision approval

  Which requires approval by: A Planning Board
  Zoning Board of Appeals
  Town Board or
  Village Board of Trustees

  Must submit an Agricultural Data Statement (ADS) if the proposed project occurs on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located within an agricultural district.

- Content of an Agricultural Data Statement requires:
  - Name and address of applicant,
  - Description of the proposed project and its location,
  - Name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundaries of the property upon which the project is proposed
  - A tax map or other map showing the site of the proposed project relative to the location of the farm operations identified in the ADS.

- The Clerk of the appropriate governmental entity is required to mail a written notice containing a description of the proposed project and its location to owners of land as identified by the applicant in the ADS.

- The local reviewing board must evaluate and consider the ADS to determine the possible impacts of the proposed project may have on the functioning of farm operations within the subject agricultural district.

Procedural Considerations

- A map of the town's agricultural district(s) should be well displayed within the municipal office where land use applications are submitted. The map will benefit both the applicant and Municipal Review Officer in determining the location of the subject parcel. An Agricultural District map can be obtained from either the County Planning Department or Clerk of the County Legislative Body.

- The local reviewing board should ascertain present and future farming conditions to ensure the proposed land use does not conflict with current or future farming activities. A farmer's knowledge of local agricultural conditions is fundamental for the local reviewing board's evaluation and determination of appropriate mitigation measures and whether the action proposed will conflict with farming practices.

- The County Agricultural and Farmland Protection Board may assist local reviewing boards in project evaluation. Members of the Board include the County Planning Directors, a County Cooperative Extension Agent and the Chair of the County Soil and Water Conservation District's Board of Directors.

- A copy of the completed ADS and action by the local reviewing board should be submitted to the County Agricultural and Farmland Protection Board for its records.

Agricultural Data Statement

1. Name and address of applicant:

   _____

   _____

   _____

2. Location of the proposed action:

   _____

3. Description of the proposed action to include: (1) Size of parcel or acreage to be acquired and tax map identification number of tax parcel(s) involved; (2) The type of action proposed (e.g., single-family dwelling or subdivision, multifamily development, apartment complex, commercial or industrial facility, school, community or public service facility, airport, etc.) and (3) project density. **[Please provide this information on the reverse side of this application and attach additional description as necessary.]**

4. Name, address, telephone number and type of farm of owner(s) of land within the agricultural district which land contains farm operation(s) and upon which the project is proposed or which is located within 500 feet of the boundary of the property upon which the project is proposed:

   A. Name: _____

      Address and Telephone #: _____

      Type of farm: _____

   B. Name: _____

      Address and Telephone #: _____

      Type of farm: _____

   C. Name: _____

      Address and Telephone #: _____

      Type of farm: _____

   D. Name: _____

      Address and Telephone #: _____

      Type of farm: _____

5. Tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the ADS.

Chapter 157

LOITERING

§ 157-1. Prohibited acts.

§ 157-2. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Norfolk 11-12-1979 by L.L. No. 2-1979. Amendments noted where applicable.]

GENERAL REFERENCES

Curfew — See Ch. 104.

§ 157-1. Prohibited acts.

No person or persons shall stand, be or remain in or upon any of the public streets, sidewalks or bridges in the Town of Norfolk in such a manner as to obstruct the free and uninterrupted passing and repassing of any person or persons; and no person shall idly sit, stand or lounge upon or in any street or bridge or set, lounge, stand or be upon any stoop or platform except with the consent of the owner or occupant, to idly sit, stand or lounge upon any stoop, sidewalks or platform attached to or before any store, dwelling house or other building after the owner or occupant of said store or building shall have closed said store or retired for the night in said dwelling; nor shall it be lawful for any person or persons to idly sit, stand or lounge at the entrance to or in any hallway, passageway or vestibule of any church, hall, theatre, school or public place.

§ 157-2. Penalties for offenses. [1]

A violation of this chapter shall constitute an offense punishable by a fine not exceeding $250 or by imprisonment for 15 days, or both.

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 166

NOISE

§ 166-1. Findings.

§ 166-2. Definitions.

§ 166-3. Unreasonable noise prohibited.

§ 166-4. Specific acts constituting unreasonable noise.

§ 166-5. Enforcement.

§ 166-6. Penalties for offenses.

[HISTORY: Adopted by the Town Board of The Town of Norfolk at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 84.

Land use and development — See Ch. 150.

Uniform construction codes — See Ch. 95.

§ 166-1. Findings.

The Town Board finds that unreasonable noises, as that term is defined herein, degrade the environment of the Town to a degree which is harmful and detrimental to the public health, safety and welfare of its inhabitants. Such noises interfere with the comfortable enjoyment of life, property and recreation and with the conduct and operation of business and industry. No one has the right to create unreasonable noises, as defined herein. Effective control and elimination of unreasonable noises is essential to the furtherance of the public health, safety and welfare of the Town's inhabitants and to the conduct of the normal pursuits of life, recreation, commerce and industrial activity.

§ 166-2. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

AMBIENT NOISE — The all-encompassing noise associated with a given environment, being usually a composite of sounds.

AUTHORIZED EMERGENCY VEHICLE — Any ambulance or vehicle operated by a Police Department, Chief or Assistant Police Chief, Fire Department, fire patrol, Chief or Assistant Fire Chief when engaged in the performance of duty.

CONSTRUCTION — Any or all activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises, parks, utility lines, including such lines in already constructed property, including land clearing, grading, excavating and filling.

CONSTRUCTION DEVICE — Any device designed and intended for use in construction, including, but not limited to, any air compressor, pile driver, bulldozer, pneumatic hammer, steam shovel, derrick, crane, steam or electric hoist.

CONSTRUCTION MATERIAL — Any material, regardless of composition or design, and customarily used in construction, including, but not limited to, any rails, pillars, columns, beams, bricks, flooring, wall, ceiling or roofing material, gravel, sand, cement or asphalt.

PERSON — Any individual, partnership, company, corporation, association, firm, organization, government agency, administration or department, or any other group of individuals, or any officer or employee thereof.

PUBLIC RIGHT-OF-WAY — Any street, sidewalk or alley or similar place which is owned, controlled or leased by the Town.

PUBLIC SPACE — Any real property or structure thereon which is owned, controlled or leased by the Town.

SOUND — An oscillation in pressure, stress, particle displacement, particle velocity, etc., in a medium with internal forces, or the superposition of such propagated oscillation which evokes an auditory sensation.

TOWN — The Town of Norfolk, St. Lawrence County, New York.

UNREASONABLE NOISE — Any noise which is defined in § 166-4.

§ 166-3. Unreasonable noise prohibited.

It shall be unlawful for any person to make, continue, cause to be made or permit to be made any unreasonable noise within the Town of Norfolk. The determination as to the existence of unreasonable noise may be established by the specific acts considered to be unreasonable noise enumerated within § 166-4.

§ 166-4. Specific acts constituting unreasonable noise.

A. The use of any sound-reproduction device or musical instrument outside a structure either on private property or on a public right-of-way or public space at any time within the Town which, by causing noise, annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities. This provision shall not be construed to prohibit public performances being conducted in accordance with a special permit granted by the Town.

B. The use of any sound-reproduction device or musical instrument inside a structure in such a manner as to result in the sound or any part thereof from such apparatus to be projected therefrom outside of the structure or out-of-doors at any time whereby the sound can be audibly heard more than 100 feet from the real property boundary line from which the noise emanates which would annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.

C. The use of any sound-reproduction device or musical instrument within 500 feet of any school, church, hospital, clinic or courthouse while the same is in session or conducting business therein so as to interfere with the functions of such activities.

D. The use of any automobile, motorcycle, trail bike, minibike, snowmobile, bus, vehicle, boat, truck, all-terrain vehicle, motor-driven equipment or motor-driven vehicle, or other type of water- or seagoing vessel in such a manner as to create noise which would annoy or disturb a reasonable person with normal sensitivities or if it injures or endangers the comfort, repose, health, hearing, peace or safety of another person.

E. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle except as a warning signal pursuant to the provisions of § 15 of the Vehicle and Traffic Law of the State of New York, except by use of an authorized emergency vehicle.

F. No power braking, i.e., downshifting to reduce speed without using brakes resulting in unnecessary noise.

G. The keeping or maintaining of any animal or animals or bird which, by causing frequent or long-continued noise, including loud howling, barking, crying or whining, with or without the knowledge, consent, or fault of the owner of the animal or bird, shall disturb the comfort and repose of any person in the immediate vicinity, for a continuous period of 15 or more minutes or intermittent noise for a period of 45 minutes or more in a residential area.

H. Yelling, shouting, hooting, on or open to the public space or public right-of-way, that either annoys or disturbs a reasonable person with normal sensitivities or if it injures or endangers the comfort, repose, health, hearing, peace or safety of another person.

I. Construction activity:

(1) Except as provided for in this section, no person shall engage in the erection, construction (including excavating), grading, dredging or pneumatic hammering, demolition, alteration or repair of any building or structure other than on weekdays between the hours of 7:00 a.m. and 6:00 p.m. or on Saturdays, Sundays or holidays between the hours of 10:00 a.m. and 4:00 p.m.

(2) Any person desiring to engage in the aforesaid activity beyond the stated hours of limitation, based upon cases of urgent necessity or upon the interests of public health, safety and convenience, may apply to the Building Department for a special permit allowing such activity. The permits, if granted, shall be limited to a period of up to three days' duration but may be renewed for additional periods of up to three days each if the emergency or need continues.

J. Construction devices. No person shall operate or use or cause to be operated or used a construction device in such a way as to create an unreasonable noise.

K. No person shall operate or use or cause to be operated any lawn maintenance device, including mowers, blowers, edgers, trimmers, chain saws and power-driven equipment, other than on weekdays between the hours of 7:00 a.m. and 7:00 p.m. or sunset, whichever occurs later, or Saturdays, Sundays and holidays between the hours of 10:00 a.m. and 7:00 p.m.

L. No person shall operate or use or cause to be operated any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device, lawn maintenance device, or construction device in such a way as to create an unreasonable noise.

§ 166-5. Enforcement.

Anyone who believes this chapter has been violated may contact the Code Enforcement Office, the Norfolk Police Department or any other official designated by the Town Board to institute an appropriate action in the Norfolk Justice Court for the enforcement of this chapter and to request appropriate penalties for any alleged violation of the same.

§ 166-6. Penalties for offenses.

