

**Code
of the
Town of
Glenville**

COUNTY OF SCHENECTADY
STATE OF NEW YORK

SERIAL NO. **.503.....**

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**OFFICIALS
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TOWN OF GLENVILLE**

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2008

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CERTIFICATION

TOWN OF GLENVILLE

Office of the Town Clerk

I, **Linda Neals**, Town Clerk of the Town of Glenville, New York, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the Town Board of the Town of Glenville, and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitutes the Code of the Town of Glenville, County of Schenectady, State of New York, as adopted by local law of the Town Board on April 5, 2006.

Given under my hand and the Seal of the Town of Glenville, County of Schenectady, State of New York, this sixth day of April 2006, at the municipal offices of the Town of Glenville.

s/Linda Neals

Town Clerk

PREFACE

The Town of Glenville 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 Glenville, 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.

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 (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), 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.

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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.

Derivation Table

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1966 Code have been included in the 2005 Code, or the reason for exclusion.

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).

PREFACE

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 possible 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 Glenville 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 Publishers Corp. 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."

TABLE OF CONTENTS

Tools for Finding Information – In addition to the municipality's legislation, this publication contains tools to help locate information: table of contents, index, chapter outlines (schemes), and a disposition list.

Chapters – Chapters are generally discrete pieces of legislation but can also be made up of several individual pieces on a related topic. In that case, the individual pieces are arranged into articles or parts within the chapter. If you are familiar with a former number or title, look for it chronologically in the disposition list.

Reserved Chapters – In the numbering of chapters, space has been provided for the convenient insertion, alphabetically, of later enactments. Help in selecting an appropriate number for a new chapter is available from the editor. See also the "Instructions for Amending the Code" in the Preface.

Section Numbering – A chapter-related section-numbering system is employed. Each section of every item of legislation is assigned a number, which indicates both the number of the chapter in which the item of legislation is located and the location of the section within that chapter. Thus, the fourth section of Chapter 6 is § 6-4.

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.

Page Numbers – 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 begins on page 6:1. By the 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.

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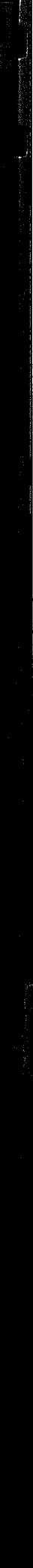
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Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repeal of enactments not included in Code.

- A. All local laws and ordinances of a general and permanent nature of the Town of Glenville in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.
- B. Specifically, the following chapters of the 1966 Code are intended to be repealed with adoption of the 2005 Code:
 - (1) Chapter 2, Abandoned Motor Vehicles.
 - (2) Chapter 4, Approval of Plats.
 - (3) Chapter 9, Buildings, Unsafe.
 - (4) Chapter 11, Dance Halls.
 - (5) Chapter 14, Drainage Control.
 - (6) Chapter 17, Electrical Code.
 - (7) Chapter 19, Firearms and Explosives.
 - (8) Chapter 21, Fire Prevention Code.
 - (9) Chapter 30, Ordinances, Adoption of.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Glenville prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Glenville or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Glenville.

Chapter 1

GENERAL PROVISIONS

ARTICLE I Adoption of Code

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| <p>§ 1-1. Legislative intent.</p> <p>§ 1-2. Continuation of existing provisions.</p> <p>§ 1-3. Repeal of enactments not included in Code.</p> <p>§ 1-4. Enactments saved from repeal; matters not affected.</p> <p>§ 1-5. Severability.</p> <p>§ 1-6. Copy of Code on file.</p> | <p>§ 1-7. Amendments to Code.</p> <p>§ 1-8. Code book to be kept up-to-date.</p> <p>§ 1-9. Sale of Code book; supplementation.</p> <p>§ 1-10. Penalties for tampering with Code.</p> <p>§ 1-11. Changes in previously adopted legislation; new provisions.</p> <p>§ 1-12. Incorporation of provisions into Code.</p> <p>§ 1-13. When effective.</p> |
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[HISTORY: Adopted by the Town Board of the Town of Glenville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Adoption of Code [Adopted 4-5-2006 by L.L. No. 3-2006]

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions, including the 1966 Code, of the Town of Glenville, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 270, together with an Appendix, shall be known collectively as the "Code of the Town of Glenville," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Town of Glenville" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions, including the 1966 Code, in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Glenville, and it is the intention of said

- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Glenville.
- E. Any local law or ordinance of the Town of Glenville providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Glenville or any portion thereof.
- F. Any local law or ordinance of the Town of Glenville appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Glenville or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. L.L. No. 3-1985, adopted 5-15-1985, providing for the regulation of indirect contributors to the municipal wastewater system, as amended.
- O. Any local law adopted subsequent to 10-20-2005.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Glenville and shall remain there for use and examination by the public until final action is taken on this local law, and if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Glenville by impressing thereon the Seal of the

Town, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Glenville" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Glenville required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Glenville or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Glenville to be misrepresented thereby or who violates any other provision of this

local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Glenville, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)¹
- C. Nomenclature. In the following chapters, titles of officials and/or departments are updated to reflect current nomenclature:
 - (1) In Chapter 217, Sewers, references are revised as follows: "Superintendent of Sewers" and "Superintendent" are amended to read "Commissioner of Public Works or designee"; "Town of Glenville Health Department, Division of Environmental Health" is amended to read "Town of Glenville Department of Public Works"; and "Senior Engineering Technician" is amended to read "Engineering Technician II."
 - (2) In Chapter 259, Water, Articles II and III, references to the "Superintendent of Water" are revised to read "Commissioner of Public Works or designee."
- D. References to NYCRR Part 617 in Chapter 132, Environmental Quality Review. References throughout this chapter to the old NYCRR Part 617 numbering are updated as follows:

Old Reference	Updated Reference
617.4	617.14
617.8	617.9
617.10	617.12
617.12	617.4
617.13	617.5

1. Editor's Note: In accordance with § 1-11B, the chapter, parts and sections which were added, amended, adopted or deleted by this local law are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 4-5-2006 by L.L. No. 3-2006." Schedule A, which contains a complete description of all changes, is on file in the Town offices.

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Glenville, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

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

Chapter 5

ADMINISTRATOR

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| § 5-1. Title. | § 5-7. Powers and duties. |
| § 5-2. Legislative intent. | § 5-8. Divestiture of inherent powers prohibited. |
| § 5-3. Statutory authority; effect on powers of Supervisor and Town Board. | § 5-9. Cooperation of employees required. |
| § 5-4. Position established; responsible to Town Board; duties. | § 5-10. Nature of appointment. |
| § 5-5. Qualifications. | § 5-11. Salary. |
| § 5-6. Appointment. | § 5-12. Supersession powers invoked. |

[HISTORY: Adopted by the Town Board of the Town of Glenville 2-3-1993 by L.L. No. 1-1993 (Ch. 29A, Art. VI, of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification — See Ch. 22.

Code of Ethics — See Ch. 27.

§ 5-1. Title.

This chapter shall be known as a "Local Law Creating the Position of Town Administrator for the Town of Glenville."

§ 5-2. Legislative intent.

The Town Board of the Town of Glenville hereby recognizes the growing administrative needs for the Town and desires to implement procedures to increase the efficient management of Town government. The complexity of Glenville Town government has increased greatly, necessitating more efficient and effective administration of Town government in order to better serve the needs of the citizens of the Town of Glenville. The Town Board intends to create a position aimed at establishing more cost-effective and responsible procedures for the administration of Town government, which in turn should enhance and foster the roles of the Town Supervisor and the Town Board in planning for and governing the Town of Glenville now and in the future.

§ 5-3. Statutory authority; effect on powers of Supervisor and Town Board.

- A. This chapter is set forth pursuant to Municipal Home Rule Law § 10(1)(ii)(d)(3), which provides a Town with supersession authority. This section of law provides that a Town may amend or supersede "any provision of the Town Law relating to the property, affairs or government of the town or to other matters in relation to which and to the extent to which it is authorized to adopt local laws by this section, notwithstanding that such

provision is a general law, unless the legislature expressly shall have prohibited the adoption of such a local law." The Town Board specifically desires to act by local law in order to establish the position of Town Administrator and to delegate certain powers and duties to that office and to provide for the appointment.

- B. The Town Board recognizes that the Supervisor is the chief executive officer of the Town of Glenville, a suburban town, and is the head of the administrative branch of Town government. The Town Board further recognizes that it is the legislative branch of the Town of Glenville. The Town Board recognizes that the powers of the Supervisor and the powers of the Town Board are not being transferred to the position of the Town Administrator. This chapter does not attempt to make such transfer or in any way to diminish the powers of the Town Supervisor and the Town Board, but is rather intended to delegate powers to the Town Administrator subject to the supervision and control of the Town Board and the Supervisor.

§ 5-4. Position established; responsible to Town Board; duties.

There shall be established the position of Town Administrator for the Town of Glenville, who shall be directly responsible to the Town Board coordinating with the Supervisor. The Town Administrator shall perform such delegated duties as may be assigned by the Town Board. By resolution, the Town Board may assign, modify or revoke certain administrative duties of the Town Administrator. The Town Administrator shall attend all meetings of the Town Board and shall report to the Town Board as requested by the Town Board.

§ 5-5. Qualifications.

At the time of appointment, the Town Administrator shall possess a college degree and at least five years of experience in the area of administration, or such combination thereof, as may be deemed appropriate by the Town Board. The Town Administrator appointment shall be based upon the qualifications presented, and such other qualifications or skills required for the responsibilities of the position. By resolution and for appropriate reasons, the Town Board may waive these qualifications.

§ 5-6. Appointment.

The Town Administrator shall be appointed by the Town Board and shall serve at the pleasure of the Town Board.

§ 5-7. Powers and duties.

Without divesting the Supervisor of his/her inherent administrative and statutory functions or the Town Board of its inherent legislative and statutory functions, as may be provided by law, and without curtailing, transferring or diminishing the powers of any elected official of the Town of Glenville, the Town Administrator shall be responsible for the day-to-day administration of Town government. Among the powers and duties that may be conferred upon the Town Administrator are:

- A. Assist the Supervisor in the day-to-day administration of Town government.
- B. At the direction of the Supervisor, coordinate and integrate the administrative and managerial activities required of Town offices, departments, boards, commissions and committees.
- C. Perform administrative and managerial analyses of the operations and activities of the various Town offices, departments, boards, commissions and committees and recommend methods and procedures for their improvement.
- D. At the direction of the Town Board, coordinating with the Supervisor, implement methods and procedures for improving the operations and activities of Town offices, departments, boards, commissions and committees.
- E. Assist the Town Board, coordinating with the Supervisor, in the direction and supervision of personnel, labor relations and the human resource activities of the Town.
- F. Coordinate the training and staff development activities for Town offices, departments, boards, commissions and committees.
- G. Work with all employees of the Town to provide for the efficient administration of Town government.
- H. Prepare, research and submit to the Town Board for its consideration recommendations concerning the operation of Town government that the Town Administrator may deem appropriate, or as the Town Board may request, and provide such other assistance to the Town Board as it may deem necessary or desirable, including, but not limited to, assistance in the formulation of proposed legislation.
- I. Prepare reports and media releases relative to Town government.
- J. Assist the Supervisor in carrying out his/her responsibility for the proper administration of Town affairs, law enforcement and the maintenance of peace and order in the Town.
- K. Assist the Supervisor in bringing removal charges against the appointive head or deputy head of any department of Town government and any Town employee, board, commission or committee member for hearing and determination by the Town Board.
- L. Assist the Supervisor by making recommendations for the transfer of personnel in and among agencies and departments of the Town.
- M. Assist the Supervisor in providing for and directing the internal organization and reorganization within individual Town departments or agencies where consistent with applicable law, recognizing, however, that permissible transfers of functions between departments or agencies shall be subject to the approval of the Town Board.
- N. Assist the Supervisor in keeping the Town Board informed generally concerning Town affairs and of the financial condition and future needs of the Town and helping the Supervisor to make such recommendations as it deems desirable.
- O. Have such other powers or duties as the Town Board, coordinating with the Supervisor, may deem appropriate.

§ 5-8. Divestiture of inherent powers prohibited.

Nothing contained herein shall permit or authorize the divestiture from any elected official of the Town of Glenville or the Town Board of any of their functions, powers and/or duties.

§ 5-9. Cooperation of employees required.

All employees are hereby directed to cooperate and assist the Town Administrator and provide information to the Town Administrator as he or she may request.

§ 5-10. Nature of appointment.

The position of Town Administrator shall be a full-time position and shall be supervised by the Town Board, coordinating with the Supervisor.

§ 5-11. Salary.

The salary shall be as determined by a resolution of the Town Board.

§ 5-12. Supersession powers invoked.

To the extent that the provisions of this chapter may be deemed to be inconsistent with the general law as provided for in the Town Law, the Town Board specifically invokes its supersession powers pursuant to § 10(1)(ii)(d)(3) of the Municipal Home Rule Law.

Chapter 9

ALTERNATE MEMBERS OF PLANNING BOARD AND ZONING BOARD OF APPEALS

§ 9-1. Title and applicability.

§ 9-2. Policy.

§ 9-3. Definitions.

§ 9-4. Appointment; powers and responsibilities; term.

§ 9-5. Supersession of Town Law.

[HISTORY: Adopted by the Town Board of the Town of Glenville 2-21-2001 by L.L. No. 1-2001 (Ch. 2B of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 242.

Zoning — See Ch. 270.

§ 9-1. Title and applicability.

- A. This chapter shall be known and may be cited as the "Alternate Planning Board and Zoning Board of Appeals Members Act."
- B. This chapter shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board and Zoning Board of Appeals in the Town of Glenville.

§ 9-2. Policy.

It is sometimes difficult to maintain a quorum on the Planning Board and the Zoning Board of Appeals because members are ill, on extended vacation or find they have a conflict of interest situation on a specific matter before such Board. In such instances, official business cannot be conducted, which may delay or impede adherence to required time lines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this chapter.

§ 9-3. Definitions.

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

ALTERNATE MEMBER — An individual appointed by the Town Board to serve on the Town Planning Board or the Town Zoning Board of Appeals when a regular member is unable to participate on an application or matter before the respective Board, as provided herein.

MEMBER — An individual appointed by the Town Board to serve on the Town Planning Board or the Town Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such Planning Board or Zoning Board of Appeals.

PLANNING BOARD — The Planning Board of the Town of Glenville as established by the Town Board by local law or ordinance, pursuant to the provisions of § 271 of the Town Law.

ZONING BOARD OF APPEALS — The Zoning Board of Appeals of the Town of Glenville as established by the Town Board by local law or ordinance, pursuant to the provisions of § 267 of the Town Law.

§ 9-4. Appointment; powers and responsibilities; term.

- A. The Town Board of Glenville hereby enacts this chapter to provide a process for appointing alternate members to its Planning Board and Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the respective Board.
- B. The Town Board shall appoint two alternate members for the Planning Board and two alternate members for the Zoning Board of Appeals. The alternate members shall be appointed for terms of five years.
- C. The Chairpersons of the Planning Board and the Zoning Board of Appeals may designate an alternate to substitute for a member when such member is unable to participate 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 or Zoning Board of Appeals meeting at which the substitution is made.
- D. All provisions of state law relating to Planning Board or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law or ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

§ 9-5. Supersession of Town Law.

This chapter is hereby adopted pursuant to the provisions of § 10 of the Municipal Home Rule Law and § 10 of the Statute of Local Governments. It is the intent of the Town Board, pursuant to § 10 of the Municipal Home Rule Law, to supersede the provisions of:

- A. Section 271 of the Town Law relating to the appointment of members to town planning boards; and
- B. Section 267 of the Town Law relating to the appointment of members of town zoning boards of appeal.

Chapter 13

APPEARANCE TICKETS

§ 13-1. Purpose.

§ 13-3. Authorization for issuance.

§ 13-2. Applicability.

§ 13-4. Term defined; procedures for use.

[HISTORY: Adopted by the Town Board of the Town of Glenville 10-4-1995 by L.L. No. 5-1995 (Ch. 3A of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 46.

Solid waste — See Ch. 232.

Building construction and fire prevention — See Ch. 101.

Subdivision of land — See Ch. 242.

Mobile home parks — See Ch. 184.

Vehicles and traffic — See Ch. 255.

Individual septic disposal systems — See Ch. 213.

Zoning — See Ch. 270.

Sewers — See Ch. 217.

§ 13-1. Purpose.

It is the purpose of this chapter, pursuant to § 10, Subdivision 4(a), of the Municipal Home Rule Law and § 150.20, Subdivision 3, of the Criminal Procedure Law, to authorize the issuance of appearance tickets by public servants, who by virtue of office, title or position are authorized or required to enforce statutes, local laws, ordinances, rules or regulations.

§ 13-2. Applicability. [Amended 12-20-1995 by L.L. No. 7-1995¹]

It is intended that this chapter apply to the following ordinances, local laws and regulations:

- A. Building Construction Administration Ordinance (Chapter 101 of the Code of the Town of Glenville).
- B. Garbage and refuse, Local Law No. 4 of 1971 (Chapter 232, Article I, of the Code of the Town of Glenville).
- C. Mobile Home Parks Ordinance (Chapter 184 of the Code of the Town of Glenville).
- D. Individual Septic Disposal Systems Ordinance (Chapter 213 of the Code of the Town of Glenville).
- E. Sewers and sewage disposal, Local Law No. 1 of 1982 (Chapter 217 of the Code of the Town of Glenville).
- F. The New York State Uniform Fire Prevention and Building Code and such other regulations, ordinances and local laws as may hereafter be adopted and which pertain to parking, licensing of occupations or businesses, fire prevention and safety, health and sanitation and building, zoning and planning in the Town of Glenville.

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

- G. Chapter 270, Zoning, of the Town of Glenville.
- H. Chapter 242, Subdivision of Land, of the Town of Glenville.

§ 13-3. Authorization for issuance.

- A. The following public servants of the Town of Glenville are hereby authorized to issue appearance tickets in the performance of their respective duties when commencing prosecutions pursuant to the statutes, local laws, ordinances, rules and regulations listed in § 13-2 above: Building Inspector, Deputy Building Inspector, Assistant Building Inspector, Town Planner, Code Enforcement Officer, Senior Engineering Technician, Engineering Technician (any level), Dog Control Officer and Town police officers.²
- B. The authority to use appearance tickets shall not apply any restraint upon the authority of the aforementioned public servants to use any alternative methods of commencing prosecutions as may be provided by law.

§ 13-4. Term defined; procedures for use.

The term "appearance ticket" shall have the same definition as provided in Article 150 of the Criminal Procedure Law of the State of New York, and the procedures governing its use shall conform in all respects to these procedures as set forth in Article 150 of the Criminal Procedure Law of the State of New York and other applicable articles of that law.

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

Chapter 22

DEFENSE AND INDEMNIFICATION

§ 22-1. Definitions.

§ 22-2. Defense provided; representation; fees and expenses; disputes resolved by courts.

§ 22-3. Duties of employee.

§ 22-4. Employees benefited; effect on Workers' Compensation Law.

§ 22-5. Extension of benefits.

§ 22-6. Effect on insurer.

§ 22-7. Construal of provisions.

§ 22-8. Applicability.

[HISTORY: Adopted by the Town Board of the Town of Glenville 11-18-1980 by L.L. No. 5-1980 (Ch. 29A, Art. I, of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics — See Ch. 27.

Civil actions requiring prior notice of defects — See Ch. 190.

§ 22-1. Definitions.

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

EMPLOYEE — Any person holding a position, by election or appointment, of 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" includes a former employee, his estate or judicially appointed personal representative.

TOWN — The Town of Glenville.

§ 22-2. Defense provided; representation; fees and expenses; disputes resolved by courts.

- A. Upon compliance by the employee with the provisions of § 22-3 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 arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting or in good faith purporting to act within the scope of his public employment or duties. Such defense shall not be provided where such civil action or proceeding is brought by or on behalf of the Town. The provision of such defense of eligible employees shall conform to the criteria set forth in Public Officers Law § 18, Subdivision 4(a) through (d).¹
- B. Subject to the conditions set forth in this chapter, the employee shall be represented by the Town Attorney or private counsel of his choice in the event of a conflict of interest or judicial determination. The Town Board shall employ or retain an attorney for the

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

defense of the employee whenever the Town does not have a Town Attorney, 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 a court of competent jurisdiction determines that a conflict of interest exists and that the employee cannot be represented by the Town Attorney. Reasonable attorney's 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.²

- C. Where the employee delivers process and a request for a defense to the Town Attorney or the Town Supervisor as required by § 22-3 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.

§ 22-3. Duties of employee.

The duties to defend provided in this chapter shall be contingent upon 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 five days after he is served with such document and 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. 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.

§ 22-4. Employees benefited; effect on Workers' Compensation Law.

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.

§ 22-5. Extension of benefits.

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.

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

§ 22-6. Effect on insurer.

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.

§ 22-7. Construal of provisions.

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 of any other provision of state or federal statutory or common law.

§ 22-8. 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.



Chapter 27

ETHICS, CODE OF

ARTICLE I Intent of Town Board

- § 27-1. Statement of legislative intent.
- § 27-2. Applicability of other laws.

ARTICLE II Code of Ethics

- § 27-3. Definitions.
- § 27-4. Conflicts of interest.
- § 27-5. Standards.
- § 27-6. Penalties for offenses.

ARTICLE III Board of Ethics

- § 27-7. Establishment.
- § 27-8. Duties.
- § 27-9. Rules and regulations.

ARTICLE IV Administration

- § 27-10. Distribution to Town employees.
- § 27-11. Filing copy with State Comptroller.
- § 27-12. Appropriation of money.

[HISTORY: Adopted by the Town Board of the Town of Glenville 6-16-1970 by L.L. No. 1-1970 (Ch. 18 of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Administrator — See Ch. 5.
Alternate members of Planning Board and Zoning Board of Appeals — See Ch. 9.

Defense and indemnification — See Ch. 22.

ARTICLE I Intent of Town Board

§ 27-1. Statement of legislative intent.

The Town Board of the Town of Glenville recognizes that there are state statutory provisions mandating or authorizing towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort should be made to assure the highest caliber of public administration of this Town as part of our state's important system of local government. It is the purpose of this chapter to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards and to create a Board of Ethics to render advisory opinions to the Town's officers and employees as provided for herein.

§ 27-2. Applicability of other laws.

The standards, prohibited acts and procedures established herein are, in addition to any prohibited acts, conflicts of interest, provisions or procedures prescribed by statute of the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of Town officers to the extent that the same are more severe in their application than this chapter.

**ARTICLE II
Code of Ethics**

§ 27-3. Definitions.

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

INTEREST — A direct or indirect pecuniary or material benefit accruing to a municipal officer, employee or contract professional as the result of a business or professional transaction with the Town of Glenville. For the purpose of this chapter, a municipal officer, employee or contract professional shall be deemed to have an interest in the affairs of his or her spouse, minor children and dependents; a firm, partnership or association of which such officer, employee or contract professional is a member or employee; a corporation of which such officer, employee or contract professional is an officer, director or employee; and a corporation, any stock of which is owned or controlled directly or indirectly by such officer, employee or contract professional.¹

TOWN — Any board, commission, district, council or other agency, department or unit of the government of the Town of Glenville.

TOWN EMPLOYEE — Any officer or employee of the Town of Glenville, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

§ 27-4. Conflicts of interest.

No Town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest.

§ 27-5. Standards.²

No municipal officer or employee shall:

- A. Directly or indirectly, solicit any gift, or accept or receive any gift having a value of \$10 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected

1. Editor's Note: Added 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).

to influence him, in the performance of his official duties or was intended as a reward for any official action on his part;

- B. Disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests;
- C. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee; or
- D. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

§ 27-6. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any such Town employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended or removed from office or employment in the manner provided by law.

ARTICLE III Board of Ethics

§ 27-7. Establishment.

There is hereby established a Board of Ethics consisting of at least three members to be appointed by the Town Board, all of whom reside in the Town of Glenville and who shall serve without compensation and at the pleasure of the Town Board of the Town of Glenville. A majority of such members shall be persons other than Town employees but shall include at least one member who is an elected or appointed Town employee of the Town of Glenville.

§ 27-8. Duties.

The Board of Ethics established hereunder shall render advisory opinions to Town employees on written request and upon request of the Town Board to make recommendations to such Town Board as to any amendments of this chapter. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the Town employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics, or, if none, of the Town Attorney.

§ 27-9. Rules and regulations.

Such Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

**ARTICLE IV
Administration****§ 27-10. Distribution to Town employees.**

Upon the adoption of this chapter, the Town Supervisor shall cause a copy thereof to be distributed to every Town employee of this Town. Failure to distribute any such copy or failure of any Town employee to receive such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this chapter shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

§ 27-11. Filing copy with State Comptroller.

Within 30 days of the adoption of this chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

§ 27-12. Appropriation of money.

The Town Board may appropriate moneys from the general Town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town moneys except with the appropriations provided herein.

Chapter 34

INSURANCE

ARTICLE I

Sealed Bids

§ 34-1. Frequency of bids.

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

ARTICLE I

Sealed Bids

[Adopted 10-18-1989 by L.L. No. 5-1989 (Ch. 25, Art. I, of the 1966 Code); amended in its entirety 10-4-1995 by L.L. No. 4-1995]

§ 34-1. Frequency of bids.

The Town's insurance shall be bid at least every five years and may be put to bid more frequently.

Chapter 46

POLICE DEPARTMENT

ARTICLE I Powers of Chief of Police

§ 46-2. Delegation of powers.

§ 46-1. Definitions.

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

GENERAL REFERENCES

Appearance tickets — See Ch. 13.

ARTICLE I Powers of Chief of Police [Adopted 1-5-1971 by L.L. No. 1-1971 (Ch. 30A of the 1966 Code)]

§ 46-1. Definitions.

The definitions of terms or titles used in this article shall be those definitions set forth in Subdivision 1 of § 209-m of the General Municipal Law.

§ 46-2. Delegation of powers.

It is hereby delegated to the Chief of Police of the Town of Glenville those powers and authority granted to the Supervisor of the Town of Glenville by Subdivision 2 of § 209-m of the General Municipal Law of the State of New York, and the Chief of Police is hereby authorized and empowered to request the chief executive officer of any other local government to detail, assign and make available for duty and use in the Town of Glenville any part of the forces, equipment and supplies of the Police Department whenever he deems that the public interest requires it; and said Chief of Police is further authorized and empowered to grant police assistance from the Town of Glenville to any other local government when requested to do so by the chief executive officer of said other local government or by the Chief of Police of the other local government if the latter is delegated to make such requests pursuant to § 209-m of the General Municipal Law.

Chapter 51

PUBLIC WORKS, DEPARTMENT OF

- § 51-1. Definitions.
- § 51-2. Establishment.
- § 51-3. Functions.
- § 51-4. Establishment of Commissioner of Public Works.
- § 51-5. Superintendent of Highways as Commissioner of Public Works.
- § 51-6. Term of office of Commissioner of Public Works.
- § 51-7. Duties and powers of Commissioner of Public Works.
- § 51-8. Salary of Commissioner of Public Works.
- § 51-9. Division of Department of Public Works and Office of Administration.
- § 51-10. Establishment of Deputy Commissioner of Public Works.
- § 51-11. Appointment and term of office of Deputy Commissioner of Public Works.
- § 51-12. Duties and powers of Deputy Commissioner of Public Works; appointment of administrative supervisor.
- § 51-13. Appointment of employees.
- § 51-14. Transfer of employees.
- § 51-15. Highway fund and special districts.
- § 51-16. Existing departments, districts and employees.
- § 51-17. Powers of Town Board.
- § 51-18. Powers of Town Supervisor.
- § 51-19. Qualification of Commissioner of Public Works and Deputy Commissioner of Public Works.
- § 51-20. Title.

[HISTORY: Adopted by the Town Board of the Town of Glenville 12-20-2000 by L.L. No. 8-2000 (Ch. 31A of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Water and Sewer Division of DPW — See Ch. 72.
Blasting — See Ch. 97.
Notice of defects — See Ch. 190.
Parks and recreation — See Ch. 195.
Sewers — See Ch. 217.

Sidewalks — See Ch. 221.
Street standards — See Ch. 238.
Vehicles and traffic — See Ch. 255.
Water — See Ch. 259.

§ 51-1. Definitions.

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

COMMISSIONER OF PUBLIC WORKS — The Commissioner of Public Works of the Town of Glenville, Schenectady County, New York.

DEPARTMENT OF PUBLIC WORKS — The Department of Public Works of the Town of Glenville, Schenectady County, New York.

DEPUTY COMMISSIONER OF PUBLIC WORKS — The Deputy Commissioner of Public Works of the Town of Glenville, Schenectady County, New York.

TOWN — The Town of Glenville, Schenectady County, New York.

TOWN BOARD — The Town Board of the Town of Glenville, Schenectady County, New York.

TOWN CLERK — The Town Clerk of the Town of Glenville, Schenectady County, New York.

TOWN SUPERVISOR — The Town Supervisor of the Town of Glenville, Schenectady County, New York.

§ 51-2. Establishment.

There is hereby created and established the Department of Public Works of the Town of Glenville, hereinafter referred to as the "Department of Public Works," as a separate department of government of the Town of Glenville (the Town).

§ 51-3. Functions.

A. The Department of Public Works shall be responsible for:

- (1) The construction, repair, maintenance and cleaning of all Town highways, Town roads, Town streets, Town bridges and Town parking facilities and the removal of snow therefrom;
- (2) The construction, repair, maintenance and cleaning of all Town buildings and facilities and the buildings and facilities of every improvement district or other district or agency thereof;
- (3) The installation and maintenance of traffic signals, other traffic control devices and street signs on all Town highways, Town roads, Town streets, Town bridges and Town parking facilities;
- (4) The construction, repair, maintenance and cleaning of storm drainage systems under the jurisdiction of the Town or any improvement district or agency thereof;
- (5) The construction, repair, maintenance and cleaning of sanitary sewers owned by or under the sole jurisdiction of the Town or any improvement district or other district or agency thereof;
- (6) The operation, repair and maintenance of any sewage treatment plant owned by or under the sole jurisdiction of the Town or any improvement district or other district or agency thereof;
- (7) The construction, maintenance and operation of such other sanitation facilities to the extent the same be delegated to the Department of Public Works by the Town Board;

- (8) The construction, operation, repair and maintenance of water pumping facilities, water treatment plants and water distribution systems owned by or under the sole jurisdiction of the Town or any improvement district or other district or agency thereof;
 - (9) The billing of consumers for use of water and/or sewer services supplied by the Town or by any improvement district or other district or agency thereof;
 - (10) The maintenance of parks and other recreation facilities owned by or under the sole jurisdiction of the Town or any district or agency thereof; and
 - (11) Such other work and/or services as the Town Board may lawfully direct.
- B. Notwithstanding the foregoing, this chapter shall not prohibit the Town Board from providing for construction of any public building, street, highway, road or other facility by public contract. In addition, the Department of Public Works shall provide all services required or desirable in order to enable the Commissioner of Public Works to fulfill any duty or responsibility imposed upon such official, whether or not in his/her capacity as Town Superintendent of Highways, by this chapter or by any other local law, ordinance or regulation of the Town or by any lawful directive of the Town Board or by any statute of the State of New York.

§ 51-4. Establishment of Commissioner of Public Works.

There is hereby created the Office of Commissioner of Public Works of the Town. Such office shall be in the unclassified civil service.

§ 51-5. Superintendent of Highways as Commissioner of Public Works.

The Town Board shall appoint the Commissioner of Public Works. If it appoints the Town Superintendent of Highways to be the Commissioner of Public Works, he/she may be referred to by either title.

§ 51-6. Term of office of Commissioner of Public Works.

Each Commissioner of Public Works shall hold office for a term of one year, commencing on January 1 of each year and terminating on December 31 of each year, unless sooner removed.

§ 51-7. Duties and powers of Commissioner of Public Works.

The Commissioner of Public Works shall be the principal executive officer and the administrative head of the Department of Public Works. The Commissioner of Public Works, if he/she is also the Town Superintendent of Highways, shall have all the powers and duties of a Town Superintendent of Highways, except to the extent that any power or duty of a Town Superintendent of Highways is lawfully reserved by local law to the Town Board.

§ 51-8. Salary of Commissioner of Public Works.

The salary of the Commissioner of Public Works shall be fixed annually by the Town Board and shall be paid out of the general fund of the Town such moneys as the Town Board shall direct from any improvement or benefit district of the Town pursuant to Town Law § 202-a(7), and shall not be a charge, in whole or in part, upon any item of the highway fund. Such Commissioner, if also the Town Superintendent of Highways, shall not receive any additional compensation as Town Superintendent of Highways, but his/her salary may be shown in any budget or notice relating to such budget either under the classification of Town Superintendent of Highways or Commissioner of Public Works.

§ 51-9. Division of Department of Public Works and Office of Administration.

- A. There shall be within the Department of Public Works, and there are hereby created in the Department of Public Works, the following divisions:
- (1) Highway Division;
 - (2) Sanitation Division;
 - (3) Water Division; and
 - (4) Parks Division.
- B. The Highway Division shall be responsible for: the construction, repair, maintenance and cleaning of all Town highways, Town roads, Town streets, Town bridges and Town parking facilities and the removal of snow therefrom; the construction, repair, maintenance and cleaning of storm drainage systems under the jurisdiction of the Town or any improvement district or other district or agency thereof; such other services as may be directed by the Town Board to be performed by the Department of Public Works and assigned to the Highway Division by the Commissioner of Public Works; and all services required by statute to be performed by Town highway departments when such a department exists. This chapter shall not prohibit the Town Board from providing for construction of any public building, street, highway, road or other facility by public contract or for the providing of other services, goods or construction by public contract.
- C. The Sanitation Division shall be responsible for the construction, repair, maintenance and cleaning of sanitary sewers owned by, or under the sole jurisdiction of, the Town or any improvement district or other district thereof; the operation, repair and maintenance of any sewage treatment plant owned by, or under the sole jurisdiction of, the Town or any improvement or other district or agency thereof; the construction, maintenance and operation of other public sanitation facilities to the extent the same be delegated to the Department of Public Works by the Town Board; and such other services as may be directed by the Town Board to be performed by the Department of Public Works and assigned to the Sanitation Division by the Commissioner of Public Works. This chapter shall not prohibit the Town Board from contracting with any person, firm, corporation or other entity for the providing of any such services.
- D. The Water Division shall be responsible for the construction, operation, repair and maintenance of water pumping facilities, water treatment plants and water distribution

systems owned by, or under the sole jurisdiction of, the Town or any improvement district or other district or agency thereof. In addition, the Water Division shall be responsible for such other services as may be directed by the Town Board to be performed by the Department of Public Works and assigned to the Water Division by the Commissioner of Public Works. This chapter shall not prohibit the Town Board from contracting with any person, firm, corporation or other entity for the providing of such services.

- E. The Parks Division shall be responsible for the maintenance of parks and other recreation facilities owned by, or under the sole jurisdiction of, the Town or any district or agency thereof as well as for such other services as may be directed by the Town Board to be performed by the Department of Public Works and assigned to the Parks Division by the Commissioner of Public Works. This chapter shall not prohibit the Town Board from contracting with any person, firm, corporation or other entity for the providing of any such services.

§ 51-10. Establishment of Deputy Commissioner of Public Works.

There is hereby created in the Department of Public Works the Office of Deputy Commissioner of Public Works of the Town.

§ 51-11. Appointment and term of office of Deputy Commissioner of Public Works.

The Commissioner of Public Works shall appoint a Deputy Commissioner of Public Works. The term of office of the Deputy Commissioner of Public Works shall expire at midnight on the 31st day of each December. The Deputy Commissioner shall serve as such until the expiration of his/her term as such and until his/her successor has been appointed and qualified, unless sooner removed from office. Anything herein to the contrary notwithstanding, the Deputy Commissioner of Public Works shall be removable at the pleasure of the Commissioner of Public Works. The Deputy Commissioner of Public Works shall be in the exempt class of the civil service. A vacancy in the office of Deputy Commissioner of Public Works occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term, provided that a Deputy Commissioner of Public Works appointed to fill such a vacancy shall serve as such until the expiration of such term and until his/her successor has been appointed and qualified, unless sooner removed.

