

PART I: ADMINISTRATIVE LEGISLATION

CHAPTER 1. GENERAL PROVISIONS  
CHAPTER 5. APPEARANCE TICKETS  
CHAPTER 8. ASSESSOR  
CHAPTER 14. ENVIRONMENTAL CONSERVATION BOARD  
CHAPTER 16. ETHICS, CODE OF  
CHAPTER 25. MEETINGS  
CHAPTER 29. ORDINANCES, PUBLICATION OF  
CHAPTER 34. PLANNING BOARD, JOINT  
CHAPTER 38. PURCHASING PROCEDURES  
CHAPTER 42. RECORDS  
CHAPTER 45. RESIDENCY REQUIREMENTS  
CHAPTER 50. TERMS OF OFFICE

PART II: GENERAL LEGISLATION

CHAPTER 56. ALCOHOLIC BEVERAGES  
CHAPTER 60. ANIMALS  
CHAPTER 67. BINGO  
CHAPTER 71. BUILDING CONSTRUCTION AND FIRE PREVENTION  
CHAPTER 74. BUILDINGS, UNSAFE  
CHAPTER 78. BURNING, OUTDOOR  
CHAPTER 88. ENVIRONMENTAL QUALITY REVIEW  
CHAPTER 93. FLOOD DAMAGE PREVENTION  
CHAPTER 96. FRESHWATER WETLANDS  
CHAPTER 100. GAMES OF CHANCE  
CHAPTER 102. GARBAGE AND GARBAGE RECEPTACLES  
CHAPTER 105. JUNK, STORAGE OF  
CHAPTER 109. LANDFILLS  
CHAPTER 114. MOBILE HOME PARKS  
CHAPTER 125. ROAD SPECIFICATIONS  
CHAPTER 131. SEPTIC SYSTEMS  
CHAPTER 134. SEWERS  
CHAPTER 138. SOLID WASTE  
CHAPTER 142. STREETS AND SIDEWALKS  
CHAPTER 145. SUBDIVISION OF LAND  
CHAPTER 149. TAXATION  
CHAPTER 156. VEHICLES AND TRAFFIC  
CHAPTER 158. VEHICLES, OFF-ROAD  
CHAPTER 165. ZONING

APPENDIX

CHAPTER A170. PERMIT FEES  
CHAPTER A171. PERSONNEL POLICIES

DISPOSITION LIST

CHAPTER DL. DISPOSITION LIST

## CHAPTER 1. GENERAL PROVISIONS

### ARTICLE I. Adoption of Code

#### § 1-1. Legislative intent.

#### § 1-2. Continuation of existing provisions.

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

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

#### § 1-5. Severability.

#### § 1-6. Copy of Code on file.

#### § 1-7. Amendments to Code.

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

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

#### § 1-10. Penalties for tampering with Code.

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

#### § 1-12. Incorporation of provisions into Code.

#### § 1-13. When effective.

## **CHAPTER 1. GENERAL PROVISIONS**

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

### **ARTICLE I. Adoption of Code**

**[Adopted 6-26-2000 by L.L. No. 2-2000]**

#### **§ 1-1. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Coeymans, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 165, together with an Appendix, shall be known collectively as the "Code of the Town of Coeymans," 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 Coeymans" 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 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 Coeymans, and it is the intention of said 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.**

All local laws and ordinances of a general and permanent nature of the Town of Coeymans 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.

#### **§ 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 Coeymans 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 Coeymans 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 Coeymans.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Coeymans.

E. Any local law or ordinance of the Town of Coeymans 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 Coeymans or any portion thereof.

F. Any local law or ordinance of the Town of Coeymans 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 Coeymans 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. Any local law adopted subsequent to 10-26-1999.

#### **§ 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 Coeymans 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 Coeymans 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 Coeymans" 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 Coeymans 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 Coeymans or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Coeymans 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 Coeymans, 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 § 1-11 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.)

C. Penalties. The following sections are hereby amended to standardize the penalty as punishable by a fine not exceeding \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment:

- (1) § 56-6 (alcoholic beverages, L.L. No. 1-1978).
- (2) § 60-8 (dog control, L.L. No. 3-1982), to add "or both" provisions.
- (3) § 105-26A (storage of junk, L.L. No. 1-1999).
- (4) § 114-14 (mobile home parks, 3-28-1978).
- (5) § 134-59 (sewer use, L.L. No. 2-1982).
- (6) § 134-62 (sewer use - false statement, L.L. No. 2-1982).
- (7) § 158-10B (off-road vehicles, L.L. No. 2-1985).
- (8) § 158-10C (off-road vehicles - parental responsibility, L.L. No. 2-1985).
- (9) § 165-14I(1) (zoning, 6-19-1961).

D. Specific amendments.

- (1) In Chapter 16, Ethics, Code of (L.L. No. 1-1970), § 16-7 is amended to set the membership of the Board of Ethics at three, rather than "not less than three nor more than five."
- (2) Chapter 25, Meetings (L.L. No. 1-1977).
  - (a) In § 25-2A, the reference to "§ 92 of the Public Officers Law" is updated to refer to the renumbered "§ 102 of the Public Officers Law."
  - (b) In § 25-6B(1), the reference to "§ 94 of the Public Officers Law" is updated to refer to the renumbered "§ 104 of the Public Officers Law."
- (3) In Chapter 42, Records, Article I, Public Access (9-10-1974), § 42-2 is amended to change the twenty-four-hour period for the Town Clerk to approve or deny applications to five business days.
- (4) In Chapter 60, Animals, Article I, Dog Control (L.L. No. 3-1982), § 60-4 is amended to change "dog warden" to "Animal Control Officer"; to change the statutory references from "Section 119 and Section 116 of the Agriculture and Markets Law" to "§§ 114 and 121 of the Agriculture and Markets Law," respectively; and to change the reference in the last clause from "Police Justice" to "Town Justice."

**§ 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 Coeymans, 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. APPEARANCE TICKETS**

**§ 5-1. Purpose.**

**§ 5-2. Authorized officials.**

## **CHAPTER 5. APPEARANCE TICKETS**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 8-25-1997 by L.L. No. 1-1997. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Building construction — See Ch. 71.

Subdivision of land — See Ch. 145.

Zoning — See Ch. 165.

#### **§ 5-1. Purpose.**

The purpose of this chapter is to authorize public servants of the Town of Coeymans to issue and serve appearance tickets in connection with violations of state statutes, local laws, ordinances, or rules and regulations of the Town which the public servants are authorized or required to enforce.

#### **§ 5-2. Authorized officials.**

The following public servants of the Town of Coeymans are hereby authorized to issue and serve an appearance ticket with respect to violations of a state statute, a local law, ordinance, rule or regulation of the Town of Coeymans that such public servants are, respectively, required or authorized to enforce:

A. Building Inspector/Code Enforcement Officer: Building, zoning, planning matters.

B. Assistant Building Inspector/Code Enforcement Officer: Building, zoning, planning matters.

## CHAPTER 8. ASSESSOR

§ 8-1. Findings.

§ 8-2. Legislative authority.

§ 8-3. Title.

§ 8-4. Qualifications.

§ 8-5. Date of transition.

§ 8-6. Referendum.

§ 8-7. When effective.

## **CHAPTER 8. ASSESSOR**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 11-12-1996 by L.L. No. 1-1996. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Taxation — See Ch. 149.

#### **§ 8-1. Findings.**

The Town Board of the Town of Coeymans finds that the appointment of a sole appointed Assessor would allow for greater efficiency in the administration and management of the Office of Town Assessor, together with a more equitable appraisal and assessment of properties located within the Town.

#### **§ 8-2. Legislative authority.**

This chapter is enacted pursuant to the provisions of § 328 of the Real Property Tax Law of the State of New York.

#### **§ 8-3. Title.**

The title of this chapter shall be "Appointment of a Sole Assessor of the Town of Coeymans."

#### **§ 8-4. Qualifications.**

The Town Board of the Town of Coeymans is hereby authorized to set minimum qualifications, terms and conditions of employment by future Town Board resolutions, but in no event shall such qualifications be less stringent than those set by the State of New York.

#### **§ 8-5. Date of transition.**

The three elected offices of Assessor of the Town of Coeymans shall be abolished as of midnight on June 30, 1997. The Town Board of the Town of Coeymans shall appoint a qualified person to the Office of Assessor to commence employment on July 1, 1997.

#### **§ 8-6. Referendum.**

This chapter shall be subject to a permissive referendum in the manner prescribed in § 24 of the Municipal Home Rule Law.

#### **§ 8-7. When effective.**

This chapter shall become effective 45 days after its adoption by the Town Board of the Town of Coeymans.

## **CHAPTER 14. ENVIRONMENTAL CONSERVATION BOARD**

### **ARTICLE I. Establishment of Commission**

#### **§ 14-1. Legislative intent.**

#### **§ 14-2. Creation.**

#### **§ 14-3. Membership.**

#### **§ 14-4. Officers, meetings and committees.**

#### **§ 14-5. Powers and duties of the Commission.**

#### **§ 14-6. Reports.**

#### **§ 14-7. Compensation and expenses.**

#### **§ 14-8. Construal of provisions.**

### **ARTICLE II. Open Space Inventory and Index; Redesignation as Board**

#### **§ 14-9. Findings.**

#### **§ 14-10. Acceptance of Open Space Inventory and Index.**

#### **§ 14-11. Commission designated as Board.**

## **CHAPTER 14. ENVIRONMENTAL CONSERVATION BOARD**

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

### **GENERAL REFERENCES**

Environmental quality review — See Ch. 88.

Zoning — See Ch. 165.

### **ARTICLE I. Establishment of Commission**

Editor's Note: Now Environmental Conservation Board, per Art. II of this chapter.

**[Adopted 4-5-1973 by L.L. No. 1-1973]**

#### **§ 14-1. Legislative intent.**

The preservation and improvement of the quality of the natural and man-made environment within the Town of Coeymans, in the face of population growth, urbanization and technologic change with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare, and economic well-being of present and future inhabitants and require forthright action by the governing body of the Town of Coeymans. It is recognized that the biologic integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the Town working in partnership with local and state officials and with various public and private institutions, agencies, and organizations. Establishment of a Commission for Conservation of the Environment is a necessary step in fostering unified action on environmental problems.

#### **§ 14-2. Creation.**

The Town Board of the Town of Coeymans hereby creates a Commission which shall be known as the "Coeymans Commission for Conservation of the Environment," hereinafter called the "Commission."

#### **§ 14-3. Membership.**

A. The Commission shall consist of nine members who shall be appointed by the Town Board and who shall serve at the pleasure of the Town Board. Persons residing within the Town of Coeymans who are interested in the improvement and preservation of the environmental quality shall be eligible for appointment as a member of the Commission. Vacancies on the Commission shall be filled in the same manner as the original appointment except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term.

B. Not more than two persons in the sixteen- to twenty-one-year-old age group may be appointed. The terms of the members of the Commission shall be staggered. The first four members shall hold office for a term of one year, the second five for a term of two years, and the successors of all nine initial appointees shall be appointed for full terms of two years.

#### **§ 14-4. Officers, meetings and committees.**

The Town Board shall designate a member of the Commission to act as Chairman thereof. At the first meeting of the Commission, its members shall elect from among themselves a recording secretary. The Commission shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report as provided in § 14-6 of this article.

#### **§ 14-5. Powers and duties of the Commission.**

The powers and duties of the Commission shall be to:



A. Advise the Town Board on matters affecting the preservation, development, and use of the natural and man-made features and conditions of the Town insofar as beauty, quality, biologic, integrity, and other environmental factors are concerned and in the case of man's activities and developments, with regard to any major threats posed to environmental quality, so as to enhance the long-range value of the environment to the people of the Town.

B. Develop and, after receiving general approval by resolution of the Town Board, conduct a program of public information in the community which shall be designated to foster increased understanding of the nature of environmental problems and issues and support for their solutions.

C. Conduct studies, surveys and inventories of the natural and man-made features within the Town of Coeymans and such other studies and surveys as may be necessary to carry out the general purposes of this article.

D. Maintain an up-to-date inventory or index of all open spaces in public or private ownership within the municipality, including but not limited to natural landmarks, glacial and other geomorphic or physiographic features; streams, and their floodplains, swamps, marshland, and other wetlands; unique biotic communities; scenic and other open areas of natural or ecological value; and of the ownership, present use, and proposed use of such open areas, so as to provide a base of information for recommendations by the Commission for their preservation and/or use.

E. Seek to coordinate, assist, and unify the efforts of private groups, institutions, and individuals within the Town of Coeymans in accord with the purpose of this article.

F. Maintain liaison and communications with public and private agencies and organizations of local, state, and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Commission.

G. Working in cooperation with the Planning Board, recommend from time to time to the Town Board features, plans, and programs relating to environmental improvement for inclusion in the Master Plan of the Town of Coeymans, and similarly recommend to the Town Board appropriate and desirable changes in existing local laws, and ordinances relating to environmental control or recommend new local laws and ordinances.

H. Prepare, print, and distribute books, maps, charts, and pamphlets in accord with the purposes of this article.

I. Obtain and maintain in orderly fashion maps, reports, books and other publications to support the necessary researches of the Commission into local environmental conditions.

J. When authorized by resolution of the Town Board of the Town of Coeymans, the Commission may accept by gift, grant, devise, bequest, or otherwise, property both real and personal in the name of the Town of Coeymans, as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the Town of Coeymans. Such real property may be accepted in fee for land and water rights, or as any lesser interest, development right, easement, including conservation easement, covenant, or other contractual right including conveyance with limitations or reversions.