Any person violating any provision of this chapter shall be deemed guilty of an offense and, upon conviction thereof, punishable by a maximum fine of $250 or by imprisonment for not more than 15 days, or both. Each day that a violation continues shall be deemed a separate and distinct offense.

Chapter 168

NOTIFICATION OF DEFECTS

§ 168-1. Written notice of defects required.
§ 168-2. Transmittal of notice.
§ 168-3. Indexed record to be kept.
§ 168-4. State law superseded.

[HISTORY: Adopted by the Town Board of the Town of Norfolk 10-22-2007 by L.L. No. 3-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification — See Ch. 16.

§ 168-1. Written notice of defects required.

No civil actions shall be maintained against the Town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, street, sidewalk, crosswalk or culvert was actually given to the Town Clerk or Town Superintendent of Highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk or culvert, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways, and there was failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 168-2. Transmittal of notice.

A. The Town Superintendent of Highways shall transmit, in writing, to the Town Clerk within 10 days after the receipt thereof all written notices received pursuant to this chapter and Subdivision 2 of § 65-a of the Town Law.

B. The Town Clerk shall cause all written notices received pursuant to this chapter and Subdivision 2 of § 65-a of the Town Law to be presented to the Town Board within 10 days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

§ 168-3. Indexed record to be kept. [1]

The Town Clerk shall keep an indexed record, in a separate book, of all written notices which he shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any Town highway, bridge, culvert or sidewalk, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.

§ 168-4. State law superseded.

This chapter shall supersede in its application to the Town of Norfolk Subdivisions 1 and 3 of § 65-a of the Town Law.

1. **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 175

PROPERTY, ABANDONED

§ 175-1. Unlawful acts.
§ 175-2. Definitions.
§ 175-3. Determination of public nuisance; order to comply; appeal.
§ 175-4. Procedure upon failure to achieve certified notice.
§ 175-5. Contents of notice by publication.
§ 175-6. Correction by Town; lien for expenses.
§ 175-7. Filing of lien.
§ 175-8. Assessment of costs.
§ 175-9. Appeal of assessment of costs.
§ 175-10. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Norfolk at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 95.
Land use and development — See Ch. 150.
Property maintenance — See Ch. 177.

§ 175-1. Unlawful acts.

It shall be deemed a public nuisance and unlawful for any person to violate the terms of this chapter by maintaining a building, structure or surrounding property in a condition adverse to the public health, safety and welfare as specified in § 175-2 of this chapter.

§ 175-2. Definitions.

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

ABANDON or ABANDONMENT — Existing where the owner of a building or premises has by action or inaction failed to correct a serious health and/or safety violation at a building or on the surrounding property. A serious health and/or safety violation may be found, by way of example only and without limitation, where the health, safety and welfare of the community is or may be at risk due to conditions such as:

A. Where a building is vacant, however, vacancy is not necessarily to be considered a prerequisite to a finding of abandonment;

B. Where there exists a lack of maintenance of a building or grounds which actually or potentially poses a risk to the public health, safety or welfare;

C. Where a building is not structurally sound or where the building or its interior is otherwise unfit for healthy or safe habitation or access;

D. Where vandalism at the property has gone unrepaired;

E. Where a lack of maintenance or use of the property promotes a degradation of the surrounding community affecting the public health, safety and welfare.

BUILDING — Any structure as defined within Chapter 150, Land Use and Development, of the Code of the Town of Norfolk which is used or intended to be used for residential or any other use.

PUBLIC NUISANCE — A building or property which constitutes a menace to the public health, welfare, or safety, or which is structurally unsafe, unsanitary, or not provided with adequate and safe ingress and egress, or which constitutes a fire hazard, or which may otherwise be dangerous to human safety, or which in relation to existing uses constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

§ 175-3. Determination of public nuisance; order to comply; appeal.

A. Investigation. The Code Enforcement Officer shall be responsible for the investigation of all properties or complaints concerning conditions creating a public nuisance as defined within this section.

B. Determination. Upon complaint or other notification, the Code Enforcement Officer shall order a field examination of the site to determine whether a public nuisance exists as defined in § 175-2 of this chapter.

C. Order to comply. Should the Code Enforcement Officer, after inspection and investigation, find that a public nuisance exists at any building or property he or she shall cause to be issued a written notification, served personally or by regular and certified mail addressed to the property owners as their names and addresses are shown upon the records of the Tax Assessor. The notification shall declare the property to be a public nuisance, shall include the estimated cost to rectify the violation, and shall cite the conditions found constituting the nuisance. Notification shall order the property owner to comply. The notice shall allow the property owner a specific and reasonable period of time, as determined by the Code Enforcement Officer, not to exceed 30 days (unless extended in writing within the sound discretion of the Code Enforcement Officer) for the correction of all listed nuisances.

D. Compliance or appeal by the property owner. The property owner shall, after notice as stated above, complete all actions required to abate any nuisance as determined by the Code Enforcement Officer within the time period prescribed. Should the property owner contest the decision of the Code Enforcement Officer, an appeal in writing may be filed with the Norfolk Town Board at any time prior to the expiration of 30 days from the date of mailing of the notice as specified above. Further action otherwise required pursuant to the terms of this chapter may be stayed upon timely request, pending the resolution of appeal pending before the Town Board.

§ 175-4. Procedure upon failure to achieve certified notice.

Should the Code Enforcement Officer not effect personal service or not receive confirmation of the receipt of a written certified notification within 10 days of the mailing, he or she shall

cause a public notification to be advertised in a local newspaper of general distribution for three successive days. After the third day of advertisement, proper notice shall be deemed to have been provided.

§ 175-5. Contents of notice by publication.

The notice by publication prescribed herein shall include the address, plat and lot number of the property cited as a public nuisance and the name of the property owner as listed on the Tax Assessor's records. Also included shall be a listing of the conditions found to create a public nuisance and the corrective action to be taken to eliminate the public nuisance. Should no notification be received by the Code Enforcement Officer from the property owner after the third day of advertisement and should no appeal to the declaration of a public nuisance be filed with the Town Board within the time prescribed, the Code Enforcement Officer may then cause to be corrected all of those conditions which create the public nuisance under the terms of this chapter or the matter may be referred to the Town Attorney for pursuit of any other or further remedy deemed appropriate.

§ 175-6. Correction by Town; lien for expenses.

Upon failure of the owner of the premises found in violation of this chapter to remedy the conditions existing in violation of the requirements hereof within 30 days after mailing or personal service of notice to do so, then the Code Enforcement Officer shall proceed to have such conditions remedied, and the cost thereof shall be and become a lien against such property to the same extent and character as a lien for real estate taxes and with the same penalties and interest and with the same rights of collection, foreclosure, sale and forfeiture as obtained for tax liens.

§ 175-7. Filing of lien.

Upon final determination of a violation of the provisions of this chapter, the Code Enforcement Officer shall deliver a certified copy thereof and of the notice to the Town Clerk, and the Town Clerk shall place the same on record as a lien against the property described therein. It shall also be the duty of the Code Enforcement Officer to file such other and further certificates as to work done and amounts due and/or paid as the circumstances may require.

§ 175-8. Assessment of costs.

Upon completion of the required work by the Town as provided in § 175-6, notice thereof and of the cost assessed therefor shall be given to the owner in the same manner as prescribed for notices of violation and the same assessed shall be due and payable 30 days after such notice of completion and cost, unless such assessment shall be appealed to the Town Board prior to the expiration of such thirty-day period.

§ 175-9. Appeal of assessment of costs.

Any such person shall have the right to appeal the assessment of costs within 30 days of service of notice thereof. Such appeals shall be taken to the Town Board.

§ 175-10. Penalties for offenses.

If the property owner, after notice of violation and order to comply, fails to abate and remove any nuisance he or she shall be punishable by a fine not exceeding $250 or by imprisonment for not more than 15 days, or both, for every day during which he or she knowingly permits the nuisance to remain after the time prescribed for the removal thereof.

Chapter 177

PROPERTY MAINTENANCE

§ 177-1. Legislative findings and purpose.

§ 177-2. Definitions.

§ 177-3. Waste, debris and motor vehicles; liability; inspection and notice; penalties for offenses.

§ 177-4. Brush, grass and weeds; nuisance determination; notice of violation; penalties for offenses.

§ 177-5. Emergency actions.

§ 177-6. Injunctive relief; remedies cumulative.

[HISTORY: Adopted by the Town Board of the Town of Norfolk at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 95.
Land use and development — See Ch. 150.
Solid waste — See Ch. 185.
Off-road vehicles — See Ch. 211.

§ 177-1. Legislative findings and purpose.

A. The Town Board of the Town of Norfolk hereby finds that the outdoor storage, accumulation, deposit and placement of abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property threatens the health, safety and welfare of the Town residents. Outdoor storage, accumulation, deposit or placement of such items creates a significant fire hazard, endangers the environment and groundwater, leads to infestation by insects, vermin or rodents, depreciates property values and has a deteriorating and blighting effect upon the neighborhood and community.

B. The Town Board hereby determines that the outdoor storage, accumulation, deposit or placement of abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris or solid waste upon private property constitutes a public nuisance.

§ 177-2. Definitions.

A. As used herein, the following terms shall have the following definitions:

BRUSH — Low woods, undergrowth, seasonal growth and chopped-off tree branches, except trees or shrubbery intended and actually used for landscaping, fencing, shade or decoration, and tree branches piled near the structure intended for use as firewood.

DEBRIS — Includes all materials resulting from the construction, excavation, renovation, equipping, remodeling, repair or demolition of structures, property or roads as well as materials consisting of vegetation resulting from land clearing and grubbing,

utility line maintenance and seasonal and storm-related cleanup. Such materials include, but are not limited to, bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, insulation, roofing shingles, asphaltic pavement, glass, window frames, electrical wiring and components, plastics, carpeting, foam padding, linoleum, metals or any combination thereof which are incidental to construction, excavation, renovation, equipping, remodeling, repair or demolition.

GARBAGE — Includes all putrescible animal and vegetable waste resulting from processing, marketing and preparation of food items, including the container in which packaged.

MOTOR VEHICLE — Includes all vehicles as defined by New York State Vehicle and Traffic Law § 125. The term "motor vehicle" as used in this chapter shall also include all-terrain vehicles as defined by New York State Vehicle and Traffic Law § 2281 and snowmobiles as defined by New York State Vehicle and Traffic Law § 2221, and shall further include any vehicle intended for operation on land by means other than muscle power. This term "motor vehicle" shall also include campers and trailers generally found in use over the highway.