§ 51-12. Duties and powers of Deputy Commissioner of Public Works; appointment of administrative supervisor.

- A. If the Superintendent of Highways is the Commissioner of Public Works, the Deputy Commissioner of Public Works shall be the administrative supervisor of the Highway Division, subject to the supervision, direction and control of the Commissioner of Public Works. In the event of the absence or disability of the Commissioner of Public Works, or in the event of a vacancy in the office of Commissioner of Public Works, the Deputy Commissioner of Public Works for Highways shall be the acting Commissioner of Public

Works and shall have all the authority and duties of the Commissioner of Public Works, including the authority and duties of acting Town Superintendent of Highways.

- B. The Town Board may appoint an administrative supervisor of the Water Division, the Sanitation Division and the Parks Division, subject to the supervision, direction and control of the Commissioner of Public Works. The Deputy Commissioner of Public Works may be appointed to any of these positions. These administrative supervisor positions shall be in the exempt class of the civil service.

§ 51-13. Appointment of employees.

All employees of the Department of Public Works shall be appointed by the Commissioner of Public Works within the budgetary appropriations thereof, and shall hold the position to which appointed at the pleasure of the Commissioner of Public Works; provided, however, that any employee in the classified civil service may be removed only for cause. "Employee," as used in this section of this chapter, shall not include the Commissioner of Public Works.

§ 51-14. Transfer of employees.

The Commissioner of Public Works may transfer any employee of the Department of Public Works from one division or office thereof to another division or office thereof, and such transfer may be on either a temporary or a permanent basis; provided, however, that the salary of any employee so transferred shall not be reduced by reason of such transfer; and further provided that the salary increase be approved in advance by the Town Board, provided that in an emergency designated as such by the Town Supervisor, the salary of an employee of the Department of Public Works transferred to a classification with a higher pay scale may be paid on the basis of such higher pay scale for a period not to exceed three days in any one month without the approval of the Town Board. "Employee" as used in this section shall not include the Commissioner of Public Works nor the Deputy Commissioner of Public Works.

§ 51-15. Highway fund and special districts.

Except as in this chapter expressly provided, this chapter shall not in any manner change the present provisions of law in effect in the Town, by reason of any provisions of any state statute or otherwise, relating to the parcels of real property presently responsible for the payment of the Highway Department items one, two, three, and four, and these items shall continue to be charged in the same manner if this chapter had not been adopted. There shall be no change in the payment of real property taxes for maintenance, operation and capital cost of any improvement district or other district of the Town. Except as herein expressly provided, all of the charges for the foregoing shall continue to be assessed in the same manner as if this chapter had not been adopted, and the bookkeeping procedures of the Department of Public Works, and in the office of the Town Supervisor, shall be adjusted to accommodate the provisions for tax payments for such items in the same manner as if all of the items were being performed by individual departments, districts or agencies of the Town. Except as otherwise specifically provided in this chapter, all costs and expenses lawfully incurred by the Department of Public Works on behalf of any special district or improvement or other district or agency of the Town or on behalf of any special Town project shall be charged against such

districts or project and paid from the funds duly appropriated for the purpose of such district or project.

§ 51-16. Existing departments, districts and employees.

All property, equipment and budgetary appropriations of, or for, the Highway Department of the Town are hereby transferred to the Department of Public Works. The employees of said Highway Department shall be continued as employees of the Department of Public Works with the same classification, salary, benefits, pensions and retirement rights and privileges as they had immediately prior to such transfer; provided, however, that nothing herein contained shall be construed to deprive the Town Board of any power it now has, or may under this chapter or otherwise have, with respect to the hiring, firing, disciplining and fixing salaries of such employees. The employees of every water district and sewer district of the Town, as well as any other employees of the Town, performing functions which are hereby transferred to the Department of Public Works with the same classification, salary, benefits, pensions and retirement rights and privileges as they had immediately prior to such transfer; provided, however, that nothing herein contained shall be construed to deprive the Town Board of any power it now has with respect to the hiring, firing, discipline and fixing salaries of such employees. The employees of the Town now working as Parks employees of the Town, are hereby transferred to the Department of Public Works with the same classification, salary, benefits, pensions and retirement rights and privileges as they had immediately prior to such transfer; provided, however, that nothing herein contained shall be construed to deprive the Town Board of any power it now has with respect to the hiring, firing, discipline and fixing salaries of such employees. The Town Superintendent of Highways shall not be considered an employee of the Highway Department of the Town for the purposes of this section of this chapter.

§ 51-17. Powers of Town Board. ¹

Nothing herein contained shall be construed to delegate or transfer any power of the Town Board contained in §§ 51, 64, and 12 of the New York State Town Law or provided by the New York State Municipal Home Rule Law or other powers which may be lawfully exercised by said Board. The Commissioner of Public Works shall have the right to suspend, with pay, any employee, including the Deputy Commissioner, for a period of not more than two weeks for cause and shall report such suspension to the Town Board within three days of such suspension with his/her recommendations to the Town Board as to disciplinary action.

§ 51-18. Powers of Town Supervisor.

Nothing herein contained shall be construed to delegate or transfer any power of the Town Supervisor contained in § 29, 52 or 119 of the New York State Town Law or any other powers which may be lawfully exercised by said Supervisor.

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

§ 51-19. Qualification of Commissioner of Public Works and Deputy Commissioner of Public Works.

Before entering upon the duties of his/her office, the Commissioner of Public Works shall take and file with the Town Clerk an oath of office. The Deputy Commissioner of Public Works shall, before entering upon the duties of his/her office, take and file with the Town Clerk an oath of office. The Town Board may require the Commissioner of Public Works to file a bond for the faithful performance of his/her duties and may require the Deputy Commissioner of Public Works to file such a bond.

§ 51-20. Title.

This chapter shall be entitled "A Local Law Establishing and Providing for a Department of Public Works of the Town of Glenville, Schenectady County, New York."

Chapter 60

SALARIES AND COMPENSATION

[Current salary information is on file in the office of the Town Clerk, where it may be examined during regular office hours.]

Chapter 65

TERMS OF OFFICE

ARTICLE I Town Clerk

§ 65-1. Term established.

§ 65-2. Effective date.

§ 65-3. Approval of electors required.

ARTICLE II Supervisor and Superintendent of Highways

§ 65-4. Terms established.

§ 65-5. Election.

§ 65-6. Supersession of Town Law.

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

ARTICLE I Town Clerk

[Adopted 8-15-1990 by L.L. No. 9-1990 (Ch. 29A, Art. V, of the 1966 Code)]

§ 65-1. Term established.

The term of the Town Clerk shall henceforth be four years.

§ 65-2. Effective date.

This article shall take effect with the term of office commencing January 1, 1992, and is subject to a mandatory referendum.

§ 65-3. Approval of electors required.

Pursuant to § 23 of the Municipal Home Rule Law, this article shall be submitted for approval of the electors at a regular election to be held on the sixth day of November 1990.¹

ARTICLE II Supervisor and Superintendent of Highways

[Adopted 8-16-2000 by L.L. No. 7-2000 (Ch. 29A, Art. VII, of the 1966 Code)]²]

§ 65-4. Terms established.

The terms of office of the elective Town Supervisor and the elective Town Superintendent of Highways of the Town of Glenville shall be four years. Such four-year terms shall commence

1. Editor's Note: This local law was approved by the electors 11-6-1990.

2. Editor's Note: This local law was subject to permissive referendum and was approved by a majority of the qualified electorate at the general election held 11-7-2000.

on the first day of January following the first biennial Town election after the effective date of this article.

§ 65-5. Election.

At the biennial Town election next following the effective date of this article and every four years thereafter, the Town Supervisor and Town Superintendent of Highways shall each be elected for a term of four years.

§ 65-6. Supersession of Town Law.

This article shall supersede in its application to the Town of Glenville § 24 of the Town Law of New York State with respect to the term of office of the elective Town Supervisor and Town Supervisor of Highways.

Chapter 72

WATER AND SEWER DIVISION, DEPARTMENT OF PUBLIC WORKS

§ 72-1. Establishment.

§ 72-4. Duties.

§ 72-2. Appointment of Superintendent.

§ 72-5. Applicability.

§ 72-3. Qualifications required of Superintendent.

[HISTORY: Adopted by the Town Board of the Town of Glenville 7-20-1965 (Ch. 44 of the 1966 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 51.
Sewers — See Ch. 217.

Water — See Ch. 259.

§ 72-1. Establishment.

There is hereby established a Division of Water and Sewer of the Department of Public Works of the Town of Glenville.

§ 72-2. Appointment of Superintendent.

The Superintendent of Water and Sewers shall hereinafter be referred to as the "Superintendent," shall be the head of such Division, and shall be in charge of the operation of such Division. Pursuant to § 53-a of the Town Law, the Superintendent shall be in the unclassified service of the civil service. The Town Board shall appoint the Superintendent to serve at its pleasure. The Superintendent shall hire the remaining employees of the Division to fill the positions created by the Town Board. The Superintendent shall be responsible for the assignment and supervision of the Division staff, including both clerical and maintenance staff. The Superintendent is hereby designated, pursuant to § 75 of the Civil Service Law, as the officer before whom hearings involving disciplinary proceedings for employees of said Division shall be held.

§ 72-3. Qualifications required of Superintendent.

The Superintendent shall possess the necessary qualifications so as to be eligible to obtain an operator's certificate issued by the State of New York for the operation of the water-supply systems in the Town of Glenville, and shall also be eligible for a sewage-treatment operator's certificate issued by the State of New York for the operation of any sewage-treatment plants in the Town. If the Superintendent does not obtain such certificates within a period of 12 months from the date of his appointment or within such other time as may be prescribed by

the appropriate department of the State of New York, then he shall be deemed to have vacated his position.

§ 72-4. Duties.

The Superintendent shall be responsible for the operation of said Division which is subject to his supervision, direction and guidance. The Division shall perform the following duties: operate and maintain the Town water and sewer systems, including treatment facilities and all other appurtenances; operate and maintain the water-distribution system, including hydrants, meters and all other appurtenances of all water districts and the public sewer systems and sewage-treatment plants of all sewer districts in the Town of Glenville outside of any village or villages within the Town; perform routine chemical and bacteriological tests of the water supply; maintain daily records of water use, chemical use, power use and other records required by the State Health Authority; prepare an annual capital budget and expense budget of such Division and prepare assessment rolls and tax rolls for any water or sewer district; review applications for water mains and service-lateral construction and review plans by developers for proposed water main extensions.

§ 72-5. Applicability.

This chapter shall not apply to the Village of Scotia or to any village which may hereafter be created in the Town of Glenville.

PART II

**GENERAL
LEGISLATION**

PART II

**GENERAL
LEGISLATION**

Chapter 80

ALARMS

§ 80-1. Definitions.

§ 80-3. Time period for compliance.

§ 80-2. Fees; notification of violations; maintenance of records.

[HISTORY: Adopted by the Town Board of the Town of Glenville 3-19-1997 by L.L. No. 1-1997 (Ch. 2A, Art. I, of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 101.

§ 80-1. Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

ALARM SYSTEM — The installation in one or more buildings of one or more alarm devices for the express purpose of giving visual or audible warning, or both, of an emergency such as a burglary, intrusion, fire, smoke, flood or like perils.¹

AUDIBLE ALARM — A device that emits an audible signal for the premises that it is designed to protect.

CENTRAL DISPATCH STATION — A remote alarm monitoring station, other than a police and/or fire headquarters, away from the protected premises or building.

FALSE ALARM — Any emergency message or signal that is transmitted directly to the Glenville Public Safety Dispatch Center and is not cancelled by the resident and/or central dispatch station before the police and/or fire department is dispatched and which signal or message is not the result of a robbery, burglary, fire or other crime or emergency, excluding:

- A. Alarms occurring during electrical storms, hurricanes, tornadoes, blizzards and other acts of God.
- B. The intermittent disruption of the telephone circuits beyond the control of the alarm company and/or alarm owner/lessee.
- C. Electrical power disruption or failure.²

1. Editor's Note: The original definitions of **ALARM DEVICE** and **ALARM PANEL**, which immediately preceded this definition, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Original Subsection D, re: alarms caused by equipment failure of the dispatch center, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

PERSISTENT FALSE ALARMS — More than four false alarms within each calendar year.

- A. For every false alarm over the four in a calendar year, the owner/lessee shall be charged a fee by the Town of Glenville.
- B. Persistent false alarms shall not include those false alarms caused by acts of God, natural disaster or other causes not under the control of the owner/lessee. Malfunctions of alarm equipment shall be considered as under the control of the owner/lessee.

PERSON — Any natural person, partnership, corporation, association or other legal entity. ³

§ 80-2. Fees; notification of violations; maintenance of records.

- A. Any owner/lessee, or occupant of property having an alarm system or device on his/her premises shall be charged for each and every false alarm to which the Fire or Police Department is dispatched in each twelve-month period a fee as set from time to time by resolution of the Town Board.^{4 5}
- B. The Police Department shall maintain records indicating that it has dispatched the appropriate response to a false alarm, and a notice shall be issued in response to any false alarm, including a summary of the date, time and other relevant data relating to such dispatch. After the fourth false alarm, a notice shall be issued indicating that the next false alarm constitutes a violation.
- C. Fees shall be payable to the Glenville Town Clerk. Any fee not paid by November 15 of any year shall be added to the January tax levy for the property at which the alarm system was installed.

§ 80-3. Time period for compliance.

Alarm systems installed or in use at the effective date of this chapter shall conform to the requirements of this chapter within 120 days after the effective date hereof.

3. Editor's Note: Original § 2A-2, Testing of system or device, and § 2A-3, Town liability, which immediately followed this definition, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: See Ch. 139, Fees.

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

Chapter 84

ALCOHOLIC BEVERAGES

§ 84-1. Possession with intent to consume
on public property; exception.

§ 84-2. Possession with intent to consume
on private property.

§ 84-3. Open containers in vehicles.

§ 84-4. Permits.

§ 84-5. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Glenville 7-1-1980 by L.L. No. 2-1980 (Ch. 3, Art. I, of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Mass gatherings — See Ch. 179.
Parks and recreation — See Ch. 195.

Public exhibitions and entertainment — See Ch. 204.
Vehicles and traffic — See Ch. 255.

§ 84-1. Possession with intent to consume on public property; exception.

- A. No person shall have, possess, carry or transport any liquor, wine, beer or other alcoholic beverage in an open bottle or other open container, with the intent to consume said alcoholic beverage, while such person is in or upon any public sidewalk, street, land, highway, building, parking lot, park or playground area or other public property or in any vehicle upon such public area or property or public place or in or upon any private property open to the public or in or upon any place of public congregation within the Town of Glenville, except by permit issued as provided by § 84-4. [Amended 7-5-1983 by L.L. No. 1-1983]
- B. No person shall drink or otherwise consume any liquor, wine, beer or other alcoholic beverage in or upon any of the aforesaid public areas, property or places within the Town of Glenville, except as provided in Chapter 195, Parks and Recreation, Article II, Park Rules and Regulations, of the Code of the Town of Glenville.¹

§ 84-2. Possession with intent to consume on private property. [Amended 7-5-1983 by L.L. No. 1-1983]

No organization or group of five or more persons, whether organized or not, shall congregate, hold or conduct any celebration or meeting in the Town of Glenville upon private property at which they possess, carry or transport, with the intent to consume or drink or otherwise consume, any liquor, wine, beer or other alcoholic beverage without the express consent of the owner, tenant or other person in legal occupancy and possession of such private property.

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

§ 84-3. Open containers in vehicles.

An open bottle or open container of alcoholic beverages found in any vehicle shall be presumptive evidence that the same is in possession of all the occupants thereof and in violation of this chapter.

§ 84-4. Permits.

A permit may be granted to a civic organization or other organization conducting a meeting or celebration, which shall exempt the participants from the prohibitions set forth in § 84-1. Such permits may be issued by the Chief of Police or acting Chief of Police, pursuant to such rules and regulations not inconsistent with this chapter as shall from time to time be adopted by the Town Board. If approval of a permit is not granted, the applicant may appeal the denial of such permit by petition of the Town Board.

§ 84-5. Penalties for offenses.

A violation of this chapter shall constitute an offense punishable by a fine not exceeding \$250 or by imprisonment in jail for a period not exceeding 15 days.

Chapter 88

ANIMALS

ARTICLE I Dog Control

- § 88-1. Unlawful acts.
- § 88-2. Female dogs in heat.
- § 88-3. Enforcement.
- § 88-4. Filing of complaints.
- § 88-5. Notice to owner; hearing.
- § 88-6. Penalties for offenses.
- § 88-7. Fees for seizure and kenneling of dogs.
- § 88-8. Effective date.

ARTICLE II License Fees

- § 88-9. License fees established.
- § 88-10. Effective date.

ARTICLE III Animal Control

- § 88-11. Unlawful acts.
- § 88-12. Penalties for offenses.
- § 88-13. Effective date.

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

GENERAL REFERENCES

Parks and recreation — See Ch. 195.

Sidewalks — See Ch. 221.

ARTICLE I Dog Control

[Adopted 1-21-1975 (Ch. 13, Art. I, of the 1966 Code)]

§ 88-1. Unlawful acts.

- A. It shall be unlawful for any owner of, or any person harboring, any dog outside the boundaries of any incorporated village in the Town of Glenville to permit or allow such dog to:
 - (1) Run at large while off the premises of its owner or person harboring such dog unless said dog is restrained by an adequate leash, a maximum length of eight feet, or accompanied by its owner or a responsible person able to control such dog, except when such dog is on property with the express consent of the person owning, leasing or otherwise responsible for such property. For the purposes of this article, a dog or dogs hunting in company with a hunter or hunters shall be considered as accompanied by their owner.
 - (2) Cause unnecessary noise across a residential real property boundary so as to unreasonably disturb the comfort or repose of any person in the vicinity. Specifically, no dog shall be allowed to bark for a period in excess of 15 minutes

when said barking is audible from beyond the property line of the owner's residence. The barking may be intermittent and not continuous.¹

- (3) Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such a dog.
 - (4) Chase or otherwise harass any person peaceably conducting himself in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
 - (5) Habitually chase or bark at motor vehicles not on the premises of the owner or person harboring such animal.
- B. Restraint of dogs in Town parks. All dogs in any Town park must be restrained by a leash or similar restraint, in such a manner as to not disturb or endanger other park users. [Added 2-21-1990 by L.L. No. 1-1990²]

§ 88-2. Female dogs in heat.

It shall be unlawful for the owner or person harboring any female dog to permit such dog to run at large when in heat, and such dog shall be confined to the premises of such person during such period.

§ 88-3. Enforcement. [Amended 11-17-1999³]

A Dog Control Officer, to be designated by the Town Board as provided by § 114 of the Agriculture and Markets Law, may enforce the provisions of this article and the provisions of Chapter 195, Article II, which sets forth general rules and regulations for the government and protection of park lands in the Town of Glenville, as said article pertains to dogs and pets, and may also investigate and report to a Town Justice of the Town of Glenville any dangerous dog as described in § 121 of the Agriculture and Markets Law, and see that the order or orders of the Town Justice in such case are carried out.

§ 88-4. Filing of complaints.

Any person who observed a dog causing damage or destruction to the property of a person other than its owner, or committing a nuisance upon the premises of a person other than its owner or violating provisions of § 88-1 may file a signed complaint, under oath, with a Town Justice of the Town of Glenville, specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and the name and residence, if known, of the owner or other person harboring said dog.

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).

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

§ 88-5. Notice to owner; hearing.

- A. Upon receipt of a complaint charging a violation of this article, the Town Justice shall cause to be served upon the owner or other person harboring said dog, a notice that a complaint has been filed and the general nature thereof. Such notice shall state that the person upon whom it is served shall attend before the Town Justice, at a time and place which shall not be less than three days after the date of service, and that the person so served may make and sign a statement, under oath, making a general denial of the complaint or an explanation justifying the conduct of the dog.
- B. After due notice, as above provided, the Town Justice shall hold a hearing upon the complaint to determine if there has been a violation of this article.

§ 88-6. Penalties for offenses. [Amended 2-21-1990 by L.L. No. 1-1990; 1-22-2003 by L.L. No. 1-2003]

Any person who violates this article or knowingly permits the violation of this article or any of the provisions hereof shall be deemed to have committed an offense against this article; and any person convicted of any such violation shall be liable to a penalty of not more than \$250 or 15 days in jail, or both.

§ 88-7. Fees for seizure and kenneling of dogs. ⁴

The persons having custody of a seized dog, pursuant to the Agriculture and Markets Law, before releasing a seized dog shall collect, as the cost of the seizure, the sum as set from time to time by resolution of the Town Board,⁵ plus the cost of the kennel fees for the days the animal is kept by the Town. Kennel fees are to be computed on a per-day basis, beginning at 12:00 noon of one day and extending to 12:00 noon of the following day, and not on an hourly or partial-day basis. Kenneling fees shall be established periodically by the Town Board.

§ 88-8. Effective date.

This article shall take effect on April 1, 1975.

ARTICLE II**License Fees**

[Adopted 9-25-1979 by L.L. No. 2-1979 (Ch. 13, Art. II, of the 1966 Code)]

§ 88-9. License fees established. [Amended 2-21-1990 by L.L. No. 1-1990]

In addition to the fee provided by Subdivision 1 of § 110 of the Agriculture and Markets Law, an additional fee of \$10, as authorized by Subdivision 4 of said § 110, shall be and hereby is

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

5. Editor's Note: See Ch. 139, Fees.

established for each dog license pursuant to Subdivision 1 of § 109 of the Agriculture and Markets Law.

§ 88-10. Effective date.

This article shall take effect October 1, 1979.

ARTICLE III

Animal Control

[Adopted 7-15-1992 (Ch. 13, Art. III, of the 1966 Code)]

§ 88-11. Unlawful acts.

It shall be unlawful for any owner of or for any person who harbors any horses, cattle, chickens, ducks or other fowl or other animals to allow or to permit any such animal to:

- A. Run at large off the premises of the owner or person harboring said animal.
- B. Cause damage to property or commit a nuisance upon the property of another.
- C. Chase or otherwise harass any person.

§ 88-12. Penalties for offenses. ⁶

Any person who violates any of the provisions of this article shall be deemed to have committed an offense against this article, and any person convicted of any such violation shall be liable to a penalty of a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment.

§ 88-13. Effective date.

This article shall be effective as of July 15, 1992.

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

Chapter 93

BINGO

§ 93-1. License required; regulations.

§ 93-2. Fees.

[HISTORY: Adopted by the Town Board of the Town of Glenville 5-1-1973 by L.L. No. 1-1973 (Ch. 6 of the 1966 Code), approved at referendum 11-6-1973. Amendments noted where applicable.]

GENERAL REFERENCES

Games of chance — See Ch. 160.

§ 93-1. License required; regulations.

Pursuant to Subdivision 2 of § 9 of Article I of the State Constitution, it shall be lawful for any authorized organization, as defined in § 476 of Article 14-H of the General Municipal Law, upon obtaining the required license, to conduct bingo games within the territorial limits of the Town of Glenville, subject to the provisions of this chapter, Article 14-H of the General Municipal Law, Article 19-B of the Executive Law, the rules and regulations of the State Racing and Wagering Board and the following restrictions:¹

- A. No person, firm, association, corporation or organization, other than a licensee under the provisions of Article 14-H of the General Municipal Law, shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.
- B. No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.
- C. No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law or from another authorized organization.
- D. The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.
- E. No prize shall exceed the sum or value as set forth in General Municipal Law § 479 in any single game of bingo.²

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).

- F. No series of prizes on any one bingo occasion shall aggregate more than the amount as set forth in General Municipal Law § 479.³
- G. No person, except a bona fide member of any such organization, shall participate in the management or operation of such game.
- H. No person shall receive any remuneration for participating in the management or operation of any game of bingo.
- I. The unauthorized conduct of a bingo game and any willful violation of any provision of this chapter shall constitute and be punishable as a misdemeanor.
- J. Limited period bingo shall be conducted in accordance with the provisions of this chapter and the rules and regulations of the Commission.

§ 93-2. Fees. ⁴

In addition to other fees provided by law, upon filing of the statement of receipts after the conclusion of any occasion of bingo as provided by the General Municipal Law § 491, the authorized organization furnishing such statement of receipts shall pay to the Town Clerk, as an additional license fee, a sum based on the reported net proceeds for the occasion covered by such statement and determined in accordance with such schedule as shall be established from time to time by the State Racing and Wagering Board, which sum is now established by that Board as 3% of the reported net proceeds.

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

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

Chapter 97

BLASTING

§ 97-1. Legislative intent.

§ 97-2. Definitions.

§ 97-3. License required.

§ 97-4. Issuance of license.

§ 97-5. License fees.

§ 97-6. License period.

§ 97-7. License renewal.

§ 97-8. Licensing and blasting requirements.

§ 97-9. Notices; hours; safety measures.

§ 97-10. Standards for blasting.

§ 97-11. Penalties for offenses.

§ 97-12. Conflict with other laws.

§ 97-13. Variances.

[HISTORY: Adopted by the Town Board of the Town of Glenville 8-20-2003 by L.L. No. 4-2003 (Ch. 7 of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 51.
Fireworks and pyrotechnics — See Ch. 147.

Environmental quality review — See Ch. 132.
Subdivision of land — See Ch. 242.

§ 97-1. Legislative intent.

It is the intent of the provisions of this chapter to regulate the use of explosives and to strictly control blasting operations which are in any way associated with excavations or activities within the Town of Glenville so as to provide for the safety of those engaged in such blasting as well as those who may be affected thereby.

§ 97-2. Definitions.

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

AFFECTED AREA — That area of land of the owner or applicant which will be directly affected by any blasting operations conducted thereon, which area shall be not less than 50 yards in all directions from the location of any explosives which are ignited or set off.

AIR OVERPRESSURE — The peak atmospheric overpressure, when measured with a measuring system that has a flat response (3 dE) at frequencies of six hertz or lower.

APPLICANT — Any person, firm or corporation or other entity making application to the Town of Glenville to conduct blasting operations within the Town of Glenville. The owner of any lands upon which blasting operations are proposed to be conducted shall join in and is a necessary party to any application for a license to be issued.

BLAST — Any detonation of explosives which shall occur within a time not to exceed one second, inclusive of any time-delay method which may be employed.

BLAST AREA — The area in which explosives, loading and blasting operations are being conducted.

BLASTER — The person or persons authorized and licensed by the State of New York to use explosives for blasting purposes.

BLASTING OPERATIONS — Any activity or conduct carried on or conducted within the Town of Glenville in which explosives are used.

EXPLOSIVES — Includes black powder, guncotton, giant powder, dynamite, nitroglycerin, fulminate of mercury or any other substance, compound, mixture or article having properties of such a character that alone or in combination or contiguity with other substances or compounds may decompose suddenly and generate sufficient heat, gas or pressure to produce rapid flaming combustion or to administer a destructive blow to persons or property, including but not limited to all materials classified as Class A, B or C explosives by the United States Department of Transportation.

MINE — Any pits, depressions or underground workings from which any mineral is produced for sale, exchange or commercial, industrial or municipal use and all slopes or inclines leading thereto, including all equipment above, on or below the surface of the ground used in connection with such pits, depressions or workings.

MINED LAND USE PLAN — The applicant's proposal for the mining and reclamation of the affected land. The mined land use plan shall consist of a mining plan and reclamation plan which shall include maps and other documents as required to describe and illustrate environmental, physiographic, cultural and surface conditions at and surrounding the mine as well as the applicant's proposed mining and reclamation methods.

MINING — The extraction or removal of minerals from the ground or the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation or processing of minerals at the mine location so as to make them suitable for sale, exchange or commercial, industrial or municipal use, but shall not include excavation or grading when conducted solely in aid of farming or on-site construction.

PARTICLE VELOCITY — The rate of movement in inches per second on any single component of motion: longitudinal (horizontal motion along the line between the blast and the seismograph location), transverse (horizontal motion at right angles to the longitudinal) or vertical. For the purposes herein, measurements of particle velocity shall be made on the ground adjacent to the nearest public building, school, church or residential or other commercial or institutional building or structure nearest to the blast area and shall be measured with a three-component portable seismograph yielding a direct recording of particle velocity.

WORK AREA — The area of land of the owner or applicant for which an excavation license has been issued and a license fee paid in accordance with the provisions of the fee schedule of the Town of Glenville.¹

1. Editor's Note: See Ch. 139, Fees.

§ 97-3. License required.

- A. It shall be unlawful to engage in blasting operations or in any other activity in which explosives are used in the Town of Glenville without having secured a license therefor and having fully complied with the provisions of this chapter. It is the intention of this provision that explosives shall not be stored within the Town of Glenville.
- B. The license shall be applied for and issued in the name of the owner of the work area upon which such blasting operations shall be conducted, and the application for such license shall state the purpose, nature and extent of the proposed blasting operations as well as the location of the affected area.

§ 97-4. Issuance of license.

- A. Licenses shall be issued by the Town Clerk of the Town of Glenville, provided that all of the requirements set forth in § 97-8 hereof have been complied with by the applicant.
- B. The applicant shall complete and file with the Town Clerk an application for a license upon a form established by the Town Board from time to time. Upon the filing of a completed application for a license, the Town Clerk shall transmit the same to the Town Board. The Town Board shall hold and conduct a public hearing upon such completed application and shall cause public notice of such hearing to be given by publishing notice thereof in the official newspaper of the Town, which notice shall be published at least once, such publication to be not less than seven days nor more than 20 days prior to the actual date established for such public hearing. The Town Clerk shall also post public notice of such public hearing on the official bulletin board maintained by the Town, such posting to be not less than seven days prior to the actual date established for such public hearing.
- C. After the public hearing conducted hereunder, the Town Board shall consider all evidence presented to it for consideration and shall thereafter act upon such application, stating specifically its reasons for approval, disapproval or modification of the application for a license. If approved, the license shall be issued by the Town Clerk, provided that the other requirements of this chapter have been complied with by the applicant.

§ 97-5. License fees.

The applicant shall pay, prior to the issuance of a license hereunder, the appropriate fee therefor as established by the Town Board by resolution, from time to time.

§ 97-6. License period.

- A. Applicants for licenses hereunder shall state upon such application the period of time for which they wish such license to be issued, which license period shall be, in any event, not less than 72 hours nor more than three years.
- B. So far as practical, the license period shall be such so as to coordinate with the expiration date of any other state, federal or local permits which may be held by the applicant

which are relevant to or associated with the applicant's blasting operations. All license fees as hereinbefore set forth shall be prorated accordingly. Suspension or revocation of any license issued hereunder shall not entitle the applicant to any refund of any part of the license fee paid.

§ 97-7. License renewal.

Application for renewal of a license previously issued hereunder shall be made not later than six months prior to the expiration of the current license period. The applicant shall present satisfactory evidence of the existence of all other required state, federal and/or local permits which may be required, as well as evidence of continued compliance with all provisions of this chapter. Violations of the provisions of this chapter during the current license period may be sufficient reason for denial of the license renewal application. Any blasting conducted by the applicant within the Town of Glenville without having previously obtained a license therefor shall be considered as a factor in passing upon any application for a license or renewal thereof. Renewal of the license upon its termination shall follow the same procedures as those required in this chapter for the issuance of the original license.

§ 97-8. Licensing and blasting requirements.

A. General requirements.

- (1) No license to blast within the Town of Glenville shall be issued until the applicant shall post and file with the Town Clerk a policy of liability insurance in at least the amount of \$1,000,000/\$3,000,000, such policy of insurance to name the Town of Glenville as an additional insured so as to provide for the payment of any damages arising from the permitted blasting. The Town may also require that the applicant execute and deliver to the Town an indemnity agreement indemnifying the Town of Glenville from any claims of any nature whatsoever arising out of the permitted blasting. The license shall automatically terminate and close should the bond or policy of insurance be cancelled or otherwise terminated.
- (2) The applicant shall comply with all requirements of the State Environmental Quality Review Act (Environmental Conservation Law § 8-0101 et seq.), and no license to blast shall be issued until a final determination authorizing the same has been issued in accordance with the provisions of such law.²
- (3) Prior to the issuance of the license, the applicant shall file with the Town Clerk a copy of the current license of the blaster as issued by the State of New York. Such license shall be kept on file in the office of the Town Clerk and shall be open to inspection at any time. The applicant shall file with the Town Clerk any amendment, change or revision of such license so filed, and should the blaster's license at any time expire, then, in that event, no further blasting shall occur until a current license shall be filed.

B. Specific requirements.

2. Editor's Note: See also, Ch. 132, Environmental Quality Review.

- (1) Reclamation. Should the conduct of the blasting be such that it may create a mine or should the blasting be used in conjunction with mining operations, the applicant shall file with the Town a mined land use plan indicating the applicant's proposal for mining and reclamation of the affected area, and the applicant shall further be subject to and shall evidence compliance with all provisions of the New York State Mined Land Reclamation Law, Title 27 (Environmental Conservation Law §§ 23-2701 through 23-2727). The applicant shall post and file with the Town of Glenville a bond or letter of credit in an amount deemed sufficient by the Town Board so as to assure to the Town that the proposed reclamation plan will be completed as proposed.
- (2) Safety.
 - (a) During the conduct of any blasting operations and until such time as the ground surface of the affected area shall be restored to an elevation equal to that of the average ground surface elevation of the surrounding area, the applicant shall securely fence the affected area with fencing of not less than six feet in height so as to assure no access to the affected area either during the actual conduct of blasting operations or after such blasting operations have been completed. Such fencing shall be adequately posted with "DANGER, BLASTING AREA, KEEP OUT" signs clearly visible at all times from the boundaries of the affected area.
 - (b) The applicant shall be subject to and shall at all times be in compliance with all applicable provisions and regulations of the Occupational Safety and Health Administration, and in particular, without limitation, Subpart U of OSHA Standards, §§ 1926.900 to 1926.914, Blasting and the Use of Explosives. The applicant shall be subject to and shall at all times be in compliance with all applicable provisions and regulations of Rule No. 23 of the Industrial Code of the New York State Department of Labor, §§ 23-61 to 23-63, Explosives. Should the applicant be found to be in violation of either of the above regulations or any part thereof, the license issued hereunder may be suspended or revoked until such time as the applicant shall have come into compliance.

§ 97-9. Notices; hours; safety measures.

- A. The applicant shall file with the Town Clerk at the time of the application for the license hereunder, and no later than every six months thereafter during the license period, a schedule of the dates and times of the anticipated detonation of explosives at the affected area. Such schedule may be amended in writing from time to time by the applicant, but in no event less than 24 hours in advance of any anticipated blasting operations.
- B. All detonation of explosives shall take place between the hours of 10:00 a.m. and 3:00 p.m., and no detonation of explosives shall take place on either Saturday or Sunday or on any legal holiday.

- C. During scheduled blasting operations, the applicant shall prominently display adequate signs warning against the use of mobile radio transmitters on all roads within 1,000 feet of the affected area.
- D. The applicant may be required to provide additional reasonable safety precautions as may be required by the Town Board or its representative as required by the particular field conditions or conduct of the blasting operation.
- E. Notice containing a schedule of blasting shall be delivered, either personally or by certified mail, to all owners of property within 200 feet of the property where the blasting is to occur. When blasting occurs during the course of developing a subdivision, the 200 feet shall be measured from the outside boundary of the entire subdivision and not merely from the lot line of the lot being created.

§ 97-10. Standards for blasting.