K. Carry out such other duties as may be assigned from time to time by the Town Board.

#### **§ 14-6. Reports.**

The Commission shall submit an annual report to the Town Board not later than the first day of April of each year, concerning the activities and work of the Commission and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this article.

#### **§ 14-7. Compensation and expenses.**

The members of the Commission shall receive no compensation for their services as members thereof, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

#### **§ 14-8. Construal of provisions.**

This article shall be deemed an exercise of the powers of the Town of Coeymans to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof. This article is not intended and shall not be deemed to impair the powers of any other public corporation.

### **ARTICLE II. Open Space Inventory and Index; Redesignation as Board**

**[Adopted 4-8-1975]**

#### **§ 14-9. Findings.**

A. The Town Board of the Town of Coeymans, New York, has heretofore adopted Local Law No. 1-1973 establishing a Commission for Conservation of the Environment pursuant to the provisions of § 239-x of the General Municipal Law.

B. Said Commission has since its creation served diligently and well and with distinction and has completed the first phase of an Open Space Inventory and Index for the Town of Coeymans and has duly filed said Inventory and Index in writing with the Town Board.

C. The Town Board is now desirous of redesignating said Conservation Commission or advisory council as an "Environmental Conservation Board" pursuant to the provisions of § 239-y of the General Municipal Law.

**§ 14-10. Acceptance of Open Space Inventory and Index.**

The written Open Space Inventory and Index above set forth be, and hereby is, accepted and adopted as the Town of Coeymans Open Space Inventory and Index.

**§ 14-11. Commission designated as Board.**

The Coeymans Environmental Conservation Commission be, and hereby is, redesignated as the Coeymans Environmental Conservation Board with all the duties and powers set forth in the provisions of § 239(y) of the General Municipal Law of the State of New York.

## **CHAPTER 16. ETHICS, CODE OF**

### **ARTICLE I. Intent of Town Board**

#### **§ 16-1. Legislative intent.**

#### **§ 16-2. Effect of other provisions.**

### **ARTICLE II. Code of Ethics**

#### **§ 16-3. Definitions.**

#### **§ 16-4. Conflicts of interest.**

#### **§ 16-5. Standards.**

#### **§ 16-6. Penalties for offenses.**

### **ARTICLE III. Board of Ethics**

#### **§ 16-7. Membership.**

#### **§ 16-8. Advisory opinions.**

#### **§ 16-9. Rules and regulations.**

### **ARTICLE IV. Administration**

#### **§ 16-10. Distribution to employees.**

#### **§ 16-11. Filing with state.**

#### **§ 16-12. Expenditures of Board.**

## **CHAPTER 16. ETHICS, CODE OF**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 8-10-1970 by L.L. No. 1-1970. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Personnel policies — See Ch. A171.

#### **I. ARTICLE I. Intent of Town Board**

#### **II. § 16-1. Legislative intent.**

The Town Board of the Town of Coeymans recognizes that the proper ethical conduct of its public officers and employees is essential to the enhancement and maintenance of public confidence in local government and in our free institutions generally. It is the purpose of this chapter to supplement and implement the provisions of Article 18 of the General Municipal Law of the State of New York by establishing standards of conduct for the Town's officers and employees and to establish a Board of Ethics to render advisory opinions to the Town's officers and employees with respect to these matters.

#### **§ 16-2. Effect of other provisions.**

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**

#### **§ 16-3. Definitions.**

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

#### **TOWN**

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

#### **TOWN EMPLOYEE**

Any officer or employee of the Town of Coeymans, whether paid or unpaid, whether serving in a full-time, part-time or advisor capacity.

#### **§ 16-4. 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.

#### **§ 16-5. Standards.**

A. No Town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

B. No Town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

C. No Town employee shall engage in any transaction as representative or agent of the Town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

D. No Town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

E. A Town employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

F. Each Town employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty to the public interest and his private interest.

G. Each Town employee shall, to the extent that he is cognizant thereof, disclose any interest he may have in legislation before the Town Board.

H. No Town employee shall knowingly accept employment to commence on or after termination of his Town employment which will require disclosure of confidential information gained by reason of his official position or authority.

#### **§ 16-6. Penalties for offenses.**

In addition to any penalty contained in any other provisions 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**

#### **§ 16-7. Membership.**

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). There is hereby established a Board of Ethics consisting of three members to be appointed by the Town Board, all of whom reside in the Town of Coeymans and who shall serve without compensation and at the pleasure of the Town Board of the Town of Coeymans. 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 Coeymans.

#### **§ 16-8. Advisory opinions.**

The Board of Ethics established hereunder shall render advisory opinions to Town employees on written request and upon request of the Town Board 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.

#### **§ 16-9. 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**

#### **§ 16-10. Distribution to 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.

#### **§ 16-11. Filing with state.**

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

#### **§ 16-12. Expenditures of Board.**

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 within the appropriations provided herein.

## **CHAPTER 25. MEETINGS**

§ 25-1. Legislative intent.

§ 25-2. Definitions.

§ 25-3. Designation of locations for posting notice.

§ 25-4. Designation of news media to receive notice.

§ 25-5. Duty of Town Clerk to provide notice.

§ 25-6. Meetings scheduled at least one week in advance.

§ 25-7. Meetings scheduled less than week in advance.

§ 25-8. Notice of regularly scheduled meetings.

§ 25-9. Notice of change in time, date or location of scheduled meetings.

§ 25-10. Record of notice.

## **CHAPTER 25. MEETINGS**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 1-27-1977 by L.L. No. 1-1977. Amendments noted where applicable.]**

### **§ 25-1. Legislative intent.**

The purpose of this chapter is to provide notice to the public and the news media of the regular and special meetings of the Town Board at which public business is officially transacted in compliance with the Open Meeting Law (Public Officers Law, Article 7). Such notice is designed to facilitate public attendance at such meetings and to observe and listen to the deliberations and decisions of this board.

### **§ 25-2. Definitions.**

A. The terms, words and phrases used in this chapter shall have the same meaning as such terms, words and phrases as defined in § 102 of the Public Officers Law. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

B. In addition, as used in this chapter, the following terms shall have the meanings indicated:

#### **NEWS MEDIA**

A newspaper that is printed not less frequently than once a week in which legal notices may be published.

#### **NOTICE**

Written or oral information relating to the date, time and place where a meeting is to be held.

### **§ 25-3. Designation of locations for posting notice.**

The following locations are hereby designated as the sites where notice of all meetings held by the Town Board shall be posted.

A. Town Clerk Bulletin Board.

B. Town Hall Bulletin Board.

### **§ 25-4. Designation of news media to receive notice.**

The following officially designated newspaper of general circulation within the Town of Coeymans is hereby designated as the news media that shall receive notice of the meetings of the Town Board:

A. The Ravena News Herald, Inc.

### **§ 25-5. Duty of Town Clerk to provide notice.**

A. The Town Clerk shall be responsible for providing notice to the public and the news media as provided in this chapter.

B. The Town Clerk shall upon request, whenever possible, provide notice to any person of the date, time and place of a meeting of the Town Board whether the request for such information is made in person, in writing or by telephone; provided, however that a written request requiring a written notice shall be accompanied by a properly stamped self-addressed envelope, and a telephone request requiring the Town Clerk to return a long distance call shall not be honored unless the requestor accepts the charges for such call.

### **§ 25-6. Meetings scheduled at least one week in advance.**

A. The public shall be informed of meetings scheduled at least one week in advance by the posting of a notice at least 72 hours in advance of such meetings in locations designated in § 25-3 herein.

B. The newspaper designated in § 25-4 herein shall be informed of a meeting scheduled at least one week in advance at least 72 hours in advance of such meeting by telephone or personal delivery of the notice to an officer or employee of the news media, as follow:

(1) When notice to the news media is personally delivered, the person delivering the notice shall obtain a receipt signed by the officer or employee of the news media, which receipt shall also show the time and date thereof and the title of such officer or employee, and shall state that notice has been provided in compliance with § 104 of the Public Officers Law. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(2) When notice to the news media is given by telephone, the person making such telephone call shall obtain the name and title of the officer or employee to whom the notice is given, and shall write down such information and the time and date of such call as provided herein.

**§ 25-7. Meetings scheduled less than week in advance.**

A. The public shall be informed of meetings scheduled less than a week in advance as soon as practicable by the posting of notices in locations designated by § 25-3 herein.

B. Notice to the news media shall be delivered personally or by telephone in accordance with the requirements set forth in § 25-6B herein.

**§ 25-8. Notice of regularly scheduled meetings.**

A. When the Town Board schedules meetings in advance that are to be held at specific times and locations and on specific dates, a single notice may be provided to the public and the news media.

B. Notice specifying the time, location and dates of regularly scheduled meetings shall be posted in locations designated in § 25-3 herein.

C. Notice specifying the time, location and dates of regularly scheduled meetings shall be provided to the news media designated in § 25-4 herein. Such notice shall be provided in accordance with the requirements set forth in § 25-6B of this chapter.

**§ 25-9. Notice of change in time, date or location of scheduled meetings.**

When the time, date or location of a scheduled meeting is changed, the Town Clerk shall as soon as practicable:

A. Post notices showing the change in date, time or location of a meeting at the sites designated by § 25-3 herein; and

B. Provide notice to the news media designated to receive notice by § 25-4 herein as provided in § 25-6 or 25-7, as the case may be, of this chapter.

**§ 25-10. Record of notice.**

The Town Clerk shall keep a log or other record in which there shall be entered the following information relating to giving of public notice under this chapter:

A. The date of posting of the public notice, the date and descriptive schedule of the meeting or meetings for which notice was given, and the name and title of the person who posted the notice.

B. If notice to the news media is given by personal delivery, the time and date of delivery of the same, the date or descriptive schedule of the meeting or meetings for which the notice was delivered, the name and title of the officer or employee to whom it was delivered and the name and title of the person who delivered the notice.

C. If notice to the news media is given by telephone, the time and date of such telephone call, the date or description of the meeting or meetings for which such notice is given, the name and title of the officer or employee to whom it was given and the name and title of the person who gave such notice.

## CHAPTER 25. MEETINGS

§ 25-1. Legislative intent.

§ 25-2. Definitions.

§ 25-3. Designation of locations for posting notice.

§ 25-4. Designation of news media to receive notice.

§ 25-5. Duty of Town Clerk to provide notice.

§ 25-6. Meetings scheduled at least one week in advance.

§ 25-7. Meetings scheduled less than week in advance.

§ 25-8. Notice of regularly scheduled meetings.

§ 25-9. Notice of change in time, date or location of scheduled meetings.

§ 25-10. Record of notice.

## **CHAPTER 25. MEETINGS**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 1-27-1977 by L.L. No. 1-1977. Amendments noted where applicable.]**

### **§ 25-1. Legislative intent.**

The purpose of this chapter is to provide notice to the public and the news media of the regular and special meetings of the Town Board at which public business is officially transacted in compliance with the Open Meeting Law (Public Officers Law, Article 7). Such notice is designed to facilitate public attendance at such meetings and to observe and listen to the deliberations and decisions of this board.

### **§ 25-2. Definitions.**

A. The terms, words and phrases used in this chapter shall have the same meaning as such terms, words and phrases as defined in § 102 of the Public Officers Law. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

B. In addition, as used in this chapter, the following terms shall have the meanings indicated:

#### **NEWS MEDIA**

A newspaper that is printed not less frequently than once a week in which legal notices may be published.

#### **NOTICE**

Written or oral information relating to the date, time and place where a meeting is to be held.

### **§ 25-3. Designation of locations for posting notice.**

The following locations are hereby designated as the sites where notice of all meetings held by the Town Board shall be posted.

A. Town Clerk Bulletin Board.

B. Town Hall Bulletin Board.

### **§ 25-4. Designation of news media to receive notice.**

The following officially designated newspaper of general circulation within the Town of Coeymans is hereby designated as the news media that shall receive notice of the meetings of the Town Board:

A. The Ravena News Herald, Inc.

### **§ 25-5. Duty of Town Clerk to provide notice.**

A. The Town Clerk shall be responsible for providing notice to the public and the news media as provided in this chapter.

B. The Town Clerk shall upon request, whenever possible, provide notice to any person of the date, time and place of a meeting of the Town Board whether the request for such information is made in person, in writing or by telephone; provided, however that a written request requiring a written notice shall be accompanied by a properly stamped self-addressed envelope, and a telephone request requiring the Town Clerk to return a long distance call shall not be honored unless the requestor accepts the charges for such call.

### **§ 25-6. Meetings scheduled at least one week in advance.**

A. The public shall be informed of meetings scheduled at least one week in advance by the posting of a notice at least 72 hours in advance of such meetings in locations designated in § 25-3 herein.

B. The newspaper designated in § 25-4 herein shall be informed of a meeting scheduled at least one week in advance at least 72 hours in advance of such meeting by telephone or personal delivery of the notice to an officer or employee of the news media, as follow:

(1) When notice to the news media is personally delivered, the person delivering the notice shall obtain a receipt signed by the officer or employee of the news media, which receipt shall also show the time and date thereof and the title of such officer or employee, and shall state that notice has been provided in compliance with § 104 of the Public Officers Law. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(2) When notice to the news media is given by telephone, the person making such telephone call shall obtain the name and title of the officer or employee to whom the notice is given, and shall write down such information and the time and date of such call as provided herein.