OUTDOORS — Includes anything not housed in a fully enclosed building.

OWNER — The owner as identified on the current assessment roll.

RUBBISH — Includes all nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including, but not limited to, paper and paper products, rags, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, metals, plastics, tires, bedding, cloth, crockery, furniture, appliances and similar items.

SOLID WASTE — Includes all putrescible and nonputrescible materials and substances having served their original intended use or being spent, useless, worthless or in excess to the owner, including, but not limited to, household and commercial garbage, industrial waste, rubbish, debris, garbage, litter and ashes.

WEEDS — Vegetation that grows in profusion in an uncultivated state and which is allowed to exceed 10 inches in height. For the purposes of this chapter, the term "weeds" shall not include vegetation such as growing crops, trees, bushes or shrubs used for landscaping purposes around or near a structure.

§ 177-3. Waste, debris and motor vehicles; liability; inspection and notice; penalties for offenses.

A. No person, as owner, occupant, lessee or agent or in any capacity, shall store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained or grown outdoors any abandoned, junked, discarded, wholly or partially dismantled, unlicensed or unregistered motor vehicle or any solid waste, rubbish, or debris upon any private property within the Town.

B. This section shall not apply to:

(1) Any solid waste, rubbish or debris temporarily stored or placed in containers for collection or disposal.

(2) The maintenance of a mulch pile used for on-premises gardening or landscaping confined to an area to the rear of a residence and not exceeding 50 square feet.

(3) The temporary storage on a premises of a single motor vehicle meeting New York State inspection requirements, which is unlicensed or unregistered but which is not dismantled, abandoned, junked or discarded. This exception shall only apply where the vehicle is stored on a stone or paved surface not closer to the street than the front facade of the building.

(4) The maintenance of any motor vehicle on a duly licensed automobile repair or sales business lot, properly zoned, while said vehicle is being repaired or sold, provided that this exception shall not permit storage of vehicles which will not pass a New York State vehicle inspection on any premises for a period in excess of 30 days.

(5) The maintenance or storage of farm equipment or materials used in a farming or agricultural operation on a premises in actual use for agricultural purposes.

(6) The maintenance or storage of operable farm equipment, business equipment or construction equipment for sale or in connection with a legally operating business.

C. For purposes of this chapter, every owner and occupant shall be strictly liable and fully responsible and shall be deemed to have permitted any condition on the premises he or she owns or occupies.

D. Inspection and notice. Whenever it shall appear that the provisions of this chapter are violated, the Code Enforcement Officer or his designated representative is authorized to make an inspection of the property involved, at any reasonable hour. The right of entry shall not be limited in any way by the existence or lack of existence of a request, authorization, license, or other consent or approval of entry, inspection or removal and disposal. When the Code Enforcement Officer or his designated representative deems it necessary, he shall notify by regular mail and by conspicuously posting a legal notice on a structure or at the front of said property, any such persons that they are in violation of this section. This notice shall direct the person so served, regardless of ownership, that the motor vehicle, solid waste, rubbish or debris determined to be in violation of this chapter be removed from the property on or before 10 days after the service or mailing of such notice.

E. Issuance of appearance ticket; penalties for offenses.

(1) In the event of noncompliance with the provisions of this chapter, after 10 days have elapsed from the service of notice as provided by § 177-3D, the Code Enforcement Officer may issue an appearance ticket returnable in the Town of Norfolk Justice Court on a date and time as specified on the appearance ticket. The appearance ticket shall specify the alleged local law violation and date and time involved, a copy of which shall be forwarded to the Town Justice with information

detailing the violation amid the attempts made by the Code Enforcement Officer to achieve compliance.

(2) A violation of § 177-3A of this chapter is a violation punishable by a fine of up to $250 or imprisonment for up to 15 days, or both. Each additional week of continuous violation of the terms of this chapter constitutes a separate violation.

§ 177-4. Brush, grass and weeds; nuisance determination; notice of violation; penalties for offenses.

A. Cutback requirements. Every person in charge or control of any building or lot of land within the Town of Norfolk, New York, whether as owner, tenant, occupant, lessee or otherwise, shall cut and remove any growth of weeds, grass or other rank vegetation or brush in accordance with § 177-4A(1) and (2) of the Town Code as follows:

(1) Any tract or parcel of land containing 1 1/2 acres or less shall be cut in its entirety to a length of 10 inches or less.

(2) Any tract or parcel of land, regardless of lot size, containing a residential or business structure shall, within 100 feet of said structure, be cut to a length of 10 inches or less.

B. Poisonous plants. It shall be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plant or plants detrimental to health to grow on the part of any such lot or land required to be cut in accordance with § 177-4A(1) and (2) of this chapter, or to allow the seed, pollen or other particles or emanations therefrom to be carried throughout the air into any public place.

C. Health, safety and character of community regulations. Notwithstanding any specific cutback requirements imposed by § 177-4A of this chapter, the Code Enforcement Officer may determine a property a public nuisance should he determine the brush, grass, or weeds:

(1) Are or may become dangerous or unsafe to the general public;

(2) Pose a threat to public health;

(3) Act or could act as a potential threat to lives and property from fire;

(4) Are an attractive nuisance to children;

(5) Act as a substantial deterrent to the aesthetic environment of the surrounding area;

(6) Substantially contribute to blight or to the rundown character of a neighborhood;

(7) Are or may become a place of rodent infestation; or

(8) Present any other danger to health, safety, morals, or general welfare.

D. Violation and notice. When the Code Enforcement Officer or his designated representative deems it necessary, he shall notify by regular mail and by conspicuously posting a legal notice on a structure or at the front of said property any such persons that

they are in violation of this section. Said notice shall be substantially in the following form:

TO THE OWNER AND OCCUPANTS OF PROPERTY
IN THE
TOWN OF NORFOLK

Please take notice that you are hereby required to cut and remove all grass, weeds, and other rank, poisonous, and harmful vegetation on the property owned or occupied by you and to comply with the local law of the Town of Norfolk relative to the removal of brush, grass and weeds. In the event of your failure to remove such brush, grass and weeds, the Code Enforcement Officer or his designated representative may cause such brush, grass and weeds to be cut and removed, and the cost thereof shall thereupon become and be a charge and lien upon your property and shall be collected the same as other taxes upon your property.

E. Failure to comply with notice.

(1) If the provisions of the foregoing Subsections A through D are not complied with within 10 days of the date of the mailing and posting of the notice hereinbefore provided for, the Code Enforcement Officer may cause brush, grass and weeds on such lot or land to be cut and removed. The actual cost of such cutting and removing, plus $200 for inspection and other additional costs in connection therewith, shall be billed to the property owner. Thirty days after the billing date, all unpaid charges will become a lien upon the property upon which said brush, grass, and weeds were located and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes levied and assessed against such property, or the same may be collected by suit against the owner or owners in the name of the Town.

(2) Any person who shall fail, neglect or refuse to comply with the provisions of any notice herein provided for, or who shall resist or obstruct the Code Enforcement Officer, his designated representative or any employee of the Town of Norfolk in the cutting and removing of brush, grass and weeds shall, upon conviction thereof, be subject to a penalty as hereinafter provided.

F. Issuance of appearance ticket; penalties for offenses.

(1) Upon noncompliance with notice from the Code Enforcement Officer as identified in § 177-4E(2) of this chapter, said Code Enforcement Officer may issue an appearance ticket returnable in the Town of Norfolk Justice Court on a date and time as specified on the appearance ticket. The appearance ticket shall specify the alleged local law violation and date and time involved, a copy of which shall be forwarded to the Town Justice with information detailing the violation amid the attempts made by the Code Enforcement Officer to achieve compliance.

(2) The penalties for violation of any provision of this section shall be as follows: a fine of not less than $100 nor more than $250 or imprisonment for not more than 15 days, or both. Said penalties shall be in addition to those charges levied under

§ 177-4E(1) of this chapter for the actual cost of such cutting and removing, plus $200 for inspection and other additional costs in connection therewith.

(3) The continuation of any violation for each successive week shall constitute a separate offense, and the person allowing or permitting the continuation of a violation may be punished as above provided for each separate offense.

§ 177-5. Emergency actions.

A. Nothing in this chapter shall prohibit the Town from entering onto private property to remove any solid waste, motor vehicle, appliance, rubbish, debris or any other hazard whenever there exists an imminent threat to the life or safety of persons. Municipal authority pursuant to this section may only be exercised where there is a direct necessity to protect life and safety. Any municipal action taken pursuant to this section must be reasonably calculated to alleviate or prevent the crisis condition and must be limited to those actions necessary to eliminate the emergency situation.

B. A property owner shall be given notice and an opportunity to be heard prior to any costs and expenses incurred by the Town in removal pursuant to § 177-5A being placed on the property's tax bill.

§ 177-6. Injunctive relief; remedies cumulative.

A. The Town may seek injunctive relief in a court of competent jurisdiction and shall be entitled to a judgment for any expenses incurred, including reasonable attorneys' fees.

B. All remedies set forth in this chapter are alternative and cumulative, and the Town may enforce this chapter utilizing any remedy or combination thereof.

Chapter 181

SEWERS

ARTICLE I
Sewer Use

§ 181-1. Definitions.
§ 181-2. Use of public sewers required.
§ 181-3. Private sewage disposal.
§ 181-4. Building sewers and connections.
§ 181-5. Discharge restrictions.
§ 181-6. Tampering with sewers.
§ 181-7. Powers and authority of inspectors.
§ 181-8. Penalties for offenses.
§ 181-9. Sewer service charges.

[HISTORY: Adopted by the Town Board of the Town of Norfolk as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 95.
Land use and development — See Ch. 150.
Solid waste — See Ch. 185.
Water — See Ch. 220.

ARTICLE I
Sewer Use
[Adopted 7-24-1972 by L.L. No. 1-1972]

§ 181-1. Definitions.

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

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter (mg/l).

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

PERSON — Any individual, firm, company, association, society, corporation, or group.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER — A sewer which carries sewage and to which stormwater, surface water, and groundwater are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of device or structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SHALL — Is mandatory; "may" is permissive.

SLUG -- Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

STORM DRAIN (SOMETIMES TERMED "STORM SEWER") — A sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — The Town Highway Superintendent of the Town of Norfolk, or his authorized deputy, agent, or representative.[1]

SUSPENDED SOLIDS — Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

TOWN — The Town of Norfolk, St. Lawrence County, New York.