- A. No blasting operations shall be conducted within the Town of Glenville when the purpose and/or effect of such proposed blasting may be accomplished by some other feasible means available to the applicant; it being the intention hereof to limit the blasting within the Town of Glenville to those activities or purposes which cannot be accomplished by the applicant by any other practical means other than that of actual blasting.
- B. No explosives shall be detonated pursuant to the license issued hereunder, and/or no series of explosives shall be detonated pursuant to such license in excess of any of the following levels and standards:
 - (1) Particle velocity. No detonation of explosives or series of explosive charges shall produce at any time a particle velocity in excess of 1.0 inch per second.
 - (2) Air pressure. No detonation of explosives or series of explosive charges shall produce at any time a peak overpressure in excess of 0.0092 pound per square inch (psi) or 130 decibels (dB).
 - (3) Time delay. No detonation of explosives or blast, whether in series, by way of time delay or otherwise, shall take place where the weight of such explosives, measured in pounds or its equivalent, shall exceed for any blast the maximum weight allowed in accordance with the following formula:

$$W = (D/60)^2$$

Where:

W = The maximum weight of explosives, in pounds, per delay that can be detonated within any time interval of eight milliseconds or more.

D = The distance in feet to the ground adjacent to the nearest public building, school, church or residential or other commercial or institutional building or structure nearest to the blast area which may be affected by the conduct of such blasting operations.

- C. The applicant shall state separately, on the applicant's filed schedule of blasting, the number of pounds of explosives per eight-millisecond time delay or more to be detonated during each scheduled blast. The applicant shall further file with the Town Clerk every 60 days a certification from the blaster indicating compliance with the filed schedule of number of pounds of explosives per eight-millisecond time delay or more for each blasting operation conducted during the preceding sixty-day period.
- D. The Town of Glenville may, during the license period, monitor the blasting operations of the applicant in accordance with the standards herein set forth, and should it be found and determined by the Town of Glenville that the applicant shall have exceeded any of the standards hereunder, the Town of Glenville may suspend and/or revoke the license issued hereunder until it is satisfied that compliance with the standards set forth herein is assured.
- E. For the purposes of these provisions, measurements of particle velocity and air pressure shall be made on the ground adjacent to the nearest public dwelling, school, church or residential or other commercial or institutional building or structure not on the property of the applicant.

§ 97-11. Penalties for offenses.

- A. Any person, firm or corporation, whether licensed pursuant to the provisions of this chapter or not, who commits or permits any acts in violation of any of the provisions of this chapter shall be deemed to have committed an offense against such chapter and also shall be liable for any such offense or the penalty therefor. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
- B. For every violation of any provision of this chapter, the person violating the same shall be subject to a fine of not more than \$250 or imprisonment not exceeding 15 days, or both such fine and imprisonment.
- C. Conviction for violation of this chapter shall constitute and effect an immediate forfeiture of the license.
- D. Any person violating this chapter shall be subject to a civil penalty enforceable and collectible by the Town in the amount of \$100 for each such offense. Such penalty shall be collectible by and in the name of the Town for each day that such violation shall continue.
- E. In addition to the above-provided penalties and punishment, 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 such chapter.

§ 97-12. Conflict with other laws.

Whenever it appears that any of the provisions of this chapter are in conflict with any provisions of any state, federal or Town law, ordinance, rule or regulation, such conflicting provisions shall be read and construed, as far as possible, so as to give purpose and effect and

- C. The applicant shall state separately, on the applicant's filed schedule of blasting, the number of pounds of explosives per eight-millisecond time delay or more to be detonated during each scheduled blast. The applicant shall further file with the Town Clerk every 60 days a certification from the blaster indicating compliance with the filed schedule of number of pounds of explosives per eight-millisecond time delay or more for each blasting operation conducted during the preceding sixty-day period.
- D. The Town of Glenville may, during the license period, monitor the blasting operations of the applicant in accordance with the standards herein set forth, and should it be found and determined by the Town of Glenville that the applicant shall have exceeded any of the standards hereunder, the Town of Glenville may suspend and/or revoke the license issued hereunder until it is satisfied that compliance with the standards set forth herein is assured.
- E. For the purposes of these provisions, measurements of particle velocity and air pressure shall be made on the ground adjacent to the nearest public dwelling, school, church or residential or other commercial or institutional building or structure not on the property of the applicant.

§ 97-11. Penalties for offenses.

- A. Any person, firm or corporation, whether licensed pursuant to the provisions of this chapter or not, who commits or permits any acts in violation of any of the provisions of this chapter shall be deemed to have committed an offense against such chapter and also shall be liable for any such offense or the penalty therefor. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
- B. For every violation of any provision of this chapter, the person violating the same shall be subject to a fine of not more than \$250 or imprisonment not exceeding 15 days, or both such fine and imprisonment.
- C. Conviction for violation of this chapter shall constitute and effect an immediate forfeiture of the license.
- D. Any person violating this chapter shall be subject to a civil penalty enforceable and collectible by the Town in the amount of \$100 for each such offense. Such penalty shall be collectible by and in the name of the Town for each day that such violation shall continue.
- E. In addition to the above-provided penalties and punishment, 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 such chapter.

§ 97-12. Conflict with other laws.

Whenever it appears that any of the provisions of this chapter are in conflict with any provisions of any state, federal or Town law, ordinance, rule or regulation, such conflicting provisions shall be read and construed, as far as possible, so as to give purpose and effect and

carry out the expressed intention of each of such conflicting provisions. Should any of the provisions of this chapter impose more stringent requirements than those imposed by any state, federal or Town law, ordinance, rule or regulation, then in that event, the provisions of this chapter shall take precedence over and shall supersede the provisions of such less-restrictive state, federal or Town law, ordinance, rule or regulation. Should any provisions of any state, federal or Town law, ordinance, rule or regulation impose more stringent requirements than those imposed by the provisions of this chapter, then in that event, the provisions of such state, federal or Town law, ordinance, rule or regulation shall take precedence over and shall supersede the provisions of such less-restrictive provisions of this chapter.

§ 97-13. Variances.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Town Board of the Town of Glenville shall have the power in passing upon the application required herein to vary or modify any of the regulations or provisions contained herein so that the spirit of the chapter shall be observed, public safety and welfare secured and substantial justice done.

Chapter 101

BUILDING CONSTRUCTION AND FIRE PREVENTION

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| § 101-1. Purpose. | § 101-9. Unsafe buildings and structures. |
| § 101-2. Definitions. | § 101-10. Operating permits. |
| § 101-3. Code Enforcement Officer; inspectors. | § 101-11. Firesafety and property maintenance inspections. |
| § 101-4. Building permits. | § 101-12. Complaints. |
| § 101-5. Construction inspections. | § 101-13. Recordkeeping. |
| § 101-6. Stop-work orders. | § 101-14. Program review and reporting. |
| § 101-7. Certificates of occupancy/certificates of compliance. | § 101-15. Enforcement; penalties for offenses. |
| § 101-8. Notification regarding fire or explosion. | § 101-16. Fees. |
| | § 101-17. Intermunicipal agreements. |

[HISTORY: Adopted by the Town Board of the Town of Glenville 3-7-2007 by L.L. No. 2-2007.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Alarms — See Ch. 80.
Blasting — See Ch. 97.
Open burning — See Ch. 110.
Flood damage prevention — See Ch. 151.

Mobile home parks — See Ch. 184.
Subdivision of land — See Ch. 242.
Zoning — See Ch. 270.

§ 101-1. Purpose.

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 of this chapter.

§ 101-2. Definitions.

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

BUILDING PERMIT — A permit issued pursuant to § 101-4 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.

1. Editor's Note: This local law also repealed former Ch. 101, Building Construction and Fire Prevention, adopted 3-8-1948 (Ch. 8 of the 1966 Code), as amended.

CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE — A certificate issued pursuant to § 101-7B of this chapter.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer appointed pursuant to § 101-3B of this chapter.

CODE ENFORCEMENT PERSONNEL — The Code Enforcement Officer and all inspectors.

COMPLIANCE ORDER — An order issued by the Code Enforcement Officer pursuant to § 101-15A 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 § 101-3D of this chapter.

OPERATING PERMIT — A permit issued pursuant to § 101-10 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 — 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 § 101-6 of this chapter.

TEMPORARY CERTIFICATE — A certificate issued pursuant to § 101-7D of this chapter.

TOWN — The Town of Glenville.

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

§ 101-3. Code Enforcement Officer; 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, zoning permits, sign 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, zoning permits, sign 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 § 101-15A, 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's 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 Town Board. 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.
- D. One or more inspectors may be appointed by the Town Board 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.

§ 101-4. 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 or demolition 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 retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - (4) Construction of temporary motion-picture, television and theater stage sets and scenery;
 - (5) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (6) Installation of partitions or movable cases less than five feet nine inches in height;
 - (7) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (8) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (9) 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
 - (10) 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 by 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 performed 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 six 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 all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and 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 § 101-16, 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.

§ 101-5. 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, 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 § 101-16, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 101-6. 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 be in writing, be dated and signed by the Code Enforcement Officer, state the reason or reasons for issuance, and 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 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 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 § 101-15, 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.

§ 101-7. 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, 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 § 101-16, 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 a temporary certificate.

§ 101-8. 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.

§ 101-9. Unsafe buildings 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.

§ 101-10. Operating permits.

- A. Operating 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 Table 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 byproduct, 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; and
 - (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.
- (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 remain in effect until reissued, renewed, revoked, or suspended.
- 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 § 101-16, Fees, of this chapter must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 101-11. 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), and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) and (2) shall be performed at least once every 36 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: the request of the owner of the property to be inspected or an authorized agent of such owner; 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 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.

§ 101-12. 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 of the Uniform Code or the Energy Code. 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 § 101-15, 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.

§ 101-13. Recordkeeping.

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement personnel, including records of:
 - (1) All applications received, reviewed and approved or denied;
 - (2) All plans, specifications and construction documents approved;
 - (3) All building permits, certificates of occupancy/certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;
 - (4) All inspections and tests performed;
 - (5) All statements and reports issued;
 - (6) All complaints received;
 - (7) All investigations conducted;
 - (8) All other features and activities specified in or contemplated by §§ 101-4 through 12, inclusive, of this chapter; and
 - (9) All fees charged and collected.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 101-14. Program review and reporting.

- A. The Code Enforcement Officer shall annually 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 § 101-13, 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.

§ 101-15. Enforcement; penalties for offenses.

- A. Compliance orders. 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 be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; 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; specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. 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 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 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.
- C. Civil penalties. In addition to those penalties prescribed 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.
- 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 penalty 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 § 101-6, 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 § 101-6, 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.

§ 101-16. 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.

§ 101-17. Intermunicipal agreements.

The Town Board of this Town may, by resolution, authorize the Code Enforcement Officer 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 110

OPEN BURNING

§ 110-1. Definitions.

§ 110-3. Restricted burning.

§ 110-2. Prohibitions.

[HISTORY: Adopted by the Town Board of the Town of Glenville 4-4-1950 (Ch. 20 of the 1966 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 101.

§ 110-1. Definitions.

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

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

OPEN FIRE — Any outdoor fire or outdoor smoke producing process from which air contaminants are emitted directly into the outdoor atmosphere.

REFUSE — All waste material, including but not limited to, garbage, rubbish, incinerator residue, street sweepings, dead animals and offal. Refuse is classified in accordance with Table 1, Appendix 2, of 6 NYCRR 215.

REFUSE DISPOSAL AREA — Land used for depositing of refuse except that it shall not include land used for depositing of refuse from a single family, a member of which is the owner, occupant or lessee of said land, or any part of a farm on which only animal or vegetable wastes resulting from the operation of such farm are deposited. This definition includes, but is not limited to, those areas commonly referred to as "landfills," "sanitary landfills" and "dumps."

RUBBISH — Solid or liquid waste material, including but not limited to, paper and paper products; rags; trees or leaves, needles, and branches therefrom; vines; lawn and garden debris; furniture; cans; crockery; plastics; cartons; chemicals; paint; grease; sludges; oils and other petroleum products; wood; sawdust, demolition materials; tires; and automobiles and other vehicles and parts, for junk, salvage or disposal. "Rubbish" shall not include garbage, incinerator residue, street sweepings, dead animals or offal.

§ 110-2. Prohibitions.

Except as permitted by § 110-2, person shall burn, cause, suffer, allow or permit the burning in an open fire:

- A. Of garbage;
- B. Of refuse at a refuse disposal area;
- C. Of rubbish for salvage;
- D. For on-site disposal, of rubbish generated by residential activities in any city or village; or in any town with a total town population, including incorporated or unincorporated areas, of greater than 20,000;
- E. For on-site disposal, of rubbish generated by industrial or commercial activities other than agricultural;
- F. Of rubbish generated by land clearing or demolition for the erection of any structure; for the construction or modification of any highway, railroad, power or communication line, or pipeline; or for the development or modification of a recreational area or park; and
- G. Of refuse during an air pollution episode, in an area for which such air pollution has been designated.

§ 110-3. Restricted burning.

Burning in an open fire, provided it is not contrary to other law, shall be permitted as follows:

- A. Burning of land clearing and/or demolition material consisting of wood, trees, tree trimmings, leaves, or brush, generated by land clearing or demolition for the erection of any structure; for the construction or modification of any highway, railroad, pipeline, or power or communication line; or for the development or modification of a recreational area or park; provided that such burning is done on site or at an appropriate designated burning area and in accordance with a permit issued by the Commissioner of Environmental Conservation of the State of New York after written application. An application for such permit shall include the reasons why such burning should be permitted and such other information as may be required by the Commissioner to insure that such burning will be unlikely to result in contravention of air quality standards or to cause air pollution. If the Commissioner approves such application he will issue a permit which shall be for a specified period and shall contain such conditions as are deemed necessary to prevent air pollution and contravention of air quality standards. The permit may be revoked by the Commissioner if there is: a failure to comply with its conditions; a violation of law in connection with the burning; or the occurrence, or likely occurrence, of either air pollution or contravention of air quality standards as a result of burning. Before revocation of a permit, the permittee shall have the right to be heard; but where prompt action is necessary because of danger to the public health or safety, or to prevent serious air pollution, the permit may be suspended pending a hearing.
- B. Burning at an appropriate designated burning area, serving a county, city, town, or village, of yard wastes consisting of trees, tree trimmings, leaves, and brush; provided that such burning is done in accordance with a permit issued by the Commissioner after written application. An application for such permit shall include the reasons why such burning should be permitted and such other information as may be required by the Commissioner to insure that such burning will be unlikely to result in contravention of

air quality standards or to cause air pollution. If the Commissioner approves such application he will issue a permit which shall be for a specified period and shall contain such conditions as are deemed necessary to prevent air pollution and contravention of air quality standards. The permit may be revoked by the Commissioner if there is: a failure to comply with its conditions; a violation of law in connection with the burning; or the occurrence, or likely occurrence of either air pollution or contravention of air quality standards. Before revocation of a permit, the permittee shall have the right to be heard; but where prompt action is necessary because of danger to the public health or safety, or to prevent serious air pollution, the permit may be suspended pending a hearing.

- C. Burning on site, in areas of the state to be designated by the Commissioner, of paper, paper products, cartons, tree trimmings, leaves, or lawn and garden debris.
- (1) The Commissioner will consider whether to designate such an area after petition by governing body of a county, city, village, or town within which such area would be located. Such petition shall include the geographical boundaries, population density, and meteorological characteristics of such area; the material to be burned; proposed control methods; and reasons why burning in an open fire should be allowed in such area.
 - (2) Such designation, if made, shall be by rule or regulation adopted in accordance with § 15 of the Environmental Conservation Law. In designating such an area, the Commissioner will set forth any conditions deemed appropriate.
 - (3) The Commissioner shall, from time to time, review air pollution safeguards in each designated area to determine whether the designation shall be rescinded.
- D. Burning at an appropriate designated site of toxic, explosive, or dangerous materials; provided that such burning is done only in accordance with a permit which will be issued by the Commissioner after written application if he determines that there is no other safe or economical method of disposal. Such permit will be for a specified period and shall contain such conditions as are deemed necessary in the interest of health or safety. Such permit may be revoked if there is: a failure to comply with its conditions; a violation of law in connection with the burning, or an apparent serious threat to health or safety as a result of the burning. Before revocation of a permit, the permittee shall have the right to be heard; but where prompt action is necessary because of danger to the public health or safety, or to prevent serious air pollution, the permit may be suspended pending a hearing.

Chapter 128

EMPIRE ZONE

§ 128-1. Application ratified.

§ 128-2. Zones identified.

[HISTORY: Adopted by the Town Board of the Town of Glenville 2-1-1995 (Ch. 15 of the 1966 Code); amended in its entirety 7-19-1995. Subsequent amendments noted where applicable.]

§ 128-1. Application ratified.

The Town of Glenville hereby ratifies the application made jointly by the Town of Glenville and the City of Schenectady to the Commissioner of Economic Development to amend the boundaries of the Schenectady/Glenville Economic Development Zone, originally approved on July 1, 1994, and amended on February 1, 1995.

§ 128-2. Zones identified. [Amended 11-15-1995 by L.L. No. 6-1995]

- A. Primary Zone. The property within the City of Schenectady beginning at a point where State Street intersects the city line to the west; then southerly along the city line to Interstate 890; then southeasterly along Interstate 890 to Brandywine Avenue; then northeasterly to the northern boundary of the Vale Cemetery line; then northwesterly along the Vale Cemetery line to Elmer Avenue extended; then northerly along Elmer Avenue to Union Street; then westerly along Union Street to Washington Avenue; then southerly along Washington Avenue to State Street; then westerly along State Street where it intersects the city line (at the beginning point); then southerly along the city line to I-890; then southeasterly along I-890 to Tremont Avenue; then northeasterly along Tremont Avenue/Bigelow Avenue to Albany Street; then northwesterly along Albany Street to Brandywine Avenue; then northeasterly to the Vale Cemetery line; then northwesterly along the Vale Cemetery line to Elmer Avenue extended; then northerly along Elmer Avenue to Union Street; then westerly along Union Street to Washington Avenue. [Amended 8-20-1997]
- B. Subzone A. The property within the City of Schenectady which includes those lands bounded on the west by the Mohawk River and the lands of J. and R. Ferro; on the north by Anthony Street; on the east by the Hudson-Mohawk Bikepath and on the south by Maxon Road; then beginning at a point where the D & H Railroad line crosses Maxon Road; then southerly along the D & H Railroad line to Seneca Street; then easterly along Seneca Street to the Hudson-Mohawk Bikepath; then southwesterly along the Hudson-Mohawk Bikepath to Jay Street; then northeasterly along Jay Street to Mohawk Avenue extended; then northerly along Mohawk Avenue until it intersects with the Mohawk River; then northerly along the Mohawk River to Freemans Bridge; then southeasterly to Maxon Road; then northeasterly along Maxon Road to the intersection with the D & H Railroad line. [Amended 8-20-1997]

- C. Subzone B. The property in the Town of Glenville, which includes 10 parcels in and around the Scotia-Glenville Industrial Park, one parcel in Corporations Park, and one parcel on Freemans Bridge Road, for a total of 90 acres. **[Amended 8-15-2001]**

(1) In and around the Scotia-Glenville Industrial Park:

- (a) Parcel SGG1 consists of those lands beginning at the point on the north corner where 5th Street intersects A Street; then going north along A Street to 1st Street extended; then east along 1st Street extended to B Street extended; then north along B Street extended to the lands of Boston & Maine Railroad; then west to the Amsterdam Road (NYS Route 5) right-of-way; then east along the Amsterdam Road right-of-way to 7th Street; then east along 7th Street to the point of beginning, containing approximately 50 acres of land.
- (b) Parcel SGG2 consists of Building 202, beginning at a point on the building's southwest corner at coordinate N42° 50' 40.04", W73° 59' 34.80", and runs thence from said point of beginning the following four courses:
 - [1] East, a distance of 600 feet to the building's southeast corner at coordinate N42° 50' 37.25", W73° 59' 27.58".
 - [2] North, a distance of 200 feet to the building's northeast corner at coordinate N42° 50' 38.96", W73° 59' 26.33".
 - [3] West, a distance of 600 feet to the building's northwest corner at coordinate N42° 50' 41.99", W73° 59' 33.58".
 - [4] South, a distance of 200 to the point of beginning, containing approximately 2.75 acres of land.
- (c) Parcel SGG3 consists of Building 201, beginning at a point on the building's southwest corner at coordinate N42° 50' 37.47", W73° 59' 36.74", and runs thence from said point of beginning the following four courses:
 - [1] East, a distance of 600 feet to the building's southeast corner at coordinate N42° 50' 37.74", W73° 59' 29.50".
 - [2] North, a distance of 200 feet to the building's northeast corner at coordinate N42° 50' 36.37", W73° 59' 28.07".
 - [3] West, a distance of 600 feet to the building's northwest corner at coordinate N42° 50' 39.12", W73° 59' 35.38".
 - [4] South, a distance of 200 to the point of beginning, containing approximately 2.75 acres of land.
- (d) Parcel SGG4 consists of Building 203, beginning at a point on the building's southwest corner at coordinate N42° 50' 34.78", W73° 59' 38.73", and runs thence from said point of beginning the following four courses:

- [1] East, a distance of 600 feet to the building's southeast corner at coordinate N42° 50' 32.01", W73° 59' 31.47".
 - [2] North, a distance of 200 feet to the building's northeast corner at coordinate N42° 50' 33.65", W73° 59' 30.18".
 - [3] West, a distance of 600 feet to the building's northwest corner at coordinate N42° 50' 36.34", W73° 59' 37.41".
 - [4] South a distance of 200 to the point of beginning, containing approximately 2.75 acres of land.
- (e) Parcel SGG5 consists of Building 204, beginning at a point on the building's southwest corner at coordinate N42° 50' 32.01", W73° 59' 40.70", and runs thence from said point of beginning the following four courses:
- [1] East, a distance of 600 feet to the building's southeast corner at coordinate N42° 50' 29.26", W73° 59' 32.90".
 - [2] North, a distance of 200 feet to the building's northeast corner at coordinate N42° 50' 31.08", W73° 59' 32.02".
 - [3] West, distance of 600 feet to the building's northwest corner at coordinate N42° 50' 33.72", W73° 59' 39.30".
 - [4] South, a distance of 200 to the point of beginning, containing approximately 2.75 acres of land.
- (f) Parcel SGG6 consists of those lands beginning at the point on the north corner where 7th Street intersects C Street; then going north along C Street to 3rd Street; then east along 3rd Street to D Street; then going north along D Street to 2nd Street; then west along 2nd Street and 2nd Street extended to C Street; then north along C Street to 1st Street extended; then west along 1st Street extended to B Street; then south along B Street to 7th Street; then east along 7th Street to the point of beginning, containing approximately 13 acres of land.
- (g) Parcel SGG7 consists of Building 403, beginning at a point on the building's southwest corner at coordinate N42° 50' 27.61", W73° 59' 20.89", and runs thence from said point of beginning the following four courses:
- [1] East, a distance of 600 feet to the building's southeast corner at coordinate N42° 50' 24.86", W73° 59' 13.70".
 - [2] North, a distance of 220 feet to the building's northeast corner at coordinate N42° 50' 26.58", W73° 59' 12.20".
 - [3] West, a distance of 600 feet to the building's northwest corner at coordinate N42° 50' 29.34", W73° 59' 19.39".
 - [4] South, a distance of 220 to the point of beginning, containing approximately three acres of land.

- (h) Parcel SGG8 consists of Building 404, beginning at a point on the building's southwest corner at coordinate N42° 50' 25.22", W73° 59' 22.84", and runs thence from said point of beginning the following four courses:
- [1] East, a distance of 600 feet to the building's southeast corner at coordinate N42° 50' 22.40", W73° 59' 15.65".
 - [2] North, a distance of 220 feet to the building's northeast corner at coordinate N42° 50' 24.03", W73° 59' 13.97".
 - [3] West, a distance of 600 feet to the building's northwest corner at coordinate N42° 50' 26.85", W73° 59' 21.39".
 - [4] South, a distance of 220 to the point of beginning, containing approximately three acres of land.
- (i) Parcel SGG9 consists of Building 405, beginning at a point on the building's southwest corner at coordinate N42° 50' 22.53", W73° 59' 24.75", and runs thence from said point of beginning the following four courses:
- [1] East, a distance of 600 feet to the building's southeast corner at coordinate N42° 50' 19.50", W73° 59' 17.72".
 - [2] North, a distance of 200 feet to the building's northeast corner at coordinate N42° 50' 20.34", W73° 59' 16.28".
 - [3] West, a distance of 600 feet to the building's northwest corner at coordinate N42° 50' 24.30", W73° 59' 23.25".
 - [4] South, a distance of 200 to the point of beginning, containing approximately 2.75 acres of land.
- (j) Parcel SGG10 consists of Building 406, beginning at a point on the building's southwest corner at coordinate N42° 50' 19.9", W73° 59' 26.45", and runs thence from said point of beginning the following four courses:
- [1] East, a distance of 600 feet to the building's southeast corner at coordinate N42° 50' 17.03", W73° 59' 19.50".
 - [2] North, a distance of 200 feet to the building's northeast corner at coordinate N42° 50' 18.65", W73° 59' 18.28".
 - [3] West, a distance of 600 feet to the building's northwest corner at coordinate N42° 50' 21.52", W73° 59' 25.33".
 - [4] South, a distance of 200 to the point of beginning, containing approximately 2.75 acres.
- (2) In Corporations Park: Parcel SGG11 consists of Building 601 and the land between Building 601 and Building 701 beginning at a point on Building 601's southwest corner at coordinate N42° 50' 25.97", W73° 58' 59.32", and runs thence from said point of beginning the following four courses:

- (a) East, a distance of 760 feet to Building 701's southwest corner at coordinate N42° 50' 22.69", W73° 58' 50.39".
 - (b) North, a distance of 210 feet to Building 701's northwest corner at coordinate N42° 50' 25.06", W73° 58' 50.84".
 - (c) West, a distance of 760 feet to Building 601's northwest corner at coordinate N42° 50' 27.96", W73° 58' 58.03".
 - (d) South, a distance of 210 to the point of beginning, containing approximately 3.7 acres.
- (3) On Freemans Bridge Road: Parcel SGG12 consists of the building on Tax Parcel 30.10-3-7, known as "144 Freemans Bridge Road," beginning at a point on the building's west corner at coordinate N42° 50' 40.19", W73° 56' 28.06", and runs thence from said point of beginning the following four courses:
- (a) South, a distance of 226 feet to the building's south corner at coordinate N42° 50' 38.40", W73° 59' 26.77".
 - (b) East, a distance of 186 feet to the building's east corner at coordinate N42° 50' 39.00", W73° 59' 24.41".
 - (c) North, a distance of 226 feet to the building's north corner at coordinate N42° 50' 41.10", W73° 56' 25.72".
 - (d) West, a distance of 186 to the point of beginning, containing approximately .97 acres.

Chapter 132

ENVIRONMENTAL QUALITY REVIEW

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| § 132-1. Definitions. | § 132-11. Environmental impact report. |
| § 132-2. Compliance required. | § 132-12. Processing of DEIS. |
| § 132-3. Types of actions. | § 132-13. Preparation of FEIS. |
| § 132-4. Filing of EAF; submission of application and EAF. | § 132-14. Notice of completion of FEIS; consideration of FEIS. |
| § 132-5. Application fee. | § 132-15. Approval of actions which may have significant effect on environment. |
| § 132-6. Determination of completeness of application. | § 132-16. Filing of determination. |
| § 132-7. Notice of completion; determination of lead agency. | § 132-17. Records to be kept by Building Inspector. |
| § 132-8. Determination of effect on environment. | § 132-18. Effect on prior actions. |
| § 132-9. Determination of nonsignificance. | |
| § 132-10. Determination of significance. | |

[HISTORY: Adopted by the Town Board of the Town of Glenville 10-3-1984 by L.L. No. 4-1984 (Ch. 16 of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Freshwater wetlands — See Ch. 156.
Subdivision of land — See Ch. 242.

Zoning — See Ch. 270.

§ 132-1. Definitions.

- A. Unless the context shall otherwise require, the terms, phrases, words and their derivations used in this chapter shall have the same meaning as those defined in § 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 NYCCR.
- B. As used in this chapter, the following terms shall have the meanings indicated:
- DEIS — The Draft Environmental Impact Statement.
- EAF — The Environmental Assessment Form.
- FEIS — The Final Environmental Impact Statement.
- GECC — The Glenville Environmental Conservation Commission.
- PZC — The Planning and Zoning Commission.

TOWN — The Town of Glenville.

§ 132-2. Compliance required.

No decision to carry out or approve an action other than an action listed in § 132-3B hereof or Section 617.5 of 6 NYCRR as a Type II action, shall be made by the Town Board or by any department, board, commission, officer or employee of the Town until there has been full compliance with all requirements of this chapter and Part 617 of Title 6 NYCRR; provided, however, that nothing herein shall be construed as prohibiting:

- A. The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the Town to approve, commence or engage in such action.
- B. The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this chapter and Part 617 of Title 6 NYCRR have been fulfilled.

§ 132-3. Types of actions.

- A. Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in Section 617.4 of Title 6 NYCRR as Type I actions, are likely to have significant effect on the environment: none.
- B. Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in Section 617.5 of Title 6 NYCRR as Type II actions, are deemed not to have a significant effect on the environment: none.

§ 132-4. Filing of EAF; submission of application and EAF.

- A. For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written environmental assessment form (EAF) with the Town Building Inspector. The EAF shall set forth the name of the applicant; the location of the real property affected, if any; a description of the nature of the proposed action; and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the EAF shall be filed simultaneously with the application for the action. The EAF provided herein shall be upon a form provided by the Town Building Inspector and shall contain such additional relevant information as shall be required in the prescribed form. Such form shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material.
- B. All applications and the EAF shall be dated when they are received by the Town Building Inspector. The Town Building Inspector shall require an appropriate number of

copies for the Town Planning and Zoning Commission (seven), the Environmental Conservation Commission (three), the Town Building Inspector and Town Engineer (two), the County Planning Department (one) and the Town Clerk (one) and shall be responsible for the distribution of said copies to the affected agencies/persons. At the time the initial application and EAF are submitted, the Town Building Inspector shall determine if the proposed action is a Type II, exempt or excluded action. If the proposed action is determined by the Town Building Inspector to be one of these types of actions, the application and EAF shall be sent directly to the Planning and Zoning Commission for further action and is no longer subject to the provisions of this chapter.

§ 132-5. Application fee.¹

Every application processed under this chapter, with the exception of actions determined to be Type II, exempt or excluded actions, shall be accompanied by a fee. The fee shall be as set from time to time by resolution of the Town Board.² This fee shall be in addition to any other fees required by the Town.

§ 132-6. Determination of completeness of application.

- A. For applications subject to this chapter, as determined in § 132-4 above, a determination of completeness shall be made by the PZC, following a review and recommendation by the GECC. The application and EAF with paid fee shall be received by the Town Building Inspector at least four weeks prior to the regular meeting of the PZC in order to be considered by the PZC at that meeting.
- B. The Town Building Inspector shall be responsible to see that the GECC receives the application, EAF and other accompanying materials prior to its regular meeting night, so that the application may be acted upon by the GECC prior to the regular meeting of the PZC. If an application is considered incomplete, it shall be returned to the applicant by the PZC with a description of the additional materials or information necessary to consider the application.

§ 132-7. Notice of completion; determination of lead agency.

- A. Applications which have been determined to be complete by the PZC shall be distributed with a notice of completion by the Town Building Inspector in the manner described in § 132-4 and furthermore shall be posted on a signboard maintained by the Town by the Town Clerk. The Town Clerk shall also cause such notice to be published in the official newspaper of the Town or in a newspaper having general circulation within the Town, describing the nature of the proposed action and stating that written views thereon of any person shall be received by the Town no later than a date specified in such notice.

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

2. Editor's Note: See Ch. 139, Fees.

- B. Where more than one agency is involved in an action, the procedures of Sections 617.14 and 617.9 of Part 617 of Title 6 NYCRR shall be followed. Where the Town is determined to be the lead agency, the lead agency shall be the PZC.

§ 132-8. Determination of effect on environment.

- A. The complete application and EAF shall be promptly returned by the PZC to the GECC for review and recommendation as to whether such proposed action may or will not have a significant effect on the environment. The GECC shall return its recommendation to the PZC at the meeting of the PZC following the next regular meeting of the GECC. The PZC may hold informal meetings with the applicant and may meet with and consult with any other person for the purposes of aiding it in making the determination of the application.
- B. Determination whether an action may or will not have a significant effect on the environment shall be made by the PZC. The PZC may endorse the recommendation of the GECC by a vote of a simple majority of the PZC; whereas a two-thirds majority of the PZC shall be required to overrule the recommendation of the GECC.

§ 132-9. Determination of nonsignificance.

If the PZC determines that the proposed action is not an exempt action; not a Type II action (listed in § 132-3B hereof or Section 617.5 of Title 6 NYCRR) and that it will not have a significant effect on the environment, the PZC shall prepare, file and circulate such determination of nonsignificance as provided in Section 617.12(b) of Title 6 NYCRR and thereafter for proposed action shall be processed without further regard to this chapter.

§ 132-10. Determination of significance.

If the PZC determines that the proposed action may have a significant effect on the environment, the Commission shall prepare, file and circulate such determination as provided in 617.12(b), and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this chapter and Part 617 of Title 6 NYCRR.

§ 132-11. Environmental impact report.

Following the determination that a proposed action may have a significant effect on the environment, the PZC shall, in accordance with the provisions of Part 617 of Title 6 NYCRR, immediately notify the applicant of the determination and shall request the applicant to prepare or have prepared, an environmental impact report in the form of a draft environmental impact statement. If the applicant decides not to submit an environmental impact report, the PZC shall notify the applicant that the processing of the application will cease and that no approval will be issued.

§ 132-12. Processing of DEIS.

- A. The DEIS shall be subject to a determination of completeness in accordance with the provisions of § 132-6 herein. If the DEIS is determined to be complete, a notice of completion containing the information specified in Section 617.12(a)(2)(iii) of Title 6 NYCRR shall be prepared, filed and circulated as provided in Section 617.12(b) of Title 6 NYCRR and to each agency identified in § 132-4 of this chapter by the Town Building Inspector. In addition, the notice of completion shall be published in the official newspaper of the Town by the Town Clerk, and a copy thereof shall also be posted on the signboard maintained by the Town Clerk. Copies of the DEIS and the notice of completion shall be filed, sent and made available by the Town Building Inspector, as provided in Section 617.12 of Title 6 NYCRR.
- B. If the PZC determines to hold a public hearing on a DEIS, notice thereof shall be filed, circulated and sent in the same manner as the notice of completion and shall be published in the official newspaper of the Town at least 10 days prior to such public hearing. Such notice shall also state the place where substantive written comments on the DEIS may be sent and the date before which such comments shall be received.
- C. The hearing shall commence no less than 15 calendar days nor more than 60 calendar days after the determination of the DEIS completeness has been made, except as otherwise provided where the PZC determines that additional time is necessary for the public or other agency review of the DEIS or where a different hearing date is required as appropriate under other applicable law.
- D. Determination of whether or not an action will have a significant impact on the environment, on the basis of the DEIS and a public hearing, if required thereon, shall be made by the PZC. The process for review of the DEIS by the GECC shall be in accordance with the provisions of § 132-6 herein. The PZC may endorse the recommendation of the GECC by a vote of a simple majority of the Commission; whereas a two-thirds majority of the PZC shall be required to overrule the recommendation of the GECC.
- E. If the PZC determines that an action will not have a significant effect on the environment, based on a DEIS and/or a public hearing thereon, the proposed action shall be processed without further regard to this chapter. The PZC shall prepare a notice of determination which shall be published in the official newspaper of the Town by the Town Clerk and a copy there shall also be posted on the signboard maintained by the Town by the Town Clerk.

§ 132-13. Preparation of FEIS.

Except as otherwise provided herein, the PZC shall direct the applicant to prepare or cause to be prepared, a final environmental impact statement in accordance with the provisions of Part 617 of Title 6 NYCRR. Such FEIS shall be prepared within 45 days after the close of any hearings or within 60 days after the filing of the DEIS, whichever last occurs; provided, however, that the PZC by mutual agreement with the applicant, may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification.