**§ 25-7. Meetings scheduled less than week in advance.**

A. The public shall be informed of meetings scheduled less than a week in advance as soon as practicable by the posting of notices in locations designated by § 25-3 herein.

B. Notice to the news media shall be delivered personally or by telephone in accordance with the requirements set forth in § 25-6B herein.

**§ 25-8. Notice of regularly scheduled meetings.**

A. When the Town Board schedules meetings in advance that are to be held at specific times and locations and on specific dates, a single notice may be provided to the public and the news media.

B. Notice specifying the time, location and dates of regularly scheduled meetings shall be posted in locations designated in § 25-3 herein.

C. Notice specifying the time, location and dates of regularly scheduled meetings shall be provided to the news media designated in § 25-4 herein. Such notice shall be provided in accordance with the requirements set forth in § 25-6B of this chapter.

**§ 25-9. Notice of change in time, date or location of scheduled meetings.**

When the time, date or location of a scheduled meeting is changed, the Town Clerk shall as soon as practicable:

A. Post notices showing the change in date, time or location of a meeting at the sites designated by § 25-3 herein; and

B. Provide notice to the news media designated to receive notice by § 25-4 herein as provided in § 25-6 or 25-7, as the case may be, of this chapter.

**§ 25-10. Record of notice.**

The Town Clerk shall keep a log or other record in which there shall be entered the following information relating to giving of public notice under this chapter:

A. The date of posting of the public notice, the date and descriptive schedule of the meeting or meetings for which notice was given, and the name and title of the person who posted the notice.

B. If notice to the news media is given by personal delivery, the time and date of delivery of the same, the date or descriptive schedule of the meeting or meetings for which the notice was delivered, the name and title of the officer or employee to whom it was delivered and the name and title of the person who delivered the notice.

C. If notice to the news media is given by telephone, the time and date of such telephone call, the date or description of the meeting or meetings for which such notice is given, the name and title of the officer or employee to whom it was given and the name and title of the person who gave such notice.



CHAPTER 29. ORDINANCES, PUBLICATION OF

§ 29-1. Summary publication.

§ 29-2. Supersession of state law.

**CHAPTER 29. ORDINANCES, PUBLICATION OF**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 5-24-1977 by L.L. No. 2-1977. Amendments noted where applicable.]**

**§ 29-1. Summary publication.**

Every ordinance and every amendment or supplement to an ordinance hereafter adopted by the Town Board of the Town of Coeymans which is or may be required to be published in one or more newspapers in order to make such ordinance, amendment or supplement effectual shall not be so published in full, but it shall be sufficient to publish in such newspaper or newspapers a notice setting forth the title thereof, a brief description of the provisions thereof and a statement that the full text thereof is on file and may be inspected in the office of the Town Clerk.

**§ 29-2. Supersession of state law.**

This chapter shall supersede in their application to the Town of Coeymans the provisions of §§ 133, 264 and 265 of the Town Law relating to publication only of an ordinance, amendment or a supplement to an ordinance adopted or approved by the Town Board.

CHAPTER 34. PLANNING BOARD, JOINT

§ 34-1. Establishment.

§ 34-2. Powers and duties.

§ 34-3. Filing with county.

§ 34-4. Advisory role.

**CHAPTER 34. PLANNING BOARD, JOINT**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 2-20-1967. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Subdivision of land — See Ch. 145.

Zoning — See Ch. 165.

**§ 34-1. Establishment.**

A. There shall be a Planning Board for the Town of Coeymans and the Village of Ravena, Albany County, New York, to be known as the "Town of Coeymans and Village of Ravena Planning Board," consisting of nine members appointed according to the requirements of said article, Editor's Note: Refers to Article 12-A of the General Municipal Law as cited in the preamble of this legislation. the initial members of which shall be:

**John F. Mosher,**

**for term - one year**

**William Knox,**

Anthony DiAcetis Jr.,

**Lawrence Osterhout**

**for term - two years**

**Victor Carrk,**

Herbert Hamlin Jr.,

**Dominic D'Ambrosi**

**for term - three years**

**David Tier,**

Andrew Mayone Sr.,

B. Dominic D'Ambrosi above appointed shall be and hereby is appointed Chairman of said Planning Board.

**§ 34-2. Powers and duties.**

A. Pursuant to said article, said Planning Board is hereby authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, and to conditionally approved preliminary plats, within that part of said town and village, and to pass and approve the development of plats already filed in the office of the Clerk of said county if such plats are entirely or partially undeveloped.

B. Said Planning Board is authorized and empowered to approve or disapprove:

(1) Changes in the lines of existing streets, highways, or public areas shown on subdivision plats or maps filed in the office of the Clerk of said county.

(2) The laying out, closing off or abandonment of streets, highways or public areas under the provisions of the Town and Highway Laws.

C. Pursuant to said article, said Planning Board is hereby authorized simultaneously with the approval of any plat within that part of said town to modify applicable provisions of the Zoning Ordinance Editor's Note: See Ch. 165. subject to the conditions set forth in said article.

**§ 34-3. Filing with county.**

The Town Clerk is directed to forthwith file a certified copy of this chapter with the Clerk of Albany County.

**§ 34-4. Advisory role.**

A. However, the Planning Board shall make recommendations to the appropriate town or village board for final approval.

B. This chapter is not meant to give entire control over subdivision approval to the Planning Board, but that it shall only make the recommendations to the Town or Village Board involved who shall make the final decision.

## CHAPTER 38. PURCHASING PROCEDURES

§ 38-1. Preparation of and types of purchase orders; exceptions.

§ 38-2. Purchase order to Supervisor's office.

§ 38-3. Availability of funds.

§ 38-4. Encumbering appropriation.

§ 38-5. Establishment of open encumbrance file.

§ 38-6. Return of purchase order.

§ 38-7. Distribution of purchase order.

§ 38-8. Receiving materials or supplies.

§ 38-9. Claims.

§ 38-10. Completed claims.

§ 38-11. Audit of claims.

§ 38-12. Authorize payment.

§ 38-13. Payment.

§ 38-14. Adjustment of accounting records.

Attachments:

038a Purchase order procedures

## **CHAPTER 38. PURCHASING PROCEDURES**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 12-9-1996. Amendments noted where applicable.]**

### **§ 38-1. Preparation of and types of purchase orders; exceptions.**

A. Prepare purchase order. Department head or designated subordinate prepares a four-part purchase order. The form includes the following information:

- (1) Description of item(s) requested.
- (2) Quantity required.
- (3) Appropriation account code to be charged.
- (4) Date.
- (5) Signature of department head or subordinate.
- (6) Name of department.
- (7) Bureau (if appropriate).
- (8) Delivery point.
- (9) Preferred date of delivery (if any).
- (10) Purchase order number.

B. The four parts of the purchase order form are to be used as follows:

- (1) Vendor original (white) is sent to vendor to place order.
- (2) Receiving copy (pink) is retained by the requisitioning department until the requested items are delivered.
- (3) Department copy (yellow) is retained by department for future reference.
- (4) Encumbrance copy (blue) is retained by fiscal officer in open purchase order file.

### **NOTES:**

The prenumbered (upper right-hand corner) is for internal control of the forms. A record of purchase order forms distributed will be maintained in the Supervisor's office.

The check (or check stub) will indicate the purchase order number, where possible, to assist the vendor in determining the purpose of the payment.

C. Blanket purchase orders will be used to reduce the number of individual purchase orders prepared for reoccurring items. They will be used for the following items: fuel oil, gasoline, blacktop, salt, sand, automotive supplies, culvert pipe. Their use will be limited to those items that are:

- (1) Covered by a contract; and
- (2) Delivery is sporadic and therefore cannot be planned.

D. Department heads, with the approval of the Town Supervisor, may issue blanket purchase orders where circumstances warrant it. The use of blanket purchase orders shall be kept to an absolute minimum.

E. Confirming purchase orders will only be issued in cases where there is no one available to issue a purchase order (office closed), there was no time for advanced planning or where necessity for immediate action exists (public emergency, as defined by General Municipal Law § 103). A written confirming purchase order will be processed as soon as possible setting forth the justification for its use. The purchase should be marked as "confirming."

F. Exceptions to purchase order system. The following do not need a P.O.:

- (1) Petty cash.
- (2) Leases.
- (3) Legal notices.
- (4) Insurance.
- (5) Utilities.
- (6) Office supplies [requests totaling less than \$25 (do not use this method to circumvent the purchase system; it will not be permitted)].

#### **§ 38-2. Purchase order to Supervisor's office.**

All copies of the completed purchase order are sent to the Supervisor.

#### **§ 38-3. Availability of funds.**

Upon receipt of the purchase order, the Supervisor (designated subordinate) shall determine if there is sufficient unencumbered balance in the appropriation account(s) to be charged. If sufficient funds are available, the Supervisor (or authorized representative) shall certify to availability of funds and the procurement process continues. If there is no available balance or the balance is insufficient, the process is discontinued. It will not be resumed until the Board passes the necessary resolution to modify the budget (unencumbered balance) for the appropriation account involved. The only exception to this rule is a confirming purchase order issued for a genuine emergency, which will be validated by Board resolution.

#### **§ 38-4. Encumbering appropriation.**

After determining that the appropriation account to be charged has sufficient balance, the Supervisor detaches the encumbrance copy and places it in an open purchase order file. The appropriation account(s) will have the encumbrance recorded against it, thus reducing the available balance for future commitments.

#### **§ 38-5. Establishment of open encumbrance file.**

The Supervisor will use this file as the basis for recording encumbrances placed and liquidated (monthly totals). A general journal entry will record activity in accounts 521 Encumbrances and 821 Reserve for Encumbrances for each fund. The control accounts, as adjusted, are compared to the totals reflected in the monthly budgetary report.

#### **§ 38-6. Return of purchase order.**

The Supervisor will send the remaining three copies to the originating department for distribution.

#### **§ 38-7. Distribution of purchase order.**

A. Department head distributes:

- (1) Original to vendor - place order;
- (2) Receiving copy to employee responsible for receiving shipment;
- (3) Department copy to files for future reference.

NOTE: Vendors will be instructed on procedure, by individual letter.

B. The Town of Coeymans will advertise the adoption of the new purchasing procedure prior to its initial implementation.

**§ 38-8. Receiving materials or supplies.**

A. Upon delivery of the requested materials or supplies, the designated departmental employee will compare the item(s) received to the receiving copy of the purchase order and the accompanying invoices or delivery slips. Any discrepancies are noted on the receiving copy, and it is signed and dated by the employee actually receiving the shipment.

B. If delivery is to the receptionist area of Town Hall (Russell Avenue), the receptionist will only sign for delivery. Actual comparison of the receiving copy to the delivery will occur after sending the delivered items to the originating department.

**§ 38-9. Claims.**

A. All claims will be sent directly to the originating department. Upon receipt of the claim form, the receiving copy of the purchase order (and all invoices/receipts) will be attached thereto.

B. The department shall perform preliminary steps to prepare the claim for submission to the Town Board for its audit (see claim process -Financial Information for Municipalities - copy of pertinent pages attached) Editor's Note: Copy is on file in the office of the Town Clerk. . Prior to transmittal of the claim to the Town Clerk, the department head shall sign indicating his/her approval.

**§ 38-10. Completed claims.**

The department sends, as soon as possible but no later than five business days, the completed claim with the receiving copy of the purchase order and any invoices, receipts, etc., to the Town Clerk's Office. The claims will be numbered by the Town Clerk's office. The preliminary abstract (listing) of claims will be prepared by entering information into the accounting system.

**§ 38-11. Audit of claims.**

The claim submitted is audited by the Board. The audit includes (at a minimum) a comparison of the receiving copy of the purchase order to the claim, determination of compliance to state and local statutes, that proper signatures have been obtained and that terms of existing contracts have been adhered to.

**§ 38-12. Authorize payment.**

The abstract of approved claims will be adjusted (if necessary) by the Town Clerk. The Town Clerk certifies that the claims listed have been approved for payment by the Board. A signed copy of the abstract is filed with the Supervisor's office.

**§ 38-13. Payment.**

The individual checks are prepared by the Supervisor's office staff, signed by the Supervisor and sent to vendors.

**§ 38-14. Adjustment of accounting records.**

The Supervisor's office staff will charge subsidiary appropriation (and other) accounts to record amounts disbursed and encumbrances liquidated.

Attachments:

038a Purchase order procedures

## CHAPTER 42. RECORDS

### ARTICLE I. Public Access

#### § 42-1. Records Access Officer designated; applications for public access.

#### § 42-2. Approval or denial; availability of records.

#### § 42-3. Denied access.

#### § 42-4. Fees.

## **CHAPTER 42. RECORDS**

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

### **ARTICLE I. Public Access**

**[Adopted 9-10-1974]**

#### **§ 42-1. Records Access Officer designated; applications for public access.**

The Town Board of the Town of Coeymans designates the Town Clerk as Record Access Officer, and applications for public access shall be made and are available at such Town Clerk's office during his regular business hours at the office of the Town Clerk, Russell Avenue, Ravena, New York, for review of such public records.

#### **§ 42-2. Approval or denial; availability of records.**

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Within five business days after such application is made to the Town Clerk, then said Town Clerk shall approve or deny such application. However, public access to records shall not inhibit or disrupt the normal operation of any office or agency in the Town of Coeymans. If the Town Clerk approves said application, the records shall be available to the applicant each working day between 2:00 p.m. and 4:00 p.m. or other mutually convenient time for the Town Clerk and applicant.

#### **§ 42-3. Denied access.**

If said applicant is denied, the Town Clerk shall inform the applicant reasons for the denial and inform the applicant of his right to appeal to the Supervisor, who will explain the reason for said denial according to the law.