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1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

TOWN BOARD — The duly elected Town Board of the Town of Norfolk, or its authorized deputies, agents, or representatives.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

§ 181-2. Use of public sewers required.

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner, as determined by the Town Highway Superintendent, on public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.[2]

B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

D. The owner of any house, dwelling, or property used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located, or is planned to be located, a public sanitary or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

§ 181-3. Private sewage disposal.

A. Where a public sanitary or combined sewer is not available under the provisions of § 181-2D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee, as set from time to time by resolution of the Town Board, shall be paid to the Town at the time the application is filed.[3]

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2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.

D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of New York. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 181-2D, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

G. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

H. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

§ 181-4. Building sewers and connections.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

B. Application for building sewer permit.

(1) There shall be two classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

(2) In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A fee, as set from time to time by resolution of the Town Board, for residential or commercial buildings and for industrial buildings shall be paid to

the Town at the time the application is filed to cover the cost of the permit, inspection and connection to the public sewer.[4]

C. All costs and expense incident to the installation of the building sewer from the building to the property line or public sewer easement line, as the case may be, shall be borne by the owner. The Town will install the building sewer from said property line or easement line to the public sewer, the cost therefor being included in the fee paid by the owner under § 181-4B. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this article.

F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedure set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by the Town under the supervision of the Superintendent or his representative.

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4. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

§ 181-5. Discharge restrictions.

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard into receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment

plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150° F. (65° C.) except slug discharges of less than 100 gallons having a temperature not greater than 200° F. (93° C.).

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(6) Any waters or wastes containing phenols or other taste-or-odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume or flow or concentration of wastes constituting "slugs" as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

E. Regulation of prohibited discharges.

(1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection D of this section, and which in the judgement of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing assessments or sewer charges under the provisions of Subsection J of this section.

(2) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial concern.

§ 181-6. Tampering with sewers.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 181-7. Powers and authority of inspectors.

A. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B. While performing the necessary work on private properties referred to in § 181-7A, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 181-5H.

C. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 181-8. Penalties for offenses.

A. Any person found to be violating any provision of this article except § 181-6 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in § 181-8A shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding $1,000 or by imprisonment for not more than one year, or both, for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.[5]

C. Any person violating any of the provisions of this article shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

§ 181-9. Sewer service charges.

A. The source of revenues for retiring debt services, capital expenditures, operation and maintenance of the public sewerage system shall be a sewer service charge levied against all properties served by the Town as well as property located within the Town eligible to benefit from the services available.

B. Sewer service charge rates shall be determined by the Town Board, on a year-to-year basis, and shall be calculated from a special property assessment, or otherwise as circumstances require, in amounts proportional to the benefits received.

C. Each sewer charge levied pursuant to this article is hereby made in lien on the premises, and, if the same is not paid within 30 days after it shall be due and payable, it shall be certified to the Treasurer of the Town who shall place the same on the real property tax bill for that year with interest and penalties allowed by law and be collected as other Town taxes are collected.

D. Those users of the sewage works who, 30 days after bills have been rendered for the services described herein, have not paid their bills shall be deemed to be delinquent, and the service to their premises shall be discontinued and such service shall not be restored until proper settlement of the delinquent customer's account has been made, together with a restoration of service fee, as set from time to time by resolution of the Town Board,

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5. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

and any additional costs which might have been incurred by the Town in the discontinuing or restoring of the delinquent customer's service.[6]

6. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 185

SOLID WASTE

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Waste Disposal Facilities

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[HISTORY: Adopted by the Town Board of the Town of Norfolk as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Land use and development — See Ch. 150.
Property maintenance — See Ch. 177.
Sewers — See Ch. 181.

ARTICLE I
Waste Disposal Facilities
[Adopted 7-8-1985 by L.L. No. 4-1985]

§ 185-1. Legislative intent.

The Town of Norfolk recognizes that dumps, sanitary landfills and other resource recovery/waste disposal activities are, to a large extent, incompatible with most other uses of land and are likely by their nature to be unsightly and produce objectionable, unwanted and sometimes harmful noise, litter, odors, smoke, fumes and liquids which may affect surrounding areas; the Town intends to define waste disposal facilities, regulate the siting of such facilities by establishing a permit system, exclude waste disposal facilities from certain environmentally sensitive areas, and prohibit disposal of certain hazardous wastes.

§ 185-2. Definitions.

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

HAZARDOUS WASTE —

A. A solid waste or combination of solid wastes which, because of its quantity, concentration or physical, chemical or biological characteristics may:

(1) Cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness; or

(2) Cause or significantly contribute to a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed.

B. Such wastes shall include, but not be limited to, wastes which are bioconcentrative, highly flammable, explosive, highly reactive, toxic, poisonous, radioactive, irritating, sensitizing, or infectious and shall include wastes that are solid, semisolid, liquid, or contained gases. The final determination of whether or not a waste is hazardous shall be made by the Town Board in accordance with guidelines promulgated by the New York State Department of Environmental Conservation and through the administrative regulations of the Resource Conservation and Recovery Act (RCRA) of 1976.

PERSON — Any individual, public or private corporation, political subdivision, government agency, department or bureau of the State of New York, municipality, industry, copartnership, association, firm, trust, estate or any other legal entity.

SANITARY LANDFILL — A means of solid waste disposal that employs an engineering method on land that minimizes environmental hazards by spreading the solid wastes in thin layers, usually beneath the surface compacting the solid wastes to the smallest practical volume, and applying and compacting cover material at the end of each operating day.

SOLID WASTE — Materials or substances discharged or rejected as being spent, useless, worthless, or in excess to the owner at the time of such discard or rejection, except sewage and other highly diluted water-carried materials or substances and those in gaseous form. Such wastes shall include, but are not limited to, garbage, sludge, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal, abandoned vehicles, agricultural waste, industrial waste, commercial waste and construction and demolition debris, and river-bed dredgings.

SOLID WASTE FACILITY — Land, including any structures thereon, used for the disposal by abandonment, burying, dumping, burning, or by any other means and for whatever purpose of garbage, sewage, trash, refuse, or waste material of any kind; liquid, solid or gaseous.

§ 185-3. Administration.

This article shall be administered by the Town Clerk of the Town of Norfolk. Permits shall be issued by such officer after the same have been granted by the Town Board of the Town of Norfolk as hereinafter provided.

§ 185-4. Permits.

A. Procedure for application.

(1) Any person, as defined in § 185-2 of this article, intending to use any land or bodies of water, including groundwater, within the Town of Norfolk for the purpose of a solid waste disposal facility shall first make application to the Town Clerk of the Town of Norfolk for permit by filing six copies of the plan for said solid waste facility. Said plan shall contain the following elements.

(a) A complete description of the proposed facility's location.

(b) A topographical map confirming the location and including continuation of a preexisting facility which has been purchased, sold, leased, rented, or has in any way had its title of ownership transferred, drawn using an appropriate scale to indicate the size of the ultimate solid waste disposal area and the distance(s) between the solid waste disposal area and surrounding watercourses, bodies of water, wetlands, wells, springs and any other sources of potable water which may be present on or adjacent to the property on which the solid waste facility is to exist. Said map shall also indicate the proximity of dwellings or other buildings to the said waste disposal area.

(c) A complete statement of the type of waste(s) which are or will or are expected to be disposed of, recycled or stored at the solid waste facility, including an indication of the waste(s) relative toxicity.

(d) A complete statement of the schedule of operation which shall include the estimated lifespan of the solid waste facility, the hours of operation on a daily, weekly, monthly and yearly basis.

(e) A statement estimating the amount of vehicular traffic, noise, dust, pollution, debris or other forms of potential disturbance resulting from the solid waste facility, and shall include specific measures which could be taken to mitigate such disturbance(s)

(f) A statement demonstrating that the applicant has or will comply with the provisions of the New York State Environmental Quality Review Act (6 NYCRR Part 617) and Solid Waste Management Facilities (6 NYCRR Parts 201, 219, 215, 360, 364, 380, 750, 700, 701, 702, 703) if and where applicable.[1]

(g) A statement describing the soil conditions of the site and the location of any test borings or monitoring wells. The location(s) of such test borings or monitoring wells shall be indicated on the map described in Subsection A(1)(b) above.

(h) A written statement of recommendations for the solid waste facility signed by the Health Officer or his duly authorized representative. A fee, as set from time to time by resolution of the Town Board, shall accompany the application for a permit or any renewal thereof.[2]

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1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

(2) The applicant shall file with the Town Clerk prior to issuance of said permit a written undertaking with one or more sureties approved by the Town Board or a surety company bond approved by the Town Board in the penal sum of $10,000 an acre for each acre of land to be used as a solid waste facility, to the effect that the applicant will obey the rules and regulations of the Town Board or orders of the Health Officer, or that sureties will pay the sum mentioned in the undertaking.

B. Review procedure. Upon receipt of the application, the Town Clerk shall record its receipt and forward it to the Town Board. The Town Board shall have a maximum of 45 calendar days to review the application and notify the applicant, in writing, as to whether or not a permit will be issued. Prior to the end of the forty-five-day review period, the Town Board may request additional information from the applicant to assist in making its determination. The Town Board may, at its discretion, require a public hearing to solicit comments prior to the end of the forty-five-day review period. Decision to grant a permit shall be by a majority vote of a least three members of the Town Board. The Town Board may attach any conditions to a permit it deems proper prior to the date of issuance to protect the public health and safety.

C. All permits for solid waste facilities shall be issued by the Town Clerk upon order of the Town Board.

D. Duration of permit. Each permit for operation of a solid waste management facility shall continue in force for the term specified therein but no longer than through the 31st day of December next succeeding the date of issuance.

E. Revoking permits.

(1) Each permit may be amended or revoked at any time by the Town Board for violation of the provisions and conditions contained therein or upon other reasonable grounds as the Town Board may deem proper. Proceedings to revoke such permit shall be instituted by the Town Clerk who shall cause a written notice to be served upon such owner or operator of such solid waste facility requiring the holder of such permit to appear before the Town Board at a time specified in such notice being not less than one business day from the date of serving said notice, and show cause why such permit should not be revoked. The Town Board may, after a public hearing at which testimony and witnesses of the Town Clerk and the holder of the permit shall be heard, revoke such permit if the holder of such permit has violated any regulations or provisions of this article or for other sufficient cause. Upon revocation of such permit, the solid waste facility shall forthwith cease to be used for its intended purpose.