§ 132-14. Notice of completion of FEIS; consideration of FEIS.

- A. The Town Building Inspector shall receive the FEIS and shall prepare, file and circulate a notice of completion in the same manner as provided in § 132-12 herein, and shall send it to all persons to whom the notice of completion of the DEIS was sent. Copies of the FEIS shall be filed and made available for review by the Town Building Inspector in the same manner as the DEIS.
- B. No decision shall be made, permit issued or approval granted to carry out or approve an action which has been the subject of a FEIS until after the filing and consideration of the FEIS. The PZC shall make the decision whether or not to approve or recommend the approval of the action and shall simultaneously define the conditions of the approval in terms of the actions that shall be taken by the applicant to eliminate, minimize or mitigate the impacts of the approved action on the environment. The PZC shall make this decision within 30 days of the filing of the FEIS.

§ 132-15. Approval of actions which may have significant effect on environment.

When the PZC decides to carry out or approve an action which may have a significant effect on the environment, it shall make the following findings in a written determination:

- A. Consistent with social, economic and other essential considerations of state policy, to the maximum extent practicable, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects, including the effect disclosed in the relevant environmental impact statements; and
- B. All practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects.

§ 132-16. Filing of determination.

For public information purposes, a copy of the determination shall be filed and made available as provided in Part 617 of Title 6 NYCRR by the Town Building Inspector.

§ 132-17. Records to be kept by Building Inspector.

The Town Building Inspector shall maintain files open for public inspection of all notices of completion, draft and final environmental impact statements and written determinations caused by the Town to be prepared.

§ 132-18. Effect on prior actions.

Actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for Town agencies shall be exempt from this chapter and the provisions of Article 8 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR; provided, however, that if, after such dates modification is made to an action undertaken or approved

prior to that date and the GECC determines that the modification shall be an action subject to this chapter and Part 617 of Title 6 NYCRR.

Chapter 139

FEES

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|---|--|
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| § 139-4. Nonrefundability of fees. | § 139-17. Public improvement inspection. |
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| § 139-9. Building construction administration. | § 139-22. Street standards. |
| § 139-10. State Environmental Quality Review Act. | § 139-23. Vehicle impoundment. |
| § 139-11. Floodplain review. | § 139-24. Water. |
| § 139-12. Massage businesses. | § 139-25. Zoning applications and administration fees. |
| § 139-13. Mass gatherings. | |

[HISTORY: Adopted by the Town Board of the Town of Glenville 12-30-1985 by L.L. No. 4-1985 (Ch. 18A of the 1966 Code); amended in its entirety 11-2-1988 by L.L. No. 3-1988. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Dog license fees — See Ch. 88, Art. II.

Taxation — See Ch. 245.

§ 139-1. Purpose.

It is the purpose of this chapter to revise and consolidate for effective administration the various fees fixed by the Town of Glenville.

§ 139-2. Title.

This chapter shall be known as the "Consolidated Fee Schedule of the Town of Glenville."

§ 139-3. Authorization to set fees by resolution. [Added 4-5-2006 by L.L. No. 3-2006]

Regardless of the manner of adoption or amendment of past fees, the Town Board is hereby authorized to enact new fees or revise existing fees by resolution of the Town Board. This

provision shall not apply to any fees mandated by statute to be set by local law or ordinance (for example, dog license fees).

§ 139-4. Nonrefundability of fees.

All fees are nonrefundable.

§ 139-5. Miscellaneous documents. [Amended 12-5-1990 by L.L. No. 10-1990; 4-5-2006 by L.L. No. 3-2006; 2-6-2008 by Res. No. 50-2008¹]

A fee shall be paid to the Town of Glenville for the following:

- A. Zoning Ordinance: \$15.
- B. Subdivision Rules and Regulations: \$10.
- C. Zoning Map: \$15.
- D. Comprehensive Plan: \$10.
- E. Landscape Manual: \$5.
- F. Design Manual: \$5.

§ 139-6. Town Clerk's office. [Amended 4-5-2006 by L.L. No. 3-2006; 2-6-2008 by Res. No. 50-2008]

- A. The fee for issuing a certificate of marriage registration shall be \$40.
- B. Fireworks permit: \$100 per application.

§ 139-7. False alarm fees. [Added 4-5-2006 by L.L. No. 3-2006; amended 2-6-2008 by Res. No. 50-2008]

False alarm fees in accordance with Chapter 80, Alarms shall be as follows:

False Alarms Within 12 Months	Fee
1 through 4	\$50
5 or more	\$75

§ 139-8. Dogs. [Added 4-5-2006 by L.L. No. 3-2006]

- A. The fee for dog seizure in the Town of Glenville is that which is set by Article 7, § 118, of the New York State Department of Agriculture Law (\$10/\$20/\$30).² **[Amended 2-6-2008 by Res. No. 50-2008; 3-5-2008 by Res. No. 61-2008]**

1. Editor's Note: This resolution provided for an effective date of 2-6-2008.

2. Editor's Note: See Agriculture and Markets Law, § 118.

- B. Dog license fees are mandated to be set by local law or ordinance and are set forth in Chapter 88, Article II, Dog License Fees.

§ 139-9. Building construction administration. [Amended 8-18-2004 by L.L. No. 1-2004; 2-6-2008 by Res. No. 50-2008³]

The applicant for a building permit, upon filing an application, shall pay to the Town of Glenville a fee for such permit pursuant to the following schedule. Gross floor area is being calculated from the outside dimensions of the building or structure.

A. Residential buildings.

- (1) Single-family residence: \$2.50 for \$1,000 of value or portion thereof.
- (2) Two-family residence: \$2.50 for each \$1,000 of value or portion thereof.
- (3) Multiple dwelling: \$2.50 per \$1,000 of value or portion thereof.
- (4) Townhouse: \$2.50 per \$1,000 of value or portion thereof.
- (5) Combination store and dwelling unit: \$2.50 per \$1,000 of value or portion thereof.
- (6) Accessory structure: \$25 for each 100 square feet of floor area or portion thereof.
- (7) Additions, alterations and repairs: by total value of work to be done: \$50 for the first \$1,000 of work to be performed, plus \$10 for each additional \$1,000 of work or portion thereof.
- (8) All other construction: by total value of work to be done: \$30 for the first \$1,000 of work to be performed, plus \$10 for each additional \$1,000 of work or portion thereof.
- (9) Demolition: \$50 for all buildings.
- (10) Woodburning equipment, fireplace and gas insert: \$40.
- (11) Plumbing: \$35 minimum, plus \$5 for each fixture.
- (12) Pools:
 - (a) In-ground: \$75.
 - (b) Aboveground: \$40.

B. Commercial and nonresidential construction.

- (1) New construction: \$2.50 per \$1,000 of value or portion thereof.
- (2) Additions, alterations and repairs: \$150 for the first \$1,000 of construction value or portion thereof, plus \$10 for each additional \$1,000 of construction value or portion thereof.

3. Editor's Note: This resolution provided for an effective date of 2-6-2008.

- (3) Accessory structures: \$50 per \$1,000 of construction value or portion thereof.
- (4) Signs: \$40 per \$1,000 of value or portion thereof.
- (5) Plumbing: \$50, plus \$5 for each fixture.
- (6) Tanks, chemical, gasoline and propane storage: \$100 per unit.
- (7) Combination residential unit and commercial: \$2.50 per \$1,000 of value or portion thereof.
- (8) Demolition and removal: \$100 for all buildings, plus \$10.

C. Miscellaneous.

- (1) Certificate of occupancy: \$35, except when it is issued upon completion of construction pursuant to a current building permit, then there shall be no fee.
- (2) Certificate of compliance: \$35.
- (3) Day-care center and community residence: an annual fee of \$35.
- (4) Moving of a structure, residential or commercial: a minimum fee of \$200, plus \$5 per \$1,000 of valuation as determined by records filed in the Town Assessor's office.
- (5) Renewal of building permit: After six months, a permit can be extended for an additional six months with no fee.
- (6) Supplemental permit: After one year, a permit is required for completion. The fee is \$100.
- (7) Other inspections, when not done in conjunction with a building permit: \$50.
- (8) Change of occupancy: \$50.

§ 139-10. State Environmental Quality Review Act.

- A. The fee for State Environmental Quality Review Act review shall be 1% of the total cost of the project, excluding buildings. This shall include lead agency designation, environmental assessment form for impact, draft environmental impact statement and final environmental impact statement reviews and consultant fees incurred by the Town in connection with a State Environmental Quality Review Act review.
- B. § 132-5: The application fee under Chapter 132 shall be 0.1% of the budgeted or estimated completion cost of the proposed action. **[Added 4-5-2006 by L.L. No. 3-2006; amended 2-6-2008 by Res. No. 50-2008⁴]**

4. Editor's Note: This resolution provided for an effective date of 2-6-2008.

§ 139-11. Floodplain review. [Amended 2-6-2008 by Res. No. 50-2008]

- A. The fee for a federal floodplain review shall be \$75.
- B. The fee for a State Environmental Quality Review Act⁵ study in a floodplain shall be \$75.

§ 139-12. Massage businesses. [Added 4-5-2006 by L.L. No. 3-2006; amended 2-6-2008 by Res. No. 50-2008]

In accordance with Chapter 175, Massage Businesses:

- A. The permit fee for a massage business shall be \$100 per year or any part thereof.
- B. The permit fee for masseurs shall be \$100 per year or any part thereof.

§ 139-13. Mass gatherings. [Added 4-5-2006 by L.L. No. 3-2006; amended 2-6-2008 by Res. No. 50-2008]

Each application under Chapter 179, Mass Gatherings, shall be accompanied by a fee in the amount of \$500, payable at the time of submission.

§ 139-14. Mobile home park license. [Amended 2-6-2008 by Res. No. 50-2008]

The annual license fee for each mobile home park shall be paid to the Town Clerk of the Town of Glenville at the time of issuance of such license. The fee shall be computed at the rate of \$20 per mobile home, whether occupied or not, located within the park five days prior to the date of issuance of the license. The minimum fee shall be \$100 per annum. If the original license is issued on or after July 1, 1/2 the regular fee shall be charged. Licenses shall become effective on the date of issuance and shall continue in force until December 31 of the year of issuance. The full license year shall be January 1 to December 31. The fee for transfer of a license shall be \$10.

§ 139-15. Peddlers, vendors and solicitors license. [Amended 2-6-2008 by Res. No. 50-2008]

The fee for a license to vend and peddle merchandise and solicit orders therefor in the Town of Glenville shall be \$150 per month, and if the licensee shall have more than one person to whom or vehicle for which he desires a license be issued, there shall be an additional fee of 25% for each additional license so issued.

5. Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

§ 139-16. Public exhibitions and entertainments. [Amended 4-5-2006 by L.L. No. 3-2006; 2-6-2008 by Res. No. 50-2008]

Upon filing an application for a permit to conduct a public exhibition or entertainment pursuant to Chapter 204, Public Exhibitions and Entertainment, as amended, the applicant shall pay to the Town Clerk a fee as follows:

A. Article II, Outdoor Public Exhibitions and Entertainments.

- (1) Application for a carnival, bazaar or other exhibition other than a circus, \$150, except that if the applicant shall be a religious or charitable organization, no fee shall be charged.
- (2) Circuses exhibiting animals: \$600, plus the cost, including salaries, of police assigned to patrol the premises as determined by the Chief of Police of the Town of Glenville, except that if the applicant and management of the circus shall be a charitable or religious organization and the sole profits and proceeds of said circus shall go to such organization, then no fee shall be charged.

B. Article III, Theaters and Theatrical Exhibitions. The license fee for the issuance of a license for the operation of a theater in the Town of Glenville is established at \$200 per calendar year or any part thereof, which license shall expire December 31 of the year in which it is issued.

C. Article IV, Amusement Parks and Amusement Centers. Upon filing application with the Town Clerk, the applicant shall pay to the Town Clerk a fee as follows:

- (1) Application to operate an amusement park for a period not to exceed one month: \$150, except that if the applicant and operator shall be a religious or charitable organization, no fee shall be charged.
- (2) Application to operate an amusement park or center for a period in excess of one month but not to exceed the balance of the calendar year: \$200.

§ 139-17. Public improvement inspection. [Amended 2-6-2008 by Res. No. 50-2008]

Inspector's fees for inspections required by Section 1(c) of the ordinance to regulate the construction of public improvements shall be the following percentage of the cost of the public improvement:

- A. Under \$10,000: 6% of project cost.
- B. All over \$10,000: \$600, plus 5% of project cost over \$10,000.

§ 139-18. Septic disposal system. [Amended 2-6-2008 by Res. No. 50-2008]

A. Residential lot pursuant to Chapter 213, Individual Septic Disposal Systems, as amended:

- (1) Repair: \$50.
- (2) New construction: \$100.

- B. Commercial lot pursuant to Chapter 213, Individual Septic Disposal Systems, as amended:
- (1) Repair: \$150.
 - (2) New construction: \$200.
- C. A fee of \$50 shall be paid to the Town of Glenville for each percolation test required for construction or reconstruction of a septic system and witnessed by Town personnel.
- D. A fee of \$50 shall be paid to the Town of Glenville for each soil boring test witnessed by Town personnel.

§ 139-19. Sewers. [Added 4-5-2006 by L.L. No. 3-2006; amended 2-6-2008 by Res. No. 50-2008]

Installation of building sewers per Chapter 217, Article I. A permit and inspection/hookup fee of \$100/\$150 for a residential-commercial use will be required except for initial hookups of existing structures within the time schedule allowed in § 217-3D measured from completion date of the construction contract of the public sewer servicing the structure. The cost of an industrial permit shall be negotiated with the Town of Glenville at the time of application.

§ 139-20. Sidewalk cleanup by Town. [Added 4-5-2006 by L.L. No. 3-2006; amended 2-6-2008 by Res. No. 50-2008]

In accordance with Chapter 221, Sidewalks, if, for the safety of pedestrians, it is necessary for the Department of Public Works to undertake the snow, ice, nuisance and/or obstruction removal, there will be a charge of \$1.50 per running foot to be paid or placed on the next tax roll.

§ 139-21. Garbage and rubbish collectors. [Amended 2-21-1990 by L.L. No. 2-1990; 6-20-1990 by L.L. No. 6-1990; 4-5-2006 by L.L. No. 3-2006; 2-6-2008 by Res. No. 50-2008]

A fee of \$350 shall be paid to the Town Clerk for each license issued to a garbage and rubbish collector and a further fee of \$150 shall be paid by each licensee for each truck or other conveyance in excess of one owned by such licensee and used by him for the removal or transportation of garbage and rubbish.

§ 139-22. Street standards. [Added 4-5-2006 by L.L. No. 3-2006; amended 2-6-2008 by Res. No. 50-2008]

Pursuant to Chapter 238, Street Standards, the following fees shall be charged:

- A. Copy of standard specifications and requirements of the Town of Glenville, § 238-2B(2): \$15 per copy.
- B. Shoulder and road cuts, § 238-17B.

- (1) Shoulder cut: \$150.
- (2) One-half road cut:
 - (a) Two feet wide: \$250.
 - (b) Three feet wide: \$350.
 - (c) Four feet wide: \$450.
- (3) Full road cut:
 - (a) Two feet wide: \$450.
 - (b) Three feet wide: \$650.
 - (c) Four feet wide: \$850.

C. Catch basins and storm sewer lines, § 238-17F: additional fee of \$150 for each additional cut requested.

§ 139-23. Vehicle impoundment. [Added 2-21-1990 by L.L. No. 2-1990; amended 10-4-1995 by L.L. No. 3-1995; 2-6-2008 by Res. No. 50-2008]

The fee for vehicles impounded shall be \$25 per day or portion thereof to a maximum of \$250 per month.

§ 139-24. Water. [Added 4-5-2006 by L.L. No. 3-2006; amended 2-6-2008 by Res. No. 50-2008⁶]

Pursuant to Chapter 259, Water, Article II, Water Use, the following fees shall be charged:

- A. Water meter: \$200.
- B. Double check valve: \$50.
- C. Service permit, residential/commercial: \$100/\$150.
- D. MXU, serial number: \$150.
- E. Outside user, residential/commercial: \$1,250.
- F. City of Schenectady, residential/commercial: \$200/\$500.
- G. Tapping of water main permit: \$600/\$700.
- H. Lawn/irrigation permit and inspection: \$100/\$150.
- I. Sewer lateral service permit and inspection: \$100 to \$800.
- J. Water Main Installation Inspection, two-inch main or larger: \$100 to \$1000.

6. Editor's Note: This resolution provided for an effective date of 2-6-2008.

- K. Connection fee: \$100.
- L. Reconnection fee: \$100.
- M. Supply to contractors: \$200.
- N. Testing of meter: \$50.

§ 139-25. Zoning applications and administration fees. [Amended 12-5-1990 by L.L. No. 10-1990; 6-16-1993 by L.L. No. 4-1993; 9-3-1997 by L.L. No. 3-1997; 8-18-2004 by L.L. No. 1-2004; 12-7-2005 by L.L. No. 4-2005; 2-6-2008 by Res. No. 50-2008⁷]

A nonrefundable fee payable to the Town Clerk shall be required with each application pursuant to Chapter 270, Zoning, in accordance with the following schedule:

- A. Change of zoning to residential: \$350 per lot.
- B. Change of zoning to nonresidential: \$500 per lot.
- C. Development plan (site plan):
 - (1) Residential: \$275/5 units plus \$50 each additional unit.
 - (2) Nonresidential:

Square Feet	Fee
0 to 4,999	\$350
5,000 to 9,999	\$500
10,000 to 29,999	\$0.06 per square foot
30,000 to 99,999	\$0.04 per square foot or minimum \$1,800
100,000 + over	\$0.03 per square foot or minimum \$4,000

- D. Conditional use permit: \$300.
- E. Area variance, residential: \$150 plus \$50 for each additional area variance included in the application.
- F. Use variance, residential: \$200.
- G. Sign variance: \$185 plus \$50 for each additional sign variance included with the application.
- H. Other variances: \$200.
- I. Planned unit development: \$350 plus \$50 for every additional building.
- J. Subdivision approval: \$275/5 lots plus \$100/lot.

7. Editor's Note: This resolution provided for an effective date of 2-6-2008.

- K. Recreation impact fee (subdivision): \$1,000 per lot.
- L. Recreation impact fee (site plan): \$400 per lot.
- M. Home occupation registration: \$50.
- N. Review of revised plans: \$50.
- O. Area variance, nonresidential: \$250 plus \$50 for each additional area variance included with the application.
- P. Use variance, nonresidential: \$500.
- Q. PZC review of sketch plans: \$50.
- R. PZC review of revised sketch plans: \$150.
- S. MS4 review fee (nonrefundable): \$500 for first acre disturbance plus \$100 each additional acre.

Chapter 147

FIREWORKS AND PYROTECHNICS

ARTICLE I Indoor Pyrotechnics

- § 147-1. Definitions.
- § 147-2. Indoor pyrotechnics prohibited.
- § 147-3. Penalties for offenses.

ARTICLE II Public Display of Fireworks

- § 147-4. Intent.

- § 147-5. Definitions.
- § 147-6. Displays by commercial fireworks companies required; display site; fee.
- § 147-7. Permit required; application for permit; conditions.
- § 147-8. Bond.
- § 147-9. Required submissions for permit.
- § 147-10. Penalties for offenses.
- § 147-11. Enforcement.

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

GENERAL REFERENCES

Blasting — See Ch. 97.

Building construction and fire prevention — See Ch. 101.

ARTICLE I Indoor Pyrotechnics

[Adopted 8-20-2003 by L.L. No. 5-2003 (Ch. 19A of the 1966 Code)]

- § 147-1. Definitions. [Added 4-5-2006 by L.L. No. 3-2006]

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

FIREWORKS — Any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.

PYROTECHNICS — Controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume.

- § 147-2. Indoor pyrotechnics prohibited.

The indoor use of any pyrotechnic material, including fireworks, is prohibited in the Town of Glenville.

§ 147-3. Penalties for offenses.

Any person violating the prohibition contained in this chapter shall be subject to a fine of not more than \$500 or imprisonment for a period of time not to exceed 90 days, or by both such fine and imprisonment, for each violation.

ARTICLE II
Public Display of Fireworks
[Adopted 7-18-2007 by L.L. No. 5-2007]

§ 147-4. Intent.

The intent of this article is to establish a permitting procedure for the display of fireworks in the Town of Glenville in order to promote and protect the health, safety, comfort, convenience and general welfare of the people.

§ 147-5. Definitions.

When used in this article, unless otherwise expressly stated, the following terms shall have the meanings indicated:

FIREWORKS — As defined in Penal Law § 270.00.

PERMIT AUTHORITY — The Town Clerk, acting with the advice of the Chief of Police and the appropriate Fire Chief of the Fire District within which the proposed fireworks display is located.

TOWN — The Town of Glenville, outside of the Village of Scotia.

§ 147-6. Displays by commercial fireworks companies required; display site; fee.

- A. Fireworks displays shall be permitted in the Town only by commercial fireworks companies that have received a permit issued by the Town Clerk of the Town of Glenville.
- B. The display site for all fireworks shall conform to NFPA 1123.
- C. The fee for a fireworks display permit application is fixed in the sum of \$100. The Town Board may amend this fee from time to time by resolution.

§ 147-7. Permit required; application for permit; conditions.

- A. Any person wishing to process, use, explode or cause to explode any fireworks pursuant to Article 405 of the New York State Penal Law within the Town must make an application for such a permit, setting forth the following:
 - (1) The name of the individual, group or organization sponsoring the display and the name of the persons actually to be in charge of the firing of the display, including name, address and telephone number of the supplier of the fireworks.

- (2) The date and time of day in which the display is to be held, with a proposed rain/wind date and time in the event the display is postponed.
 - (3) The exact location planned for the display, with a diagram showing the exact point as which the fireworks are to be discharged, the locations of all nearby buildings, highways, trees, telephone poles and lines and the lines behind which the audience is to be restrained.
 - (4) Confirmation of the New York State license of the operator and the number of assistants that are to be present, together with the age and experience of the persons who are to do the actual discharging of the fireworks.
 - (5) The approximate number and kind of fireworks to be discharged as well as the manner and place of storage of the fireworks prior to delivery to the outdoor fireworks display site.
 - (6) Such other information as the permit authority may deem necessary to protect persons or property.
- B. All applications for permits for the public display of fireworks shall be made at least 14 days in advance of the date of display. Any permit issued by the Town Clerk shall be deemed to be conditioned upon the strict conformance to the provisions of Penal Law § 405.00, including but not limited to:
- (1) The actual point at which the fireworks are to be fired shall be at least 200 feet from the nearest permanent building, public highway, railroad or other means of travel and at least 50 feet from the nearest aboveground telephone or telegraph line, tree or other overhead obstruction.
 - (2) The audience of such display is restrained behind lines at least 150 feet from the point at which the fireworks are discharged, and that only persons in active charge of the display shall be allowed inside these lines.
 - (3) All fireworks that fire a projectile shall be so set up that the projectile will go into the air, as near as possible, in a vertical direction, unless such fireworks are to be fired from the shore of a lake or other large body of water, when they may be directed in such a manner that the falling residue from the deflagration will fall into such lake or body of water.
 - (4) Any fireworks that remain unfired after the display has been concluded shall be immediately disposed of in a safe way for the particular type of fireworks remaining.
 - (5) No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than 30 miles per hour.
 - (6) All of the persons in actual charge of firing the fireworks shall be over the age of 18 years, competent and physically fit for the task.
 - (7) There should be at least two such operators constantly on duty during the discharge, and at least two approved-type fire extinguishers of at least 2 1/2

gallons' capacity each shall be kept as widely separated as possible within the actual area of the display.

- (8) No permit granted and issued hereunder shall be transferable. After such permit shall have been granted, the sale, possession, use and distribution of fireworks for such display will be lawful solely thereunder.

§ 147-8. Bond.

Before granting and issuing a permit for a public display of fireworks as herein provided, the permit authority shall require a bond from the applicant, in the sum of at least \$500,000, conditioned for the payment of all damages which may be caused to persons or to property by reason of the public fireworks display. Such bond shall run to the Town of Glenville and shall be for the use and benefit of any persons or owners of any property so injured or damaged by the public fireworks display. The permit authority may accept, in lieu of such bond, an indemnity insurance policy with liability coverage in indemnity protection equivalent to the terms and conditions upon which such bond is predicated and for the purposes herein provided.

§ 147-9. Required submissions for permit.

In any instance in which the permit authority is required to consider a permit under this chapter, an applicant shall submit an application in a form prescribed by the Town of Glenville. The application shall be submitted with a fee set by the Town Board of the Town of Glenville, accompanied by a site plan drawn to scale, adequately dimensioned, showing the location of the proposed fireworks display and the location of all trees, nearby buildings, highways and telephone poles and structures. The applicant shall provide such other information as the permit authority may require.

§ 147-10. Penalties for offenses.

Violations of this chapter shall be classified as a misdemeanor and shall be punishable as provided by the Penal Law of the State of New York.

§ 147-11. Enforcement.

The Town of Glenville may maintain an action or proceeding in a court of common jurisdiction to compel compliance with or to restrain the violation of any provision of this chapter.

Chapter 151

FLOOD DAMAGE PREVENTION

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| § 151-1. Findings. | § 151-11. Purpose of floodplain development permit; fees. |
| § 151-2. Purpose. | § 151-12. Permit application. |
| § 151-3. Objectives. | § 151-13. Powers and duties of local administrator. |
| § 151-4. Word usage and definitions. | § 151-14. General standards. |
| § 151-5. Applicability. | § 151-15. Standards for all structures. |
| § 151-6. Basis for establishing areas of special flood hazard. | § 151-16. Elevation of residential structures. |
| § 151-7. Interpretation and conflict with other laws. | § 151-17. Nonresidential structures. |
| § 151-8. Penalties for offenses. | § 151-18. Manufactured homes and recreational vehicles. |
| § 151-9. Warning and disclaimer of liability. | § 151-19. Appeals board. |
| § 151-10. Designation of local administrator. | § 151-20. Conditions for variances. |

[HISTORY: Adopted by the Town Board of the Town of Glenville 3-19-2008 by L.L. No. 1-2008¹]. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 101.	Storm sewers — See Ch. 235.
Freshwater wetlands — See Ch. 156.	Subdivision of land — See Ch. 242.
Mobile home parks — See Ch. 184.	Water — See Ch. 259.
Sewers — See Ch. 217.	Zoning — See Ch. 270.

§ 151-1. Findings.

The Town Board of the Town of Glenville finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Glenville 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.

1. Editor's Note: This local law also repealed former Ch. 151, Flood Damage Prevention, adopted 3-18-1987 by L.L. No. 2-1987 (Ch. 21B of the 1966 Code).

§ 151-2. 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.
- F. Qualify for and maintain participation in the National Flood Insurance Program.

§ 151-3. Objectives.

The objectives of this chapter are to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood-control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. 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. Provide that developers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 151-4. Word usage and definitions.

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

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

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, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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-A30, A99, V, VO, VE or V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain." For purposes of this chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

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.

BUILDING — See "structure."

CELLAR — Has the same meaning as "basement."

CRAWL SPACE — An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

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 or storage of equipment or materials.

ELEVATED BUILDING —

- (1) A nonbasement building:
 - (a) Built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor or, in the case of a building in Zones V1-V30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water; and
 - (b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

- (2) In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.
- (3) In the case of Zones V1-V30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY — The federal agency that administers the National Flood Insurance Program.

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 ELEVATION STUDY — An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

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 designated as Zone A but no flood elevations are 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 — See "flood elevation study."

FLOOD or FLOODING —

- (1) 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.
- (2) "Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above.

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source. (See "flooding.")

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 — See "regulatory floodway."

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 facilities. The term does not include long-term storage, manufacturing, 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.

HISTORIC STRUCTURE — Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR — The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

LOWEST FLOOR — Lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area 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 does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME — See "manufactured home."

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community, and includes any subsequent improvements to such structure.

ONE-HUNDRED-YEAR FLOOD or 100-YEAR FLOOD — See "base flood."

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

RECREATIONAL VEHICLE — A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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 § 151-13B of this chapter.

START OF CONSTRUCTION — The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling

units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

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.

§ 151-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Glenville, Schenectady County.

§ 151-6. Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
- (1) Flood Insurance Rate Map (multiple panels), Index No. 360738 0001-0050, whose effective date is May 4, 1987;
 - (2) Flood Boundary and Floodway Map (multiple panels), Index. No. 360738 0001-0050, whose effective date is May 4, 1987;
 - (3) A scientific and engineering report entitled "Flood Insurance Study, Town of Glenville, New York, Schenectady County," dated May 4, 1987;
 - (4) Letter of Map Revision, Case Number 07-02-0629P, effective May 20, 2008, amending Flood Insurance Rate Map Panel 0041B, Flood Boundary and Floodway

Map Panel 0041, and the Flood Insurance Study Report, the Floodway Data Table 2 and Profile 11P for the Kromme Kill.

- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Town of Glenville Municipal Center.

§ 151-7. Interpretation and conflict with other laws.

- A. This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- 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 highest standards shall govern.

§ 151-8. Penalties for offenses.

No structure in an area of special flood hazard 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 Glenville 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 §§ 151-19 and 151-20 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 151-9. 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 areas of special flood hazard 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 Glenville, 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.

§ 151-10. Designation of local administrator.

The Building Inspector is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

§ 151-11. Purpose of floodplain development permit; fees.

- A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 151-6, without a valid floodplain development permit. Application for a 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.
- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee as set from time to time by resolution of the Town Board. In addition, the applicant shall be responsible for reimbursing the Town of Glenville for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.

§ 151-12. Permit application.

The applicant shall provide the following information as appropriate; additional information may be required on the permit application form:

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH or Zone A if base flood elevation data is available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 151-15C, Utilities.
- D. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 151-17, Nonresidential structures.

- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 151-6, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- F. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- G. In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

§ 151-13. Powers and duties of local administrator.

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

- A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
 - (1) Review all applications for completeness, particularly with the requirements of § 151-12, Permit application, and for compliance with the provisions and standards of this chapter.
 - (2) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of §§ 151-14 through 151-18 and, in particular, § 151-14A, Subdivision proposals.
 - (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of §§ 151-14 through 151-18, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.

B. Use of other flood data.

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, 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 § 151-12G, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.
- (2) When base flood elevation data is not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.

C. Alteration of watercourses. The local administrator shall:

- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

D. Construction stage. The local administrator shall:

- (1) In Zones A1-A30, AE and AH and also Zone A if base flood elevation data is available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification 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.

- E. 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, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.
- F. Stop-work orders.
- (1) The local administrator shall issue or cause to be issued a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 151-8 of this chapter.
 - (2) The local administrator shall issue or cause to be issued a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 151-8 of this chapter.
- G. Certificate of compliance.
- (1) In areas of special flood hazard, as determined by documents enumerated in § 151-6, it shall be unlawful to 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 this chapter.
 - (2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
 - (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Subsection E, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.
- H. Information to be retained. The local administrator shall retain and make available for inspection copies of the following:
- (1) Floodplain development permits and certificates of compliance.
 - (2) Certificates of as-built lowest floor elevations of structures, required pursuant to Subsection D(1) and (2), and whether or not the structures contain a basement.
 - (3) Floodproofing certificates required pursuant to Subsection D(1) and whether or not the structures contain a basement.
 - (4) Variances issued pursuant to §§ 151-19 and 151-20.
 - (5) Notices required under § 151-13C, Alteration of watercourses.

§ 151-14. General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 151-6:

A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage.
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - (b) The Town of Glenville agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Glenville for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Glenville for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 151-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during the occurrence of the base flood; or
 - (b) The Town of Glenville agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Glenville for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Glenville for all costs related to the final map revisions.

§ 151-15. Standards for all structures.

- A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) Enclosed areas.
 - (a) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH and also Zone A, if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which 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:
 - [1] 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 shall be provided.
 - [2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
 - (b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.
- C. Utilities.
- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations.

- (2) 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. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 151-16. Elevation of residential structures.

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the standards in § 151-14A, Subdivision proposals, and § 151-14B, Encroachments, and § 151-15, Standards for all structures:

- A. Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the base flood level.
- B. Within Zone A, when no base flood elevation data is available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- C. Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 151-6 (at least two feet if no depth number is specified).
- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

§ 151-17. Nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in § 151-14A, Subdivision proposals, and § 151-14B, Encroachments, and § 151-15, Standards for all structures:

- A. Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
 - (1) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (2) Be floodproofed so that the structure is watertight below two feet above the base flood level with walls substantially impermeable to the passage of water. All

structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(2).
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- E. Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 151-18. Manufactured homes and recreational vehicles.

The following standards, in addition to the standards in § 151-14, General standards, and § 151-15, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

A. Recreational vehicles.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (a) Be on site fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet the requirements for manufactured homes in Subsections B, C and D.
- (2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

- B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- C. Within Zone A, when no base flood elevation data is available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- D. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 151-6 (at least two feet if no depth number is specified).

§ 151-19. Appeals board.

- A. The Zoning Board of Appeals as established by the Town of Glenville 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 that 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 to 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.
 - (12) The costs of providing governmental services during and after flood conditions, including search-and-rescue operations and 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 Subsection D 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 purpose 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.

§ 151-20. 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, provided that the items in § 151-19D(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 repair or rehabilitation of historic structures upon determination that:
- (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure.
 - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.
- 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 threat 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 of:
 - (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.
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing chapters or ordinances.
- G. Notification.
 - (1) 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 over the signature of a community official that:
 - (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and property.
 - (2) Such notification shall be maintained with the record of all variance actions as required in § 151-13H of this chapter.

Chapter 156

FRESHWATER WETLANDS

§ 156-1. Exercise of regulatory authority.

§ 156-2. When effective; filing of map.

[HISTORY: Adopted by the Town Board of the Town of Glenville 8-31-1976 by L.L. No. 3-1976 (Ch. 21A of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 132.

Water — See Ch. 259.

Flood damage prevention — See Ch. 151.

Zoning — See Ch. 270.

§ 156-1. Exercise of regulatory authority.

Pursuant to § 24-0501 of the New York State Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law), the Town of Glenville shall fully undertake and exercise its regulatory authority with regard to activities subject to regulation under the Act in freshwater wetlands, as shown on the Freshwater Wetlands Map, as such map may from time to time be amended, filed by the Department of Environmental Conservation pursuant to the Act, and in all areas adjacent to any such freshwater wetland up to 100 feet from the boundaries of such wetland. Such regulatory authority shall be undertaken and exercised in accordance with all of the procedures, concepts and definitions set forth in Article 24 of the New York Environmental Conservation Law and Title 23 of Article 71 of such law relating to the enforcement of Article 24, as such law may from time to time be amended.

§ 156-2. When effective; filing of map.

This chapter shall take effect upon the filing, with the Clerk of the Town of Glenville, of the final Freshwater Wetlands Map by the New York State Department of Environmental Conservation pursuant to § 24-0301 of the Freshwater Wetlands Act applicable to any or all lands within the Town of Glenville.

Chapter 160

GAMES OF CHANCE

§ 160-1. Statutory authority; title.

§ 160-2. Definitions.

§ 160-3. Games of chance authorized;
restrictions.

§ 160-4. Games on Sundays and holidays.

§ 160-5. Control and supervision.

[HISTORY: Adopted by the Town Board of the Town of Glenville 9-3-2003 by L.L. No. 7-2003, approved at referendum 11-4-2003 (Ch. 21C of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Bingo — See Ch. 93.

§ 160-1. Statutory authority; title.

This chapter is adopted pursuant to the authority of Article 9-A of the General Municipal Law of the State of New York and shall be known as the "Games of Chance Local Law of the Town of Glenville."

§ 160-2. Definitions.

- A. The words and terms used in this chapter shall have the same meanings as such words and terms are used in Article 9-A of the General Municipal Law, unless otherwise provided herein or unless the context requires a different meaning.
- B. As used in this chapter, the following terms shall have the meanings indicated:

CHIEF LAW ENFORCEMENT OFFICER OF THE TOWN OF GLENVILLE — The Chief of Police of the Town.