#### **§ 42-4. Fees.**

The Town Clerk may charge the following fees: \$0.25 for each photostat page of a public record and \$1 for certification of any public record.

## CHAPTER 45. RESIDENCY REQUIREMENTS

### ARTICLE I. Justice Court Clerk

#### § 45-1. Title.

#### § 45-2. Legislative authority.

#### § 45-3. Supersession of state.

#### § 45-4. Residency within certain counties.

## **CHAPTER 45. RESIDENCY REQUIREMENTS**

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

### **GENERAL REFERENCES**

Terms of office — See Ch. 50.

### **ARTICLE I. Justice Court Clerk**

**[Adopted 4-28-2008 by L.L. No. 1-2008]**

#### **§ 45-1. Title.**

The title of this article is "A Local Law to Establish the Residency Requirements for the Appointed Office of Justice Court Clerk."

#### **§ 45-2. Legislative authority.**

This article is adopted pursuant to Municipal Home Rule Law § 10, Subdivision 1(ii)a(1), that grants to local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this article recognizes that the state

legislature has amended Public Officers Law § 3 numerous times, expanding the residency requirements for appointed public offices, thereby rendering the statute a special law, not a general law.

**§ 45-3. Supersession of state.**

This article shall supersede Town Law § 23, Subdivision 1, in its application to the office of Justice Court Clerk for the Town of Coeymans.

**§ 45-4. Residency within certain counties.**

The person holding the office of Justice Court Clerk in the Town of Coeymans need not be a resident nor an elector of the Town of Coeymans; provided, however, that such person shall reside in the county in which such Town is located or an adjoining county within the State of New York.

**CHAPTER 50. TERMS OF OFFICE**

**ARTICLE I. Highway Superintendent**

**§ 50-1. Statutory authority.**

**§ 50-2. Increase in term of office.**

**§ 50-3. Mandatory referendum.**

**§ 50-4. Supersession.**

**§ 50-5. When effective.**

**ARTICLE II. Town Clerk**

**§ 50-6. Statutory authority.**

**§ 50-7. Increase in term of office.**

**§ 50-8. Mandatory referendum.**

**§ 50-9. Supersession.**

**§ 50-10. When effective.**

**CHAPTER 50. TERMS OF OFFICE**

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

**ARTICLE I. Highway Superintendent**

**[Adopted 2-28-2000 by L.L. No. 4-2000]**

**§ 50-1. Statutory authority.**

This article is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

**§ 50-2. Increase in term of office.**

The term of office of the elected Highway Superintendent shall be four years. Such four-year term shall commence as of the first day of January 2002, and shall apply to those elected thereafter, provided a proposition submitted pursuant to § 50-3 below is approved.

**§ 50-3. Mandatory referendum.**

A. This article is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified voters of the Town of Coeymans at the town election to be held on November 7, 2000. Editor's Note: This article was approved by the voters at the election held 11-7-2000.

B. A proposition in the following form shall be included on the ballot at such town election, and the increased term of office shall not take effect unless such proposition is approved by a majority vote of the qualified voters voting thereon:

"Shall Town of Coeymans Local Law No. 1, 2000, entitled 'A Local Law Increasing the Term of Office of Highway Superintendent from Two to Four Years, For the Term Commencing January 1, 2002,' be approved?"

**§ 50-4. Supersession.**

This article shall supersede Town Law § 24, relating to the term of office for Highway Superintendent of the Town of Coeymans.

**§ 50-5. When effective.**

This article shall become effective immediately, upon being filed in the office of Secretary of State, after approval by the qualified voters.

## **ARTICLE II. Town Clerk**

**[Adopted 2-28-2000 by L.L. No. 5-2000]**

### **§ 50-6. Statutory authority.**

This article is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

### **§ 50-7. Increase in term of office.**

The term of office of the elected Town Clerk shall be four years. Such four-year term shall commence as of the first day of January 2002, and shall apply to those elected thereafter, provided that a proposition submitted pursuant to § 50-8 below is approved.

### **§ 50-8. Mandatory referendum.**

A. This article is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified voters of the Town of Coeymans at the Town Election to be held on November 7, 2000. Editor's Note: This article was approved by the voters at the election held 11-7-2000.

B. A proposition in the following form shall be included on the ballot at such town election, and the increased term of office shall not take effect unless such proposition is approved by a majority vote of the qualified voters voting thereon:

"Shall Town of Coeymans Local Law No. 2, 2000, entitled 'A Local Law Increasing the Term of Office of Town Clerk from Two to Four Years, For the Term Commencing January 1, 2002,' be approved?"

### **§ 50-9. Supersession.**

This article shall supersede Town Law § 24, relating to the term of office for Town Clerk of the Town of Coeymans.

### **§ 50-10. When effective.**

This article shall become effective immediately, upon being filed in the office of Secretary of State, after approval by the qualified voters.

## **CHAPTER 56. ALCOHOLIC BEVERAGES**

### § 56-1. Findings.

### § 56-2. Open containers prohibited; exceptions.

### § 56-3. Special events.

### § 56-4. Definitions.

### § 56-5. Presumptive evidence of violations.

### § 56-6. Penalties for offenses.

## **CHAPTER 56. ALCOHOLIC BEVERAGES**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 5-23-1978 by L.L. No. 1-1978. Amendments noted where applicable.]**

## **GENERAL REFERENCES**

Alcoholic beverages at bingo games — See § 67-11.

### **§ 56-1. Findings.**

The Town Board of the Town of Coeymans recognizes that the use of alcoholic beverages within public places and areas in the Town of Coeymans must be adequately controlled and regulated so as to prevent public disorder, littering and other acts that affect the health, safety and welfare of the residents of the Town of Coeymans.

### **§ 56-2. Open containers prohibited; exceptions.**

No person shall have in his possession any open bottle or container containing liquor, beer, wine or other alcoholic beverage while such person is on any public highway, public street, public parking area or in any vehicle or public place whatsoever in the town, except the interior of the building as to premises duly licensed for sale and consumption of alcoholic beverages on the premises.

### **§ 56-3. Special events.**



The Chief of Police, when giving permission for celebrations or other special events, will designate a confined area for the use of alcoholic beverages.

**§ 56-4. Definitions.**

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

**PUBLIC PLACE**

A place to which the public or a substantial group of persons has access, and includes but is not limited to highway, streets, shopping centers, parking lots, transportation facilities, schools, places of amusement, parks, playgrounds, parking areas, hallways, lobbies and any other places open or used by the general public.

**PERMITTED PUBLIC PLACE**

Wherein the use and consumption of alcoholic beverages is authorized pursuant to a permit or license issued by the Alcoholic Beverage Control Law.

**§ 56-5. Presumptive evidence of violations.**

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

**§ 56-6. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). A violation of this chapter shall be punishable by a fine not exceeding \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

**CHAPTER 60. ANIMALS**

ARTICLE I. Dog Control

§ 60-1. Findings; purpose.

§ 60-2. Prohibited acts.

§ 60-3. Dogs in heat.

§ 60-4. Enforcement.

§ 60-5. Filing of complaints.

§ 60-6. Summons to appear upon complaint.

§ 60-7. Seized dogs; redemption fees.

§ 60-8. Penalties for offenses.

ARTICLE II. Disposal of Dog Waste

§ 60-9. Removal of feces required.

§ 60-10. Disposal.

§ 60-11. Applicability.

§ 60-12. Presumption of ownership.

§ 60-13. Enforcement.

§ 60-14. Penalties for offenses.

§ 60-15. Conflicts of law.

**CHAPTER 60. ANIMALS**

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

**ARTICLE I. Dog Control**

[Adopted 12-21-1982 by L.L. No. 3-1982]

**§ 60-1. Findings; purpose.**

A. The Town of Coeymans, Albany County, New York, finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the town.

B. The purpose of this article is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within that portion of the town known as the Hamlet of Coeymans and generally bounded on the east by the Hudson River, on the north by the Frangella Mushroom Farms property, on the west by the east boundary line of the Village of Ravena and on the south by the north boundary line of Greene County.

#### **§ 60-2. Prohibited acts.**

It shall be unlawful for any owner of or any person harboring any dog in the Hamlet of Coeymans as described in § 60-1 above to permit or allow such dog to:

- A. Run at large unless said dog is restrained by a leash or unless accompanied by its owner or a responsible person able to control the animal.
- B. Engage in habitual loud howling or barking or to conduct itself in such manner so as to habitually annoy any person other than the owner or person harboring such dog.
- C. Cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person other than the owner or person harboring such a dog.
- D. Chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- E. Habitually chase or bark at motor vehicles, motorcycles or bicycles.

#### **§ 60-3. Dogs in heat.**

It shall be unlawful for a person harboring a female dog in said Hamlet of Coeymans as described in § 60-1 above 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.

#### **§ 60-4. Enforcement.**

**[Amended 6-26-2000 by L.L. No. 2-2000]**

An Animal Control Officer or police officer, or other person 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 may also investigate and report to the Town Justice of the Town of Coeymans 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.

#### **§ 60-5. Filing of complaints.**

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

#### **§ 60-6. Summons to appear upon complaint.**

Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summon the alleged owner or other person harboring said dog to appear in person before him; if the summons is disregarded, the Town Justice may permit the filing of an information and issue a warrant for the arrest of such person.

#### **§ 60-7. Seized dogs; redemption fees.**

If the dog seized bears a license tag, the dog shall be held by the Hannacroix Kennels or a successor kennel designated by the Town Board for a period of 12 days during which period he may be redeemed by the owner by paying to the Town Clerk the impoundment fees set forth in § 118 of Article 7 of the Agriculture and Markets Law. If the dog seized does not bear a license tag, the dog shall be held by the Hannacroix Kennels or its successor for a period of seven days during which period he may be redeemed by the owner by producing a license for said dog and the payment of the impoundment fees set forth in § 118 of Article 7 of the Agriculture and Markets Law and paying to the Town Clerk the sum of \$5. If the dog is not redeemed during the period set forth herein, the owner shall forfeit all title to the dog and it shall be made available for adoption or euthanized pursuant to the provisions of § 118 of the Agriculture and Markets Law.

#### **§ 60-8. Penalties for offenses.**

**[Amended 6-26-2000 by L.L. No. 2-2000]**

Any person who violates this article or knowingly permits the violation of this article or of any of the provisions thereof shall be deemed to have committed an offense against this article and any person convicted of any such violation after investigation and hearing shall be punishable by a fine of not more than \$250 or imprisonment for a period not exceeding 15 days, or both, for each violation.

### **ARTICLE II. Disposal of Dog Waste**

**[Adopted 8-28-2000 by L.L. No. 3-2000]**

#### **§ 60-9. Removal of feces required.**

Any person owning or in charge of any dog which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, play area, park or any place where people congregate or walk or upon any private property, without the permission of the owner of said property, shall immediately remove all feces deposited by any such dog in a sanitary manner.

**§ 60-10. Disposal.**

The feces removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of any such dog in a sealed, nonabsorbent, leakproof container. In no event shall any feces be deposited in sewers or drains, whether storm or sanitary.

**§ 60-11. Applicability.**

The provisions of this article shall not apply to handicapped persons.

**§ 60-12. Presumption of ownership.**

In case a dog is unattended, information secured by an enforcement officer from a license or tag secured to said dog, shall present a rebuttable presumption that the owner identified by such license or tag is the owner or person in charge of said dog.

**§ 60-13. Enforcement.**

Any Animal Control Officer, police officer of the Town of Coeymans or Code Enforcement Officer is, hereby, authorized and empowered to enforce this article. In addition thereto, the Town of Coeymans shall have the power to designate such other persons as are deemed necessary to enforce this article by resolution.

**§ 60-14. Penalties for offenses.**

Any person who violates or neglects to comply with any provision of this article shall, upon conviction thereof be liable for a civil penalty of not less than \$50 nor more than \$250 for each violation.

**§ 60-15. Conflicts of law.**

Whenever any local law, ordinance or regulation of the Town of Coeymans, County of Albany, State of New York, or United States of America is inconsistent with this article, whichever local law, ordinance or regulation is more stringent shall supersede the less stringent local law, ordinance or regulation.

**CHAPTER 67. BINGO**

§ 67-1. Definitions.

§ 67-2. Games authorized.

§ 67-3. Application for license.

§ 67-4. General restrictions.

§ 67-5. Issuance and duration of license.

§ 67-6. Denial of license; amendment of license.

§ 67-7. Form of license.

§ 67-8. Enforcement.

§ 67-9. Sunday games.

§ 67-10. Age restrictions.

§ 67-11. Limitation on number of games in one month; alcoholic beverages not to be available.

**CHAPTER 67. BINGO**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 8-25-1958 (approved at referendum 11-4-1958). Amendments noted where applicable.]**

**GENERAL REFERENCES**

Games of chance — See Ch. 100.

**§ 67-1. Definitions.**

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

**AUTHORIZED ORGANIZATION**

Includes only bona fide religious, charitable or nonprofit organizations of veterans, volunteer firemen and similar nonprofit organizations.

**BINGO OR GAME**

A specific game of chance, commonly known as "bingo" or "lotto," in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

**CONTROL COMMISSION**

The State Lottery Control Commission.

## **LICENSE**

A license issued pursuant to the provisions of this chapter.