(2) The Town Board may at any time require compliance with such reasonable conditions as may be applicable to each situation in order that the solid waste facility shall not be dangerous nor injurious to public health, nor obnoxious or offensive to persons or property in the vicinity of the solid waste facility.

§ 185-5. Prohibited activities.

Certain categories of solid waste are prohibited or regulated.

A. Offal and dead animals. No person shall dump, store or deposit, and no place shall be used for the dumping or deposition of offal or dead animals within the Town of Norfolk; except that nothing in this article shall prohibit a private landowner from burying his own animals on his own property.

B. Mixed solid waste. No person shall dump or deposit and no place shall be used for the dumping or deposition of garbage, rubbish, ashes, papers, refuse, river-bed dredgings, trash or other noisome substances within the Town of Norfolk unless a permit is first obtained from the Town Clerk.

C. Hazardous waste. No person shall dump or deposit and no place shall be used for the dumping, storage, recycling or deposition of hazardous waste as defined in § 185-2 of this article within the Town of Norfolk.

§ 185-6. Inspections.

The Health Officer of the Town of Norfolk may at any time inspect any premises in the Town of Norfolk to determine whether there is compliance with the provisions of this article. No person shall interfere with or obstruct the Health Officer or other authorized representatives of the Health Officer or of the Town Board when executing the Town Board's orders in connection with this article.

§ 185-7. Penalties for offenses.

Any person who violates the foregoing provisions of this article shall be guilty of a violation punishable by a fine not to exceed $250 per violation or 15 days imprisonment per violation, or both. Each week's continued violation shall constitute a separate and additional violation.

ARTICLE II
Sanitary Landfill
[Adopted 5-12-1986 by L.L. No. 1-1986]

§ 185-8. Legislative intent.

The purpose of this article is to regulate the use of the Town sanitary landfill in such a manner as to ensure efficient use of resources and maximum availability to Town of Norfolk residents.

§ 185-9. Definitions.

As used in this article the following terms shall mean or include:

COMMERCIAL HAULER — Any person and/or entity as shall haul, truck or transport refuse, garbage, disposables, or other items for disposal, for fee, profit, or remuneration, whether in cash or in kind.

RESIDENT — A person and/or entity physically residing or having a place of business within the Town of Norfolk.

SANITARY LANDFILL — That area as designated and approved by the New York State Department of Environmental Conservation for the disposal of garbage, refuse, trash, or other items as permitted under law.

§ 185-10. Keys to landfill.

Keys for entrance into the landfill will be held only by the following persons:

A. The Highway Superintendent;

B. The Chief, Norfolk Fire Department;

C. The Police Officer, Town of Norfolk;

D. The Town Landfill Attendant.

§ 185-11. Commercial haulers.

Commercial haulers as defined in this article shall be required to obtain a permit in order to use the landfill. Permits will be made available in the office of the Town Clerk during business hours. All applications for permits are subject to the approval of the Highway Superintendent and the Town Board. Permits shall be valid for a one-year period from the date of issuance. Fees for permits shall be set by resolution of the Town Board.

§ 185-12. Access to landfill.

No person, including commercial haulers, shall be permitted entrance into the landfill for dumping purposes unless a valid landfill sticker is affixed to the right rear window or right rear bumper of their vehicle. Stickers will be valid for a period of two years from the date of issuance and will be made available at the office of the Town Clerk during normal business hours. Stickers may also be obtained from the Landfill Attendant during his hours at the landfill. All applicants for stickers must produce identification showing legal residence within the Town of Norfolk, and must also designate the vehicle registration number of the vehicle to which the sticker will be affixed. Town of Norfolk residents with more than one vehicle in their household may obtain an additional sticker for such vehicle or vehicles for a fee as shall be set by resolution of the Town Board.

§ 185-13. Special permits.

Special permits may be granted to Town of Norfolk residents when special circumstances warrant the issuance of same. Any person seeking the issuance of a special permit must apply through the office of the Town Clerk. Once an application for a special permit is filed, the Town Highway Superintendent shall, in his sole discretion, either approve or disapprove the application within two business days following the application.

§ 185-14. Conditions applying to permits, special permits, and stickers.

All holders of permits, special permits, and/or stickers expressly consent and/or agree to the following conditions in connection with their ownership of a landfill permit, special permit and/or landfill sticker:

A. To abide by all Town laws and regulations regarding the use of the landfill.

B. To comply with the directives of the Landfill Attendant when using the landfill.

C. To dump only refuse, garbage, or other permitted items as are physically collected within the Town of Norfolk and from Town of Norfolk residents.

D. To use the landfill only during open hours unless otherwise agreed upon by prior arrangement with the Highway Superintendent. In this regard, landfill hours shall be regulated by resolution of the Town Board and posted in the office of the Town Clerk.

E. To promptly remove landfill stickers from their vehicles and cease using the landfill in the event they cease to be a Town of Norfolk resident at any time after the issuance of such landfill sticker and/or stickers.

F. To permit the Landfill Attendant to spot check registrations of vehicles seeking to enter the landfill in order to verify that the vehicle being used for dumping purposes is the proper vehicle designated for the affixing of a landfill sticker. The Landfill Attendant may refuse entrance of any person as shall refuse and/or fail to produce such registration upon his request.

G. To obey all previously written laws of the Town of Norfolk relating to landfill use, specifically including Chapter 185, Article I, Waste Disposal Facilities, prohibiting the dumping of specified waste materials.

§ 185-15. Penalties for offenses. [3]

Any person convicted of violating any provision of this article shall be guilty of a violation punishable by a fine not to exceed $250, or imprisonment for a period not to exceed 15 days, or both. In addition, such person's landfill sticker shall be suspended for a period of 30 days. Upon a second or subsequent conviction for violation of any provision of this article, in addition to the penalties hereinabove set forth, such person's landfill sticker shall be revoked.

§ 185-16. Prosecution of violators.

Prosecutions for violations of this article may be commenced by any of the methods set forth in the Criminal Procedure Law, including by issuance of an appearance ticket. The Town Police Officer and the Town Landfill Attendant are hereby expressly authorized to issue appearance tickets for such purpose.

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3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 198

TAXATION

ARTICLE I
Senior Citizens Exemption

§ 198-1. Exemption granted.

§ 198-2. Maximum income level.

§ 198-3. Application for renewal.

ARTICLE II
Alternative Veterans Exemption

§ 198-4. Reduction of exemption.

ARTICLE III
Exemption for Volunteer Firefighters and Volunteer Ambulance Workers

§ 198-5. Intent.

§ 198-6. Exemption granted; conditions; application.

§ 198-7. Effective date.

ARTICLE IV
Cold War Veterans Exemption

§ 198-8. Exemption granted.

[HISTORY: Adopted by the Town Board of the Town of Norfolk as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Assessor — See Ch. 5.

ARTICLE I
Senior Citizens Exemption
[Adopted 12-10-1984 by L.L. No. 4-1984; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 198-1. Exemption granted.

A partial exemption from taxation to the extent of 50% of the assessed valuation of real property which is owned by certain persons with limited income who are 65 years of age or older meeting the requirements set forth in § 467 of the Real Property Tax Law is hereby granted.

§ 198-2. Maximum income level.

The maximum income level for the fifty-percent exemption is established at $9,000.

§ 198-3. Application for renewal.

An application for renewal of exemption granted pursuant to Real Property Tax Law § 467 may be filed on or before the date for hearing of complaints in the Town of Norfolk.

ARTICLE II
Alternative Veterans Exemption
[Adopted 1-21-1985 by L.L. No. 1-1985]

§ 198-4. Reduction of exemption.

Pursuant to the authority of Paragraph (d) of Subdivision 2 of § 458-a of the Real Property Tax Law, the amount of exemption provided by Paragraphs (a), (b) and (c) of such Subdivision 2 is hereby reduced as follows:

A. Nine thousand dollars;

B. Six thousand dollars;

C. Thirty thousand dollars.

ARTICLE III
Exemption for Volunteer Firefighters and Volunteer Ambulance Workers
[Adopted 12-12-2005 by L.L. No. 1-2005]

§ 198-5. Intent.

The Town Board of the Town of Norfolk, State of New York, and County of St. Lawrence recognizes the role of the volunteer firefighters and ambulance workers in securing the safety and well being of our communities. The Town Board of the Town of Norfolk, State of New York, and County of St. Lawrence hereby finds that it is in the best social and economic interests of the Town of Norfolk to encourage volunteerism for said purposes. To that end, by providing the following exemption, it is the intent to so encourage volunteerism for our various fire and ambulance companies.

§ 198-6. Exemption granted; conditions; application.

A. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in St. Lawrence County shall be exempt from taxation to the extent of 10% of the assessed value of such property for county purposes, exclusive of special assessments; provided, however, that such exemption shall in no event exceed $3,000 multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

B. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

   (1) The applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

   (2) The property is the primary residence of the applicant;

(3) The property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(4) The incorporated volunteer fire company or fire department and incorporated voluntary ambulance service has submitted to the St. Lawrence County Director of Emergency Services a complete list of enrolled members, with their respective dates of service for such incorporated voluntary fire company, or fire department, or incorporated voluntary ambulance service. The St. Lawrence County Director of Emergency Services shall then review all potential candidates and certify those that meet the necessary criteria to be eligible for this exemption.

(5) The applicant must be certified by the fire company as a member for at least the last five years.

C. Application for such exemption shall be filed annually with the Assessor on or before the taxable status date on a form as prescribed by the State Board of Real Property Tax Services.

D. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

E. Any enrolled member of an incorporated volunteer fire company, fire department of incorporated voluntary ambulance service who accrues more than 20 years of active service, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten-percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within this state.

§ 198-7. Effective date.

This article shall take effect immediately and shall apply to real property having a taxable status date on or after the first day of January 2006 next succeeding the date on which this article shall have become a law.

ARTICLE IV
Cold War Veterans Exemption
[Adopted 3-25-2008 by L.L. No. 1-2008]

§ 198-8. Exemption granted.

In accordance with the provisions of § 458-b of the Real Property Tax Law of the State of New York, real property owned by one or more persons, each of whom is a "Cold War veteran," as defined by New York State Real Property Tax Law § 458-b, shall be exempt

from Town taxation to the extent of 15% of the assessed valuation, except as limited by § 458-b.