TOWN — The Town of Glenville.

§ 160-3. Games of chance authorized; restrictions.

Pursuant to, and in accordance with, the provisions of § 188(1) of the General Municipal Law of the State of New York and other applicable provisions of law, it shall be lawful for any authorized organization, upon obtaining a license therefor (as provided in Article 9-A of the General Municipal Law) to conduct games of chance within the territorial limits of the Town of Glenville, subject to the provisions of this chapter, the provisions of Article 9-A of the General Municipal Law, and the rules and regulations set forth by the New York State Racing and Wagering Board. The conduct of games of chance shall be subject to the restrictions imposed by § 189 of the General Municipal Law.

§ 160-4. Games on Sundays and holidays.

Games of chance may be commenced under any license issued pursuant to this chapter on Sunday between the hours of 12:00 noon and 12:00 midnight only, except that the application for a license may request approval to conduct such games of chance beyond 12:00 midnight if the following day is a legal holiday. Notwithstanding the foregoing provisions of this section, no games of chance shall be conducted on Easter Sunday, Christmas Day or New Year's Eve.

§ 160-5. Control and supervision.

The powers and duties set forth in Subdivisions 1 and 2 of § 194 of the General Municipal Law shall be exercised by the Chief Law Enforcement Officer of the Town.

Chapter 175

MASSAGE BUSINESSES

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|---|---|
| § 175-1. Definitions; word usage. | § 175-9. Revocation or suspension of permit. |
| § 175-2. Permits required. | § 175-10. Keeping of records. |
| § 175-3. Application for business permit. | § 175-11. Transfers prohibited. |
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| § 175-5. Approval by Town Clerk. | § 175-13. Supervision. |
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| § 175-7. Display of permits. | § 175-15. Alcoholic beverages prohibited. |
| § 175-8. Fees. | § 175-16. Exceptions. |
| | § 175-17. Penalties for offenses. |

[HISTORY: Adopted by the Town Board of the Town of Glenville 10-19-1976 by L.L. No. 5-1976 (Ch. 27 of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 84.

Zoning — See Ch. 270.

Building construction and fire prevention — See Ch. 101.

§ 175-1. Definitions; word usage.

- A. Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter:

EMPLOYEE — Any person over 18 years of age, other than a masseur, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

MASSAGE — Any method of treating the superficial parts of a patron for medical, hygienic, exercise or relaxation purposes, by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument or by the application of air, liquid or vapor baths of any kind whatever.

MASSEUR — Any person who engages in the practice of massage, as herein defined. The use of the masculine gender shall include in all cases the feminine gender as well.

PATRON — Any person over 18 years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

PRACTICE AS A MASSEUR OR MASSEUSE — The engaging, under such title, in applying a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.

RECOGNIZED SCHOOL — Any school or institution of learning which has for its purposes the teaching of the theory, method, profession or work of massage, which school requires a resident course of study of not less than 70 hours before the student shall be furnished with a diploma or certificate of graduation from such school following the successful completion of such course of study or learning.

- B. Use of title "masseur" or "masseuse" or the term "massage." Only a person licensed under Article 155 of the Education Law shall be authorized to use the title "masseur" or "masseuse." No person, firm, partnership or corporation shall describe its services in any manner under the title "massage" unless such services, as defined in § 7800 of the Education Law, are performed by or under the direct supervision of a person licensed under Article 155 of the Education Law.

§ 175-2. Permits required.

- A. Business permit required. No person shall engage in or carry on the business of massage unless he has a valid massage business permit issued by the Town, pursuant to the provisions of this chapter, for each and every separate office or place of business conducted by such person.
- B. Masseuse's permit required. No person shall practice massage as a masseuse, employee or otherwise, unless he has a valid and sustaining masseuse's permit issued to him by the Town, pursuant to the provisions of this chapter.

§ 175-3. Application for business permit. ¹

Any person desiring a massage business permit shall file a written application with the Town Clerk on a form to be furnished by the Town Clerk. The applicant shall accompany the application with a tender of the correct permit fee, as hereinafter provided, and shall, in addition, furnish the following:

- A. The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.
- B. The name, style and designation under which the business or practice is to be conducted.
- C. The business address and all telephone numbers where the business is to be conducted.
- D. A complete list of the names and residence addresses of all masseurs and employees in the business and the name and addresses of the manager or other person principally in charge of the operation of the business.

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

- E. The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than 10% of the stock of the corporation, each officer and each director, if the applicant is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:
- (1) Name, complete residence address and residence telephone numbers.
 - (2) The two previous addresses immediately prior to the present address of the applicant.
 - (3) Written proof of age.
 - (4) Height, weight, color of hair and eyes, and sex.
 - (5) Two front-face-portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size.
 - (6) The massage or similar business history and experience, including but not limited to whether or not such person is previously operating in this or another city or state under license or permit has had such license or permit denied, revoked or suspended and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.
 - (7) All criminal convictions, other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and the circumstances thereof.
 - (8) A complete set of fingerprints taken and to be retained on file by the Police Chief or his authorized representatives.
 - (9) Diploma, certificate or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage business.
- F. Such other information, identification and physical examination of the person as shall be deemed necessary by the Town Clerk to discover the truth of the matters hereinbefore required to be set forth in the application.
- G. Authorization for the Town, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
- H. The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.
- I. Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and so correct, said declaration being duly dated and signed in the Town.

§ 175-4. Application for masseur's permit. ²

Any person desiring a masseur's permit shall file a written application with the Town Clerk on a form to be furnished by the Town Clerk. The applicant shall tender with the application the correct permit fee, as hereinafter provided, and shall, in addition, furnish the following:

- A. The business address and all telephone numbers where the massage is to be practiced.
- B. The following personal information concerning the applicant:
 - (1) Name, complete residence address and residence telephone numbers.
 - (2) The two previous addresses immediately prior to the present address of the applicant.
 - (3) Written proof of age.
 - (4) Height, weight, color of hair and eyes, and sex.
 - (5) Two front-face-portrait photographs taken within 30 days of the date of application and at least two inches by two inches in size.
 - (6) All criminal convictions, other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and the circumstances thereof.
 - (7) A complete set of fingerprints taken and to be retained on file by the Police Chief or his authorized representatives.
 - (8) Diploma, certificate or other written proof of graduation from a recognized school where the theory, method, profession or work of massage is taught.
 - (9) A statement in writing from a licensed physician in the state that he has examined the applicant and believes the applicant to be free of all communicable diseases.
- C. Such other information, identification and physical examination of the person deemed necessary by the Town Clerk in order to discover the truth of the matters hereinbefore required to be set forth in the application.
- D. Authorization for the Town, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
- E. Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the Town.

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

§ 175-5. Approval by Town Clerk. ³

- A. Upon receiving the application for a massage business or masseur's permit, the Town Clerk shall conduct an investigation into the applicant's moral character and personal and criminal history. The Town Clerk may, in his discretion, require a personal interview of the applicant and such further information, identification and physical examination of the person as shall bear on the investigation.
- B. In the case of the applications for massage business permits, the Health Department officials shall cause to be conducted an investigation of the premises where the massage business is to be carried on, for the purposes of assuring that such premises comply with all sanitation requirements as set forth in this chapter and with the regulations of public health, safety and welfare.
- C. Before any permit shall issue under this chapter, the Town Clerk shall first sign his approval of the application.

§ 175-6. Issuance or denial of business permit.

The Town Clerk shall issue a massage business permit within 45 days of receipt of the application unless he finds that:

- A. The correct permit fee has not been tendered to the Town and, in the case of a check or bank draft, honored with payment upon presentation.
- B. The operation, as proposed by the application, if permitted, would not comply with all applicable laws, including but not limited to the Town's building, zoning and health regulations.⁴
- C. The applicant, if an individual; or any of the stockholders holding more than 10% of the stock of the corporation or any of the officers and directors, if the application is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, have been convicted of any crime involving dishonesty, fraud or deceit, unless such conviction occurred at least five years prior to the date of the application.
- D. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the Town in conjunction therewith.
- E. The applicant has had a massage business, masseur or other similar permit or license denied, revoked or suspended for any of the above causes by the Town or any other state or local agency within five years prior to the date of the application.
- F. The applicant, if an individual; or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a

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

4. Editor's Note: See Ch. 101, Building Construction and Fire Prevention, and Ch. 270, Zoning.

partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.

- G. The manager or other person principally in charge of the operation of the business has not successfully completed a resident course of study or learning of not less than 70 hours from a recognized school where the theory, method, profession or work of massage is taught.

§ 175-7. Display of permits.

The massage business permittee shall display his permit and that of each and every masseur employed in the establishment in an open and conspicuous place on the premises of the massage business.

§ 175-8. Fees. ⁵

- A. The permit fee for a massage business shall be as set from time to time by resolution of the Town Board.⁶
- B. The permit fee for masseurs shall be as set from time to time by resolution of the Town Board.

§ 175-9. Revocation or suspension of permit. ⁷

Any massage business or masseur's permit issued under this chapter shall be subject to suspension or revocation by the Town Clerk for violation of any provision of this chapter or for any grounds that would warrant the denial of issuance of such permit in the first place. The Town Clerk, upon such revocation or suspension, shall state his reasons in writing, specifying the particular grounds for such revocation or suspension.

§ 175-10. Keeping of records. ⁸

Every person who operates a massage business or practices or provides a massage shall at all times keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place of service, and the service provided. Such appointment book shall be available at all times for inspection by the Town Clerk or his authorized representative.

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

6. Editor's Note: See Ch. 139, Fees.

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

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

§ 175-11. Transfers prohibited.

No massage business and masseur permits are transferable, separate or divisible, and such authority as a permit confers shall be conferred only on the permittee named therein.

§ 175-12. Sanitation and safety requirements.⁹

All premises used by permittees hereunder shall be periodically inspected by the Code Enforcer or his authorized representatives for safety of the structure and adequacy of plumbing, ventilation, heating and illumination. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Towels, linen and items for personal use of operators and patients shall be clean and freshly laundered. Towels, cloths and sheets shall not be used for more than one patron. Heavy, white paper may be substituted for sheets, provided that such paper is changed for every patron. No massage service or practice shall be carried on within any cubicle, room, booth or any area within a massage establishment which is fitted with a door capable of being locked. Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof.

§ 175-13. Supervision.

A permittee shall have the premises supervised at all times when open for business. Any business rendering massage services shall have one person who qualifies as a masseur on the premises at all times while the establishment is open. The permittee shall personally supervise the business and shall not violate or permit others to violate any applicable provision of this chapter. The violation of any such provision by any agent or employee of the permittee shall constitute a violation by the permittee.

§ 175-14. Minors prohibited.

No person shall permit any person under the age of 18 years to come or remain on the premises of any massage business establishment, as masseur, employee or patron, unless such person is on the premises on lawful business.

§ 175-15. Alcoholic beverages prohibited.

No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept any alcoholic beverage on the premises of any massage business.

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

§ 175-16. Exceptions.

The provisions of this chapter shall not apply to hospitals, nursing homes, sanitariums or persons holding an unrevoked certificate to practice the healing arts under the laws of the state, or persons working under the direction of any such persons or in any such establishment, nor shall this chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state or to persons holding valid licenses issued under the provisions of Article 155 of the Education Law.

§ 175-17. Penalties for offenses.¹⁰

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be fined not more than \$250 or imprisoned for not more than 15 days, or both, for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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

Chapter 179

MASS GATHERINGS

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| § 179-2. Definitions. | § 179-9. Proof of financial resources. |
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| § 179-5. Water supply for gatherings. | § 179-12. Penalties for offenses. |
| § 179-6. Hand-washing facilities. | § 179-13. Construal of provisions. |
| § 179-7. Contents of application. | |

[HISTORY: Adopted by the Town Board of the Town of Glenville 8-20-2003 by L.L. No. 3-2003 (Ch. 27A of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 84.	Public exhibitions and entertainment — See Ch. 204.
Building construction and fire prevention — See Ch. 101.	Vehicles and traffic — See Ch. 255.
Parks and recreation — See Ch. 195.	

§ 179-1. Purpose.

The purpose of this chapter is to protect the public health, welfare, safety, peace and tranquility by regulating mass gatherings within the Town of Glenville.

§ 179-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

DRINKING WATER — Water provided for human consumption, food preparation, or for lavatory, culinary, bathing or laundry purposes.

MASS GATHERING — One which is likely to attract 2,000 people or more.

PERMIT-ISSUING OFFICIAL — Except as otherwise provided in this chapter, the Town Clerk of the Town of Glenville.

PERSON — Any individual, group of individuals, partnership, firm, corporation, association, political subdivision, government agency, municipality, industry, estate or any legal entity whatsoever.

REFUSE — All putrescible and nonputrescible solid waste, including garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial waste.

SEWAGE — Excreta and waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water carried away from any other fixture or equipment or machine.

TOWN — The Town of Glenville.

§ 179-3. Applicability.

- A. The requirements of this chapter shall apply to any mass gathering except:
- (1) Functions sponsored by a school district.
 - (2) Functions authorized by a Glenville park permit.
 - (3) Functions sponsored by the Town of Glenville.
- B. Nothing contained in this section shall authorize any person to hold a mass gathering for purposes of providing musical entertainment to the general public at the premises identified in Subsection A(2) of this section without securing a permit as otherwise provided in this chapter.

§ 179-4. Permit required.

- A. No person shall hold or promote, by advertising or otherwise, a mass gathering unless a permit has been issued for the gathering by the permit-issuing official. No person shall use, allow, let or permit to be used, property for a mass gathering, as defined herein, unless and until the written permit authorizing such use and assembly has been issued by the Town Clerk of the Town of Glenville.
- B. The application for such permit shall be by verified petition on forms to be provided by the Town, addressed to the Town Board of the Town of Glenville, and shall be filed with the Town Clerk at least three months prior to the date upon which such use and assembly shall occur.
- C. A determination granting or denying permits as herein provided for shall be made within two months after application therefor. No permit shall be granted unless the applicant complies with all requirements of this chapter. The approval or denial of the permit by the Town Board shall be in writing.
- D. Separate permits shall be required for each mass gathering. A separate permit is required for any mass gathering which is separated by more than 48 hours from a previous mass gathering for which a permit has been granted.
- E. Any permit may be revoked by the permit-issuing official if, after a public hearing on notice to the permittee, he or she finds that the mass gathering for which the permit was issued is maintained, operated or occupied in violation of law or the Sanitary Code of the State of New York. A permit may be revoked upon request of the permittee or upon abandonment of operation.
- F. A permit issued for the operation of a mass gathering shall be kept on file and made available by the operator on request.

§ 179-5. Water supply for gatherings.

Every existing and proposed water supply serving a mass gathering shall conform to all applicable requirements of Part 5 of the state's Sanitary Code and, in addition, shall meet the following requirements:

- A. Drinking water shall be of a quality satisfactory to the permit-issuing official. Such determination of quality shall be made by the permit-issuing official with the advice and consent of the County Health Department.
- B. There shall be no physical connection between a pipe carrying drinking water and a nonpotable water supply. A fixture, installation or equipment from which back siphonage may occur shall not be supplied from a pipe carrying drinking water.
- C. A common drinking utensil shall not be provided. Drinking fountains shall be of approved sanitary design and construction.
- D. Any interruption in treatment of a drinking water supply shall be reported immediately to the permit-issuing official. No change in the source or method of treatment of the drinking water supply shall be made without first notifying and securing the approval of the permit-issuing official.

§ 179-6. Hand-washing facilities.

Suitable and adequate hand-washing facilities shall be provided, convenient to the toilets and food-handling facilities.

§ 179-7. Contents of application.

All applications for a permit to conduct a mass gathering shall include the following information:

- A. The name, age, residence, mailing address and telephone number of the applicant; a statement of the applicant's legal status, such as individual, partnership, corporation, and whether the applicant has ever been convicted of a felony or misdemeanor. If the applicant is a partnership or limited-liability company, state the name, age, residence, mailing address and telephone number of each partner or member and, if a corporation, the names and addresses of all corporate officers and directors, together with a certified copy of the articles of incorporation and a list of the names and addresses of all persons directly in charge of the activity.
- B. The location and survey description of the property where the activity is proposed, including all lands to be used directly, indirectly or incidental to the proposed activity or any part thereof, attaching to the application certified copies of documents disclosing the nature of the interest of the applicant relating to such property. If such interest is a leasehold, a copy of such lease shall be attached.
- C. The date or dates and the hours during which the activity is to be conducted and the total time period of such activity.

D. The program and plans of the activity in its entirety, with particular emphasis on the following:

- (1) Detailed plans for parking facilities off public roadways able to serve all reasonably anticipated requirements at a rate of up to 100 passenger cars per acre or 30 buses per acre.
- (2) Detailed plans for transportation arrangements from noncontiguous parking facilities to the site to fully serve all reasonably anticipated requirements at a rate of no less than 20,000 persons or the sum of the number of acres included in such noncontiguous parking area multiplied by 120 (whichever is less) per hour, including a statement from the Glenville Chief of Police certifying that the traffic-control plan within the Town is satisfactory.
- (3) An outline map of the area to be used, to an appropriate scale, showing the location of all toilets and hand-washing facilities, all water-supply sources (lakes, ponds, streams, wells, storage tanks, etc.), all areas of assemblage, including separate overnight camping areas for sleeping, all food service areas and refuse storage, handling and disposal areas, and emergency access and egress roads.
- (4) The total number of persons permitted at the event, including performers, staff members and audience, which shall be determined by providing a net assembly area of at least 50 square feet per person in addition to providing at least 50 square feet per person in a separate camping area for 50% of the population.
- (5) A plan for limiting attendance, including methods of entering the area, number and location of ticket booths and entrances, and provisions for keeping non-ticket-holders out of the area.
- (6) A statement agreeing to complete all construction and installation of services and facilities, including water supply, toilet and hand-washing facilities, sewage disposal, roads, food-service equipment and refuse handling facilities, at least 48 hours prior to the commencement of the event.
- (7) A detailed plan for food service, including a description of food sources, menu, mandatory use of single-service dishes and utensils, refrigeration, food handling and dispensing.
- (8) A detailed plan for use of signs to locate all facilities and roadways.
- (9) A statement from the local fire department having jurisdiction over the area verifying that the facilities available to such mass gathering are suitable to provide adequate fire safety, and that it is aware of the event and is willing to cooperate if needed.
- (10) A detailed plan for emergency situations, including:
 - (a) Food supplies.
 - (b) Medical supplies, facilities and personnel.
 - (c) An evacuation plan.

- (d) Emergency access roads.
- (11) A statement from the local civil defense director indicating that he/she has been advised of the event and has approved the plan from a civil defense standpoint.
- (12) A command post to be used by police, fire, or State Department of Health personnel or the permit-issuing official and his/her lawful representatives, or both, consisting of a minimum of one building or trailer equipped with a communications system satisfactory to the permit-issuing official.
- (13) A statement that, if the adult mosquito and biting fly populations are found to be in excess of 15 specimens per trap/night, the applicant agrees to insure that proper adult mosquito control measures are instituted no earlier than 72 hours nor later than 48 hours before the advertised start of the gathering in order to reduce such populations to a satisfactory level.
- (14) A detailed plan for elimination of noxious weeds 96 hours before commencement of the mass gathering.
- (15) Detailed plans for security enforcement, including prevention of the unlawful use of alcohol, narcotics and dangerous drugs at the site, methods for limiting the use of the proposed function to the number of participants for which the facilities are designed, and external as well as internal crowd control, including sufficient guards for crowd control and security enforcement.
- E. The location and construction of toilet and hand-washing facilities designed to serve fully all reasonably anticipated requirements at a rate of no more than 100 persons per toilet seat and 750 persons per hand-washing facility, 50% of the male toilets to be urinals, and plans for construction and reports, including copies of all rental and service contracts, showing that the construction and operation constitute no threat to pollution of surface or underground water locations, to be attached.
- F. The location and construction of water supply facilities, designed to serve fully all reasonably anticipated requirements at a rate of one pint of potable water per person, per hour, for the maximum estimated daily attendance. One tap and one drinking fountain shall be provided per 1,000 persons and shall be separately located with adequate soakage pits or drainage.
- G. Detailed plans for internal storage and collection of refuse, including provisions for disposal and cleaning the property and immediate surrounding properties within 48 hours after the event.
- H. Detailed plans for emergency first aid to fully serve all reasonably anticipated requirements. Such plans shall state the arrangements made with hospitals and ambulances in the area, including names and locations, the number of doctors and nurses at the site and on call, and arrangements made with other medical personnel and facilities, either at the site or on call.
- I. Detailed plans for amplifying equipment designed to control the noise level at the perimeter of the site to no more than 75 decibels on the A scale of a sound-level meter, which meets the specifications of the American National Standards Institute.

- J. Detailed plans for lighting designed to illuminate the public areas of the site at all times and demonstrating that the lighting will not reflect on any area beyond the boundary of the site.
- K. A plan showing that the proposed activity is adequately buffered from all neighboring homes within 500 feet of the perimeter of the site.

§ 179-8. Public liability and property damage insurance.

No permit shall be issued unless the applicant shall furnish the Town with a comprehensive liability insurance policy insuring the Town against liability for damage to person or property, with limits of not less than \$1,000,000/\$5,000,000 for bodily injury or death and limits of not less than \$1,000,000 for property damage, to save the Town harmless from any and all liability or causes of action which might arise by granting of the permit, which policy shall not be cancelable without 10 days' prior written notice to the Town and which shall be in effect during the entire period of the mass gathering. Failure to keep such policy in effect will result in automatic revocation of the permit without hearing.

§ 179-9. Proof of financial resources.

The applicant shall submit a statement of financial resources, prepared by a certified public accountant, showing finances sufficient to execute plans as submitted.

§ 179-10. Additional duties of permittees for mass gatherings.

- A. The site shall be provided with a network of interior roads to be kept clear at all times for service and emergency vehicles and shall be serviced by access roads which will permit an adequate flow of traffic and ensure the free passage of emergency vehicles.
- B. Each person attending the mass gathering shall be provided with a site map showing the location of all facilities, and adequate signs shall be provided locating all facilities.
- C. A separate overnight camping area or areas shall be provided if required by the permit-issuing official.
- D. Adequate lights for toilet areas, service areas and walkways shall be provided.
- E. The operator of a mass gathering shall prohibit storage of flammable or volatile liquids or materials in or adjacent to the area of the gathering.
- F. The permittee shall provide the services and facilities outlined in the permit application and approved by the permit-issuing official.
- G. The permittee shall provide such emergency health-care services and facilities as may be required under applicable provisions of the State Sanitary Code.
- H. Each permittee will notify the County Health Department of any proposed mass gathering and will submit to a preoperational inspection by the County Health Commissioner.

- I. Children under 16 years of age not accompanied by an adult at a mass gathering shall be provided with adequate and competent adult supervision; such supervision to be provided by the permittee and exercised by a supervisor or supervisors present on the property.
- J. Satisfactory arrangements shall be made to assure adequate medical and nursing supervision and care at the site of any mass gathering.
- K. The person to whom a permit to operate or hold a mass gathering has been issued shall provide an individual who is acceptable to the permit-issuing official as suitable and responsible to be in charge of the property and who shall be on or available to the property during reasonable hours of the day while the property is occupied or open for occupancy.
- L. A person to whom any permit is issued shall comply with the provisions of this chapter and with all conditions stated in the permit and shall allow the permit-issuing official or his representative to enter the premises at any reasonable time to ascertain compliance with this chapter.
- M. A maintenance staff of one maintenance employee for every 400 persons in attendance at any mass gathering shall be provided to assure proper operation of all facilities.
- N. No permittee will sell or offer for sale, nor allow any other person to sell or offer for sale, any alcoholic beverage other than beer upon the premises designated in the permit application during the time period delineated for such mass gathering.
- O. Each permittee shall provide for the removal of any temporary structures erected for use during such mass gathering within 48 hours after the time specified in the permit application for termination of such mass gathering. Nothing contained in this subsection will relieve any party from the requirements of any other law regulating construction of such temporary structures.
- P. No permittee will allow any person to possess any firearm on the premises of such mass gathering other than a police officer or peace officer otherwise authorized to possess firearms.

§ 179-11. Application fee. ¹

Each application shall be accompanied by a fee as set from time to time by resolution of the Town Board,² payable at the time of submission. The fee shall be compensation to the Town for its examination and processing of such application and shall not be refundable in whole or in part.

§ 179-12. Penalties for offenses.

- A. Any person who shall use, allow, let or permit to be used property for a mass gathering as defined herein or any person who shall promote or advertise such mass assembly

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

2. Editor's Note: See Ch. 139, Fees.

without first obtaining a written permit in accordance with the provisions of this chapter shall be deemed to have violated this chapter. Any person who commits or permits any act in violation of any provision of this chapter shall be deemed to have committed a misdemeanor and shall be liable for the penalties provided.

- B. For each violation of the provisions of this chapter, the person violating the same shall be subject to a fine of not more than \$750 nor less than \$200 or imprisonment not to exceed one year, or both.
- C. Any person, firm, company, or corporation who is charged a fee by this chapter shall pay said fee, within 10 days after notice, to the Town Clerk. If said fee is not paid within the ten-day period after notice, the person, firm, company, or corporation shall be in violation of this chapter and shall be subject to a fine of not more than \$100.
- D. In addition to the above-provided penalties, the Town may 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 chapter.

§ 179-13. Construal of provisions.

The provisions of this chapter shall be in addition to and not in lieu of nor construed to be in conflict with the provisions contained in § 225 of the Public Health Law or §§ 7-1.40 through 7-1.44 of Chapter 1 of the New York State Sanitary Code.

Chapter 184

MOBILE HOME PARKS

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[HISTORY: Adopted by the Town Board of the Town of Glenville 10-1-1963 (Ch. 28 of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 88.

Solid waste — See Ch. 232.

Building construction and fire prevention — See Ch. 101.

Water — See Ch. 259.

Sewers — See Ch. 217.

Zoning — See Ch. 270.

ARTICLE I Terminology

§ 184-1. Definitions.

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

LICENSEE — Any person licensed to operate and maintain a mobile home park under the provisions of this chapter. "Licensee" shall include assignee, grantee or any purchaser of a licensed park.

MANUFACTURED HOME — a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include a "mobile home" as defined in this section, and shall include a structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development. ¹

MOBILE HOME — A moveable or portable unit, manufactured prior to January 1, 1976, designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. "Mobile home" shall mean units designed to be used exclusively for residential purposes, excluding travel trailers. ²

MOBILE HOME PARK — Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

MOBILE HOME SPACE — A plot of ground within a mobile home park designed for the accommodation of one mobile home.

PARK — See "mobile home park."

PERMITTEE — Any person to whom a temporary permit is issued to maintain or operate a mobile home park under the provisions of this chapter.

PERSON — Any natural individual, firm, trust, partnership, association or corporation.

PREEXISTING — Parks or conditions in parks in existence in the Town of Glenville prior to the date of the adoption of this chapter.

1. Editor's Note: Added 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).

TRAVEL TRAILER — Any vehicle or similar portable structure having less than 210 square feet of livable floor area, and having been constructed with wheels (whether or not such wheels have been removed), and having no foundation other than wheels, jacks or skirtings, and so designed or constructed as to permit temporary occupancy for dwelling or sleeping purposes during travel or for vacation purposes.

ARTICLE II Board of Investigators

§ 184-2. Composition. ³

A Board of Investigators, consisting of the Town Code Enforcement Officer, the Chief of Police, the Building Inspector and the Chairman of the Planning and Zoning Commission, is hereby created, with the Chairman of the Planning and Zoning Commission as Chairman.

§ 184-3. Duties.

It is hereby made the duty of said Board to enforce all provisions of this chapter and such provisions or modifications as may be hereinafter enacted. The Board is authorized to inspect any mobile home park and any and all facilities at any reasonable time.

§ 184-4. Duties regarding licenses.

The Board is further empowered to instruct the Town Clerk to grant, renew and revoke such licenses subject to the approval of the Town Board.

ARTICLE III Licenses and License Fees

§ 184-5. License required.

It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the Town of Glenville unless such person shall first obtain a license therefor.

§ 184-6. Computation of fees. ⁴

The annual license fee for each mobile home park shall be as set from time to time by resolution of the Town Board.⁵

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

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

5. Editor's Note: See Ch. 139, Fees.

§ 184-7. Fee for transfer of license. ⁶

The fee for transfer of a license shall be as set from time to time by resolution of the Town Board.⁷

§ 184-8. Display required.

The license certificate shall be conspicuously posted in the office of the mobile home park at all times.

ARTICLE IV
Licensing of New Parks

§ 184-9. Special use permit required prior to application.

Prior to the application for a license a special use permit shall be obtained from the Board of Appeals in accordance with Chapter 270, Zoning.

§ 184-10. Application for initial license.

Application for an initial mobile home park license shall be filed with the Town Clerk of the Town of Glenville. The application shall be in writing, signed by the applicant, and shall include the following:

- A. The name and address of the operator and owner.
- B. The names and addresses of the partners if a partnership, or the names and addresses of the officers and directors if a corporation.
- C. The location and legal description of the mobile home park from deed of property.
- D. A complete plan drawn to scale of the park in conformity with the requirements of this chapter.
- E. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home park.
- F. A certified copy of the State Department of Health certificate that the applicant has complied with the requirements of the State Sanitary Code.

§ 184-11. Filing in triplicate required.

The application and all accompanying plans and specifications shall be filed in triplicate.

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

7. Editor's Note: See Ch. 139, Fees.

§ 184-12. Provisions for investigation, issuance, appeals.

The application shall be transmitted by the Town Clerk to the Board of Investigators for action. If, after investigation, the Board of Investigators finds that the application complies with all the provisions of Articles IV, V and VIII through XV of this chapter, and other applicable ordinances of the Town of Glenville, the Board of Investigators shall individually approve or disapprove the application. In the event that the Board of Investigators denies the application, stating its reasons therefor, the applicant may petition the Board of Appeals for approval.

§ 184-13. Application for renewal license. ⁸

If the provisions of Articles IV, V and VIII through XV of this chapter have been fully complied with, upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the Town Clerk, with the written approval of each member of the Board of Investigators, shall issue a certificate renewing the license for another year. Application should be made on or before December 1 and the license will be issued on December 31.

§ 184-14. Application for transfer of license.

Upon application in writing for a transfer of license or temporary permit, the Town Clerk, with the written approval of each member of Board of Investigators, shall issue a transfer if the park meets all the requirements of this chapter.

ARTICLE V**Park Plan Requirements for New Parks****§ 184-15. Location. ⁹**

Mobile home parks shall be located in the Town by nonconforming use permit only. The park shall be located on a well-drained site, properly graded to insure rapid drainage and free from stagnant pools of water.

§ 184-16. Area.

A minimum of 10 acres with a minimum of 200 feet on an accepted street shall be required for any mobile home park. No mobile home park shall have less than 50 mobile home spaces with corresponding services and facilities available at first occupancy.

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

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

§ 184-17. Height of buildings.

No buildings in the park shall exceed 40 feet in height, and all buildings in a mobile home park shall require a building permit.

§ 184-18. Yard requirements.

- A. Front yard. No building and no mobile home space shall be located closer than 65 feet to the street line. The first 25 feet from the street line shall be landscaped and provided with a curb or low barrier to prevent its use for off-street parking. The remaining 40 feet may be used for off-street parking of motor vehicles but shall not be used for storage of such vehicles.
- B. Side and rear yards. No building and no mobile home space shall be located closer than 25 feet to any side or rear lot line. If there is a residence on any adjoining lot, a hedge or tree screen shall be provided for that portion of the lot.

§ 184-19. Size of mobile home spaces.

Each park shall provide mobile home spaces, and each such space shall be clearly defined and numbered. Each space shall have an area of not less than 2,000 square feet and a width of not less than 30 feet, and the average area of all spaces shall not be less than 3,000 square feet and the average width of all spaces shall not be less than 40 feet.

§ 184-20. Location on spaces.

- A. Mobile homes shall be so located on each space that there shall be at least a fifteen-foot clearance between the mobile homes; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than 10 feet. However, no part of a mobile home, carport or other structure placed or constructed upon a mobile home space shall be closer than five feet to a mobile home space line. No mobile home or structural addition thereto shall be located closer than 10 feet to any building within the park.
- B. The total structural coverage of a mobile home space shall not exceed 40% of the space area.

§ 184-21. Extensions or additions to spaces.

Any extension or addition of mobile home spaces within the park plan as submitted shall comply with this chapter and require the filing of an amended park plan. No mobile home shall be placed on a mobile home space until such mobile home space has been approved.

§ 184-22. Additions to homes on spaces.

No structural additions (including carports) shall be made to a mobile home or permitted on a mobile home space without a building permit approved by the Building Inspector. Such additions shall comply with this chapter.

§ 184-23. Travel trailers prohibited.

Travel trailers shall not be permitted in a mobile home park.

§ 184-24. Recreational area.

Consideration should be given to providing a recreational area.

ARTICLE VI
Licensing of Preexisting Parks

§ 184-25. Special use permit not required.

Preexisting parks will not require a special use permit.

§ 184-26. First application for renewal.

The first application for renewal license by mobile home parks in existence at the date of adoption of this chapter shall be in writing, signed by the applicant, and shall include the following information:

- A. The name and address of the operator and owner.
- B. The location and legal description of the mobile home park from deed of property.
- C. A complete plan drawn to scale of the park in conformity with the requirements of this chapter applying to preexisting parks.

§ 184-27. Filing in triplicate required.

The application and the accompanying plans and description shall be filed in triplicate on or before December 20, 1963.

§ 184-28. Issuance of license.

If the requirements of Articles VI through XV of this chapter for preexisting parks have been fully complied with, and upon payment of the annual license fee, the Town Clerk, with the written approval of each member of the Board of Investigators, shall issue a certificate renewing the license for another year.

§ 184-29. Subsequent applications.

Subsequent applications shall be made in accordance with § 184-28 above. Applications should be made on or before December 20 and the license will be issued on December 31.

ARTICLE VII**Park Plan Requirements for Preexisting Parks****§ 184-30. Location of parks and area.**

Preexisting parks shall be permitted to continue to operate in their present locations, but those located outside B-2 Districts shall not expand beyond their present property limits. Those now located in B-2 Districts may expand beyond their present property limits only by special permit granted by the Board of Appeals.

§ 184-31. Height and alterations to buildings.

No new building in a preexisting park shall exceed 40 feet in height. Any alterations or extensions to existing buildings, and any new buildings, shall require a building permit.

§ 184-32. Yard requirements.**A. Front yard.**

- (1) Buildings. Buildings already in existence will be permitted to remain in their present locations. Any alterations or additions to such buildings or any buildings subsequently erected shall not be closer than 65 feet to the street line.
- (2) Mobile homes. Mobile homes which are located closer than 65 feet to the street line will be permitted to remain in their present location as long as the present owner or tenant of the mobile home continues to occupy such space. When the present owner or tenant leaves such space, the replacing mobile home shall be at least 65 feet from the street line.

B. Side and rear yards. Spacing required for reasons of safety from fire, health and general welfare of resident.

- (1) Buildings: same as § 184-32A(1) above, except that the limit shall be 10 feet, and except where the side yards abut a street, where the limit shall be 25 feet.
- (2) Mobile homes. Mobile homes will be permitted to remain in their present locations as long as the present owner or tenant of the mobile home continues to occupy it. When the present owner or tenant leaves, the following shall apply:
 - (a) Mobile homes on mobile home spaces abutting commercial property shall be at least five feet from the property line.
 - (b) Where the side or rear yard abuts a street, no mobile home shall be closer than 20 feet to the street line.

- (c) Where the side or rear yard abuts residential property, no mobile home shall be closer than 10 feet to the side or rear yard line.
- (d) Roadways. Roadways shall be permitted up to the side and rear property lines except where the park abuts residential property, in which case it shall be at least 10 feet from the property line.

§ 184-33. Size of mobile home spaces.