### **§ 67-2. Games authorized.**

It shall be lawful for any organization, upon obtaining a license therefor as hereinafter provided, to conduct the game of bingo within the territorial limits of the Town of Coeymans subject to the provisions of this chapter, the provisions of Article 14-H (§§ 475 through 499) of the General Municipal Law, as amended, and the provisions of the State Lottery Control Law.

Editor's Note: See the Bingo Control Law codified as Art. 19-B of the Executive Law.

### **§ 67-3. Application for license.**

A. Each applicant shall file with the Town Clerk of the Town of Coeymans written application in the form prescribed in the rules and regulations of the Control Commission duly executed and verified.

B. In each application there shall be designated an active member or members of the applicant organization under whom the game or games of chance described in the application are to be held, operated and conducted, and there shall be appended to the application a statement executed and verified by the applicant and by the member or members so designated that he, she or they will be responsible for the holding, operation and conduct of such games of chance in accordance with the terms of the license and the provisions of this chapter, Chapter 854 of the Laws of 1957, as amended, and the rules and regulations of the Control Commission, if such license is granted.

C. In the event that any premises upon which any such game of chance is to be held, operated or conducted, or which is to be used for any other purpose in connection with the holding, operation or conduct thereof, is to be leased or rented from any person, persons or corporations, the application shall be accompanied by a written statement signed and verified under oath by such person or persons or on behalf of such corporation, stating his or its address, the amount of rent to be paid for such premises and stating that such lessor, lessors or if a corporation all of its officers and each of its stockholders who hold more of its stock issued and outstanding are of good moral character and have not been convicted of a crime.

### **§ 67-4. General restrictions.**

Any game or games licensed hereunder shall be subject to the following restrictions in addition to such other restrictions as may be provided herein or contained in the rules and regulations of the Control Commission:

A. No person, firm, association, corporation or organization other than an authorized organization licensed under the provision of this chapter shall be permitted to conduct such games.

B. The entire net proceeds of any game or games shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

C. No single prize shall exceed the sum or value of \$250.

D. No series of prizes on any one occasion shall aggregate more than \$1,000.

E. No person except a bona fide member of such organization shall participate in the management or operation of such game.

F. No person shall receive any remuneration for participating in the management or operation of any such games.

G. 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.

H. No bingo game 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.

### **§ 67-5. Issuance and duration of license.**

A. The Town Clerk shall cause to be investigated the qualifications of each applicant and the merits of each application, and the Supervisor is hereby designated and empowered as the proper town official to conduct such investigation. The Supervisor shall submit with due expedience a detailed report of the results of his investigation, including the due qualification of the applicant to be licensed, the relationship of the members under whom such games are to be conducted with the applicant, whether a commission, salary, compensation, reward or recompense of any nature will be paid to any person conducting or assisting in conducting such games of chance, whether a prize will be offered or given in excess of the sum or value of \$250 in any single game or an aggregate of all prizes in a series of games on a given occasion will exceed the sum or value of \$1,000, and such other questions or inquiries as the Town Clerk may direct.

B. If the Town Clerk shall determine that the requisite conditions have been met by the applicant, he shall issue a license to the applicant for the holding, operation and conduct of the specific kinds of games of chance applied for upon payment of a license fee or fees of \$10 for each occasion upon which any games of chance are to be conducted under such license, which fees are to be paid to the Town Clerk of the Town of Coeymans.

C. On or before the 13th day of each month the Town Clerk shall transmit to the State Comptroller a sum equal to 50% of all license fees collected by the town pursuant to this section during the preceding calendar month.

D. No license shall be issued under this chapter which shall be effective for a period of more than one year.

**§ 67-6. Denial of license; amendment of license.**

A. No application for a license hereunder shall be denied by the Town Clerk until after a hearing, held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

B. Any license issued under this chapter may be amended upon application to the Town Clerk if the subject matter of the proposed amendment could lawfully and properly have been included in the original license, and upon the payment of such additional license fee, if any, as would have been payable if it had been so included.

**§ 67-7. Form of license.**

Each license shall be in such form as shall be prescribed in the rules and regulation promulgated by the Control Commission.

**§ 67-8. Enforcement.**

The Town Clerk, with the aid and cooperation of the State Police, shall have and exercise control and supervision over all games of chance held, operated or conducted under such license, and shall have the power and authority to suspend any such license and, after notice and hearing, to revoke the same for violation of any provision of such license, this chapter, §§ 475 to 499 of the General Municipal Law, as amended, or the rules and regulations of the Control Commission. The Town Clerk or any officer designated by him shall have the right of entry at all times into any premises where any such game of chance is being held, operated or conducted, or any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

**§ 67-9. Sunday games.**

**[Amended 2-27-1970]**

The game of bingo may be conducted under any license issued under this chapter on the first day of the week, commonly known and designated as "Sunday."

**§ 67-10. Age restrictions.**

No person under the age of 18 years shall be permitted to participate in any game or games of chance held, operated or conducted pursuant to any license issued under this chapter unless accompanied by an adult.

**§ 67-11. Limitation on number of games in one month; alcoholic beverages not to be available.**

No game or games of chance shall be held, operated or conducted under any license issued under this chapter oftener than on six days in any one calendar month, or in any room or outdoor area where alcoholic beverages are sold or served during the progress of the game or games.

## CHAPTER 71. BUILDING CONSTRUCTION AND FIRE PREVENTION

- § 71-1. Purpose.
- § 71-2. Definitions.
- § 71-3. Code Enforcement Officer: inspectors.
- § 71-4. Building permits.
- § 71-5. Construction inspections.
- § 71-6. Stop-work orders.
- § 71-7. Certificates of occupancy/certificates of compliance.
- § 71-8. Notification regarding fire or explosion.
- § 71-9. Unsafe buildings and structures.
- § 71-10. Operating permits.
- § 71-11. Firesafety and property maintenance inspections.
- § 71-12. Complaints.
- § 71-13. Recordkeeping.
- § 71-14. Program review and reporting.
- § 71-15. Enforcement: penalties for offenses.
- § 71-16. Fees.
- § 71-17. Intermunicipal agreements.

## **CHAPTER 71. BUILDING CONSTRUCTION AND FIRE PREVENTION**

[HISTORY: Adopted by the Town Board of the Town of Coeymans 12-8-1997 by L.L. No. 2-1997; amended in its entirety 1-10-2007 by L.L. No. 1-2007. Subsequent amendments noted where applicable.]

### **GENERAL REFERENCES**

Unsafe buildings — See Ch. 74.  
Flood damage prevention — See Ch. 93.  
Subdivision of land — See Ch. 145.  
Zoning — See Ch. 165.  
Permit fees — See Ch. A170.

#### **§ 71-1. 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. This chapter shall amend and replace Chapter 71 of the Town Code of the Town of Coeymans in its entirety. Editor's Note: This sentence refers to the former Ch. 71, Building Construction and Fire Prevention, adopted 12-8-1997 by L.L. No. 2-1997, as amended.

#### **§ 71-2. Definitions.**

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

##### **BUILDING PERMIT**

A permit issued pursuant to § 71-4 of this chapter. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.

##### **CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE**

A certificate issued pursuant to § 71-7B of this chapter.

##### **CODE ENFORCEMENT OFFICER**

The Code Enforcement Officer appointed pursuant to § 71-3B 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 § 71-15A 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 § 71-3D of this chapter.

##### **OPERATING PERMIT**

A permit issued pursuant to § 71-10 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 § 71-6 of this chapter.

**TEMPORARY CERTIFICATE**

A certificate issued pursuant to § 71-7D of this chapter.

**TOWN**

The Town of Coeymans.

**UNIFORM CODE**

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

**§ 71-3. 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, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;
- (2) Upon approval of such applications, to issue building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and to include in building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance, temporary certificates and operating permits, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter;
- (4) To issue stop-work orders;
- (5) To review and investigate complaints;
- (6) To issue orders pursuant to § 71-15A, 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 resolution of the Town Board of the Town. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by resolution of the Town Board of the Town 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, either full-time or part-time, may be appointed by resolution of the Town Board of the Town to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each

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

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

#### **§ 71-4. 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 fences which are not part of an enclosure surrounding a swimming pool;
- (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 § 71-16, 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.

#### **§ 71-5. 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 § 71-16, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

#### **§ 71-6. 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 mail or certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by registered mail or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

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

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 71-15, 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.

#### **§ 71-7. 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 § 71-16, 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.

#### **§ 71-8. Notification regarding fire or explosion.**

The chief of any fire department providing fire-fighting services for a property within this Town shall, within 48 hours, promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

#### **§ 71-9. Unsafe buildings and structures.**

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by the Chapter 74 of the Town Code, as now in effect or as hereafter amended from time to time.

#### **§ 71-10. 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 be issued for such period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

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

G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 71-16, 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.

#### **§ 71-11. 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 24 months.

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

C. OFPC inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 71-16, Fees, of this chapter must be paid prior to or at the time each inspection is performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC.

#### **§ 71-12. 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, ordinance 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 § 71-15, 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.

**§ 71-13. 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 §§ 71-4 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.

**§ 71-14. Program review and reporting.**

A. The Code Enforcement Officer shall monthly submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 71-13, 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.

**§ 71-15. 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 mail or certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

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

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 § 71-6, 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 § 71-6, 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.

#### **§ 71-16. 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.

#### **§ 71-17. Intermunicipal agreements.**

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

## CHAPTER 74. BUILDINGS, UNSAFE

§ 74-1. Title.

§ 74-2. Inspection of unsafe and dangerous structures.

§ 74-3. Action by Town Board.

§ 74-4. Notice.

§ 74-5. Service of notice.

§ 74-6. Refusal to comply with notice.

§ 74-7. Application to deem structure as public nuisance.

§ 74-8. Costs to be assessed against land.

§ 74-9. Payment of surveyors.

## **CHAPTER 74. BUILDINGS, UNSAFE**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 6-3-1971. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Building construction and fire prevention — See Ch. 71.

#### **§ 74-1. Title.**

This chapter shall be known as the "Unsafe Buildings and Collapsed Structures Ordinance of the Town of Coeymans."

#### **§ 74-2. Inspection of unsafe and dangerous structures.**

When in the opinion of the official appointed by the Town Board of the Town of Coeymans for the purposes of enforcing this chapter any structure located therein shall be deemed to be unsafe or dangerous to the public, he shall make a formal inspection thereof and report in writing to the Town Board of the Town of Coeymans his findings and recommendation in regard to its removal or repair.

#### **§ 74-3. Action by Town Board.**

The said Town Board shall thereafter consider this said report and by resolution determine if in its opinion the report so warrants that the said structure or building is unsafe and dangerous and order its removal or repair if the same can be safely repaired, and further order that a notice shall be given to the following persons or corporations and in the manner herein provided.

#### **§ 74-4. Notice.**

The notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building or structure is unsafe or dangerous.
- C. An order requiring the same to be made safe and secure or removed.
- D. That the securing or removal of the said buildings or structure shall commence within 30 days of the serving of the notice and shall be completed within 60 days thereafter.
- E. That in the event of neglect or refusal of the persons and/or corporation served with the notice to comply with the same, a survey of the premises will be made by an inspector and architect to be named by the Town Board and a practical builder, engineer or architect appointed by the said persons or corporation so notified.
- F. That in the event of the refusal or neglect of the persons or corporations so notified to appoint a surveyor the two surveyors named by the Town Board shall make the survey and report.
- G. That in the event that the buildings or other structures shall be reported unsafe or dangerous under such survey, an application will be made at a Special Term of the Supreme Court in the Judicial District in which the property is located, for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.
- H. That the land on which said buildings or structures are located will be assessed for all costs and expenses incurred by the town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure.

#### **§ 74-5. Service of notice.**

The said notice shall be served in the following manner:



A. By personal service of a copy thereof upon the owner or some one of the owners, executors, legal representatives, agents, lessees or any other person having a vested or continued interest in the premises as shown by the last preceding completed assessment roll of the said town; or if no such person can be reasonably found, by mailing such owner by registered mail a copy of such notice directed to his last known address;

B. And by personal service of a copy of such notice upon any adult person residing in or occupying said premises; or if no such person can be reasonably found, by securely affixing a copy of such notice upon the building or structure.

**§ 74-6. Refusal to comply with notice.**

In the event of the neglect or refusal of the persons so notified to comply with said order of the Town Board, a survey of said premises shall be made in the following manner:

A. The Town Board shall appoint an inspector and architect and the persons so notified shall appoint a practical builder, engineer or architect who shall make the said survey and submit a written report thereon in regard to the unsafe or dangerous condition of said building or structure. If the persons so notified shall refuse or neglect to appoint a surveyor within 30 days after service of the notice, the two surveyors appointed by the Town Board shall proceed and report.

B. A signed copy of such report shall be posted on the said structure.

**§ 74-7. Application to deem structure as public nuisance.**

In the event that the building or other structure shall be reported unsafe or dangerous under such survey, the Town Board may pass a resolution directing the Supervisor of the town to make an application at a Special Term of the Supreme Court of the State of New York in the Judicial District in which the property is located, for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

**§ 74-8. Costs to be assessed against land.**

All costs and expenses incurred by the town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, shall be assessed against the land on which said buildings or structures are located.

**§ 74-9. Payment of surveyors.**

The said surveyors shall be paid reasonable compensation for the service performed by them in making their survey and in preparing the report thereof.

## CHAPTER 78. BURNING, OUTDOOR

§ 78-1. Intent.

§ 78-2. Definitions.

§ 78-3. Restrictions; exceptions.

§ 78-4. Powers and duties of Fire Chief.

§ 78-5. Penalties for offenses.