Chapter 200

TAXICABS

§ 200-1. Title.
§ 200-2. Legislative intent.
§ 200-3. Definitions.
§ 200-4. Operating permit required; fee.
§ 200-5. Application for permit.
§ 200-6. Persons prohibited from receiving permit; appeals; licenses not transferable.
§ 200-7. Issuance of permit.
§ 200-8. Register of licensed taxicabs.
§ 200-9. Inspection and reinspection of vehicles; inspection stickers.
§ 200-10. Identification and marking of vehicles.
§ 200-11. Display of driver's photograph.
§ 200-12. Duration of taxicab operating license.
§ 200-13. Taxicab driver's license required.
§ 200-14. Application for taxicab driver's license.
§ 200-15. Disqualification of drivers.
§ 200-16. Cruising prohibited.
§ 200-17. Penalties for offenses.
§ 200-18. Appeals.
§ 200-19. Taxicab stands.

[HISTORY: Adopted by the Town Board of the Town of Norfolk at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 208.

§ 200-1. Title.

This chapter shall be known as the "Taxicab Law."

§ 200-2. Legislative intent.

The transportation for hire, from points originating within the Town of Norfolk to destinations outside the Town of Norfolk, from points originating within the Town of Norfolk to destinations within the Town of Norfolk, by taxicabs is a vital public service which must be licensed and regulated in order to protect the health, safety and welfare of individuals making use of taxicabs.

§ 200-3. Definitions.

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

NORFOLK — The area of land located within the unincorporated sections of the Town of Norfolk.

OPERATOR and/or OWNER — A person, firm or corporation owning, controlling the use of or engaged in the business of operating one or more taxicabs for hire upon the streets of the Town of Norfolk.

TAXICAB — Any motor vehicle engaged in the business of carrying persons for hire, whether the same is operated from a street stand, a garage or otherwise operated for hire, except vehicles commonly known as "jitneys," "buses" or "liveries" as that word is defined in Vehicle and Traffic Law § 121-e, or subject to the provisions of the Transportation Corporation Law or used by undertakers in carrying on their business. Taxicabs shall be considered commercial vehicles.

TAXICAB DRIVER'S LICENSE — A current, unexpired license granting permission by the Town of Norfolk to any person to drive a licensed taxicab upon the streets of the Town of Norfolk.

TAXICAB OPERATING PERMIT — A current, unexpired permit issued to every taxicab operated or kept for hire by any firm, corporation or person within the Town of Norfolk.

TAXICAB STAND — Any place or location which may be designated by the Town of Norfolk for the parking of taxicabs.

§ 200-4. Operating permit required; fee.

No taxicab may be kept for hire or pay nor pick up passengers for hire or pay within the Town of Norfolk unless a taxicab operating permit, together with an inspection certification, has been duly issued and is in full force and effect. The fee for a taxicab permit for each taxicab and the annual renewal thereof shall be as set from time to time by resolution of the Town Board. The inspection certification shall be carried in the taxicab at all times.

§ 200-5. Application for permit.

An application for a taxicab operating permit shall be made by the owner to the Norfolk Police Department. Said application shall contain the following information:

A. The name, date of birth and residence of the person applying for the permit and prior arrests and convictions.

B. The type of motor vehicle to be licensed and the state license number.

C. Such other information as the Norfolk Police Department may deem necessary for the safety and convenience of the public.

D. Each applicant or partner, director, corporate officer or shareholder having a 20% interest or greater of a corporation, or any director, officer or twenty-percent-or-greater shareholder of any corporation which has any interest in any corporate applicant shall have a fingerprint impression of the fingers and thumbs of both hands taken by an authorized law enforcement agency on forms provided by the Police Department of the Town of Norfolk. The Police Department shall be authorized to forward the applicant's fingerprints to the New York State Division of Criminal Justice Services for a criminal

convictions investigation prior to the issuance of said license. The applicant shall pay the fee required by § 837(8-a) of the Executive Law.

§ 200-6. Persons prohibited from receiving permit; appeals; licenses not transferable.

A. No taxicab operating permit shall be issued to any person who has been convicted of a felony or any sex offense. Any applicant refused a permit by the Norfolk Police Department may appeal to the Chief of Police, who may direct, after investigation, that a permit shall be issued to operate a taxicab to a person who is otherwise disqualified upon providing substantial evidence that the applicant has been a person of good moral character.

B. Each taxicab operating permit shall be personal to the permittee and shall not be transferred by the licensee. A "transfer" is hereby defined as a change in beneficial ownership of more than 25% of the stock of any corporate permittee, except as a result of testamentary or intestate succession.

§ 200-7. Issuance of permit.

A taxicab operating permit shall be issued by the Norfolk Police Department upon complying with all provisions contained in this chapter.

§ 200-8. Register of licensed taxicabs.

The Norfolk Police Department shall keep a register of the name of each person owning or operating a taxicab authorized under this chapter, together with the license number and description, make and color marking of such vehicle. Such record shall be open to the inspection of the public at all reasonable times.

§ 200-9. Inspection and reinspection of vehicles; inspection stickers.

A. A taxicab exterior and interior shall be kept in a clean and good condition, and all parts of the taxicab shall be in good working order and in safe condition.

B. The taxicab shall be inspected as to its condition prior to the issuance of a taxicab operating permit and every six months thereafter.

C. It shall also be inspected upon reapplication for a permit and at such other times as are deemed necessary and proper for the maintenance of safe and sanitary conditions for the public. An inspection certification shall be issued by the Norfolk Police Department for every taxicab that has been inspected by it and that has been found to be in satisfactory condition. Such inspection certification shall be carried in the taxicab at all times.

D. The Norfolk Police Department is authorized to establish such additional rules and regulations as are necessary to ensure the condition of fitness for operation and use of taxicabs, and it shall establish the form of certificate to be issued therefor.

E. Issuance or renewal of permits.

(1) No permit shall be issued, reissued or renewed and no taxicab may be operated unless it is certified after inspection as meeting the standards of condition, safety, cleanliness and mechanical order as provided in this chapter. Said taxicabs must be inspected and certified within 30 days of acceptance of application by the Town of Norfolk for a new or renewed license and every six months thereafter. If said certification is not approved within the aforementioned period, the application shall be considered null and void, and said fee paid by the applicant shall be forfeited.

(2) Any taxicab that fails inspection shall be required to pay a reinspection fee as set from time to time by resolution of the Town Board.

F. If said application is for a replacement of a vehicle already certified, the applicant shall have 30 days from the date of receipt of the application by the Town Clerk to have said replacement vehicle inspected and certified. If said certification is not obtained on the replacement vehicle within the aforementioned period of time, the application for replacement shall be null and void, and the license presently held by the applicant on the original vehicle to be replaced shall be declared void, and said fee originally paid shall be forfeited.

G. Each taxicab shall have a current New York State inspection certificate properly affixed to its windshield. In addition, the following items shall be inspected and found to be in satisfactory order prior to the issuance of a Norfolk operating permit:

(1) Condition of paint on the vehicle (exterior of taxicab shall be uniform in color).

(2) Body of the vehicle, including rust conditions.

(3) Lettering of said vehicle.

(4) Interior lights, including the dome light and the light illuminating the taxicab license.

(5) Illuminated dome light, which shall illuminate the word "taxi."

(6) Door locks.

(7) Doors, including door handles (interior and exterior).

(8) Windows.

(9) Side and rear view mirrors.

(10) Any other items that the inspector shall deem necessary and proper to comply with a safety inspection.

§ 200-10. Identification and marking of vehicles.

All taxicabs shall be clearly identified or marked on the exteriors as follows:

A. Light on the roof, with legend "Taxi" to be lit at night.

B. The name of the company, owner or operator and the phone number in three-inch minimum and six-inch maximum lettering or an approved decal on each front door.

C. Identifying numerals four inches high on the center of the rear trunk deck so as to be legible from the rear.

§ 200-11. Display of driver's photograph.

Each taxicab shall display at all times the driver's license of the driver of the taxicab issued by the Norfolk Police Department, containing a photograph of the driver with the driver's name, date of birth, a description of the driver, New York State Class E driver's license number and Norfolk's driver's license number, as assigned.

§ 200-12. Duration of taxicab operating license.

A taxicab operating license shall be issued for a one-year period commencing with the date of issuance, unless sooner suspended or revoked.

§ 200-13. Taxicab driver's license required.

No person shall drive, nor shall any person permit a taxicab to be driven, on the streets of the Town of Norfolk unless a driver thereof has been duly licensed and unless there is in full force and effect a Town of Norfolk driver's license to drive such taxicab.

§ 200-14. Application for taxicab driver's license.

A. An application for a Town of Norfolk driver's license shall be made to the Norfolk Police Department on forms designated by the Chief of Police. Each such application shall be accompanied by a full set of fingerprints of the applicant. Such fingerprints shall be taken by the Norfolk Police Department. Applications, with fingerprint impressions and photograph of the applicant attached, shall be kept on file in the office of the licensing official, and no license shall be issued under the provisions of this chapter until the licensing official has filed in his or her office a report showing the results of the investigation and examination of the fingerprint impressions and said applications, fingerprint impressions and report showing the results of the investigation and examination of the fingerprinted person; provided, however, that a temporary license may be issued pending such investigation, not to exceed 30 days. A fee, as set from time to time by resolution of the Town Board, is to be paid by the applicant, accompanying application.

B. Each applicant shall have a fingerprint impression of the fingers and thumbs of both hands taken by the Police Department of the Town of Norfolk or other law enforcement agency. The Police Department shall be authorized to forward the applicant's fingerprints and the applicable processing fee to the New York State Division of Criminal Justice

Services for a criminal history check prior to the issuance of said license. The applicant shall pay the fee required by § 837(8-a) of the Executive Law.

C. Each applicant or partner, director, corporate officer or shareholder having an interest of 20% or greater of a corporation, or any director, officer or shareholder of 20% or greater of any corporation which has any interest in any corporate applicant, shall have a fingerprint impression of the fingers and thumbs of both hands taken by the Police Department of the Town of Norfolk or other law enforcement agency. The Police Department shall be authorized to forward the applicant's fingerprints and applicable processing fee to the New York State Division of Criminal Justice Services for a criminal history check prior to the issuance of said license. The applicant shall pay the fee required by § 837(8-a) of the Executive Law.

§ 200-15. Disqualification of drivers.