Mobile home spaces shall have a minimum of 1,200 square feet of area and a minimum width of 28 feet. Each space shall be clearly defined and numbered.

§ 184-34. Location on spaces.

Mobile homes will be permitted to remain in their present locations on mobile home spaces as long as the present owner or tenant of the mobile home continues to occupy such space. When the present owner or tenant leaves such space, then the following shall apply:

- A. Mobile homes shall be so located on each space that there shall be at least a ten-foot clearance between the mobile homes or additions thereto; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than five feet.
- B. No mobile home or structural addition thereto shall be located closer than five feet to any building within the park.

§ 184-35. Extensions or additions to spaces.

Any extension or addition of mobile home spaces within the park plan as submitted shall comply with Articles VI through XV of this chapter and require the filing of an amended park plan. No mobile home or travel trailer shall be placed on a mobile home space until such mobile home space has been approved. Such additional mobile home spaces shall have an area of not less than 2,000 square feet and a width of not less than 30 feet. They shall also comply with § 184-20A and § 184-20B.

§ 184-36. Additions to homes on spaces.

No structural additions (including carports) shall be made to a mobile home or permitted on a mobile home space without a building permit approved by the Building Inspector. Such additions shall comply with this chapter.

§ 184-37. Travel trailers.

Travel trailers may continue to remain in a park as long as the present owner or tenant occupies the travel trailer. When the owner or tenant leaves the park, the travel trailer and any additions thereto shall be removed from the park. Newly arriving travel trailers shall not be permitted to remain in a mobile home park longer than six months and shall not be permitted

to return within six months after departure. Such travel trailers shall be equipped with flush toilet and bath facilities.

§ 184-38. Additions to travel trailers.

No structural additions shall be permitted to a travel trailer on the mobile home space where such travel trailer is located.

§ 184-39. Conditions requiring service buildings.

Preexisting parks having travel trailers not equipped with flush toilets and bath facilities shall continue to operate and maintain in sanitary condition existing service buildings as long as such trailers remain in the park. Such buildings may be removed if travel trailers are not accommodated in the park.

ARTICLE VIII

Regulations and Requirements Applicable to All Parks, Services and Facilities

§ 184-40. Electrical and lighting regulations.

- A. All electrical facilities shall conform to the New York State Uniform Fire Prevention and Building Code.¹⁰
- B. All driveways shall be provided with adequate lighting facilities. If adjacent street lights provide adequate lighting in the park, no driveway lighting will be required.
- C. General lighting within the park shall not exceed, in terms of lumens per fixture and distance from the ground, the street lights provided on adjacent main thoroughfares. No lighting within the parks shall be of a flashing type.

§ 184-41. Water supply. ¹¹

An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park, to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap at least four inches above the ground. The water supply and piping system shall be approved by Town and state health authorities.

§ 184-42. Sewage and refuse disposal. ¹²

Each mobile home space shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory

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

11. Editor's Note: See also Ch. 259, Water.

12. Editor's Note: See also Ch. 217, Sewers.

and kitchen of the mobile home or travel trailer harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances, or into a private sewer and disposal plant, or septic tank system of such construction and in such manner as will present no health hazard. Such system shall be approved by Town and state health authorities.

§ 184-43. Garbage receptacles. ^{13 14}

Metal or plastic garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 300 feet from any mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

§ 184-44. Fire protection.

Every park shall be equipped at all times with fire-extinguishing equipment in good working order, of such type, size and number, and so located within the park, as to satisfy applicable reasonable regulations of the Fire Department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

ARTICLE IX
Additional Regulations

§ 184-45. Driveways or roadways within park.

- A. All mobile home spaces shall abut upon a driveway or roadway of not less than 20 feet in width, which shall have unobstructed access to a public street.
- B. All driveways within the park shall be hard surfaced.¹⁵

§ 184-46. Supervision required; responsibilities.

The licensee or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this chapter to which the licensee is subject.

13. Editor's Note: See Ch. 232, Solid Waste.

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

15. Editor's Note: Original § 28-46, Regulations governing animals and pets, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 184-47. Mobile homes and travel trailers located outside mobile home parks.

No mobile home or travel trailer shall be occupied as a dwelling or for sleeping purposes in the Town of Glenville outside an approved mobile home park.

**ARTICLE X
Occupancy****§ 184-48. Registration and required information.**

Each operator of a park shall keep a register book of all mobile homes, noting:

- A. Date of arrival of each mobile home or travel trailer.
- B. Name and permanent address of each occupant of the mobile home or travel trailer.
- C. License number, state of registration, make and model number of each mobile home or travel trailer.
- D. License number, state of registration, make and model of each automobile located on the mobile home space or in a parking area provided for the mobile home or travel trailer.
- E. Number of the mobile home space to which assigned.
- F. Date of departure of each mobile home or travel trailer. The operator of the park shall keep the register book available for inspection at any time by any authorized person and shall not destroy any register book before the end of the license year following the date of departure of the last mobile home registered in that particular book.

**ARTICLE XI
Inspection****§ 184-49. Right to inspect; authorized personnel. ¹⁶**

The police officers, the Health Officer and other members of the Board of Investigators or any other duly authorized person shall have the right at any reasonable time to make any inspection of any mobile home park, and shall have the right to inspect any and all parts of said property and to inspect the records of registration as outlined in § 184-48.

**ARTICLE XII
Revocation of License****§ 184-50. Standards for revocation.**

If, upon inspection by the Board of Investigators or any other authorized representatives of the Town of Glenville, it is found the park is not being maintained in a clean and sanitary

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

condition, or is not being conducted in accordance with the provisions of this chapter, the Board of Investigators may revoke the license subject to a hearing before the Town Board.

ARTICLE XIII Amendments

§ 184-51. Provisions for amendments.

- A. The Town Board of the Town of Glenville may, on its own motion or on petition or on recommendation of the Planning and Zoning Commission or the Board of Appeals, supplement or repeal the regulations of this chapter or amend this chapter as provided in the Town Law.
- B. Every such proposed amendment or change, however, shall be referred to the Planning and Zoning Commission for report thereon, and to hold such hearing as may be necessary.

ARTICLE XIV Interpretation

§ 184-52. Construal of provisions.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements, adopted for the promotion of the public health, morals, safety or the general 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.

ARTICLE XV Violations and Penalties

§ 184-53. Penalties for offenses. ¹⁷

Every agent, engineer, builder, contractor, owner, tenant or other person who commences, takes part or assists in any violation hereof, or who constructs, maintains or uses any building, structure or premises by which any provision of this chapter is violated, shall be punishable by a fine not exceeding \$250 for each violation thereof or imprisonment for not exceeding 15 days for each violation, or by both such fine and imprisonment. Each week that a violation of this chapter is committed or is permitted to exist shall constitute a separate offense.

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

Chapter 190

NOTIFICATION OF DEFECTS

§ 190-1. Prior notice required.

§ 190-2. Defects in sidewalks; snow and ice.

§ 190-3. Transmittal of notices; commencement of corrective action.

§ 190-4. Records of notices to be maintained.

§ 190-5. Construal of provisions.

[HISTORY: Adopted by the Town Board of the Town of Glenville 1-18-1989 by L.L. No. 1-1989 (Ch. 28A of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 51.

Building construction and fire prevention — See Ch. 101.

Sidewalks — See Ch. 221.

Street standards — See Ch. 238.

Vehicles and traffic — See Ch. 255.

§ 190-1. Prior notice required.

No civil action shall be maintained against the Town of Glenville or the Superintendent of Highways of the Town or against any improvement district in the Town for damages or injuries to person or property (including those arising from the operation of snowmobiles and all-terrain vehicles) sustained by reason of any highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the Town or any property owned, operated or maintained by any improvement district therein, being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the Town or any property owned, operated or maintained by any improvement district was actually given to the Town Clerk of the Town or the Superintendent of Highways of the Town, and there was thereafter a failure or neglect within a reasonable time to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert or any other property owned by the Town or any property owned by any improvement district in the Town unless written notice thereof, specifying the particular place, was actually given to the Town Clerk of the Town or the Superintendent of Highways of the Town, and there was a 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.

§ 190-2. Defects in sidewalks; snow and ice. ¹

No civil action will be maintained against the Town and/or the Superintendent of Highways of the Town for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Town or in consequence of the existence of snow or ice upon any of its sidewalks unless such sidewalks have been constructed or are maintained by the Town or the Superintendent of Highways of the Town pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Town Clerk of the Town or to the Town Superintendent of Highways of the Town, and there was a failure or neglect to cause such defect to be remedied, 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.

§ 190-3. Transmittal of notices; commencement of corrective action. ²

The Superintendent of Highways of the Town shall transmit, in writing, to the Town Clerk of the Town, within 10 days after receipt thereof, all written notices received by him pursuant to this chapter, and he shall take any and all corrective action with respect thereto as soon as practicable.

§ 190-4. Records of notices to be maintained. ³

The Town Clerk of the Town shall keep an indexed record, in a separate book, of all written notices which the Town Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice and snow upon, any Town highway, bridge, culvert or a sidewalk or any other property or highway markings, signs or devices owned by the Town or by any improvement district. Said 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. The Town Clerk, upon receipt of such written notice, shall immediately and in writing notify the Superintendent of Highways of the Town of the receipt of such notice.

§ 190-5. Construal of provisions.

Nothing contained in this chapter shall be held to repeal or modify or waive any existing requirement or statute of limitations but, on the contrary, shall be held to be additional requirements to the rights to maintain such action. Nothing contained herein shall be held to modify any existing rule of law relative to the questions of contributory negligence, nor to impose upon the Town, its officers and employees and/or any of its improvement districts any

1. Editor's Note: See Ch. 221, Sidewalks.

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).



§ 195-2. Concessions.

No company or individual may sell anything on park land.¹

§ 195-3. Dumping.²

Littering, dumping or disposal of trash, waste, branches, leaves or grass clippings is prohibited.

§ 195-4. Firearms.³

No firearms of any kind, air guns, compressed-gas or spring-operated guns, bows and arrows or slingshots are permitted to be used or carried on park land.

§ 195-5. Fires.

Fires must not be built on park land.

§ 195-6. Fishing.⁴

Fishing, in accordance with the rules of the New York State Conservation Department, is permitted.

§ 195-7. Hours.⁵

The park is open from sunrise to sunset. No one is allowed in the park at night from sunset to sunrise. These hours apply year-round.

§ 195-8. Hunting.

Hunting and trapping on park land are prohibited.

§ 195-9. Motor vehicles.

Motorized vehicles are not allowed on park land except:

- A. Vehicles responding to an emergency situation.
- B. Work vehicles being used officially in the preservation or maintenance of the park.

1. Editor's Note: Original § 23-3, Conduct, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: See Ch. 232, Solid Waste.

3. Editor's Note: See Ch. 143, Firearms and Explosives.

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

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

Chapter 195

PARKS AND RECREATION

ARTICLE I Hemlock Hollow Park

- § 195-1. Purpose.
- § 195-2. Concessions.
- § 195-3. Dumping.
- § 195-4. Firearms.
- § 195-5. Fires.
- § 195-6. Fishing.
- § 195-7. Hours.
- § 195-8. Hunting.
- § 195-9. Motor vehicles.
- § 195-10. Natural beauty.
- § 195-11. Signs.
- § 195-12. Structures.
- § 195-13. Penalties for offenses.

ARTICLE II Park Regulations

- § 195-14. Purpose.
- § 195-15. Bicycles and horses.
- § 195-16. Concessions.
- § 195-17. Dogs and pets.
- § 195-18. Littering.
- § 195-19. Firearms; hunting permits.
- § 195-20. Trapping.
- § 195-21. Park hours; night fishing.
- § 195-22. Motor vehicles.
- § 195-23. Permits.
- § 195-24. Use of facilities in park lands.
- § 195-25. Sanders Preserve registry.
- § 195-26. Penalties for offenses.

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

GENERAL REFERENCES

- | | |
|--|---|
| Animals — See Ch. 88. | Peddling and soliciting — See Ch. 200. |
| Building construction and fire prevention — See Ch. 101. | Public exhibitions and entertainment — See Ch. 204. |
| Open burning — See Ch. 110. | Solid waste — See Ch. 232. |
| Mass gatherings — See Ch. 179. | |
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ARTICLE I Hemlock Hollow Park [Adopted 8-5-1969 (Ch. 23 of the 1966 Code)]

§ 195-1. Purpose.

The purpose of this article is to adopt the following general rules and regulations for the government and protection of the Town of Glenville park land at Hemlock Hollow Park (former Water District No. 4), and to provide for the enforcement thereof. These rules and regulations are designed to keep this park in its natural state for the enjoyment of the community.

§ 195-2. Concessions.

No company or individual may sell anything on park land.¹

§ 195-3. Dumping.²

Littering, dumping or disposal of trash, waste, branches, leaves or grass clippings is prohibited.

§ 195-4. Firearms.³

No firearms of any kind, air guns, compressed-gas or spring-operated guns, bows and arrows or slingshots are permitted to be used or carried on park land.

§ 195-5. Fires.

Fires must not be built on park land.

§ 195-6. Fishing.⁴

Fishing, in accordance with the rules of the New York State Conservation Department, is permitted.

§ 195-7. Hours.⁵

The park is open from sunrise to sunset. No one is allowed in the park at night from sunset to sunrise. These hours apply year-round.

§ 195-8. Hunting.

Hunting and trapping on park land are prohibited.

§ 195-9. Motor vehicles.

Motorized vehicles are not allowed on park land except:

- A. Vehicles responding to an emergency situation.
- B. Work vehicles being used officially in the preservation or maintenance of the park.

1. Editor's Note: Original § 23-3, Conduct, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: See Ch. 232, Solid Waste.

3. Editor's Note: See Ch. 143, Firearms and Explosives.

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

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

§ 195-10. Natural beauty.

Persons must not deface, remove, injure or destroy any tree, shrub, flower, moss or other plant, rock, fossil or mineral found or growing on park land. Birds and their nests and other wildlife must not be molested or disturbed.

§ 195-11. Signs.

Park district signs must not be defaced, mutilated or removed.

§ 195-12. Structures.

Structures must not be erected on park land.

§ 195-13. Penalties for offenses. ⁶

Any person violating any of the provisions of this article shall be guilty of an offense punishable by a fine not to exceed \$250, or by imprisonment not to exceed 15 days, or by both such fine and imprisonment.

ARTICLE II**Park Regulations**

[Adopted 11-6-1996 (Ch. 26 of the 1966 Code)]

§ 195-14. Purpose.

A. The purpose of this article is to adopt the following general rules and regulations for the government and protection of park lands in the Town of Glenville, and to provide for the enforcement thereof, as listed below.

- (1) Maalwyck Park.
- (2) Indian Meadows Park.
- (3) Sanders Preserve.
- (4) Mohawk-Hudson Bike/Hike Trail.
- (5) Lock 8 Fishing Access Site.
- (6) Freemans Bridge Boat Launch.

B. The following conduct shall be prohibited within the Town parks:⁷

- (1) No person shall disturb the peace and good order in the parks by fighting, quarreling or wrangling with loud voices or shouts, threatening violence to any

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

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

person or the property of others or by engaging in clamor or boisterous shouts or conduct or tumult.

- (2) No persons shall collect in parks in bodies or crowds for unlawful purposes or boisterous or riotous assemblage or for intentionally annoying or harassing or inflicting property damage or bodily injury upon another person or persons.
- (3) No person shall beg, hawk, peddle or solicit within a park unless he or she has previously obtained a permit authorizing such conduct from the Town Board.
- (4) No person shall play at disorderly games of chance in the parks.
- (5) No person in any park shall possess, consume, offer for sale, use or be under the disturbing influence of any beer, alcoholic beverage, illegal controlled substance, stimulant, depressant or hallucinating agent.
- (6) No person shall use obscene, profane or abusive language while in a park.
- (7) No person shall loiter in or near toilet buildings in a park.
- (8) No person, except authorized Town employees, shall enter a toilet room set aside for the opposite sex.
- (9) No person shall appear in a park in a state of nudity, in a state of dress not properly belonging to his or her sex or in such a manner as to indecently expose his or her person.
- (10) No person shall commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior in a park.
- (11) No person, other than the disabled owner of a trained guide dog, shall bring into, have or keep any dog within a park during the hours in which activities sanctioned by the Town Director of Youth Activities are in progress unless he or she has previously obtained a permit authorizing such conduct from the Town Board.

§ 195-15. Bicycles and horses.

Bicycle riding and horseback riding are permitted, except as restricted by designation. Horseback riders are required to remove their animal droppings from trails and public areas.

§ 195-16. Concessions.

No person may sell anything on park land unless a permit is obtained from the Town Clerk, after review and approval of the Town Board.

§ 195-17. Dogs and pets. ^s

8. Editor's Note: See Ch. 88, Animals.

All dogs and pets must be confined to the immediate area of the owner and restrained by a leash or similar restraint, in such a manner as to not disturb or endanger other park users. Owners are required to pick up their animal droppings.

§ 195-18. Littering.⁹

Littering of any paper, trash or other waste is prohibited. Litter shall be placed in receptacles provided or must be removed from park property. It shall be limited to materials accumulated during use of the area. Glass containers of any kind are prohibited. Recycling is required per local law specifications.

§ 195-19. Firearms; hunting permits.¹⁰

No firearms of any kind, air rifles and pistols, slingshots, bows and arrows, or similar items are permitted to be used or carried on park land with the exception of the Sanders Preserve. A seasonal hunting permit issued by the Town is required for the use of firearms (or longbow) for the purpose of hunting in designated areas of the Sanders Preserve. To obtain a permit:

- A. The Town Clerk shall issue a permit to hunt in the Sanders Preserve upon the presentation of a valid hunting license issued by the State of New York.
- B. The Town of Glenville permit shall be valid for the same length of time as the hunting license presented to the Town Clerk.
- C. There shall be no fee for the issuance of a permit to a taxpayer of the Town of Glenville. A non-taxpayer of the Town of Glenville shall pay a fee of \$25.

§ 195-20. Trapping.

Trapping is prohibited on all park lands.¹¹

§ 195-21. Park hours; night fishing.

- A. The normal time for opening and closing park facilities for general use shall coincide with sunrise and sunset, except for those areas designated for evening recreation by the Town Board and for use by permit, secured in advance, for other areas.
- B. Night fishing is only allowed at the Lock 8 Fishing Access Site, after normal park hours, with a permit issued by the Town.

9. Editor's Note: See Ch. 232, Solid Waste.

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

11. Editor's Note: Original § 26-8, Fires, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 195-22. Motor vehicles.

No motorized recreational vehicles such as snowmobiles, all-terrain vehicles (ATVs) and off-road motorcycles are allowed on park lands. Parking of passenger vehicles is limited to regular parking areas especially provided and designated for that purpose only. Passenger and maintenance vehicles are restricted to speeds not in excess of 15 miles per hour on roads within boundaries of park lands.

§ 195-23. Permits.

A. A permit will be required in each of the following circumstances:

- (1) Use of park land by any group of 25 or more persons, whether organized or not.
- (2) For reservation of picnic areas, baseball, softball and soccer fields, or any park facility.
- (3) For any individual or group overnight stay.
- (4) For night fishing at the Lock 8 Fishing Access Site.
- (5) For seasonal hunting in the Sanders Preserve.

B. All permits shall be issued by the Town Clerk pursuant to such rules and regulations, not inconsistent with this article, which shall from time to time be adopted by the Town Board. As subject to amendment of such rules and regulations, all permits shall be issued by the Town Clerk, after approval by the Park Department; and if such approval is not granted by either department, the application shall be forwarded to the Town Board for disposition.

§ 195-24. Use of facilities in park lands.

- A. No park facilities, plants, animals and natural features shall be damaged, disturbed or destroyed.
- B. No unauthorized construction shall occur.
- C. No golfing is permitted on any park property.

§ 195-25. Sanders Preserve registry. ¹²

All users of the Sanders Preserve must sign in and sign out in the registry provided in the Sanders Preserve parking area.

§ 195-26. Penalties for offenses. ¹³

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

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

Any person guilty of any violation of any of the provisions of this article shall be punishable by a Town Justice, by a fine not to exceed \$250 or, in default of payment of such fine, by imprisonment not exceeding 15 days.

Chapter 200

PEDDLING AND SOLICITING

- | | |
|----------------------------|-----------------------------------|
| § 200-1. Purpose. | § 200-6. Application for license. |
| § 200-2. Definitions. | § 200-7. Granting of license. |
| § 200-3. Exemptions. | § 200-8. Appeals. |
| § 200-4. License required. | § 200-9. Records. |
| § 200-5. Fees for license. | § 200-10. Penalties for offenses. |

[HISTORY: Adopted by the Town Board of the Town of Glenville 3-5-1957 (Ch. 43 of the 1966 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Park rules and regulations — See Ch. 195, Art. II.

Vehicles and traffic — See Ch. 255.

§ 200-1. Purpose.

The purpose of this chapter is to assist in the orderly government of the Town of Glenville, to assist in the orderly management of the business, peace, health, safety and welfare of its inhabitants and the protection and security of their property.

§ 200-2. Definitions.

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

FOOD VENDING BUSINESS — The sale of prepared food products for immediate consumption from a motor vehicle, trailer, platform, stand or tent on any highway or other place within the Town other than within a fully enclosed building or a stand or outside sales and eating place maintained as an adjunct to a food vending business maintained in an adjoining fully enclosed building. The foregoing definition shall not include a food vending business operated by the owner of commercially zoned property on that property outside of a fully enclosed building in which there is not a food vending business; notwithstanding the foregoing, however, the owner must secure site plan approval for the food vending business from the Planning Board pursuant to the procedure set forth in Chapter 270, Zoning, of the Code of the Town of Glenville.

PEDDLER — Any person who in any public street or public place or by going from house to house or place of business on foot or on or from any animal or vehicle, either standing or moving in any street, sells, barter, offers for sale or carries and exposes for sale or barter any goods, wares or merchandise, except as hereinafter exempted.

PERSON — One or more persons, corporations, partnerships, associations, organizations and all other entities.

ROADSIDE FARM MARKET — A truck gardener or farmer who himself or by his agents sells or barter products of his own farm or garden from any location within the Town, other than his residence or farm.

SOLICITOR — Any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise or for services to be performed in the future or for making, manufacturing or repairing any good, ware or merchandise whatsoever for future delivery, except as hereinafter exempted.

TOWN — The Town of Glenville.

TOWN BOARD — The Town Board of the Town of Glenville.

TOWN CLERK — The Town Clerk of the Town of Glenville.

TRANSIENT RETAIL BUSINESS — A business conducted in any motor vehicle, trailer or tent or on any street or other open place for the sale of retail goods, wares or merchandise, excepting prepared food and farm products.

§ 200-3. Exemptions.

- A. This chapter shall not apply to sales within a residence where the merchant also resides in such residence within the Town and shall not apply to door-to-door sales by local civic groups, churches, school-sponsored programs, Girl or Boy Scout programs, Little League, Pop Warner League, Rotary Club, Lions Club and like civic-minded groups, including but not limited to persons soliciting contributions on behalf of organizations registered under the provisions of New York State Executive Law § 172 or exempted from registration under New York State Executive Law § 172-a.
- B. The provisions of this chapter shall not apply to persons engaged in the sale of cosmetics or household goods within a residence, provided that such sales occur solely and exclusively within a residence by permission of the owner thereof. It is the intent of this section to exempt persons who sell cosmetics and household goods in individual or group sales within residences with the permission of the owner or occupant of the residence.
- C. The provisions of this chapter shall not apply to any person or persons engaged in the sale or solicitations of sales of any product or service for which the person or persons hold a valid license from the State of New York.

§ 200-4. License required.

It shall be unlawful for any person to conduct or operate a transient retail business, roadside farm market or food vending business or engage in hawking, peddling or soliciting sales of any products to which this chapter applies within the Town without first obtaining a license from the Town Clerk. All licenses shall be nontransferable. The licensee shall have such license in his possession at all times and shall exhibit the same at any time upon demand by any Town police officer, the Town Clerk or any other officer of the Town designated by the Town Board and upon demand by any customer or prospective customer.

§ 200-5. Fees for license.

- A. The fees for licenses required by this chapter shall be fixed by resolution of the Town Board;¹ a copy of the resolution shall be maintained on file in the office of the Town Clerk.
- B. Any person who presents a valid current license issued by the Schenectady County Clerk pursuant to the provisions of the General Business Law of the State of New York shall be exempt from paying the fees required by the Town for the issuance of a license under this chapter.

§ 200-6. Application for license.

- A. Every applicant for a license is required to submit to the Town Clerk a written application setting forth the following information:
 - (1) The name and age of the applicant.
 - (2) His address.
 - (3) The name and address of the firm represented, if any.
 - (4) The length of time for which the license is required.
 - (5) A description of the goods, wares or merchandise offered for sale.
 - (6) A statement that the applicant has never been convicted of a felony or a misdemeanor or, if so, the details of the conviction.
 - (7) The valid sales tax number issued to the applicant by the New York State Department of Taxation and Finance.
 - (8) A description of the vehicle, including license number of the vehicle, the applicant intends to use in the Town.
 - (9) The location from which the applicant intends to sell or offer to sell goods, wares or merchandise or solicit orders for the same.
 - (10) The name and address within the State of New York of a person upon whom legal notice or process may be served.
 - (11) A letter from the property owner granting permission to the applicant to maintain a transient retail business or roadside farm market or food vending business on property within the Town.
- B. Any false statement contained in any application shall be grounds for revocation of the license.

1. Editor's Note: See Ch. 139, Fees.

§ 200-7. Granting of license.

Upon receipt of the completed application and of the license fee, if required, the Town Clerk shall issue a license to the applicant which shall be nontransferable and shall be in the continuous possession of the licensee while engaged in the business licensed. No license shall be valid for more than one month from its date of issue; licenses can be renewed for five additional months, one month at a time, upon the payment of fees as set by the Town Board. In the event that the applicant has employees or agents working with or for the applicant, a separate application must be filed for each employee or agent. The license fee for each additional license shall be 25% of the license fee set forth by the Town Board in the resolution fixing license fees.

§ 200-8. Appeals.

In the event that the Town Clerk determines not to issue a license to any applicant or in the event that any license issued is revoked by the Town Clerk for failure to comply with any of the provisions of this chapter or because the Town Clerk determines that the application for the license contains a false statement, the aggrieved applicant or the aggrieved licensee, shall have the right of appeal to the Town Board. Such appeal shall be taken by filing a written statement with the Town Board setting forth fully the grounds for appeal within 10 days after the notice of the action complained of has been mailed to such aggrieved person's last known address. The Town Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given, by certified mail, to such aggrieved person's last known address. The hearing shall be held not more than 30 days after receipt of the written statement by the Town Board.

§ 200-9. Records.

It shall be the duty of the Town Clerk to keep a record of all applications and of all licenses granted under this chapter, including the date of revocations of all licenses revoked.

§ 200-10. Penalties for offenses.

Any person violating any provision of this chapter shall, upon conviction, be guilty of a violation punishable by a fine of not more than \$250 or by imprisonment of a term not exceeding 15 days, or by both such fine and imprisonment.

Chapter 201

TELEPHONE DIRECTORY DISTRIBUTION

§ 201-1. Intent; purpose.

§ 201-3. Distribution.

§ 201-2. Definitions.

§ 201-4. License required; fees.

[HISTORY: Adopted by the Town Board of the Town of Glenville 4-15-2009 by L.L. No. 2-2009. Amendments noted where applicable.]

GENERAL REFERENCES

Peddling and soliciting — See Ch. 200.

§ 201-1. Intent; purpose.

Unwanted telephone books have become a waste problem, as well as a litter and nuisance problem. Residents and businesses complain about unwanted telephone books. The taxpayers bear the burden for cleanup, recycling and disposal of unwanted books. As the number of telephone directory distributors increases, it has become a serious environmental concern. In the interest of improving the quality of life for our residents, of reducing waste removal and recycling costs to local governments and of reducing the use of natural resources, the Town Board adopts this chapter to license and regulate the distribution of telephone directories within its provisions.

§ 201-2. Definitions.

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

PERSON — Any natural person, firm, partnership, association, corporation, company, public utility or organization of any kind.

PUBLIC PLACE — Any street, sidewalk, alley, public way, public park, public square, public space, public grounds or public building.

TELEPHONE DIRECTORY — A publication that lists and publishes the names, addresses and telephone numbers of telephone customers or the advertisements, products or services of businesses or professional firms by alphabetical category, commonly known as a "local telephone directory."

§ 201-3. Distribution.

- A. Public places. No person shall leave any telephone directory upon a public place within the Town of Glenville.
- B. Private property.

- (1) No person shall leave any telephone directory upon any private property which is temporarily or continuously uninhabited or vacant.
 - (2) No person shall leave any telephone directory upon private property, unless it is delivered within 10 feet of the entranceway of any residential or commercial structure, whether it be public or private.
- C. All telephone directories distributed within the Town of Glenville shall have conspicuously printed on the front cover and/or in the Table of Contents a statement that reads, "IF YOU NO LONGER WISH TO RECEIVE THIS DIRECTORY, PLEASE CALL THE FOLLOWING NUMBER OR CONTACT THE COMPANY AT THE FOLLOWING ADDRESS," along with a toll-free number and mailing address, or electronic mailing address, for the business that residents may use to provide verbal or written notice to the business that the resident no longer wishes to receive the directory. Telephone directories shall not be distributed to the resident at that address for a period of five years.

§ 201-4. License required; fees.

- A. License required. Any person engaged in the distribution of telephone directories within the Town of Glenville shall make application to and obtain from the Town Clerk a distribution license. The application shall be written on a form prescribed by the Town Clerk. Any person obtaining a telephone directory distribution license shall be permitted to distribute telephone directories pursuant to the provisions of this chapter and the rules and regulations promulgated by the Town Clerk.
- B. Rules and regulations. The Town Clerk may promulgate rules and regulations which are necessary and proper to carry out the purposes of this chapter.
- C. Suspension or revocation. A license may be suspended or revoked by the Town Clerk only after notice, in writing, and an opportunity to be heard is given to the licensee. Written notice of intent to suspend or revoke a license shall be given to the licensee by registered or certified mail to the address set forth on the application. The Town Clerk shall suspend or revoke the license of any licensee found to have violated or to have permitted a violation of any provision of this chapter or any other ordinance, rule or regulation or state or federal law pertaining to the distribution of telephone directories.
- D. Transferability of license. No license issued under this chapter shall be transferable.
- E. Fees.
 - (1) The license fee for a telephone directory distribution license shall be \$150 for each calendar year.
 - (2) Upon revocation of the license, the license fee shall be forfeited.

Chapter 204

PUBLIC EXHIBITIONS AND ENTERTAINMENT

ARTICLE I General Provisions

- § 204-1. Purpose.
- § 204-2. Definitions.
- § 204-3. Conformance with provisions.

ARTICLE II Outdoor Public Exhibitions and Entertainments

- § 204-4. Permit required.
- § 204-5. Application for permit.
- § 204-6. Application fee.
- § 204-7. Issuance, denial, or revocation of permits.
- § 204-8. Bond or insurance.
- § 204-9. Inspection.

ARTICLE III Theaters and Theatrical Exhibitions

- § 204-10. Outdoor theatrical exhibitions prohibited.
- § 204-11. License required.
- § 204-12. Theater license fee; expiration of license.
- § 204-13. Hours of operation.
- § 204-14. Applicability.

ARTICLE IV Amusement Parks and Amusement Centers

- § 204-15. Permit required.
- § 204-16. Application fee.
- § 204-17. Issuance or denial of permit; revocation; expiration.

ARTICLE V Penalties

- § 204-18. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Glenville 6-18-1974 by L.L. No. 3-1974 (Ch. 31 of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 84.
Bingo — See Ch. 93.
Mass gatherings — See Ch. 179.

Parks and recreation — See Ch. 195.
Vehicles and traffic — See Ch. 255.

ARTICLE I
General Provisions

§ 204-1. Purpose.

The purpose of this chapter is to promote the general public health, safety and welfare by regulating the operation of outdoor public exhibitions and entertainments, theaters and amusement parks or centers within the Town of Glenville.

§ 204-2. Definitions.

As used in this chapter, the following terms shall be defined as follows:

AMUSEMENT PARK or AMUSEMENT CENTER — Includes the operation of mechanical equipment designed for entertainment, exclusive of equipment ordinarily classed as playground equipment.

FIRE CHIEF — The Fire Chief of any duly organized fire district in the Town of Glenville, including his assistants or deputy chiefs and/or assistant fire chiefs.

LICENSE — A written authorization given for a licensee to hold a theatrical exhibition in accordance with the provisions of this chapter.

PERMIT — A written authorization given for a permittee to hold an itinerant show or exhibition in accordance with the provisions of this chapter.

OUTDOOR PUBLIC EXHIBITION OR PUBLIC ENTERTAINMENT — Includes a circus, carnival, bazaar, midway, itinerant show and any other public performance, show, spectacle or exhibition, except a theatrical exhibition, show or motion picture held outside of a building or theater completely enclosed with roof and walls, or using, operating and/or maintaining one or more tents or temporary enclosures designed for housing and/or public assembly of two or more persons.

THEATRICAL EXHIBITION — Includes plays, productions or shows generally conducted in a theater, and the exhibition of motion pictures.

TOWN CLERK — The Town Clerk of the Town of Glenville and/or his deputy.

§ 204-3. Conformance with provisions.

It shall be unlawful for any person, firm, corporation or association to exhibit, conduct, operate or take part in outdoor public exhibitions or public entertainments, theatrical exhibitions or amusement parks or centers in the Town of Glenville outside the corporate limits of the Village of Scotia except as provided by and in conformance with this chapter.

ARTICLE II
Outdoor Public Exhibitions and Entertainments

§ 204-4. Permit required.

No itinerant shows, circus, carnival, midway or other outdoor exhibition, performance or entertainment shall be held in the Town of Glenville without a permit from the Town Board of the Town of Glenville, issued pursuant to this chapter.

§ 204-5. Application for permit.

- A. Application for permit shall be made in writing to the Town Clerk upon a form which shall include:
- (1) The name and address of the owner and/or operator of the public exhibition.
 - (2) The date and time of day exhibition is to be held.
 - (3) The location of such exhibition.
 - (4) A site plan showing the location of all tents, rides and physical plant, including the description or supplementary description of sanitary facilities, parking facilities, proposed traffic flow and fire protection facilities.
 - (5) Such other information as the Town Board may direct.
- B. Applications shall be filed at least 20 days prior to the date of commencement of such exhibition.
- C. The Town Clerk shall submit copies of the application, upon receipt, to the Fire Chief of the appropriate fire district, Town Police Chief and County Environmental Health Inspector, each of who shall within five days of the date of application recommend approval, disapproval, modifications of the application or conditions to be put upon approval of the application to the Town Board in writing.¹

§ 204-6. Application fee. ²

Upon filing such application with the Town Clerk, the applicant shall pay to the Town Clerk a fee as set from time to time by resolution of the Town Board.³

§ 204-7. Issuance, denial, or revocation of permits.

The issuance or denial of a permit shall be at the discretion of the Town Board after reviewing the application and recommendations of Town officials, after due consideration of the health, safety and welfare of the people of the Town of Glenville. The Town Board may

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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).
 3. Editor's Note: See Ch. 139, Fees.

impose such conditions upon the issuance of a permit as it may deem necessary or advisable and may revoke a permit for cause as hereinafter provided.

§ 204-8. Bond or insurance. ⁴

Before granting and issuing a permit, the Town Board shall require a bond or indemnity insurance policy with liability coverage in a sum not less than \$100,000 for those events for which the applicant anticipates the event to attract fewer than 1,000 people, and in a sum not less than \$500,000 for those events for which the applicant anticipates the event to attract more than 1,000 but fewer than 2,000, which bond or insurance shall cover damages to persons or property by reason of such exhibition or performance.