## **CHAPTER 78. BURNING, OUTDOOR**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 9-2-1955. Amendments noted where applicable.]**

### **§ 78-1. Intent.**

The purpose of this chapter is to regulate the setting of grass and brush fires to clear large tracts of land of such standing grass or brush thereon and it is not intended to regulate the setting of fires in metal incinerators for the disposal of household rubbish.

### **§ 78-2. Definitions.**

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

#### **AREA**

The total area in the Town of Coeymans excluding any territory lying within the limits of the incorporated Village of Ravena.

#### **FIRE CHIEF**

The duly elected Fire Chief, or in his absence, the Fire Lieutenant or other person second-in-command of any fire company in the Town of Coeymans.

#### **PERSON**

Individual, society, club, firm, partnership, corporation or association of persons; the singular term shall include the plural and the masculine include the feminine.

### **§ 78-3. Restrictions; exceptions.**

A. No person shall kindle any fire or furnish materials for any fire, nor in any way authorize or allow any fire to be made, or in any manner aid or assist in making any fire on any field or other tract of land, situate in the area above defined, for the purpose of clearing said field or tract of standing brush, grass or other matters, without first obtaining written permission to do so from the Fire Chief whose company is primarily responsible for the general safety and protection, whether by contract or otherwise, of the persons and property in the immediate vicinity of the proposed fire.

B. These restrictions do not apply to the burning of rubbish in metal containers nor to the clearing of highways of brush by town, county or state highway employees, nor to any individual who cuts and piles such materials, provided that they are not burned in a field or area where there is standing grass, brush or other standing matter.

### **§ 78-4. Powers and duties of Fire Chief.**

It shall be the duty of the Fire Chief, before giving any person permission to do any of the acts restricted by § 78-3 of this chapter, to ascertain the precautions said person proposes to take to keep the proposed fire under proper control. The Fire Chief shall withhold permission unless he is satisfied that conditions at that time are such that the proposed fire is not likely to escape control.

### **§ 78-5. Penalties for offenses.**

Any person violating any of the provisions of § 78-3 of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly.

## CHAPTER 88. ENVIRONMENTAL QUALITY REVIEW

- § 88-1. Definitions.
- § 88-2. Compliance required; exceptions.
- § 88-3. Enumeration of actions.
- § 88-4. Written statement to be filed.
- § 88-5. Determination on application.
- § 88-6. Fees.
- § 88-7. Procedure upon determining effect on environment.
- § 88-8. Proposed actions with significant effect.
- § 88-9. Involvement by more than one agency.
- § 88-10. Actions begun prior to statutory effective date.

## **CHAPTER 88. ENVIRONMENTAL QUALITY REVIEW**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 9-13-1977 by L.L. No. 3-1977. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Environmental Conservation Board — See Ch. 14.  
Flood damage prevention — See Ch. 93.  
Mobile home parks — See Ch. 114.  
Subdivision of land — See Ch. 145.  
Zoning — See Ch. 165.

### **§ 88-1. Definitions.**

A. Unless the context shall otherwise require, the terms, phrases, words and their derivatives 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 NYCRR.

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

#### **TOWN**

The Town of Coeymans.

### **§ 88-2. Compliance required; exceptions.**

No decision to carry out or approve an action other than an action listed in § 88-3B hereof or Section 617.12 of 6 NYCRR as a Type II action shall be made by the Environmental Conservation Board or 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; or
- 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.

### **§ 88-3. Enumeration 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 617.12 of Title 6 NYCRR as Type I actions, are likely to have a significant effect on the environment:

- (1) Public institutions such as hospitals, schools and institutions of higher learning and correction facilities, major office centers;
- (2) Parking facilities or other facilities with an associated parking area for 250 or more cars only if such facility would require an indirect-source permit under 6 NYCRR Part 203;
- (3) Stationary combustion installations operating at a total heating input exceeding 1,000 million BTU's per hour;
- (4) Cement plants;
- (5) Storage facilities designed for or capable of storing 1,000,000 or more gallons of liquid natural gas, liquid petroleum gas or other liquid fuels;

(6) Brickyards;

(7) Acquisition or sale by public agency of more than 250 contiguous acres of land.

B. Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in Section 617.12 of Title 6 NYCRR as Type II actions, are deemed not to have a significant effect on the environment:

(1) Construction or alteration of a single- or two-family residence and accessory appurtenant uses or structures not in conjunction with the construction or alteration of two or more such residences and not in one of the critical areas described in this section for Type I actions;

(2) The extension of utility facilities to serve new or altered single- or two-family residential structures or to render service in approved subdivisions;

(3) Actions involving individual setback and lot lines variances and the like;

(4) Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures and land use changes consistent with generally accepted principles of farming;

(5) Operation, repair, maintenance or minor alteration of existing structures, land uses and equipment;

(6) Restoration or reconstruction of a structure in whole or in part being increased or expanded by less than 50% of its existing size, square footage or usage;

(7) Repaving of existing highways not involving the addition of new travel lanes;

(8) Street openings for the purpose of repair or maintenance of existing utility facilities;

(9) Installation of traffic control devices on existing streets, roads and highways other than multiple fixtures on long stretches;

(10) Mapping of existing roads, streets, highways, uses, ownership patterns and the like;

(11) Sales of surplus government property other than land, radioactive material, pesticides, herbicides or other hazardous materials;

(12) Actions which are immediately necessary for the protection or preservation of life, health, property or natural resources;

(13) Routine administration and management of agency functions not including new programs or major reordering of priorities;

(14) Routine license and permit renewals where there is no significant change in preexisting conditions;

(15) Routine activities of educational institutions which do not include capital construction.

**§ 88-4. Written statement to be filed.**

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 statement with the Environmental Conservation Board setting 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 statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed by resolution by the Environmental Conservation Board, and shall contain such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material required by the Environmental Conservation Board.

**§ 88-5. Determination on application.**

A. The Environmental Conservation Board shall render a written determination on such application within 15 days following receipt of a complete application and statement; provided, however, that such period may be extended by mutual agreement of the applicant and the Environmental Conservation Board. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Environmental Conservation

Board may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination on the application.

B. The time limitations provided in this chapter shall be coordinated with, to the extent practicable, other time limitations provided by statute or local law, ordinance or regulation of the town.

#### **§ 88-6. Fees.**

Every application for determination under this chapter shall be accompanied by a reasonable fee set forth in this section to defray the expenses incurred in rendering such determination. The fees shall be used as follows:

A. Initial fee of \$50 shall accompany application. This fee is to be used by the town in establishing the magnitude of work to be undertaken by the town, its employees and agents in reviewing the project.

B. An estimated fee which will be based upon the amount of review work anticipated to be undertaken by the town. Normally this fee will be estimated by the Environmental Conservation Board, working with the Town Attorney, town consulting engineer, consulting environmentalists or other specialists, depending upon the nature of the application.

C. Any "overrun" which may occur because of inordinate circumstances or environmental concerns not apparent or anticipated at the time of establishing Part 2 of the fee structure.

#### **§ 88-7. Procedure upon determining effect on environment.**

If the Environmental Conservation Board determines that the proposed action is not an exempt action, not an action listed in § 88-3B hereof or 6 NYCRR 617.12 as the Type II action and that it will not have a significant effect on the environment, the Environmental Conservation Board shall prepare, file and circulate such determination as provided in 6 NYCRR 617.7(b) and thereafter the proposed action may be processed without further regard to this chapter. If the Environmental Conservation Board determines that the proposed action may have significant effect on the environment, the Environmental Conservation Board shall prepare, file and circulate such determination as provided in 6 NYCRR 617.7(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.

#### **§ 88-8. Proposed actions with significant effect.**

Following a determination that a proposed action may have a significant effect on the environment, the Environmental Conservation Board shall, in accordance with the provisions of Part 617 of Title 6 NYCRR:

A. In the case of an action involving an applicant, immediately notify the applicant of the determination and shall request the applicant to prepare an environmental impact report in the form of a draft environmental impact statement;

B. In the case of an action not involving an applicant, shall prepare a draft environmental impact statement;

C. If the applicant decides not to submit an environmental impact report the Environmental Conservation Board shall prepare or cause to be prepared the draft environmental impact statement or in its discretion notify the applicant that the processing of the application will cease and that no approval will be issued.

#### **§ 88-9. Involvement by more than one agency.**

Where more than one agency is involved in an action, the procedures of 6 NYCRR 617.4 and 617.8 shall be followed.

#### **§ 88-10. Actions begun prior to statutory effective date.**

Actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local 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 the Environmental Conservation Board modifies an action undertaken and approved prior to that date and the Environmental Conservation Board determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this chapter and Part 617 of Title 6 NYCRR.

## **CHAPTER 93. FLOOD DAMAGE PREVENTION**

- § 93-1. Findings.
- § 93-2. Statement of purpose.
- § 93-3. Objectives.
- § 93-4. Definitions.
- § 93-5. Lands to which this chapter applies.
- § 93-6. Basis for establishing areas of special flood hazard.
- § 93-7. Interpretation; conflict with other provisions.
- § 93-8. Penalties for offenses.
- § 93-9. Warning and disclaimer of liability.
- § 93-10. Designation of local administrator.
- § 93-11. Establishment of development permit.
- § 93-12. Duties and responsibilities of local administrator.
- § 93-13. General standards.
- § 93-14. Specific standards.
- § 93-15. Floodways.
- § 93-16. Appeals Board.
- § 93-17. Conditions for variances.

## **CHAPTER 93. FLOOD DAMAGE PREVENTION**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 10-13-1987 by L.L. No. 1-1987. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Building construction — See Ch. 71.  
Freshwater wetlands — See Ch. 96.  
Mobile home parks — See Ch. 114.  
Subdivision of land — See Ch. 145.  
Zoning — See Ch. 165.

#### **§ 93-1. Findings.**

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

#### **§ 93-2. Statement of purpose.**

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

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages;
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
- F. Qualify and maintain participation in the National Flood Insurance Program.

#### **§ 93-3. Objectives.**

The objectives of this chapter are:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;

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

D. To minimize prolonged business interruptions;

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

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

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

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

#### **§ 93-4. Definitions.**

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

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

##### **AREA OF SPECIAL FLOOD HAZARD**

The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-99, V, VO, VE, or V1-30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

##### **BASE FLOOD**

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

##### **BASEMENT**

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

##### **BREAKAWAY WALL**

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

##### **BUILDING**

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

##### **CELLAR**

The same meaning as "basement."

##### **COSTAL HIGH HAZARD AREA**

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

##### **DEVELOPMENT**

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

##### **ELEVATED BUILDING**

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

##### **FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)**

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

##### **FLOOD HAZARD BOUNDARY MAP (FHBM)**

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

##### **FLOOD INSURANCE RATE MAP (FIRM)**

An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

##### **FLOOD INSURANCE STUDY**

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

**FLOOD OR FLOODING**

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

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOODPROOFING**

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

**FLOODWAY**

The same meaning as "regulatory floodway."

**FLOOR**

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

**FUNCTIONALLY DEPENDENT USE**

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

**HIGHEST ADJACENT GRADE**

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

**LOWEST FLOOR**

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

**MANUFACTURED HOME**

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

**MEAN SEA LEVEL**

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

**MOBILE HOME**

The same meaning as "manufactured home."

**NATIONAL GEODETIC VERTICAL DATUM (NGVD)**

As corrected in 1929, is a vertical control used as a reference for establishing elevations within the floodplain.

**NEW CONSTRUCTION**

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

**PRINCIPALLY ABOVE GROUND**

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

**ONE-HUNDRED-YEAR FLOOD**

The same meaning as "base flood."

**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 § 93-12B of this chapter.

**SAND DUNES**

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

**START OF CONSTRUCTION**

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

**STRUCTURE**

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

**SUBSTANTIAL IMPROVEMENT**

- (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, excluding land values, either:



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

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

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

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

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

#### **VARIANCE**

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

#### **§ 93-5. Lands to which this chapter applies.**

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

#### **§ 93-6. Basis for establishing areas of special flood hazard.**

#### **[Amended 7-11-1989 by L.L. No. 1-1989]**

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Town of Coeymans, New York, Albany County," dated August 3, 1989, with Flood Insurance Rate Maps enumerated on Map Index No. 3600050001-0018 dated August 3, 1989. The above documents are hereby adopted and declared to be a part of this chapter and are filed at the Town Clerk's office, Russell Avenue, Ravena, New York 12143.

#### **§ 93-7. Interpretation; conflict with other provisions.**

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

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

#### **§ 93-8. Penalties for offenses.**

No structure shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Coeymans 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 § 93-16 et seq. will be declared noncompliant and notification sent to the Federal Emergency Management agency.

#### **§ 93-9. 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 area will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Coeymans, 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.

#### **§ 93-10. Designation of local administrator.**

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

#### **§ 93-11. Establishment of development permit.**

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 93-6. Application for a development permit shall be made on forms furnished by the local administrator and may include, but not be limited to, plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

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

- (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures;
- (2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
- (3) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in § 93-13C;
- (4) Certificate from a licensed professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in § 93-14B; and
- (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

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

#### **§ 93-12. Duties and responsibilities of local administrator.**

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

A. Permit application review.

- (1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. A hydraulic engineering study may be required of the applicant for this purpose:
  - (a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.
  - (b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of § 93-13E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 93-6, Basis for establishing areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 93-13D(4) in order to administer § 93-14, Specific standards, and § 93-15, Floodways.