A person is disqualified from operating a taxicab, pursuant to a license issued by the Norfolk Police Department, if he or she has been convicted or has pleaded guilty to a felony, any sex offense or forfeited a bond or collateral for any crime for which he or she has been charged, or has accumulated within the last 24 months eight or more points on his or her driver's license, as such points are determined by the Department of Motor Vehicles of the State of New York; provided, however, that the Chief of Police shall proceed in accordance with the provisions of Article 23 of the Correction Law regarding relief from disabilities as provided therein.

§ 200-16. Cruising prohibited.

No taxicab owner or driver, while awaiting hire by passengers, shall cruise or solicit while driving upon public streets within the Town of Norfolk.

§ 200-17. Penalties for offenses.

Any operator, owner or taxicab driver who has not complied with the provisions of this chapter and who engages in the business of operating a taxicab, or attempts to engage in such business, or solicits passengers or otherwise violates any provisions of this chapter, shall be guilty of a violation punishable by a fine of up to $250 or imprisonment not in excess of 15 days, or both; and the continuation of an offense shall constitute a separate and distinct offense hereunder for each day that the offense is continued.

§ 200-18. Appeals.

A. If any person is aggrieved by any act or failure to act upon on the part of the Norfolk Police Department, either in issuing, failing to issue, suspending or revoking any owner's license, such aggrieved party may file a statement with the Town Board setting forth the full facts and circumstances in connection with the determination of the Norfolk Police Department. Such appeal shall be filed within 14 days after determination or omission of the act by which the party claims to have been aggrieved.

B. The Town Board may conduct a hearing not less than 10 days from the date on which such appeal shall have been filed with the Board. Such Board shall hear the appellant and his witnesses and determine the merits of the appeal. The decision of the Board shall be deemed final.

§ 200-19. Taxicab stands.

The Norfolk Town Board may establish and designate additional taxicab stands within the Town of Norfolk upon a recommendation of the Norfolk Police Department.

Chapter 208

VEHICLES AND TRAFFIC

ARTICLE I
Winter Parking

§ 208-1. Prohibited parking.
§ 208-2. Definitions.
§ 208-3. Penalties for offenses.
§ 208-4. Vehicles to be towed.

[HISTORY: Adopted by the Town Board of the Town of Norfolk as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Off-road vehicles — See Ch. 211.

ARTICLE I
Winter Parking
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 208-1. Prohibited parking.

The parking of vehicles on all highways in the Town of Norfolk, including the shoulders of these highways, during the months from the 1st day of November each year to the 15th day of April of the following year, is hereby prohibited.

§ 208-2. Definitions.

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

SHOULDER — The improved portion of a highway contiguous with the roadway as defined in New York Vehicle and Traffic Law § 143-a.

§ 208-3. Penalties for offenses.

A violation of this article shall be punishable by a fine of $25 for the first offense, $50 for a second offense and $100 for a third offense.

§ 208-4. Vehicles to be towed.

Any vehicle parked in violation or this article may be towed, at the direction of a police officer, by any towing service authorized by the Town of Norfolk to an area or place of storage of vehicles until a reasonable charge is paid by the owner to the towing service and, if applicable, to the storage facility to recover the cost of towing and storage.

Chapter 211

VEHICLES, OFF-ROAD

§ 211-1. Legislative intent.
§ 211-2. Definitions.
§ 211-3. Restrictions.
§ 211-4. Exceptions.
§ 211-5. Penalties for offenses.
§ 211-6. Impoundment; confiscation.
§ 211-7. Enforcement.

[HISTORY: Adopted by the Town Board of the Town of Norfolk 4-13-1987; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 208.

§ 211-1. Legislative intent.

The purpose of this chapter is to protect the public health, welfare, safety, peace and tranquility by regulating the operation of motorcycles, snowmobiles and limited-use off-road vehicles within the Town of Norfolk. It is also the purpose of this chapter to prevent those inhabitants of the Town of Norfolk who wish to operate and use motorcycles, snowmobiles and limited-use off-road vehicles from trespassing on public or private property in the Town of Norfolk, from annoying inhabitants and from creating a public nuisance.

§ 211-2. Definitions.

As used herein, the following words shall have the meanings set forth below:

LIMITED-USE MOTORCYCLE — An unenclosed limited-use vehicle having only two or three wheels, with a seat or saddle for the operator. A limited-use motorcycle having the maximum performance speed of more than 20 miles per hour but not more than 30 miles per hour shall be a Class A limited-use motorcycle. A limited-use motorcycle having a maximum performance speed of more than 20 miles per hour shall be a Class B limited-use motorcycle. A limited-use motorcycle having a maximum speed of performance of not more than 20 miles per hour shall be a Class C limited-use motorcycle.

LIMITED-USE OFF-ROAD VEHICLE — A vehicle other than one currently licensed to be operated or driven upon a public highway, which is propelled by any power other than human power.

MOTORCYCLE — Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

SNOWMOBILE — A self-propelled vehicle designed to travel on snow or ice, steered by skis or runners and supported, in whole or in part, by one or more skis, belts or cleats.

§ 211-3. Restrictions.

A. It shall be unlawful for any person to drive or operate any motorcycle, limited-use motorcycle, snowmobile or limited-use off-road vehicle on the private lands of another person within the Town of Norfolk without written permission of the owners or occupants of said property. The written permission must be in the possession of the persons operating the motorcycle, limited-use motorcycle, snowmobile or limited-use off-road vehicle and must be presented upon demand to any peace officer or police officer so demanding.

B. The following are prohibited within the Town of Norfolk at all times:

(1) The operation of any motorcycle, limited-use motorcycle, snowmobile or off-road limited-use vehicle in such a manner as to disturb or interfere with the peace and tranquility of persons by creating loud, unnecessary or unusual noise.

(2) The operation of any motorcycle, limited-use motorcycle, snowmobile or limited-use off-road vehicle in a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety or property of any persons, including the operator of the vehicle.

(3) The operation of any motorcycle, limited-use motorcycle, snowmobile or limited-use off-road vehicle at a rate of speed greater than reasonable or proper under the surrounding circumstances.

(4) The operation of any motorcycle, limited-use motorcycle, snowmobile or limited-use off-road vehicle, with or without written permission, within 1,000 feet of any dwelling other than the dwelling house of the operator.

(5) The operation of any motorcycle, limited-use motorcycle, snowmobile or limited-use off-road vehicle on any lands leased, owned or controlled by the Town of Norfolk, except as provided by local law. This shall not be construed to prohibit lawful operation of vehicles on public streets or thoroughfares.

§ 211-4. Exceptions.

A. Section 211-3 shall not apply in those instances where a duly licensed operator of a duly licensed motorcycle, limited-use motorcycle, snowmobile or limited-use off-road vehicle is entering the public highway from a private driveway.

B. This chapter shall not apply to police and emergency vehicles.

§ 211-5. Penalties for offenses.

A failure to comply with the provisions of this chapter shall be deemed a violation, and the violator shall be subject to a fine not exceeding $250 or imprisonment not exceeding 15 days, or both.

§ 211-6. Impoundment; confiscation.

A. Notwithstanding § 211-5, any enforcement officer of the Town of Norfolk Police Department who shall encounter any person operating a motorcycle, limited-use motorcycle, snowmobile or limited-use off-road vehicle in violation of this chapter shall remove said vehicle to a place designated by the Chief of Police. The owner or duly designated agent of the owner of such vehicle may regain the same upon payment of expenses and charges necessarily and actually incurred by the removal of said vehicle.

B. In the case of a second or subsequent violation, the court may order confiscation of said vehicles in lieu of any fine and/or imprisonment. Any vehicle which is confiscated pursuant to this section will be sold at public auction according to the appropriate procedures and law affecting public auctions by municipalities.

§ 211-7. Enforcement.

The Town of Norfolk Police Department shall enforce the provisions of this chapter.

Chapter 220

WATER

ARTICLE I
Municipal Water

§ 220-1. Title.

§ 220-2. Definitions.

§ 220-3. New or replacement connections.

§ 220-4. Duration of water charges.

§ 220-5. Emergencies and water shortages.

§ 220-6. Prohibited acts.

§ 220-7. Penalties for offenses.

§ 220-8. Enforcement; appeals.

[HISTORY: Adopted by the Town Board of the Town of Norfolk as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 95.
Land use and development — See Ch. 150.
Sewers — See Ch. 181.

ARTICLE I
Municipal Water
[Adopted 3-19-1983]

§ 220-1. Title.

This article shall be known and may be cited as the "Municipal Water Ordinance of the Town of Norfolk, New York."

§ 220-2. Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL WATER SYSTEM — Includes all mains, supply lines, shutoff valves, pumps, and any and all equipment, fixtures and materials used in connection therewith for the purpose of providing water to municipal water system customers.

PERSON — Includes all natural persons as well as corporations, partnerships, unincorporated associations, consumers, users, or takers of water from the Town of Norfolk Municipal Water System.

B. Any other words used in this article shall have the meaning commonly attributed to them. Doubts to their precise meaning shall be determined by the Town Board, who shall be the sole and final arbiter of same.

§ 220-3. New or replacement connections.

A. Applications. Any persons desirous of making new connections or replacement of existing permanent connections to the Town of Norfolk Municipal Water System shall do so by first making application to the Town Clerk for a permit. Every application for a permit shall be accompanied by payment of a fee as set from time to time by resolution of the Town Board. Any person who connects or attempts to make a connection to the Town of Norfolk Municipal Water System without first having obtained a permit shall be guilty of a violation and subject to penalties as herein below set forth.[1]

B. Installation of supply lines. The Town of Norfolk shall be responsible for providing customers with all materials and labor necessary to install a supply line from the Town water main to the edge of the Town right-of-way, and the Town shall install same. The customer shall be solely responsible for all labor and materials necessary to make connection from the edge of the Town right-of-way to his or her dwelling, building, or residence, for which water is to be provided. Customers shall be required to install copper supply lines unless permission of the Town Highway Superintendent is obtained to use other equivalent materials. Water charges will commence to accrue on the date the water is turned on.

C. Maintenance and repairs. The Town of Norfolk shall guarantee a supply of water only from Town mains to the edge of Town rights-of-way. It shall be the customer's obligation to install, maintain, and repair that portion of any supply lines from the edge of the Town right-of-way to his or her dwelling, building, or residence to which water is provided.

D. Disclaimer of responsibility. The Town of Norfolk shall not be responsible for any damage which may result to any customer's pipes, appliances or any other fixtures by reason of shutting off of water mains or supply lines for any lawful purpose whatsoever.