§ 204-9. Inspection. ⁵

The Fire Chief, Police Chief or County Environmental Health Inspector or their designees or other person or official designated by the Town Board shall inspect the site of the exhibition or entertainment prior to and during the entertainment, and in the event that these officials shall report a breach of conditions or situation hazardous to the public health, safety or welfare which the permittee shall refuse to correct, or in the event that they are denied reasonable access for purposes of inspection, they shall immediately report the same to the Supervisor of the Town, and the Town Board, upon the recommendation of such Town official or his designee, may with cause revoke such permit. Upon service of a copy of such written revocation upon the applicant, conduct of the exhibition or public entertainment shall cease.

**ARTICLE III
Theaters and Theatrical Exhibitions**

§ 204-10. Outdoor theatrical exhibitions prohibited.

It shall be unlawful for any person, firm, corporation or association to exhibit, conduct or take part in a theatrical exhibition, show or motion pictures in the Town of Glenville held outside of a building or an equipped theater completely enclosed with roof and walls.

§ 204-11. License required.

No theatrical performance, exposition, showing or display, including the showing and display of motion pictures for profit, shall be held within the Town of Glenville outside of the corporate limits of the Village of Scotia without first securing a license from the Town of Glenville.

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

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

§ 204-12. Theater license fee; expiration of license. ⁶

The license fee for the issuance of a license for the operation of a theater in the Town of Glenville, per calendar year or any part thereof, is as set from time to time by resolution of the Town Board,⁷ which license shall expire December 31 of the year in which it is issued.

§ 204-13. Hours of operation.

No theater shall remain open for the showing or exhibition of motion pictures or other theatrical exhibition except between the hours of 10:00 a.m. and 2:00 a.m. of the following day, Eastern standard time or Eastern daylight saving time, whichever shall be in force in the Town of Glenville.

§ 204-14. Applicability.

This Article III shall apply to all exhibits or displays of motion pictures shown to the public for profit, and to all other theatrical performances or exhibitions shown to the public for profit in the Town of Glenville outside the corporate limits of the Village of Scotia.

ARTICLE IV
Amusement Parks and Amusement Centers

§ 204-15. Permit required.

It shall be unlawful for any person, firm, corporation or association to conduct for private gain or otherwise an amusement park or amusement center, or to operate mechanical equipment designed for entertainment, exclusive of equipment ordinarily classed as playground equipment, or to conduct a business having for its principal purpose the entertainment of people with mechanical equipment, without first obtaining a permit therefor from the Town Board of the Town of Glenville.

§ 204-16. Application fee. ⁸

Upon filing such application with the Town Clerk, the applicant shall pay to the Town Clerk a fee as set from time to time by resolution of the Town Board.⁹

- A. Application to operate an amusement park for a period not to exceed one month: \$25, except that if the applicant and operator shall be a religious or charitable organization, no fee shall be charged.
- B. Application to operate an amusement park or center for a period in excess of one month but not to exceed the balance of the calendar year: \$100.

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

7. Editor's Note: See Ch. 139, Fees.

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

9. Editor's Note: See Ch. 139, Fees.

§ 204-17. Issuance or denial of permit; revocation; expiration.

The issuance or denial of a permit shall be at the discretion of the Town Board after reviewing the application and after due consideration of the health, safety and welfare of the people of the Town of Glenville. The Town Board may impose such conditions upon the issuance of a permit as it deems necessary or advisable and may revoke a permit for cause, including but not limited to refusal of the permittee to allow inspection of the premises by the Fire Chief, Police Chief or other Town officials designated by the Town Board. No permit issued shall expire later than December 31 of the year in which it is issued.

ARTICLE V
Penalties

§ 204-18. Penalties for offenses. ¹⁰

Any person, firm, corporation or association holding, conducting or operating any public exhibition, public entertainment, theatrical exhibition or amusement park or amusement center without a permit or license, as provided by this chapter, or otherwise violating this chapter, shall be guilty of a violation and shall be subject to a fine of not more than \$250, or imprisonment for not more than 15 days, or both such fine and imprisonment, for each violation. Each day's continuous violation shall constitute a separate additional violation.

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

Chapter 213

SEPTIC DISPOSAL SYSTEMS, INDIVIDUAL

- | | |
|--|---|
| § 213-1. Purpose and applicability. | § 213-6. Reconstruction and repairs of existing septic systems. |
| § 213-2. Definitions. | § 213-7. Inspections. |
| § 213-3. Substandard sewage waste disposal systems prohibited. | § 213-8. Appeals. |
| § 213-4. Permit required; enforcement; fee. | § 213-9. Penalties for offenses. |
| § 213-5. General standards. | § 213-10. Conflict with other provisions. |

[HISTORY: Adopted by the Town Board of the Town of Glenville 6-17-1969; effective 7-7-1969 (Ch. 34 of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 217.
Solid waste — See Ch. 232.

Water — See Ch. 259.

§ 213-1. Purpose and applicability.

- A. The discharge of sewage and other waste inadequately treated or disposed of is a hazard to the preservation of the public health, welfare and safety. Provisions for adequate systems for disposal of such waste is, therefore, regulated in the Town of Glenville for the preservation of the public health, safety and welfare of its residents.
- B. This chapter shall apply to all waste treatment or septic systems in the Town of Glenville, exclusive of the Village of Scotia.

§ 213-2. Definitions. ¹

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

DISPOSAL FIELD — An area in which open joint or perforated piping is laid in appropriate aggregate material in trenches or excavations for the purpose of distributing the effluent discharged from a private sewage disposal system for absorption into the soil.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM — A sewage disposal system which receives either human excreta or liquid waste, or both, from an individually owned residence or place of business, and shall include and apply to all portions of said system exterior to the foundation walls of any building. Included within the scope of this definition are septic tank soil-absorption systems, privies and chemical-type toilets and such other types as may be prescribed in this chapter or in county and/or state department of health codes.

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

SEEPAGE PIT — A covered pit with open-jointed lining through which septic tank effluent may seep or leach into surrounding ground.

SEPTIC TANK — A tank through which sewage flows and which permits solids in the sewage to settle in order that portions of such solids may be disintegrated by biological action.

§ 213-3. Substandard sewage waste disposal systems prohibited.

It shall be unlawful for any person, firm or corporation, either as owner, occupant, leasing agent, tenant, contractor or otherwise to construct, install, or have constructed, installed or maintained within the Town of Glenville an individual waste-disposal system without a disposal permit, and which shall not conform to the procedures and standards hereinafter set forth.

§ 213-4. Permit required; enforcement; fee.

- A. No septic disposal system shall be constructed, installed or reconstructed within the Town unless a disposal permit has been issued therefor.
- B. Applications for permits shall be in writing, signed by the applicant in such form as the Engineering Technician II may determine, and shall include the following, which the applicant shall be responsible for furnishing:
 - (1) A complete plan of the proposed disposal system with substantiating data attesting to its compliance with the minimum standards herein set forth.
 - (2) A sketch of the property showing the location of the proposed construction, alteration or extension.
 - (3) The results of percolation tests approved by the Engineering Technician II.
- C. A building permit shall not be issued until plans for sewage disposal have been approved by the Engineering Technician II.³
- D. A certificate of occupancy shall not be issued until the Engineering Technician II has inspected the system during construction, and found it to comply with the approved plans.⁴
- E. The Engineering Technician II may, by written notice, order all further work in and about any sewage disposal system which is to be erected or installed in violation of this chapter to be stopped forthwith.⁵

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).

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

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

- F. This chapter shall be enforced by the Engineering Technician II or, in his absence, such other Town officer or employee as the Town Board may designate.⁶
- G. A fee as set from time to time by resolution of the Town Board⁷ shall be paid to the Town of Glenville upon the issuance of a disposal permit. [Amended 2-1-1972⁸]

§ 213-5. General standards.

The design of an individual sewage-disposal system shall take into consideration its location with respect to wells or other sources of water supply, topography, existing individual sewage-disposal systems on adjacent properties, water table, soil characteristics, available area, expected volume of sewage, and shall comply with the following provisions:

- A. Volume of sanitary sewage. Each unit of the disposal system shall be designed to adequately treat the estimated volume of sanitary sewage to be discharged from the premises to be served. The volume of sewage flow for private residences shall be based upon 150 gallons per bedroom. For other establishments, refer to Page 3 of Bulletin 1, Part 11, of the Standards for Waste Treatment Works published by the New York State Department of Health.
- B. Excluded wastes. Drainage from basement floors or roofs shall not enter the sewage-disposal system.
- C. Drainage. The individual disposal system shall be located in an area where no surface or subsurface (ground) water will accumulate. Provisions shall be made to minimize the flow of surface water over the area.
- D. Wells. Sanitary sewage or the effluent from any individual sewage-disposal system shall not be discharged into any abandoned well or any well reaching into the groundwater.
- E. Maintenance. Septic tanks, seepage pits and disposal fields shall be maintained in a manner that will not create any nuisance due to seepage to the surface of the ground, or due to gas emission, nor become a source of pollution to any of the waters of the state.
- F. Location distances. The minimum distance for location of the various component parts of the disposal system shall comply with the following table:

Component	Minimum Distance						
	Well or Suction Line (feet)	Water Supply Line (Pressure) (feet)	Bank of Stream or Ditch (a) (feet)	Dwelling (feet)	Property Line (feet)	Disposal Field (feet)	Seepage Pits (feet)
Building sewer	50	10	50	—	10	—	—
Septic tank	50	10	50	10	10	—	—
Disposal field	100	10	50	20	10	—	—

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

7. Editor's Note: See Ch. 139, Fees.

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

Component	Minimum Distance						
	Well or Suction Line (feet)	Water Supply Line (Pressure) (feet)	Bank of Stream or Ditch (a) (feet)	Dwelling (feet)	Property Line (feet)	Disposal Field (feet)	Seepage Pits (feet)
Seepage pit	100	10	50	20	10	20	20

NOTE: Exception to the above, upon written request and for valid reasons, will be considered by the health authority having jurisdiction.

G. Area reserved for sewage disposal. The area to be used for sewage disposal shall be selected and maintained so that it is free from encroachments by driveways, accessory buildings, additions to the main building, and trees or shrubbery whose roots may cause clogging of any part of the system.

H. Building sewer.

- (1) The building sewer shall be of such size as required by any pertinent plumbing code, but in no case shall it be less than four inches.
- (2) The building sewer shall be constructed of a material approved by the New York State Department of Health, provided cast iron shall be used where the building sewer will be located under driveways.
- (3) All pipe joints in the building sewer shall be made watertight. The sewer connection shall be laid on a firm foundation. The building sewer shall have a minimum grade of not less than 1/4 inch per foot, and the sewer connection shall be laid on a continuous grade and also in a straight line. Horizontal bends, where necessary, shall not be greater than 45°.

I. Septic tanks.

- (1) Septic tanks shall have the following minimum capacities when serving single-family dwelling units as shown in the following. Expansion attics shall be considered as additional bedrooms.

Number of Bedrooms	Liquid Capacity of Tank (gallons)
2 or fewer	750
3	900
For each additional bedroom	Add 100

Note: The capacity of tanks to service homes with garbage grinders shall be 250 gallons greater than shown in the above table.

- (2) Septic tanks shall be watertight and constructed of sound and durable materials not subject to excessive corrosion, decay, frost damage or to cracking or buckling due

to settlement or backfilling. Covers shall be designed and constructed to be of a strength equal to the septic tank.

(3) Construction.

(a) Septic tanks may be constructed of the following:

- [1] Poured-in-place concrete (minimum wall thickness six inches).
- [2] Precast reinforced concrete.
- [3] Heavy-weight concrete block or equal.
- [4] Cinder block or equal.
- [5] Prefabricated metal (Commercial Standard 177-62).

(b) The liquid depth of the tank or a compartment thereof shall be not less than 48 inches.

J. Diameter of circular tanks. No tank or compartment thereof shall have an inside horizontal dimension less than 48 inches.

K. Inlets and outlets.

- (1) Inlet and outlet connections of each tank or compartment shall be arranged so as to obtain effective retention of scum and sludge. An inlet baffle is not required when the tank is provided with a vented pipe tee not less than four inches in diameter with the bottom opening extending at least six inches below the surface of the liquid, or as required by Commercial Standard 177-62 for metal tanks. The invert elevation of the inlet shall not be less than one inch (preferably three inches) above the invert elevation of the tank outlet or the outlet of the first compartment.
- (2) Outlet connections of the tank and of each compartment thereof shall be provided with a tee not less than four inches in diameter or a durable baffle equivalent in size. They shall be permanently fastened in place with the bottom opening extending to a depth of about 40% of the liquid depth. There shall be a clear space between the top of baffle and the inside roof of tank of not less than one inch.

L. Scum storage. The space between the liquid surface and the top of the scum-retaining device on the outlet shall be not less than 15% of the total required liquid capacity.

M. Access openings. In single-compartment tanks, an access opening shall be located over the inlet. In multiple-compartment tanks, access openings shall be located over each inlet and outlet. Access to each compartment of the tank shall be by means of a sixteen-inch minimum size manhole or a removable cover.

N. Connecting pipe. The pipe connecting the septic tank and distribution box or dosing device shall have tight joints and shall be minimum diameter of four inches, and shall consist of a material approved by the New York State Health Department.

O. Distribution.

- (1) A distribution box shall be installed between septic tanks and disposal fields or seepage pits. If only one seepage pit is used, no distribution box is required. A dosing device shall be provided where there are over 500 lineal feet of open-jointed or perforated distribution lines.
- (2) Distribution boxes shall be watertight, constructed of concrete or an approved material and laid on a firm foundation. They shall be so constructed as to provide equal distribution to the disposal system. Distribution boxes shall be provided with a means of access. The invert of the inlet shall be at least one inch above the inverts of the outlets.

P. Disposal areas. The disposal area is the entire area used for underground dispersion.

Q. Percolation tests.

- (1) At least one percolation test shall be performed at the site of each disposal area. More than one test will be required where the soil structure may vary or large disposal areas are required.
- (2) Tests shall not be made in filled ground unless the soil has been compacted or allowed to settle to the satisfaction of the health authority having jurisdiction.
- (3) Percolation tests shall be performed in accordance with the following procedure:
 - (a) Dig a hole with vertical sides having a diameter of approximately 12 inches. If a tile field is being considered, the depth of the percolation test hole should be six inches below the proposed trench bottom or approximately 30 inches below the final ground surface. If a seepage pit or cesspool is under consideration, then percolation tests should be run at 1/2 the depth and also at the full estimated depth of the seepage pit. In order to facilitate the running of the test, a larger excavation should be made for the upper portion of the hole with the actual test hole in the bottom.
 - (b) Fill the test hole with water and allow it to completely seep away. This is known as presoaking and must be done several hours before the test and again at the time of the test. After the water has seeped away, remove any loose soil that has fallen from the sides of the hole.
 - (c) Pour clean water into the hole, with as little splashing as possible, to a depth of six inches.
 - (d) Observe and record the time in minutes required for the water to drop one inch (from the six-inch to the five-inch mark).
 - (e) Repeat the test a minimum of three times until the time for the water to drop one inch, for two successive tests give approximately equal results. The last test will then be taken as the stabilized rate of percolation and the time recorded for this test will be used as the design basis for determining the square footage of leaching or absorption area required for a subsurface system.

- R. Minimum percolating area. The minimum required percolating area per bedroom shall be determined from the following table:

Percolation Rate (time required for water to fall one inch, in minutes)	Required Absorption Area in Square Feet per Bedroom,¹ Standard Trench² and Seepage Pits³
0 - 5	125
10	165
15	190
30 ⁴	250
45 ⁴	300
60 ^{4,5}	330

Notes:

¹ In every case, sufficient area should be provided for at least two bedrooms.

² Absorption area for standard trenches is figured as trench bottom area.

³ Absorption area for seepage pits is figured as effective sidewall area beneath the inlet.

⁴ Unsuitable for seepage pits if over 30.

⁵ Unsuitable for leaching systems if over 60.

- S. Subsoil and groundwater determination.

- (1) Additional information will generally be required relative to soil structure and groundwater elevations adjacent to or below the proposed disposal area.
- (2) The number of test borings or pits shall be made according to satisfaction of the responsible health authority.

- T. Disposal fields.

- (1) Filter material. Filter material shall cover the distribution lines and extend the full width of the trench or bed, shall not be less than six inches deep beneath the bottom of the distribution line, and shall extend at least two inches above the top of the line. The filter material shall be washed gravel or crushed stone, ranging in size from 1/2 to 2 1/2 inches, free of fines, dust, ashes or clay. The filter material shall be covered by building paper or by a two-inch layer of hay or straw.
- (2) Distribution lines. Distribution lines shall be constructed true to line grade. Agricultural tile, bituminized fibre, asbestos cement or equally adequate pipe may be used. In case of agricultural tile, openings between joints shall be 1/8 inch to 1/4 inch with the upper half of the joint covered with treated paper.
- (3) Backfill. Backfill over disposal trenches or beds shall not be tamped and no grading machinery shall be permitted to pass over the area.

- (4) Disposal trench construction. Disposal trenches shall be constructed in accordance with the following:
- (a) Minimum lines per field: two.
 - (b) Maximum length per line: 60 feet.
 - (c) Minimum diameter of distribution lines: four inches.
 - (d) Slope of distribution lines: two inches to six inches in 100 feet.
 - (e) Maximum depth of trench: 30 inches.
 - (f) Minimum distance between distribution lines:
 - [1] Eighteen-inch trench: six feet five inches center to center.
 - [2] Twenty-four-inch trench: seven feet center to center.
 - [3] Thirty-six-inch trench: eight feet center to center.
 - (g) Minimum depth of stone under distribution lines: six inches.
 - (h) Minimum distance bottom of trench or seepage to groundwater: 24 inches.
- (5) Seepage pits. Seepage pits shall be used only when preceded by a septic tank.
- (6) Construction. Seepage pits shall be constructed of brick, cinder or concrete block, or similar material laid dry with open joints. All joints above the inlet shall be made watertight.
- (7) Backfill. The space between the excavation and seepage pit wall shall be backfilled with at least six inches of coarse gravel or crushed stone. Where cinder or concrete blocks are laid with core openings exposed, the space between the excavation and seepage pit wall shall be backfilled with at least six inches of two-and-one-half-inch crushed stone or similar material.
- (8) Covers. A watertight and structurally safe cover shall be provided.
- (9) Dry wells. Dry wells are permitted. A dry well may be utilized to receive the drainage from roofs, basements or areaways, provided its installation will not interfere with the operation of the individual sewage-disposal system.

§ 213-6. Reconstruction and repairs of existing septic systems. ⁹

The provisions of this chapter shall apply to reconstruction and repairs of existing septic systems; however, the Engineering Technician II may vary the provisions of this chapter if a variance is necessitated by hardship created by local physical conditions.

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

§ 213-7. Inspections. ¹⁰

The Engineering Technician II is authorized to make necessary inspections to determine the satisfactory compliance with this chapter. The owner or occupant shall give this official or other enforcement official appointed by the Town Board in his absence free access to the property at reasonable times for the purpose of making such inspections. Failure to grant such access shall constitute an automatic revocation of the disposal permit.

§ 213-8. Appeals.

Any person may appeal to the Town's Zoning Board of Appeals from the interpretation of any administrative decision involving the interpretation of any provision of this chapter by filing a written appeal within 10 days from such decision with the Town Clerk. The Zoning Board of Appeals shall, on not less than three days' notice to all interested parties, hold a hearing pursuant to such rules as it may prescribe and adopt for the conduct of such hearing, and shall, not less than five days after such hearing, advise all interested parties of its decision in writing.

§ 213-9. Penalties for offenses. ¹¹

Any person, persons, firm or corporation violating any provision of this chapter shall be guilty of a violation which shall be punishable by a fine of not more than \$250, or by imprisonment not to exceed 15 days, or both, and each day's failure to comply shall constitute a separate violation. In case any septic disposal system is constructed in violation of this chapter, or this chapter is otherwise violated, the Town Board may also maintain an action or proceeding in the name of the Town to compel compliance with or restrain by injunction any violation of this chapter.

§ 213-10. Conflict with other provisions.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of this Town, county or state existing on the effective date of this chapter, the provision which, in the judgment of the local health officer, establishes the higher standard for the promotion of health and safety of the people shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of this Town, county or state existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby repealed to the extent that they may be found in conflict with this chapter.

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

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

Chapter 217

SEWERS

ARTICLE I Sewer Use

- § 217-1. Intent.
- § 217-2. Definitions; word usage.
- § 217-3. Use of public sewers; connection required.
- § 217-4. Private wastewater disposal.
- § 217-5. Installation of building sewers.
- § 217-6. Regulations for use of public sewers.
- § 217-7. Penalties for offenses; enforcement.
- § 217-8. Inspections.
- § 217-9. Connections to sewer lines.
- § 217-10. Sewer rents as liens against real property.

- § 217-11. Collection of sewer rents.
- § 217-12. Sewer District Maintenance Fund.
- § 217-13. Annual review of sewer charges.
- § 217-14. Purpose.

ARTICLE II Disposal of Septic Tank Wastes

- § 217-15. Disposal restricted.
- § 217-16. Permit required for disposal.
- § 217-17. Designation of dumping sites.
- § 217-18. Designation of untreated wastes.
- § 217-19. Penalties for offenses.

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

GENERAL REFERENCES

Water and Sewer Division, DPW — See Ch. 72.

Building construction and fire prevention — See Ch. 101.

Flood damage prevention — See Ch. 151.

Individual septic disposal systems — See Ch. 213.

Water— See Ch. 259.

ARTICLE I Sewer Use

[Adopted 4-6-1982 by L.L. No. 1-1982 (Ch. 35, Art. I, of the 1966 Code)]

§ 217-1. Intent.

For the proper use and service for all sewer districts owned, operated and maintained by the Town of Glenville, the following general rules and specifications are hereby adopted, subject to agreements to conform to the Village of Scotia's sewer regulations in those sewer districts tributary to the Village of Scotia's sewerage system.

§ 217-2. Definitions; word usage.

- A. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq., as may be amended. ¹

BIOCHEMICAL OXYGEN DEMAND (BOD) — 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.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from 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, also called the "house lateral" or "service lateral," and the portion in the public highway or easement also called the Town service lateral.

COMBINED SEWER — A sewer designed to receive and transport both surface runoff and sewage.

COMMISSIONER OF PUBLIC WORKS OR DESIGNEE — The person or persons, whether an individual or individuals, partnership, corporations or other entities designated by resolution of the Glenville Town Board to act as or in the capacity of Commissioner of Public Works for the Town of Glenville or the authorized designee thereof.

CONTAMINATION — An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

COUNTY — The County of Schenectady or its designated representatives.

DEPARTMENT OF PUBLIC WORKS — The Department of Public Works of the Town of Glenville or its designated representatives.

EASEMENT — An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL — Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE — The animal and vegetable wastes resulting from the handling, preparation, cooking and serving of foods.

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

INDUSTRIAL WASTES — The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

NATURAL OUTLET — Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION or NYSDEC — The New York State Department of Environmental Conservation or a duly authorized official of said Department.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of 10^{-7} .

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

PRETREATMENT — The reduction in the amount of pollution in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollution into a publicly owned treatment works (POTW). The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6, General Pretreatment Regulations for Existing and New Sources of Pollution.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have 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.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works as defined by federal Section 212 of the Act (33 U.S.C. 1292). Includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

PUBLIC SEWER — A common sewer controlled by a governmental agency or public utility.

SANITARY SEWER — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground-, storm- and surface waters that are not admitted intentionally.

SEWAGE — The spent water of a community. The preferred term is "wastewater."

SEWER — A pipe or conduit that carries wastewater or drainage water.

SEWER DISTRICT — Any sewer district owned, maintained and operated by the Town of Glenville.

SIGNIFICANT INDUSTRIAL USER — Any user who has a discharge flow of 25,000 gallons or more per average work day, or has a flow greater than 5% of the flow in the

municipality's wastewater system, or has in the wastes, toxic pollutants as defined pursuant to federal Section 307 of the Act, or has been identified as one of the 21 industrial categories pursuant to Section 307 of the Act or is found by the municipality to have significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

SLUG — Any discharge of water or wastewater 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 and shall adversely affect the collection system and/or performance of the wastewater treatment works.

SPDES — The State Pollution Discharge Elimination System established by Article 17 of the Environmental Conservation Law of the State of New York for issuance of permits authorizing discharge to the waters of the state.

STORM DRAIN (sometimes termed "storm sewer") — A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

SUSPENDED SOLIDS — Total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as "nonfilterable residue."

TOWN INSPECTOR — The Town-designated engineer, senior engineering technician, Commissioner of Public Works or designee, Building Inspector, environmental health technician or person or persons designated by resolution of the Town Board to act as or in the capacity of Town Inspector for the Town of Glenville or the authorized deputy or representative thereof.

UNPOLLUTED WATER — Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER — The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES — The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS — An arrangement of devices and structures for treating wastewater, industrial wastes and sludge; sometimes used as a synonym with waste treatment plant or wastewater treatment plant or water pollution control plant.

WATERCOURSE — A natural or artificial channel for the passage of water either continuously or intermittently.

- B. Word usage. "May" is permissive; "shall" is mandatory.

§ 217-3. Use of public sewers; connection required.

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the boundaries of any sewer district or in any area under the jurisdiction of any sewer district, any human or animal excrement, garbage or objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the boundaries of any sewer district, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article or state law.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leach field or other facility intended or used for the disposal of wastewater.
- D. The owner(s) of all houses, buildings, other structures and any properties used for human occupancy, employment, recreation or other purpose, situated within the sewer district and located within 225 feet of a public sanitary sewer in any sewer district, is hereby required at the expense of the owner(s) to install suitable sanitary facilities therein and to connect such facilities directly with the public sewer in accordance with the provisions of this article and according to the following schedule, unless a greater distance or an earlier date is mandated by the Town Department of Public Works or State Health Department or unless there are substantial physical obstructions, in which case the owner(s) may appeal to the Glenville Town Board or State Health Department, whose decision shall be final and binding:

Schedule for Hookup Compliance

Distance From Structure to Public Sewer (feet)	Time to Complete Connection Upon Official Notice (months)
0 - 150	12
150 - 225	18

§ 217-4. Private wastewater disposal.

- A. Where a public sanitary sewer is not available under the provisions of § 217-3D, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section and meeting the requirements of the State Health Department.
- B. Before beginning the construction of a private wastewater disposal system, the owner shall first obtain a written permit from the Town of Glenville Department of Public Works. The applicant shall conform to the regulations of the Town Department of Public Works and shall fill out the necessary forms therefor. He shall supplement the application by any plans, specifications and other information deemed necessary by the Department of Public Works, as well as arrange to make percolation tests of the soil. These tests shall meet the approval of the Town of Glenville Department of Public Works before the plans

are completed. Construction of such a private system shall not be started until plans are approved and the installation witnessed by a representative of the Town of Glenville Department of Public Works.

- C. Work on the private wastewater system shall not begin until the Town permit is issued. The Town Inspector shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Town Inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Town Building Inspector/Engineering Technician II.
- D. The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the State Health Department. No septic tank or cesspool or leach field shall be permitted to discharge to any natural outlet or adjoining property.
- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 217-4D, a direct connection shall be made to the public sewer as outlined in the schedule in § 217-3D, in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable compacted material.
- F. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.
- G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Town Health Officer.

§ 217-5. Installation of building sewers.

- A. No unauthorized person(s) 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 Town.
- B. Two classes of building sewer permits will be issued. These will be for residential-commercial and industrial use. (See § 217-6 for additional industrial requirements.) The owner or his agent shall make application on a special form furnished by the sewer district. The permit shall be supplemented by any plans, specifications and other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee as set from time to time by resolution of the Town Board² for a residential-commercial use will be required except for initial hookups of existing structures within the time schedule allowed in § 217-3D measured from completion date of the construction contract of the public sewer servicing the structure. The cost of an industrial permit shall be negotiated with the Town of Glenville at the time of application. This will depend on the volume of sewage, number and size of connections and quality of discharge.³

2. Editor's Note: See Ch. 139, Fees.

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

- C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the sewer district and the Town from any loss of damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. Where a new building is constructed and there is no Town service lateral from the main to the property line, the installation of this lateral and the tapping of the main will be done by the sewer district. The cost of this work, including excavation, pipe work, backfill, replacement of pavement, etc., will be billed to the property owner. This billed amount will be determined by the sewer district and based on the cost of the work.
- E. 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, easement, courtyard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer. The Town does not and will not assume any obligation or responsibility for damage caused by or resulting from the use of any such single connection aforementioned.
- F. The size, slope, alignment, materials and 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 this article, plus the latest revisions of the New York State Uniform Fire Prevention and Building Code or other applicable rules and regulations, if any, of the Town of Glenville.^{4 5}
- 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(s) shall make connection of roof downspouts, foundation drains, sump pumps for foundation or subsurface water drainage, 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 unless such connection is approved by the Town Commissioner of Public Works or designee for purposes of disposal of polluted surface drainage.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of this article and the latest revisions of the Building and Plumbing Code or other applicable rules and regulations of the Town of Glenville⁶, if any, and the applicable requirements of the tributary Wastewater Treatment Works Authority. Connections shall be made gastight and watertight and verified by proper testing at the expense of the owner(s).

4. Editor's Note: See Ch. 101, Building Construction and Fire Prevention.

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

6. Editor's Note: See Ch. 101, Building Construction and Fire Prevention.

- J. The applicant for the building sewer permit shall notify the Town Commissioner of Public Works or designee when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Town Commissioner of Public Works or designee.
- K. All excavations for building sewer installations shall be adequate 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 of Glenville.
- L. The property owner's sewer connection between the Town service lateral at the property line and the building shall be a direct connection. The building sewer may pass through an existing septic tank. Sides of concrete tanks shall be cut out at least twice the diameter of pipe to be installed through the tank. The tank shall be filled with gravel or pea stone and compacted. Metal tanks shall be collapsed and backfilled with compacted gravel or pea stone. The building sewer shall bypass all leach pits, tile fields and other private disposal facilities.
- M. In sewer district areas where sanitary sewers drain to a wastewater pumping station, an approved backwater valve shall be installed in all buildings subject to flooding during a failure of the pumping facilities. The location of said backwater valve shall be as indicated on the drawing for a typical house connection or as directed by the Commissioner of Public Works or designee.

§ 217-6. Regulations for use of public sewers.

- A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, foundation drainage, subsurface drainage or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times. This discharge shall only be allowed if approved in writing by the Town Commissioner of Public Works or designee and State Health Department.
- B. Stormwater other than that exempted under § 217-6A and all other unpolluted drainage shall be discharged to such sewers as are specifically designated for stormwater or to a natural outlet approved by the Town Commissioner of Public Works or designee and/or other regulatory agencies.
- C. No person(s) shall discharge or cause to be discharged any of the following described waters or wastewaters to any public sewers:
 - (1) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates,

perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Town, the county, the state or the Environmental Protection Agency has notified the user is a fire hazard or a hazard to the system.

- (2) Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals or create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
 - (3) Any waters or wastewater having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to sewers, structures, equipment and personnel of the wastewater works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction in the flow of sewers or other interference with the proper operation of the wastewater facilities, such as, but not limited to, ashes, bones, 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. The following described substances, materials, waters or wastewater shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb or public property or constitute a nuisance. The Town Commissioner of Public Works or designee may set more stringent limitations than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Commissioner of Public Works or designee will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Commissioner of Public Works or designee are as follows:
- (1) Wastewater having a temperature higher than 150° F. (65° C.) or in such quantities that the temperature at the treatment works influent exceeds 104° F. (40° C.).
 - (2) Wastewater containing more than 25 milligrams per liter of petroleum oil or product of mineral oil origin.
 - (3) Wastewater from industrial plants containing floatable oils, fat or grease.
 - (4) Any garbage that has not been properly shredded. (See § 217-2.) Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. Garbage grinders shall not be used for disposal of plastics, paper products, inert materials or garden refuse.

- (5) Any waters or wastewater containing chromium, copper, zinc and similar objectionable or toxic substances [See Table of Limits of Toxic Substances in Sewage following Subsection D(12).] to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the tributary Wastewater Treatment Works Authority for such materials.
- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Town Commissioner of Public Works or designee.
- (7) Any radioactive wastes or isotopes of such half-life of concentration as may exceed limits established by applicable local, state or federal regulations.
- (8) Quantities of flow, concentrations or both which constitute a slug as defined herein.
- (9) Waters or wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- (10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- (11) Any discoloration such as, but not limited to dyes, inks and vegetable tanning solution or any other condition in the quality of treatment works effluent in such a manner that receiving quality requirements established by law cannot be met.
- (12) No person shall discharge or cause to be discharged any waters or wastewater containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the Wastewater Treatment Works Authority or to exceed the limitation set forth in the categorical pretreatment standard. Such toxic substances shall be limited to the average concentrations listed hereinafter in the wastewater and include but are not limited to any pollutant identified pursuant to Section 307(a) of the Federal Clean Water Act, as revised up to 1977. If concentrations listed are exceeded, individual establishments will be subject to control in volume and concentration by the Wastewater Treatment Works Authority.

Limits of Toxic Substances in Sewage

Parameter	Effluent Concentration Limits	
	24-Hour Average (milligrams per liter)	30-Day Average (milligrams per liter)
Cadmium	0.8	0.4
Hexavalent chromium	0.4	0.2
Total chromium	8.0	4.0
Copper	1.6	0.8
Lead	0.4	0.2
Mercury	0.4	0.2
Nickel	8.0	4.0
Zinc	2.4	1.2
Arsenic	0.4	0.2
Available chlorine	50.0	50.0
Cyanide-free	0.8	0.4
Cyanide-complex	3.2	1.6
Selenium	0.4	0.2
Sulfide	12.0	6.0
Barium	8.0	4.0
Manganese	8.0	4.0
Gold	0.4	0.2
Silver	0.4	0.2
Fluorides: to fresh water	8.0	4.0*
Phenol	8.0	4.0

*NOTE: May be multiplied by a factor of 1.5 if the municipal water supply is not fluoridated.

- E. If any waters or wastewaters are discharged or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics enumerated in Subsection D of this section or which in the judgment of the Town Commissioner of Public Works or designee may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town Commissioner of Public Works or designee shall contact the tributary Wastewater Treatment Works Authority which has promulgated rules and regulations governing the discharge of wastewaters into its sewerage systems and all sewer tributaries thereto. Alternative solutions may include:

- (1) Rejecting the wastes.
 - (2) Requiring pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Requiring control over the quantities and rates of discharge.
 - (4) Requiring payment to cover added costs of handling and treating the wastes not covered by existing taxes or sewer charges.
- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Town Commissioner of Public Works or designee, they are necessary for the proper handling of liquid wastes containing floatable 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 Town Commissioner of Public Works or designee and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Town Commissioner of Public Works or designee. Any removal and hauling of the collected materials not performed by the personnel of the owner(s) must be performed by currently licensed waste disposal firms.
- G. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.
- H. The Town Commissioner of Public Works or designee may require a user of sewer service to provide information needed to determine compliance with this article.
- I. Detailed plans showing facilities and operating procedures to provide protection from accidental discharge of prohibited materials or other wastes from significant contributing industries shall be submitted to the Town Commissioner of Public Works or designee for review and shall be acceptable to the Town before construction of the facilities.
- J. An industrial user shall notify the Town Commissioner of Public Works or designee immediately upon accidentally discharging wastes in violation of this article. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process or for any fines imposed on the Town and Wastewater Treatment Works Authority under applicable state and federal regulations.
- K. A notice shall be furnished and permanently posted on the industrial user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this article. Also, copies of the article are to be made available to users' employees.
- L. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is

impractical or unreasonable, the user shall approximately label such entry points to warn against discharge of such wastes in violation of this article.