C. Information to be obtained and maintained.

- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor including basement or cellar of all new or substantially improved structures, and whether or not the structure contains a basement or cellar.
- (2) For all new or substantially improved floodproofed structures:
  - (a) Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed;

(b) Maintain the floodproofing certifications required in §§ 93-13 and 93-14; and

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

D. Alteration of watercourses.

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

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

E. Interpretation of FHBM, FIRM or FBFM boundaries. The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

(1) Base flood elevation data established pursuant to § 93-6 and/or § 93-12B, when available, shall be used to accurately delineate the area of special flood hazards.

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

F. Stop-work orders.

(1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 93-8 of this chapter.

(2) All floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 93-8 of this chapter.

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

H. Certificate of compliance.

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

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

(a) All certificates shall be based upon the inspections conducted subject to § 93-12G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

**§ 93-13. General standards.**

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

A. Anchoring.

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

(2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

- (1) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or five acres.

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the area of special flood hazards set forth in § 93-12A(3), regarding permit review. This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 93-12B or 93-13D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
- (3) In all areas of the special flood hazard where floodway data is provided or available pursuant to § 93-12B, the requirements of § 93-15, Floodways, shall apply.

**§ 93-14. Specific standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 93-6, Basis for establishing areas of special flood hazard, and § 93-12B, Use of other base flood data, the following standards are required:

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

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

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

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

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

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

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

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

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

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

(2) If the structure is to be floodproofed:

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

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

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

C. Construction standards for area of special flood hazards without base flood elevation.

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

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

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

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

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

#### **§ 93-15. Floodways.**

**[Amended 7-11-1989 by L.L. No. 1-1989]**

Located within areas of special flood hazard are areas designated as floodways (see definition, § 93-4). The floodway is an extremely hazardous area due to high velocity floodwaters carrying debris and posing additional threats from potential

erosion forces. When floodway data is available for a particular site as provided by §§ 93-6 and 93-12B, all encroachments including fill, new construction, substantial improvements and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

**§ 93-16. Appeals Board.**

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

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

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

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

- (1) The danger that materials may be swept onto other land to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the plan and floodplain management program of that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
- (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

E. Upon consideration of the factors of § 93-16D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

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

**§ 93-17. Conditions for variances.**

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 93-16D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

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

C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

- (1) The criteria of Subsections A, D, E, and F of this section are met;
- (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances shall only be issued upon receiving written justification:

- (1) A showing of good and sufficient cause;
- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk.

## CHAPTER 96. FRESHWATER WETLANDS

### § 96-1. Regulatory authority.

### § 96-2. Powers and duties of Environmental Conservation Board.

### § 96-3. Enforcement; penalties for offenses.

### § 96-4. Review of Board's determination.

## **CHAPTER 96. FRESHWATER WETLANDS**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 8-30-1976 by L.L. No. 2-1976. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Environmental Conservation Board — See Ch. 14.

Environmental quality review — See Ch. 88.

Flood damage prevention — See Ch. 93.

Subdivision of land — See Ch. 145.

Zoning — See Ch. 165.

### **§ 96-1. 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 Coeymans 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 boundary 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, with the following exceptions, additions and modifications.

### **§ 96-2. Powers and duties of Environmental Conservation Board.**

To carry out the purposes and provisions of this chapter, the Environmental Conservation Board shall have the power to adopt, amend and repeal rules and regulations consistent with this chapter for the purpose of administering the same; to contract for professional and technical assistance and advice; to hold hearings and subpoena witnesses in the exercise of its powers, functions and duties; to recommend the posting of a bond or other security by a permittee conditioned upon faithful compliance with the terms and conditions of such permit and for indemnification to the Town of Coeymans for any restoration costs resulting from a failure of such compliance; and to establish a schedule of costs and fees chargeable to applicants to defray the costs of postage, service of process, publication, stenographic services and technical and professional services as said Board may determine.

### **§ 96-3. Enforcement; penalties for offenses.**

The provisions of Title 1, Title 3 and Title 5 of Article 71 of the Environmental Conservation Law except as herein modified shall be applicable to the enforcement of this chapter. In addition, any person who violates, disobeys or disregards any provision of this chapter or of any permit issued hereunder shall be liable to a civil penalty of not more than \$3,000 for each such violation and an additional penalty of not more than \$500 for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the Attorney General at the request of the said Board or the Commissioner of Environmental Conservation of the State of New York. Such action may be brought in the name of said Board or in the name of such Commissioner.

### **§ 96-4. Review of Board's determination.**

Any determination of the said Board under this chapter may be reviewed in accordance with the provisions of Subdivision 5 of § 24-0705 and Title 11 of Article 24 of Environmental Conservation Law, and the provisions of such sections shall be applicable to any such review.



## CHAPTER 100. GAMES OF CHANCE

§ 100-1. Title.

§ 100-2. Definitions.

§ 100-3. Games of chance authorized.

§ 100-4. Sunday games.

§ 100-5. Enforcement.

## **CHAPTER 100. GAMES OF CHANCE**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 3-8-1977 by L.L. No. 4-1977 (passed at referendum 11-8-1977). Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Bingo — See Ch. 67.

#### **§ 100-1. Title.**

This chapter shall be known as the "Games of Chance Law of the Town of Coeymans."

#### **§ 100-2. Definitions.**

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

##### **AUTHORIZED ORGANIZATIONS**

An authorized organization as defined in Subdivision 4 of § 186 of the General Municipal Law.

##### **GAMES OF CHANCE**

A game of chance as defined in Subdivision 3 of § 186 of the General Municipal Law.

##### **TOWN**

The Town of Coeymans.

#### **§ 100-3. Games of chance authorized.**

Authorized organizations may, upon the obtainment of a license from the Clerk of the Town of Coeymans, conduct games of chance within the Town of Coeymans as provided in Article 9-A of the General Municipal Law and as provided further in this chapter. Such games of chance shall be conducted in accordance with the general state law and with the rules and regulations of the New York State Racing and Wagering Board and this chapter.

#### **§ 100-4. Sunday games.**

Games of chance on the first day of the week, commonly known as "Sunday," may be conducted pursuant to this chapter and appropriate statute and regulation.

#### **§ 100-5. Enforcement.**

The chief law enforcement officer, the Town of Coeymans Police Chief, shall exercise control over and supervision of all games of chance conducted under an appropriately issued license. Such officer shall have all those powers and duties set forth in Article 9-A of the General Municipal Law.

## CHAPTER 102. GARBAGE AND GARBAGE RECEPTACLES

§ 102-1. Statutory authority.

§ 102-2. Legislative intent.

§ 102-3. Definitions.

§ 102-4. Applicability.

§ 102-5. Storage of garbage outside buildings.

§ 102-6. Placement of garbage for pickup days.

§ 102-7. Dumpsters and roll-offs.

§ 102-8. Penalties for offenses.

§ 102-9. Conflicts of law.

## **CHAPTER 102. GARBAGE AND GARBAGE RECEPTACLES**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 6-26-2000 by L.L. No. 1-2000. Amendments noted where applicable.]**

### **§ 102-1. Statutory authority.**

This chapter is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

### **§ 102-2. Legislative intent.**

A clean, wholesome, attractive and healthful environment is decreed to be of importance to the health and welfare of the residents of the town, and such environment is deemed essential to the maintenance and continued development of the economy of the town. It is hereby decreed that the unrestricted disposal of rubbish and garbage, as herein defined, is a hazard to such health, welfare and economy, necessitating the regulation, restraint and confinement thereof.

### **§ 102-3. Definitions.**

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

#### **GARBAGE**

Offal, waste food, dead animals, or fowl or part thereof, vegetable matter of any kind and any other waste or discarded matter, which shall be either flammable or capable of fermentation or decay; waste material, including papers, cartons, tin cans, scrap metal, bottles, plastic and cardboard containers, waste or discarded wood and lumber and any and all similar substances and articles.

#### **PERSON**

Any individual, society, club, firm, partnership, public or private corporation or limited liability company, association of persons, government agency or any other legal entity.

### **§ 102-4. Applicability.**

This chapter shall apply to property located in the following zones: R-1, R-2, R-3, R-4P, B-1, C-1P, CF-1, CF-2.

### **§ 102-5. Storage of garbage outside buildings.**

No person shall place or deposit or permit or cause to be placed or deposited any garbage outside any building within the identified zones within the Town of Coeymans unless the garbage is properly and carefully contained within a covered metal, wooden or molded plastic receptacle or placed in an adequate solid enclosure, which receptacle or enclosure shall be capable of holding the contents thereof within the confines of said receptacle or enclosure so as to prevent the same from falling out, being blown about or in any way removed from said receptacle or enclosure, except for transmittal to a proper place of disposal.

### **§ 102-6. Placement of garbage for pickup days.**

Nothing herein contained shall be construed to prevent any person from placing any of the aforementioned articles on one's own property for the purpose of being picked up by a permitted waste hauler on regularly scheduled pickup days; provided, however, that said material is properly packaged, contained or bound to prevent its being blown about, and provided, further, that said material shall not be placed on the property for pickup more than 12 hours before the next scheduled pickup day, Waste receptacles shall be removed from public view within 12 hours after the regularly scheduled pickup day.

### **§ 102-7. Dumpsters and roll-offs.**

A. Dumpsters or roll-offs are not allowed in the following zones unless a temporary permit is first obtained from the Building Department: R-1, R-2, R-3, R-4 and B-1.

B. Dumpsters are allowed in C-1P, CF-1 and CF-2 Zones so long as they remain outside of public view. Roll-offs for said zones requires a temporary permit to be first obtained from the Building Department.

### **§ 102-8. Penalties for offenses.**

Any person committing an offense against any of the provisions of this chapter shall be guilty of a violation and upon conviction thereof shall be punishable by a fine not less than \$50 nor more than \$250 or by imprisonment for a term not exceeding 15 days, or both. Each day's continued violation shall constitute a separate additional violation. Additionally, the

town, at its option, may seek a civil remedy by initiating an action in a civil court of competent jurisdiction. Any person found in violation of this chapter by a civil court shall be subject to a civil penalty, payable to the town, of an amount not less than \$50 nor more than \$250.

**§ 102-9. Conflicts of law.**

Whenever any local law, ordinance or regulation of the Town of Coeymans, County of Albany, State of New York, or United States of America is inconsistent with this chapter, whichever local law, ordinance or regulation is more stringent shall supersede the less stringent local law, ordinance or regulation.

## **CHAPTER 105. JUNK, STORAGE OF**

### **ARTICLE I. Introduction**

#### **§ 105-1. Authority.**

#### **§ 105-2. Title.**

#### **§ 105-3. Purpose.**

### **ARTICLE II. Terminology**

#### **§ 105-4. Definitions.**

### **ARTICLE III. Junk Regulations**

#### **§ 105-5. Restriction on location; visibility.**

### **ARTICLE IV. Junkyard Regulations**

#### **§ 105-6. Location.**

#### **§ 105-7. Fencing.**

#### **§ 105-8. Screening.**

#### **§ 105-9. Burning.**

#### **§ 105-10. Burying.**

#### **§ 105-11. Approved junkyard items.**

### **ARTICLE V. Junkyard Permit**

#### **§ 105-12. Permit required.**

#### **§ 105-13. Temporary permit for prior existing junkyard.**

### **ARTICLE VI. New Application Procedure**

#### **§ 105-14. Application.**

#### **§ 105-15. Site plan contents.**

#### **§ 105-16. Environmental impact statement.**

#### **§ 105-17. Application fee.**

#### **§ 105-18. Public hearing.**

#### **§ 105-19. Town Planning Board action.**

#### **§ 105-20. Issuance of permit; renewal fee.**

### **ARTICLE VII. General Considerations**

#### **§ 105-21. Aesthetic considerations.**

#### **§ 105-22. Locational considerations.**

### **ARTICLE VIII. Administration and Enforcement**

#### **§ 105-23. Waivers.**

#### **§ 105-24. Enforcement officer.**

#### **§ 105-25. Revocation of permit.**

#### **§ 105-26. Penalties for offenses.**

## **CHAPTER 105. JUNK, STORAGE OF**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 2-22-1999 by L.L. No. 1-1999. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Land use and zoning — See Ch. 165.

### **ARTICLE I. Introduction**

#### **§ 105-1. Authority.**

This chapter is adopted pursuant to the authority granted the town in § 10 of the Municipal Home Rule Law and in § 130, Subdivision 15, of the Town Law.

#### **§ 105-2. Title.**

This chapter shall be known as the "Town of Coeymans Junk Storage Law."

#### **§ 105-3. Purpose.**

By adoption of this chapter the Town of Coeymans declares its intent to regulate and control the storage or keeping of junk, and to regulate junkyards whether operated for commercial profit or otherwise. The Town Board hereby declares that a clean, wholesome and attractive environment is of vital importance to the continued general welfare of its citizens, and that junk and junkyards can constitute a hazard to property and persons and can be a public nuisance. Such materials may be highly flammable and sometimes explosive. Junk, and particularly junk vehicles, can constitute a potential hazard to some members of our community. The presence of junk and junkyards is unsightly and tends to detract from the value of surrounding properties unless properly screened from view. This chapter shall not include motor vehicle repair shops and/or auto dealers approved by the Town of Coeymans, or farm equipment.

### **ARTICLE II. Terminology**

#### **§ 105-4. Definitions.**

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

##### **ENFORCEMENT OFFICER**

Building Inspector and/or Code Enforcement Officer.

##### **JUNK**

The outdoor storage or deposit of any of the following shall constitute junk:

- A. Two or more junk vehicles.
- B. One of more junk mobile homes.
- C. Any combination of the above or parts of the above that total two or more items.