E. No winter connections. Unless the Town Highway Superintendent shall determine that extenuating circumstances exist, no new or replacement connections to the Town of Norfolk Municipal Water System shall be installed from the 15th day of November to the 15th day of April of each year.

§ 220-4. Duration of water charges.

A. Commencement of water charges. Water rates shall be charged as of the date a customer's water service is turned on and shall continue until the service is discontinued at the customer's request.

B. No intermittent disconnections. Any customer desiring to discontinue water service shall notify the Town Highway Superintendent, in writing, as to the time and place at which the service is to be discontinued. If the customer desires to resume service, similar notification shall be given to the Town Highway Superintendent. A reasonable charge not to exceed actual cost shall be assessed to the customer for turning on and/or turning off the water supply. Should any customer discontinue service for a consecutive period of

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1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

less than 90 days, the customer will not receive any abatement in his or her water charges. Should any customer discontinue service for a consecutive period of 90 days or longer, no charge will be made for such period as the service is discontinued.

§ 220-5. Emergencies and water shortages.

Should the Town Board in its sole discretion determine that a shortage of water in the Town water supply exists, it may direct municipal water customers to comply with any reasonable conservation procedures allowable under law. Notice of the nature and implementation of such procedures shall be published and posted as required by law. Any person convicted of failing to comply with any such emergency conservation procedures shall be guilty of a violation as herein below set forth.

§ 220-6. Prohibited acts.

A. Permits. No person or persons shall connect or attempt to make any connection to the Town of Norfolk Municipal Water System without having first obtained a permit. Any person violating this subsection shall be guilty of a violation and subject to the penalties hereinafter set forth.

B. Unauthorized persons turning water on or off. No person or persons shall turn on or turn off the water supply from Town of Norfolk mains at the point of the shutoff valve except those persons specifically authorized to do so by the Town Highway Superintendent. Any person violating this subsection shall be guilty of a violation and subject to the penalties as herein below set forth. In addition, any person who has turned on water service in violation of this subsection shall be charged for water service in accordance with existing rates for the period such person has received such service.

C. Fire hydrants. No person or persons shall take or attempt to take water from fire hydrants in the Town of Norfolk unless such person or persons shall first obtain a special permit from the Town Highway Superintendent. Any person violating this subsection shall be guilty of a violation and subject to the penalties as herein below set forth, except it shall be a defense in any prosecution under this subsection that the person charged with violating same acted under extenuating and/or emergency circumstances.

D. Illegal connections. No person or persons shall introduce or permit the introduction into Town water supply systems pollution or contamination of any kind, nor shall any person or persons connect or attempt to connect any portion of the Town water supply system to any other water supply system. Any person violating this subsection shall be guilty of a misdemeanor and subject to the penalties herein below set forth. In addition, any person reasonably believed to be in violation of this section shall have his or her water service discontinued immediately and until such time as the cross-connection is eliminated and/or remedied to the satisfaction of the Town Highway Superintendent and/or the Town Board.

E. Leaks.

(1) All customers are required to promptly notify the Highway Superintendent of any leak and/or damage to their water supply line. Upon notification, water service will be turned off at the shutoff valve and shall remain off until the leak or damage is repaired to the satisfaction of the Town Highway Superintendent, who may delay in shutting the service off if, in his judgment, extenuating circumstances require the service to be continued.

(2) All customers are deemed, upon applying for and receiving a permit, to have consented that the Town of Norfolk, its duly authorized agents and employees, may enter upon the customer's premises and repair any leak and/or damage to the customer's supply line in the event the customer refuses to repair same despite reasonable time to do so. In such event, the customer shall be charged for the reasonable costs incurred in repairing such leak and/or damage, but, in no event shall the Town be required to repair same. Any person or persons as shall obstruct, hinder, or prevent, or attempt to obstruct, hinder, or prevent such repairs, shall be guilty of a violation and subject to the penalties hereinafter set forth.

F. Payment of water charges. All water charges shall be paid by the owner of the premises to which service is provided. Such charges shall be a lien upon the premises until paid in full. Water service may be discontinued in the event that water charges are not paid within 60 days after a final notice of payment is sent to the customer in accordance with the rates established by the Town Board.

§ 220-7. Penalties for offenses.

A. Violations. Any person found guilty of committing a violation under this article shall be punishable by a fine not exceeding $250 or by imprisonment for not more than 15 days, or both.[2]

B. Misdemeanors. Any person found guilty of committing a misdemeanor under this article shall be punishable by a fine not exceeding $1,000 and/or imprisonment for a period of up to one year, or both.

§ 220-8. Enforcement; appeals.

The Town Highway Superintendent shall be arbiter of the first instance and enforcement officer for any interpretation and/or enforcement of this article as a whole. Any person dissatisfied by a determination of the Highway Superintendent as to the interpretation and/or enforcement of this article may appeal from such determination to the Town Board by filing with the Town Clerk, in writing, a notice of appeal from such determination. Said notice of appeal shall be in writing and shall state the facts upon which the grievant relies to support overruling of the Highway Superintendent's determination. The decision of the Town Board shall be rendered as soon as practicable thereafter and shall in all respects be final.

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2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 227

WIND ENERGY

ARTICLE I
Small Wind Energy Systems

§ 227-1. Definitions.
§ 227-2. Permits required.
§ 227-3. Application.
§ 227-4. Development standards.
§ 227-5. Construction standards.
§ 227-6. Fees.
§ 227-7. Abandonment of use.
§ 227-8. Enforcement; penalties for offenses; remedies for violations.

[HISTORY: Adopted by the Town Board of the Town of Norfolk as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 95. **Land use and development — See Ch. 150.**

ARTICLE I
Small Wind Energy Systems
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 227-1. Definitions.

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

SMALL WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind turbine (not to exceed 25 kilowatts of production), a tower, and associated control or conversion electronics, which has a rated capacity intended primarily to reduce on-site consumption of utility power.

TOWER HEIGHT — The height above grade of the fixed portion of a tower that is part of a small wind energy system, exclusive of the wind turbine.

§ 227-2. Permits required.

No person, firm or corporation, or other entity being the owner or occupant of any land or premises within the Town of Norfolk shall use or permit the use of land or premises for the construction of a tower for on-site-use wind-energy-deriving purposes without obtaining a special use permit issued by the Zoning Board of Appeals and a site plan approval issued by the Planning Board.

§ 227-3. Application.

Applications for small wind energy systems shall be submitted to the Town of Norfolk Building Department and shall include:

A. Name, address, and telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.

B. Name, address, and telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner confirming that the property owner is familiar with the proposed applications and authorizing the submission of the application.

C. Address of each proposed tower site, including Tax Map section, block and lot number.

D. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.

E. A plot plan at a scale of one inch equals 100 feet depicting the limits of the fall zone, distance from structures, property lines, public roads and projected noise levels [decibels (dba)] from the small wind energy system to the nearest occupied dwellings.

F. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.

G. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states in the application, to connect the system to the electricity grid.

§ 227-4. Development standards.

A. Tower height. Tower height shall not exceed 120 feet. To prevent harmful wind turbulence to the small wind energy system, the minimum height of the lowest part of any horizontal-axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a two-hundred-fifty-foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

B. Setbacks. The following standards shall apply to small wind energy systems:

(1) A small wind energy system shall be set back from a property line a distance no less than the total height of the small wind energy system plus 10 feet, except that it shall be set back at least 300 feet from a property line bordering an existing residential structure. In no instance shall the small wind energy system be closer than 100 feet to a property line.

(2) No part of the wind system structure, including guy wire anchors, may extend closer than 10 feet to the property boundaries of the installation site.

(3) A small wind energy system shall be set back from the nearest public road or right-of-way a distance no less than the total height of the small wind energy system plus 10 feet, and in no instance less than 100 feet.

C. Noise. Small wind energy systems shall not exceed 60 dba, as measured at the closest neighboring inhabited dwelling at the time of installation. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

D. Approved wind turbines. Small wind turbines must have been approved under the Small Wind Certification Program recognized by the American Wind Energy Association and/or NYSERTA.

E. Compliance with Uniform Building Code. Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This requirement may be satisfied by documentation presented by the manufacturer.

F. Compliance with National Electric Code. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This requirement may be satisfied by documentation supplied by the manufacturer.

G. Compliance with FAA regulations. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. The allowed height shall be reduced to comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with § 77.11) of Part 77 of Title 14 of the Code of Federal Regulations, regarding installations close to airports.

H. Utility notification. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

§ 227-5. Construction standards.

A. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

B. The system's tower and blades shall be a nonreflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate nonreflective surfaces to minimize any visual disruption.

C. All on-site electrical wires associated with the system shall be installed underground, except for tie-ins to a public utility company and public utility company transmission poles, towers and lines.

D. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

E. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery.

F. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

G. Towers shall be constructed to provide one of the following means of access control or other appropriate method of access:

(1) Tower-climbing apparatus located no closer than 12 feet from the ground.

(2) A locked anticlimb device installed on the tower.

(3) A locked, protective fence at least six feet in height that encloses the tower.

H. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any aboveground electric transmission or distribution lines. The point of attachment for the guy wires shall be sheathed in a bright orange or yellow covering from three feet to eight feet above the ground.

I. All small wind energy systems shall be equipped with manual and automatic overspeed controls. The conformance of rotor and overspeed control design and fabrication with good engineering practices shall be certified by the manufacturer.

§ 227-6. Fees.

The fee for small wind energy system applications shall be as set from time to time by resolution of the Town Board.

§ 227-7. Abandonment of use.

All small wind energy systems which are not used for 12 successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the Building Department.

§ 227-8. Enforcement; penalties for offenses; remedies for violations.

A. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this article. Notwithstanding such appointment, the Building Inspector, Code Enforcement Officer and Town Attorney shall have authority to enforce this article.

B. Any person owning, controlling or managing any building, structure or land who shall undertake a wind energy conversion facility or wind-monitoring tower in violation of this article or in noncompliance with the terms and conditions of any permit issued pursuant to this article, or any order of the Enforcement Officer, and any agent who shall assist in

so doing, shall be guilty of an offense and subject to a fine of not more than $1,000 or to imprisonment for a period of not more than 30 days, or subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of $1,000 for each violation, and each week said violation continues shall be deemed a separate violation.

C. In case of any violation or threatened violation of any of the provisions of this article, including the terms and conditions imposed by any permit issued pursuant to this article, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

APPENDIX

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Town of Norfolk adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was L.L. No. 1-2011, adopted 12-13-2010.

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§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition

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