- M. When pretreatment regulations are adopted by the United States Environmental Protection Agency or the NYSDEC for any industry, then that industry must immediately conform to the United States Environmental Protection Agency or NYSDEC timetable for adherence to federal or state pretreatment requirements and any other applicable requirements promulgated by the United States Environmental Protection Agency or NYSDEC in accordance with Section 307 of PL 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the Town.
- N. The Town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objective presented in § 217-14 of this article.
- O. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or in any other pollutant specific limitation developed by the Town or state unless authorized by state or federal regulations.
- P. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or any criteria, guidelines or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or state criteria applicable to the sludge management method being used.
- Q. Each significant industrial user shall construct or otherwise have available a sampling point for sampling wastewater before it enters the Town sewer system. This sampling point shall be a suitable structure together with such necessary meters and other appurtenances to the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure shall be accessibly and safely located and shall be constructed in accordance with plans and approved by the Town. The structure shall be installed by the applicant at his expense and shall be maintained by him so as to be safe and accessible at all times.
- R. The permit for industrial discharge upon approval by the Town of Glenville shall be valid for a period of three years. This permit may be extended every three years by the Town of Glenville upon receiving application for continued discharge within 90 days of permit expiration.
- S. The permit's terms and conditions may be subject to modification and change by the sewer district. The sewer district shall notify any owner(s) of such modification or change in permit requirements by certified letter which shall also state the time limit for

compliance. The compliance time shall be a reasonable time period set by the sewer district to comply with the change or modifications.

- T. A permit shall not be reassigned or transferred or sold to a new owner(s), new user, different premises or a new or changed operation, except in the case where a residential or commercial establishment changes owner(s) and no change in discharge will occur.
- U. An industrial discharger shall apply for a permit modification if production or process is changed so that the wastewater characteristics or flow is altered.
- V. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by any Town sewer district as confidential shall not be transmitted to any governmental agency or to the general public by such Town sewer district until and unless prior and adequate notification is given to the user.
- W. Information, in addition to the actual permit, shall include volume, constituents and characteristics of wastewater, flow rates, each product produced by type, amount and rate of production and description of activities, facilities and plant processes on the premises including all materials processed and types of materials which are or could be discharged. All information and data on a user obtained from reports, questionnaires and monitoring programs and from inspection shall be available to the public or other governmental agency without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Commissioner of Public Works or designee that the release of such information would divulge information processes or methods which would be detrimental to the user's competitive position.
- X. The conditions of wastewater discharge permits shall be uniformly enforced by the Town in accordance with this article and applicable county, state and federal regulations. The permits shall be expressly subject to all provisions of this article and all other regulations, user charges and fees established by the Town and county and applicable state and federal regulations.
- Y. Permits shall contain specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

§ 217-7. Penalties for offenses; enforcement.

- A. Any violation of this article shall be deemed an offense against this article. Each and every day such offense occurs shall be deemed a separate and distinct violation of this article. Every conviction of a violation of any provision of this article shall be punished by a fine of not more than \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. For the purpose of conferring jurisdiction upon courts

and be deemed misdemeanors and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violation.⁷

- B. In addition, a penalty may be assessed not exceeding \$500 for each violation to be sued for and recovered in a civil action brought in the name and for the benefit of the Town of Glenville, New York. This penalty is in addition to the liability of a violator for damage to equipment of the sewer district from the improper discharge under this article.
- C. The Town Inspector and such other Town officers as the Town Board shall direct are authorized to initiate whatever appropriate judicial proceedings are deemed necessary to prohibit violations of this article.
- D. Any person who knowingly makes any false statements, representation, record, report, plan or other documentation filed with the municipality or who falsifies; tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall be punishable in accordance with § 175.30 of the Penal Law.
- E. The Town is also authorized to issue an order to cease and desist and direct those persons not complying with such prohibitions, limits, requirements or provisions of this article or the wastewater discharge permit to:
 - (1) Comply forthwith.
 - (2) Comply in accordance with a time schedule set forth by the Town.
 - (3) Take appropriate remedial or preventive action in the event of a threatened violation.
- F. If the conditions of the permit or this article are not strictly adhered to, the permit shall be revoked.

§ 217-8. Inspections.

- A. The Town Commissioner of Public Works or designee 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 pertinent to discharge to the community system in accordance with the provisions of this article. The Town shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. The Town may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required by the Town's wastewater discharge ordinances and sample any effluent which the owner or operator of such source is required to sample. Where a user has security measures in force, the user shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the Town will be permitted to enter without delay.

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

- B. While performing the necessary work on private properties referred to in Subsection A above, the Town Commissioner of Public Works or designee or duly authorized employees of the Town shall observe all safety rules and care applicable to the premises.
- C. The Town Commissioner of Public Works or designee and other duly authorized employees of the Town of Glenville bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities 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.
- D. This article shall be enforced by the Town Inspector and such other Town officers as the Town Board shall direct and the State Department of Health.
- E. The Town may terminate or cause to be terminated wastewater service to any premises if a violation of any provision of this article is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination or pollution as defined in this article.

§ 217-9. Connections to sewer lines.

- A. Before connecting to an existing main or Town service lateral, the resident or owner shall contact the Town Commissioner of Public Works or designee and notify him of the work to be done. He shall obtain a written permit as required. All building sewers shall be six inches in diameter, and no connection shall be made to the public sewer system except in the presence of the Town Commissioner of Public Works or designee.
- B. A house trap is required and shall be provided inside structures at the point where the sewer leaves the building. This shall be a four-inch minimum house trap, with two hand-hold cleanouts inside the house wall. These cleanouts shall be easily accessible. Provide a three- or four-inch fresh air vent to the outside building wall. A cleanout pipe is recommended outside the building on the building drain with a connection of 45° and brought up to a point about three inches above grade. This cleanout shall be about two feet from the outside face of the foundation wall. If an outside cleanout is not provided, an inside cleanout shall be provided. The cleanout or backwater valve, if required, and the sewer line to a point four feet outside the building wall shall be approved material at least four inches in diameter.⁸
- C. Sewer pipe to be connected between the building drain and the Town service lateral at the property or easement line shall be as specified in the Town Technical Specifications List, on file in the Town offices.⁹
- D. The sewer pipe trench shall be excavated approximately one inch deeper than the inside bottom of the pipe, and the pipe shall be laid in a straight line on undisturbed soil. Where

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

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

the trench is in rock, excavate six inches beneath the invert and in this space lay a cushion of sand or pea stone to give full support to the pipe for its full length. Where there is an existing ABS six-inch capped Town service lateral, this cap shall be sawed off very carefully at right angles to the pipe and a water- and airtight connection shall be made with the necessary adapter or fitting. The building sewer pipe backfill material shall be tamped underneath and along both sides of the pipe to give it solid support for its full length. All pipe used shall be sound, free from cracks and defects. All joints shall be made air- and watertight. The pipe shall be laid at a uniform pitch (at least 1/4 inch per foot or two-percent slope) to the building drain near the foundation, where an increaser or other necessary fitting work shall be installed to provide a leakproof connection. Special permission may be obtained from the sewer district to use a lesser grade, which in no case shall be less than 1/8 inch per foot (or about one-percent grade). Backfilling shall be done with fine selected material and thoroughly tamped so that there will be no future settlement. There shall be at least two feet of backfill cover over the top of the pipe adjacent to the house and in excess of this amount where the pipe runs under driveways, sidewalks, etc. Where any discontinued sewer lateral is discovered, this line shall be properly capped.

- E. Where it is necessary to tap the existing sanitary sewer in the street because no Town service lateral has been previously installed, it will be necessary to make these connections, excavations, backfillings, etc., in accordance with the Town Law or State or County Highway Department regulations as jurisdiction may apply. Work done in streets and other public rights-of-way shall be done by the Town sewer district or its official designee, including the installation of the service lateral to the property line. All of this work, including any permit fees or expenses, shall be paid for by the owner.
- F. All work shall be done in accordance with these regulations. Notice must be given to the Town Commissioner of Public Works or designee by the owner or his agent prior to the time the work is ready for inspection, and no part of the work shall be covered until it has been examined, tested and approved by the Town Commissioner of Public Works or designee.

§ 217-10. Sewer rents as liens against real property.

Sewer rents shall be liens against real property within all Glenville sewer districts to the extent as set forth in § 452 of the General Municipal Law. Sewer rents provided pursuant hereto are charges in addition to any sewer assessments that may be levied from time to time against real property in said sewer districts. Sewer rents shall be charged against properties connected to the sewer system in such amounts as are established by the Town Board pursuant to § 452 of the General Municipal Law.

§ 217-11. Collection of sewer rents.

Sewer rents shall be due and payable at the times specified for payment by the appropriate legislative bodies. Delinquent sewer rents may be collected pursuant to § 452 of the General Municipal Law.

§ 217-12. Sewer District Maintenance Fund.

All revenue derived from Town sewer maintenance levies, including penalties and interest, shall be credited to a special fund to be known as the "Sewer District Maintenance Fund." Moneys in such fund shall be used to pay salaries, maintenance, improvements, alterations, department service, payment of indebtedness occurred from construction of sewer system and expansion of the facilities of said sewer district, in accordance with § 453 of the General Municipal Law.

§ 217-13. Annual review of sewer charges.

Operation and maintenance charges for the district shall be reviewed annually by the Town Board so that this fee can be changed, adjusted or modified as required. Any cost originating from extraneous flows and infiltration shall be paid for by the users.

§ 217-14. Purpose.

The purpose of these rules and regulations is specifically stated as follows:

- A. To prohibit excessive volume and/or inordinate rates of flow of wastewater into the Town sewers and wastewater treatment works and all sewers tributary thereto.
- B. To prohibit the contribution of wastewater, industrial wastes or other wastes of a flammable nature or which create in any way a poisonous or hazardous environment for sewerage maintenance and operation personnel.
- C. To prohibit the contribution of wastewater, industrial wastes or other wastes which may impair the hydraulic capacity, operation of the intercepting sewers, force mains, pumping stations, sewage regulators and other structures and appurtenances of the Town sewerage system and sewers tributary thereto.
- D. To prohibit the contribution of wastewater, industrial wastes or other wastes which may create operating difficulties at any tributary water pollution control plant as it now exists or may be constructed, modified or improved in the future.
- E. To prohibit and/or regulate the contribution of wastewater, industrial wastes or other wastes which require for treatment at the plant greater expenditures than are required for an equal volume of normal sewage.
- F. To require the pretreatment or flow control, before introduction into the Town sewerage system or sewers tributary thereto, of such wastes as may impair the strength and/or durability of the structures appurtenant to the system or may interfere with the normal treatment processes or may impair the designated uses of the classified receiving waters.
- G. To provide cooperation with the State Department of Health and the State Department of Environmental Conservation and any other agencies which have requirements or jurisdiction for the protection of the physical, chemical or bacteriological quality of watercourses within or bounding the county.
- H. To protect the public health and to prevent nuisances.

ARTICLE II
Disposal of Septic Tank Wastes
[Adopted 2-4-1958 (Ch. 35, Art. II, of the 1966 Code)]

§ 217-15. Disposal restricted.

It shall be unlawful for any person, firm or corporation to dump or otherwise dispose of untreated wastes from septic tanks or sewage disposal systems in the Town of Glenville unless such wastes shall have been removed from septic tanks or disposal systems located within the limits of the Town of Glenville.

§ 217-16. Permit required for disposal.

It shall be unlawful for any person, firm or corporation to dump or otherwise dispose of untreated wastes from septic tanks or other sewage disposal systems within the Town of Glenville in any place or area other than that designated by the Town Board of the Town of Glenville. All such persons, firms or corporations prior to such dumping shall obtain a permit therefor from the office of the Town Clerk of the Town of Glenville.

§ 217-17. Designation of dumping sites.

The Town Board of the Town of Glenville shall, by resolution, from time to time designate such place or places, area or areas within the Town in which or at which the dumping or disposal of untreated wastes from septic tanks or other sewage disposal systems may be dumped and shall regulate the hours during which said dumping shall take place.

§ 217-18. Designation of untreated wastes.

"Untreated wastes" shall be defined as all wastes so designated by the Town Health Officer.

§ 217-19. Penalties for offenses.

Any person, firm or corporation violating this article shall be guilty of a misdemeanor.¹⁰

10. Editor's Note: Original Art. III, Indirect Contributors, of Ch. 35 of the 1966 Code, which immediately followed this section, has been omitted from the 2005 Code at the request of the Town. Said Art. III consisted of a reference statement indicating that L.L. No. 3-1985, adopted 5-15-1985 and providing for the regulation of indirect contributors to the municipal wastewater system, was on file in the office of the Town Clerk.

Chapter 221

SIDEWALKS

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| § 221-1. Intent. | § 221-6. Maintenance and snow removal. |
| § 221-2. Sidewalk placement; landscaping. | § 221-7. Provisions for maintenance of sidewalks outside of sidewalk district. |
| § 221-3. When required; responsibility for costs. | § 221-8. Penalties for offenses. |
| § 221-4. Construction specifications. | § 221-9. Alterations to sidewalks. |
| § 221-5. Formation of sidewalk district for construction and/or maintenance and snow removal purposes. | § 221-10. Liability for sidewalks outside sidewalk district. |
| | § 221-11. Liability for sidewalks within sidewalk district. |

[HISTORY: Adopted by the Town Board of the Town of Glenville 4-2-2003 (Ch. 36 of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 51.
Mobile home parks — See Ch. 184.
Notice of defects — See Ch. 190.

Street standards — See Ch. 238.
Subdivision of land — See Ch. 242.
Zoning — See Ch. 270.

§ 221-1. Intent.

The Town of Glenville recognizes the need to encourage and facilitate the development of a system of sidewalks for the health, safety, and general welfare of Town residents, business owners, and visitors, alike. Consequently, it is the Town's desire to pursue the construction of sidewalks along arterial and collector streets, and also along residential streets, where cost-effective.

§ 221-2. Sidewalk placement; landscaping.

- A. Sidewalks to be provided for public access shall preferably be contained within the street right-of-way. If it is not possible for the sidewalk to be contained within the right-of-way, the Town shall secure easements from the relevant property owners for public access. Easement width shall be based on site conditions and will be determined by the Town of Glenville.
- B. At a minimum, sidewalks shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, parks, playgrounds, schools, etc., and shall feature adjoining landscaped areas between the street and the sidewalk no less than three feet in width and shall consist of trees and grass. Trees shall be planted 30 to 40 feet apart, depending on site conditions. Tree species shall be chosen from a list on file in the Town of Glenville Planning Department. The

Planning and Zoning Commission or Zoning Board of Appeals, at their discretion, may require additional landscaping and amenities, such as shrubs, benches, flower beds, ground covers, or other such materials.

- C. Sidewalks shall extend through driveways at the established grade of the adjoining sidewalk, or as near as is practical as determined by the Commissioner of Public Works.

§ 221-3. When required; responsibility for costs.

Sidewalks may be constructed in the following instances:

- A. As part of the review of subdivision and site plan review applications, the Town of Glenville Planning and Zoning Commission is authorized to condition approval of the application on the construction of sidewalks along and up to the entire street frontage(s) of the project site. Additional connections to building entry points or other focal points may also be required. The cost of sidewalk construction is to be borne by the project developer or landowner.
- B. As part of the review of conditional use permit, use variance, and area variance applications, the Town of Glenville Zoning Board of Appeals is authorized to condition approval of the application on the construction of sidewalks along and up to the entire street frontage(s) of the project site. Additional connections to building entry points or other focal points may also be required. The cost of sidewalk construction is to be borne by the project developer or landowner.
- C. Upon its own initiative, the Glenville Town Board may authorize construction of sidewalks along any public street within the Town of Glenville, with the cost of construction to be borne by the Town.
- D. Upon their own initiative, the Schenectady County Department of Engineering and Public Works and the New York State Department of Transportation may construct sidewalks along Schenectady County highways and New York State highways, respectively.
- E. At the request of individual or multiple landowners, residents, business owners, neighborhood associations, etc., the Town may construct sidewalks along any public street within the Town of Glenville, with the cost of construction to be borne by the adjoining landowners. The cost of construction in this case is to be spread among adjoining property owners through the establishment of a sidewalk district. The Town Board will determine the construction cost per property via the establishment of a formula that may consider property characteristics such as street frontage, assessed value, land use, and other factors.
- F. Upon their own initiative, individual or multiple landowners, residents, business owners, neighborhood associations, etc., may construct sidewalks along public streets, provided the Glenville Town Board approves the proposal before construction commences; provided all specifications of this chapter have been met; and provided the construction has been inspected and approved by the Commissioner of Public Works. The cost of sidewalk construction in this instance is to be borne by the landowner, resident, business

owner, neighborhood association, etc. The cost per property in this case need not be determined by a sidewalk district formula. Rather, the landowners, residents, business owners, and neighborhood associations shall determine the methodology for assigning costs. Further, prior to the commencement of construction, the landowner, resident, etc. shall submit construction plans to the Commissioner of Public Works to verify proper location, dimensions, construction materials, etc.

§ 221-4. Construction specifications.

- A. Size. Sidewalks shall be at least five feet wide by five feet long, four-inch minimum thickness, with a one-quarter-inch-per-foot slope toward the road between the adjoining property and the curb (or pavement edge if no curb exists). Where sidewalks traverse driveways, service roads, etc., the minimum thickness shall be six inches. Where site conditions warrant, the Planning and Zoning Commission or Zoning Board of Appeals shall have the authority to require wider sidewalks.
- B. Materials. Concrete: 3,500 pounds per square inch (PSI) minimum, reinforced with six-inch-by-six-inch, ten-gage wire mesh with tooled expansion joints and edges, with broom-finish texture at right angles to the run of the sidewalk. A six-inch to eight-inch gravel subbase is required. Curbing, when required, shall be composed of granite or concrete.
- C. Fire hydrants. Where a sidewalk is to be constructed and a fire hydrant would be within the forms, the forms shall curve around the fire hydrant such that the walk misses the fire hydrant by a minimum distance of one foot. A transition of 10 feet is required in and out of curved areas.
- D. Service and meter boxes. Where a sidewalk is to be built and a water meter box would be within the forms, a precast, concrete box shall replace the plastic box. This box shall have a hinged metal lid and be set at an elevation that will equal the finished grade of the sidewalk. If the builder so chooses, the builder may move the water meter box outside the forms at the builder's expense and with the approval of the Commissioner of Public Works.
- E. Drainage. All sidewalks shall be built at an elevation that will not impede or be otherwise detrimental to proper lot drainage, with natural grade preferred.
- F. All sidewalk replacements at intersections in the Town of Glenville must include handicapped access ramps to conform to the Americans with Disabilities Act (ADA) regulations.
- G. Sidewalks located along state or county roads shall be required to meet state or county construction standards and regulations.

§ 221-5. Formation of sidewalk district for construction and/or maintenance and snow removal purposes.

- A. In instances where sidewalks along public streets front or traverse multiple properties, the Town's preference is that a sidewalk district be formed, with the cost of construction and/or maintenance to be equitably assigned to benefiting properties.
- B. When sidewalk districts are formed for construction purposes, funds for construction are to be levied via a special district tax, which in turn is to be based on a formula that equitably assigns cost while taking into consideration property characteristics such as street frontage, assessed value, land use, and other factors.
- C. When sidewalk districts are formed for maintenance and snow removal purposes, the Town of Glenville is responsible for all maintenance and snow removal, whether the Town does the work itself, or contracts out the work. Funds for maintenance and snow removal are to be levied via a special district tax, which in turn is to be based on a formula that equitably assigns cost while taking into consideration property characteristics such as street frontage, assessed value, land use, and other factors.

§ 221-6. Maintenance and snow removal.

- A. Sidewalks shall be left unobstructed at all times, with their surface in a safe and passable condition.
- B. Sidewalks located within a sidewalk district. Sidewalks and the area between the sidewalk and the street shall be kept free of debris and litter and shall be maintained by the Town of Glenville. In winter, sidewalks shall be regularly cleared of snow and ice.
- C. Sidewalks located outside of a sidewalk district. Sidewalks and the area between the sidewalk and the street shall be kept free of debris and litter and shall be maintained by the adjoining property owner. It shall be the property owners' responsibility to repair, maintain and keep free any sidewalks adjoining their property of all ice, snow or other nuisances and/or obstructions. Sidewalks must be cleared of ice and snow within 24 hours after the snow ceases to fall.
- D. Sidewalks located outside of a sidewalk district and outside of the street right-of-way or easement area. Sidewalks such as these are typically located within the interior of properties, usually along buildings, or connecting buildings with each other or with other site features. These sidewalks are to be privately owned, and maintained in such a way as to not pose a safety hazard.

§ 221-7. Provisions for maintenance of sidewalks outside of sidewalk district.

- A. Inspection and notification. When the Town determines that any section of sidewalk requires repairs or maintenance, a letter describing the necessary repairs will be sent to the adjoining property owner. The letter shall be given:
 - (1) Personally to the owner in writing; or
 - (2) By certified return-receipt mail to the owner's post office address.

- B. Time of response. The property owner shall have 30 days from receipt of the letter described in Subsection A above to make the necessary repairs. If weather conditions or other extenuating circumstances dictate, this thirty-day period may be extended by the Commissioner of Public Works, provided that the property owner has contacted the Department of Public Works with a plan for repairs prior to the expiration of the 30 days.
- C. Hearing on appeals. In the event that the owner, occupant or person having charge of the property in question desires a hearing before the Zoning Board of Appeals to determine the applicability of this chapter to such owner, occupant or person, a written demand for such hearing must be served upon the enforcement officer within 15 days of the notice of violation. If such owner, occupant or person requests a hearing as provided for above, the Zoning Board of Appeals shall hold a public hearing within 62 days from the receipt of the demand therefor and shall hear such person and all other interested persons concerning the alleged violation of this chapter. If the Zoning Board of Appeals determines that the owner, occupant or person is in violation of this chapter, the person served notice shall have 15 days to comply with the provisions of this chapter.
- D. Noncompliance measures. If the person upon whom the notice is served fails, neglects or refuses to comply with the provisions of said notice or fails to comply with the decision of the Zoning Board of Appeals within the designated time period, the enforcement officer shall so report to the Town Board, which by resolution may authorize that work be done and pay the cost thereof out of the general Town funds to remedy the violation. Furthermore, the Town shall be reimbursed for the cost of the work performed or services rendered by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered. The expenses so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

§ 221-8. Penalties for offenses.

- A. Any owner and occupant who fails to comply with the provisions of this chapter shall, upon conviction, be subject to a fine not to exceed \$250 or be imprisoned for a term not to exceed 15 days, or both. Each day that the snow, ice, nuisance and/or obstruction remains on the sidewalk shall be a separate offense.
- B. If, for the safety of pedestrians, it is necessary for the Department of Public Works to undertake the snow, ice, nuisance and/or obstruction removal, there will be a charge as set from time to time by resolution of the Town Board¹ per running foot to be paid or placed on the next tax roll.²
- C. Violations of this chapter shall be considered violations and/or offenses, and not misdemeanors.

1. Editor's Note: See Ch. 139, Fees.

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

§ 221-9. Alterations to sidewalks.

- A. Any alterations of a sidewalk that may be viewed as "negative" (i.e., paving over the sidewalk, reducing the sidewalk width, dismantling the sidewalk, increasing the grade, etc.) is not permitted, unless undertaken by the Town of Glenville, Schenectady County Department of Engineering and Public Works, or the New York State Department of Transportation.
- B. Any alterations of the sidewalk which may be viewed as "neutral," or even "positive" (i.e., widening the sidewalk or changing the course of the sidewalk) is permitted, provided said improvement is approved by the Commissioner of Public Works prior to the alteration.

§ 221-10. Liability for sidewalks outside sidewalk district.

The owner or the agents of owners with property adjoining a public sidewalk outside of a sidewalk district shall be liable for any injury or any damage caused to any person or property caused wholly or in part by the failure of said owner or agent to maintain and repair any sidewalks, adjoining landscaped areas (as described in § 221-2) or curb abutting their property. Each such owner shall be liable to the Town for all losses to the Town for damages to person or property of others caused by his/her failure or that of his/her agents to repair and keep in good order and reasonably safe condition all such sidewalks, adjoining landscaped areas and curbs adjoining his/her property.

§ 221-11. Liability for sidewalks within sidewalk district.³

No civil action shall be maintained against the Town of Glenville or any Town officer or employee for damages or injuries to person or property sustained in consequence of any sidewalk or sidewalk district being out of repair, defective, unsafe, dangerous, obstructed or encumbered by snow or ice, except as provided in Chapter 190, Notice of Defects, of the Code of the Town of Glenville.

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

Chapter 232

SOLID WASTE

ARTICLE I Garbage and Refuse

- § 232-1. Title.
- § 232-2. Definitions.
- § 232-3. Dumping restricted.
- § 232-4. Restrictions and regulations.
- § 232-5. Requirements for vehicles.
- § 232-6. Licenses.
- § 232-7. Penalties for offenses.
- § 232-8. Additional penalties.
- § 232-9. Inspection of trucks and carriers.

- § 232-10. Complaints.
- § 232-11. Exceptions.
- § 232-12. Effective date.

ARTICLE II Recycling

- § 232-13. Definitions.
- § 232-14. Separation of recyclable materials required.
- § 232-15. Scavenging prohibited.
- § 232-16. Penalties for offenses.
- § 232-17. Effective date.

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

GENERAL REFERENCES

Open burning — See Ch. 110.
Mobile home parks — See Ch. 184.
Parks and recreation — See Ch. 195.

Individual septic disposal systems — See Ch. 213.
Sewers — See Ch. 217.

ARTICLE I Garbage and Refuse [Adopted 8-17-1971 by L.L. No. 4-1971 (Ch. 22 of the 1966 Code)]

§ 232-1. Title.

This article shall be known as "Chapter 232 of the Code of the Town of Glenville."

§ 232-2. Definitions.

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

CLEAN FILL — Consists solely of topsoil, earth, rock, gravel, quarry process or sand. "Topsoil" is the exposed layer of the earth's surface, and "earth" is the layer of soil immediately beneath the topsoil and above rock. "Rock" excludes boulders, boulders being detached and rounded or worn pieces of rock, the greatest side of which is no less than six inches. All other materials are excluded. Excluded materials include, but are not limited to, muck, peat, timber, debris, stumps and roots of trees, demolished structures, construction or

any other refuse; provided, however, that said excluded items shall not have been reprocessed so as to conform with the definition of "clean fill" herein provided. "Muck" is soft silt or clay, very high in organic content, which is usually found in swampy areas. "Peat" is a soil composed principally of partially decomposed vegetable matter. [Added 6-21-1989 by L.L. No. 2-1989]

GARBAGE — Includes waste food, dead animals or parts thereof and/or any other matter which shall be capable of fermentation or decay.

PERSON — Includes an individual, society, firm, club, partnership, corporation or association of persons and municipality other than the Town of Glenville or Village of Scotia.

RUBBISH — Includes waste material, tin cans, ashes, cinders, glass, discarded paper, cardboard, wood, lumber and all other discarded solids and/or liquids.

SANITARY LANDFILL SITE — Any lands now used or hereafter acquired or leased by the Town of Glenville for use as a sanitary landfill.

§ 232-3. Dumping restricted. ¹

The use of any lands within the Town of Glenville, exclusive of the Village of Scotia, as a dump or dumping grounds is hereby prohibited.

§ 232-4. Restrictions and regulations.

- A. No person, for the purpose of final disposal thereof, shall throw, deposit or cause to be thrown or deposited any garbage, rubbish or abandoned vehicles or parts thereof, in or upon any lands within said Town of Glenville.²
- B. No person, firm or corporation shall leave or deposit any garbage or rubbish of any kind upon any street, avenue, highway, park or public place within the Town of Glenville, except that householders and business places may place garbage and rubbish in properly covered containers, in front of their premises for authorized collection and removal to a sanitary landfill site.³
- C. The owner or his agent or the occupant of any premises within the Town of Glenville shall be responsible for the sanitary condition of the premises occupied by him. No person or persons shall store, or cause to be stored, garbage or rubbish from a business establishment upon the premises of a business establishment outside of a closed building except in solid covered containers.

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).

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

§ 232-5. Requirements for vehicles. ⁴

- A. All garbage and rubbish transported, brought and/or carried through the Town of Glenville shall be contained securely and battened down within or upon the vehicles transporting the same.
- B. All commercial vehicles used in the transportation of rubbish shall be equipped with proper tarpaulin or other type of enclosing cover, and all trucks transporting garbage, with or without rubbish, shall have watertight metal containers, which shall be kept clean when not in use. If garbage is not in watertight containers, the body of this vehicle itself must be reasonably tight. Vehicles must be kept in reasonably good mechanical and body condition. They must be kept as sanitary as the nature of the use permits. The vehicles must bear the name of the operator in letters at least six inches high.⁵

§ 232-6. Licenses.

- A. A license shall be issued by the Town Clerk to each garbage and rubbish collector upon the payment by the applicant of a fee as set from time to time by resolution of the Town Board,⁶ and of a further fee as set from time to time by resolution of the Town Board for each additional truck or other conveyance owned by any person, firm or organization used by him, them or it in such removal or transportation. Rental trucks may be submitted for regularly licensed trucks without fee while the same are out of order for repair, but they must carry the same identification markings as the trucks they replace, and their use must be first reported to the Town Clerk. [Amended 11-16-1982 by L.L. No. 5-1982⁷]
- B. Licensees under this section shall not collect garbage and/or rubbish on Sundays or such other days as the Town Board shall from time to time direct. No collection of garbage and/or rubbish shall be permitted in residential areas before the hour of 6:00 a.m.
- C. All licenses shall be issued on or before and effective as of January 1 of any year and shall be for the period covering January 1 to December 31 of such calendar year. Applicants for such licenses who apply at any other time shall pay a pro rata portion of the entire fee applicable from the date of issuance of the license to expiration time of December 31 of the license year.
- D. In addition to the other requirements of this article, all license and permit applications shall include a schedule of rates to be charged and services to be rendered, together with approximate hours of collection in each block or a map showing approximate hours of collection in each area shown. "Approximate" shall mean whether morning or afternoon hours and on what day. A separate schedule must be furnished for each vehicle licensed.

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

5. Editor's Note: Original § 22-6, Compliance with rules, and original § 22-7, Permits, as amended 11-16-1982 by L.L. No. 5-1982, both of which immediately followed this subsection, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: See Ch. 139, Fees.

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

- E. Applications must be filed six weeks before a license expires or is to become effective, to allow for proper investigation and processing.
- F. All license applications shall be investigated under the supervision of the Superintendent of Highways, and all officers and employees of the Town shall cooperate with him in investigating applicants and inspecting equipment.⁸
- G. Licenses described in this § 232-6 are limited to collectors collecting in the Town of Glenville. **[Amended 11-16-1982 by L.L. No. 5-1982⁹]**
- H. A roster of licenses shall be maintained by the Town Clerk for public inspection.¹⁰
- I. Each collector shall file a certificate of a \$10,000/\$20,000 public liability policy and a certificate of his vehicle liability policy with the Town Clerk.

§ 232-7. Penalties for offenses. [Amended 6-21-1989 by L.L. No. 2-1989]

Any person, firm or corporation who shall violate any of the provisions of this article or fail to comply therewith or with any of the provisions thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding \$500 for each offense or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment.

§ 232-8. Additional penalties.

- A. In addition to the penalties above provided, after a public hearing the Town Board may revoke any license or special permit issued pursuant to this article if the Town Board at such public hearing determines the holder of such license or special permit to be an undesirable person or incapable of or unwilling to comply with the provisions of this article. The licensee or special permittee shall have an opportunity to be heard at such public hearing, which shall be held after such licensee or special permittee shall be served by written notice of such public hearing in person or by registered mail, return receipt requested, not less than 15 days prior to the date of such hearing.
- B. The Town Board shall also have such other remedies as are provided by law.
- C. Any vehicle used in violation of this article shall be confiscated by the Town of Glenville and shall become the property of the Town of Glenville. **[Added 6-21-1989 by L.L. No. 2-1989]**

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

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

10. Editor's Note: Original Subsection I, regarding distribution of rules, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 232-9. Inspection of trucks and carriers. [Amended 11-16-1982 by L.L. No. 5-1982]

The Town Board shall, by resolution, designate one or more Town employees to inspect all trucks and other carriers transporting garbage and rubbish prior to issuance or renewal or during the period of time licenses or special permits are in effect and also with the enforcement of such other provisions of this article as the Town Board may designate.

§ 232-10. Complaints.¹¹

All complaints of collectors submitted by customers, by employees of collectors or by the Town shall be investigated by the Superintendent of Highways and a report made to the Town Board before action is taken pursuant to § 232-8 or before pending license applications are issued by the Town Clerk.¹²

§ 232-11. Exceptions. [Added 6-21-1989 by L.L. No. 2-1989¹³]

- A. The provisions of this article prohibiting the use of any lands within the Town of Glenville, exclusive of the Village of Scotia, as a dump or dumping grounds does not apply to the property owned by the County of Schenectady in the Town of Glenville and for which the County of Schenectady has obtained approval to construct and operate a compost facility.
- B. The provisions of this article prohibiting the use of any lands within the Town of Glenville, exclusive of the Village of Scotia, as a dump or dumping grounds does not apply to the disposal of septic tank wastes. The disposal of septic tank wastes is regulated by §§ 217-15 through 217-19 of the Code of the Town of Glenville.
- C. The provisions of this article prohibiting the use of any lands within the Town of Glenville, exclusive of the Village of Scotia, as a dump or dumping grounds does not apply to the depositing of clean fill upon land in the Town of Glenville for the purpose of reclaiming land to enable it to be used for construction of buildings or for the construction of septic systems.

§ 232-12. Effective date.

This article shall take effect October 1, 1971; provided, however, that no additional licensing fees shall be charged commercial collectors now licensed by the Town of Glenville prior to January 1, 1972.

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

12. Editor's Note: Original § 22-13, Fees, as amended, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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

ARTICLE II

Recycling

[Adopted 4-19-1989 (Ch. 32 of the 1966 Code)]

§ 232-13. Definitions.

As used in this article, the following words are intended to include and be defined as follows:

JUNK MAIL — Any unwanted paper that comes in the mail and office papers, including writing paper, note paper, computer paper, fax paper, copy paper, other stationery and envelopes, including window envelopes, but excluding carbon paper and brown mailing envelopes or folders. [Added 6-15-1994; amended 7-19-2000]

NEWSPAPER — Dry newspapers, including inserts.

RECYCLABLE MATERIALS — Newspapers, yard and garden waste, glass, plastics, corrugated cardboard, tin, aluminum, brown paper bags, magazines, glossy brochures, catalogs, junk mail, juice boxes and juice and milk cartons. [Amended 9-20-1989; 4-3-1991; 5-1-1991; 6-15-1994]

SCAVENGING — The uncontrolled and unauthorized picking, sorting and removal of solid waste, either before, during or following disposal.

SOLID WASTE — All types of waste materials, including but not limited to residential, commercial, institutional and industrial waste.

UNSEPARATED RECYCLABLE MATERIALS — Recyclable materials, as specified herein, that are mixed with other solid waste.

YARD WASTE — Residential or commercial leaf waste, lawn clippings and brush.

§ 232-14. Separation of recyclable materials required.

- A. All waste generators and handlers in the Town of Glenville shall source-separate recyclable materials from all other solid wastes. [Amended 7-19-2000]
- B. Newspaper and inserts shall be placed at the curbside only in plastic twenty-gallon or less containers having handles and lids and having the Scotia-Glenville recycling sticker affixed thereto. [Added 8-16-1989]
- C. Yard waste shall be placed at the curbside in conformity with the requirements of the composting facility operated by the County of Schenectady or as those requirements may be amended from time to time. [Added 8-16-1989]
- D. Residential solid waste (nonrecyclables), if packaged in plastic bags, shall be packaged in clear plastic bags. [Added 5-1-1991]
- E. Recyclables, if packaged in plastic bags, shall be packaged in clear plastic bags. [Added 5-1-1991]

§ 232-15. Scavenging prohibited.

Scavenging in the streets of the Town of Glenville is prohibited.

§ 232-16. Penalties for offenses. ¹⁴

Any person, firm or corporation violating any provision of this article shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000 or imprisonment not to exceed six months, or by both such fine and imprisonment.

§ 232-17. Effective date.

This article shall take effect on July 1, 1989.

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