##### **JUNK MOBILE HOME**

A structure, transportable in one or more sections, built on a permanent chassis and designed to be used as a dwelling unit, which is currently not inhabited and is no longer habitable under the New York State Uniform Fire Prevention and Building Code or Chapter 165, Zoning, of the Code of the Town of Coeymans. Includes, but is not limited to, mobile homes, travel trailers and campers.

##### **JUNK STORAGE AREA**

The areas of any parcel of land or water used or intended to be used for the placement, storage or deposit of junk.

##### **JUNK VEHICLE**

A vehicle abandoned and stored outdoors.

##### **JUNKYARD**

The outdoor storage or deposit of any of the following:

- A. Five or more junk motor vehicles.
- B. Two or more junk mobile homes.
- C. Any combination of the above that totals five items.

##### **MOTOR VEHICLE**

All vehicles propelled by power other than muscular power originally intended for use on public highways.

##### **PERSON**

Any individual, firm, partnership, association, corporation, company or organization of any kind.

##### **VEHICLE, ABANDONED**

Any vehicle left for more than 30 days upon private property with no valid license plates, no valid inspection and no valid registration stickers.

#### **ARTICLE III. Junk Regulations**

##### **§ 105-5. Restriction on location; visibility.**

No junk shall be located as to be visible from public roads or other property that is determined by the town to be intrusive to the quality of life of residents of the Town of Coeymans.

#### **ARTICLE IV. Junkyard Regulations**

##### **§ 105-6. Location.**

No junk storage area shall be located within:

- A. One hundred fifty feet of any adjoining property line;
- B. Five hundred feet of any public park, church, educational facility, nursing home, public building or other place of public gathering;
- C. Two hundred fifty feet of any stream, lake, pond, wetland or other body of water; or
- D. One hundred fifty feet from the right-of-way of any public highway.

##### **§ 105-7. Fencing.**

There must be erected and maintained an eight-foot fence enclosing the entire junkyard with a locking gate, adequate to prohibit the entrance of children and others into the area of the activity or business, and to contain within such fence the materials dealt with by the operator of the junkyard. Fencing requirements may be waived where topography or other natural conditions effectively prohibit the entrance of children and others.

##### **§ 105-8. Screening.**

Where a junkyard is or would be visible from a public highway or from neighboring properties, the fence provided in § 105-7 above shall be of wood or other materials sufficient to totally screen the junkyard from view. Such screening may be permitted by adequate planting of evergreen trees or shrubbery.

**§ 105-9. Burning.**

No materials shall be burned in a junkyard.

**§ 105-10. Burying.**

No junkyard items shall be buried in a junkyard.

**§ 105-11. Approved junkyard items.**

No junkyard items shall be stored in any junk storage area other than those items specified on a junkyard permit approved by the Town Planning Board pursuant to this chapter.

**ARTICLE V. Junkyard Permit**

**§ 105-12. Permit required.**

A. No person shall establish or maintain a junkyard within the Town of Coeymans unless a permit has first been issued for such junkyard pursuant to this chapter.

B. No person owning, having any right to, or any interest in any real property within the Town of Coeymans shall license, rent, lease or otherwise permit the use of such real property, or any part thereof, for a junkyard unless a permit has first been issued for such junkyard pursuant to this chapter.

C. All permits shall be issued for a period of one year or expire on December 31, of that year, after which time a renewal shall be required.

**§ 105-13. Temporary permit for prior existing junkyard.**

Any person maintaining an authorized junkyard prior to the effective date of this chapter within the Town of Coeymans shall apply for a permit within 60 days of the adoption of this chapter. If the junk storage area does not meet any or all of the requirements herein indicated as §§ 105-7, 105-8, 105-9, 105-10 and 105-11 of Article IV, a temporary permit shall be granted for a period not to exceed one year, during which time the junk storage area shall be arranged to comply with said requirements. If at the end of such period the junk storage area has not been arranged to comply with said requirements, such person shall cease and desist from maintaining a junkyard and all junk shall be removed from the premises.

**ARTICLE VI. New Application Procedure**

**§ 105-14. Application.**

The applicant for a junkyard permit shall obtain application forms from the Town Building Department. The completed forms along with the proposed site plan, in duplicate, and the appropriate fees shall be returned to the Building Department. The application shall be reviewed by the appropriate Boards for approval.

**§ 105-15. Site plan contents.**

The site plan shall be a valid survey drawn to scale, indicating all dimensions and show:

- A. All existing and proposed structures, including fences and screening.
- B. All property lines, including the name of owners of adjacent property.
- C. All streams, lakes, wetlands, floodplains and other water bodies.
- D. All wells and sanitary facilities.
- E. All roads and easements.
- F. All existing and proposed junk storage areas.
- G. All existing and proposed access ways, parking and loading areas.

**§ 105-16. Environmental impact statement.**

Editor's Note: See also Ch. 88, Environmental Quality Review. An environmental assessment form (EAF) shall be completed and submitted with all new applications pursuant to the provisions of the State Environmental Quality Review Act, Editor's Note: See Environmental Conservation Law § 8-0101 et seq. 6 NYCRR Part 617. If the EAF indicates that the proposed activity may have significant environmental consequences, the town shall require that a draft environmental impact statement

(DEIS) be submitted with the application. The application shall not be considered complete until the DEIS has been accepted by the town.

**§ 105-17. Application fee.**

An application fee of \$200 shall accompany all applications (includes SEQOR and site plan review).

**§ 105-18. Public hearing.**

The Town Planning Board shall fix a time, within 45 days of the date a complete application is received, for a public hearing. Notice of the hearing shall be made in the official newspaper at least five days prior to the date thereof. At the hearing, the Town Planning Board shall hear the applicant and all other persons wishing to be heard on the application for a junkyard permit.

**§ 105-19. Town Planning Board action.**

Within 45 days of said hearing, the Town Planning Board shall render a decision to approve subject to conditions, or disapprove the application for a junkyard permit. The forty-five-day period may be extended by mutual consent of the applicant and the Board. All findings of the Board shall be entered into the official minutes of the Town Planning Board. The decision of the Board shall immediately be filed in the office of the Town Clerk and the applicant shall be notified of the decision and the reasons for such application and payment of the fees and reimbursable cost, e.g., engineering review due the town. The Planning Board shall endorse its approval upon a copy of the final site plan and application.

**§ 105-20. Issuance of permit; renewal fee.**

- A. If the application is approved by the Town Planning Board, a junkyard permit shall be issued by the Building Department.
- B. If the application is approved with conditions by the Board, the Building Department shall issue a junkyard permit upon compliance with those conditions (i.e., issuance of a special use permit).
- C. Renewals shall be issued on an annual basis (January to December) for \$25 per year.

**ARTICLE VII. General Considerations**

**§ 105-21. Aesthetic considerations.**

In granting or denying a permit, the Town Planning Board shall take the following aesthetic factors into consideration:

- A. Type of road servicing the junkyard or from which the junkyard can be seen.
- B. Natural or artificial barriers protecting the junkyard from view.
- C. Proximity of the site to established residential or recreational areas or main access routes thereto.

**§ 105-22. Locational considerations.**

In granting or denying a permit, the Town Planning Board shall take the following locational factors into consideration:

- A. The nature and development of surrounding property, such as the proximity of public parks, churches, educational facilities, nursing homes, public buildings or places of public gathering.
- B. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy noise, odors or smoke or of other causes.
- C. The proximity of streams, lakes, wetlands, floodplains, ground water supplies and public water supplies.
- D. Local drainage patterns.
- E. Long-range comprehensive plans for the town.
- F. Proximity of the site to established residential or recreational areas.
- G. Availability of other suitable sites for the junkyard.

**ARTICLE VIII. Administration and Enforcement**

**§ 105-23. Waivers.**

Where the Town Planning Board finds that due to special circumstances of the particular case, a waiver of certain requirements as stated in Article IV herein is justified, then a waiver may be granted. No waiver shall be granted, however, unless the Board finds and records in its minutes that:

- A. Granting the waiver would be keeping with the intent and spirit of this chapter and is in the best interests of the community.
- B. There are special circumstances involved in the particular case.
- C. Denying the waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed.
- D. The waiver is the minimum necessary to accomplish this purpose.

**§ 105-24. Enforcement officer.**

- A. The enforcement officer shall, upon request of the Planning Board, make inspections of the premises of any junkyard for which application for a permit has been made or any other existing junkyard within the town and shall report to the Board on the conditions of such junkyard.
- B. The enforcement officer shall make periodic inspections of the town to ensure that all existing junkyards have permits and that the requirements of the law are met. Any observed violations shall be reported to the Planning Board.
- C. The enforcement officer shall not enter the premises of any private property without the consent of the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to permit issuance or renewal.

**§ 105-25. Revocation of permit.**

The Town Board may revoke a junkyard permit upon reasonable cause should the applicant fail to comply with any provision of this chapter. Before a permit may be revoked, a public hearing shall be held by the Town Board. Notice of the hearing shall be made in the official newspaper at least five days prior to the date thereof. The permit holder shall be notified of the hearing by certified mail at least five days prior to the hearing. At the hearing, the Town Board shall hear the permit holder and all other persons wishing to be heard on the revocation of the junkyard permit. Should the Town Board decide to revoke a permit, the reasons for such revocation shall be stated in the Board minutes. The permit holder shall be immediately notified of the revocation by certified mail.

**§ 105-26. Penalties for offenses.**

- A. Any person who shall violate any of the provisions of this chapter shall be guilty of an offense and subject to a fine of not more than \$250 or imprisonment for not more than 15 days, or both, or punishable by a penalty of \$250 to be recovered by the town in a civil action. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
- B. In addition to the above-provided penalties, 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 restrain by injunction the violation of any article of this chapter.



## **CHAPTER 109. LANDFILLS**

§ 109-1. Legislative declaration.

§ 109-2. Permits.

§ 109-3. Use of landfill site.

§ 109-4. Acceptable and unacceptable matter.

§ 109-5. Hours of operation.

§ 109-6. Additional regulations.

§ 109-7. Penalty for offenses.

## **CHAPTER 109. LANDFILLS**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 4-13-1992 by L.L. No. 1-1992. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Junkyards — See Ch. 105.

Solid waste — See Ch. 138.

Land use and zoning — See Ch. 165.

#### **§ 109-1. Legislative declaration.**

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Coeymans and the safeguarding of their material rights against unwanted invasion and for the protection of public health. Such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its citizens. It is recognized that the maintenance of a public dump, dumping ground, refuse disposal area or landfill site owned and operated by the Town of Coeymans is useful and necessary. In addition, it is also deemed necessary that no lands other than lands of a public dump or dumping ground heretofore or hereafter established by this town shall be used as a dump, dumping ground, refuse disposal area or as a landfill site in the said Town of Coeymans. Furthermore, the use of land as a private dump, dumping ground, refuse disposal area or landfill site is prohibited and the use of said land for the deposit, burying or disposal in any manner whatsoever of all offal, garbage, trash, rubbish, debris and like waste is also hereby prohibited. It is also herein declared that the Town of Coeymans has heretofore established a Town Landfill site and it is now and has been in use and operation for some period of time. It is, therefore, hereby declared that the following rules and regulations concerning the use of the Town Landfill site are adopted to promote said health, safety and welfare of the citizens of the Town of Coeymans.

#### **§ 109-2. Permits.**

The Town Board of the Town of Coeymans shall be and is hereby authorized to regulate the issuance and cost of permits as well as all dumping fees for the use of the landfill. Any modification of the same shall be made by resolution of the Town Board and shall take effect 10 days thereafter. All users of the Town of Coeymans Landfill site must have a dumping permit. Permits must be affixed to the right front window on the passenger side of the motor vehicle and may be obtained at the office of the Town of Coeymans Town Clerk located on Russell Avenue, Ravena, New York. Permits will be issued upon presentation of a valid vehicle registration or driver's license or other proof of residency within the Town of Coeymans or the Town of New Baltimore. The permit must be properly displayed or affixed on the motor vehicle or the individual may not be allowed to use the landfill. Permits shall be issued only to residents or owners of property within the Town of Coeymans, except that permits shall be issued to the residents or owners of property within the Town of New Baltimore for as long as the Town of New Baltimore maintains a contract with the Town of Coeymans to allow its residents to use the Town of Coeymans Landfill site.

#### **§ 109-3. Use of landfill site.**

A. The driver of any vehicle engaged in the collection, transportation, disposal of garbage, refuse or waste shall fully cover all garbage, refuse or waste while loaded on such vehicle with a suitable covering material and shall not permit any part of such matter to fall from such vehicle except at the permitted place of disposal. Violators will be prosecuted in accordance with § 109-7 of this chapter.

B. Users of the landfill may enter and exit the landfill only through the main gate unless written permission to do otherwise is obtained in advance of said ingress and egress from the landfill operator. Salvage or scavenging operations are strictly prohibited. All vehicles, with the exception of those bringing only garbage, must check with the landfill operator before dumping. "Garbage" is defined to mean putrescible solid waste and shall include any refuse from animal and vegetable matter and foodstuffs after it has been used as food, refuse from the kitchen, market, house or store, floor sweepings, table waste or animal or vegetable matter, vegetables, meats, fish, bones, fat and offal, and organic waste substance, but shall not include fresh trimmings from meat markets or slaughterhouses, nor shall it include foodstuffs, animal or vegetable matter from any individual or commercial source, nor shall it include wastes from building operations or solid waste resulting from industrial process or manufacturing operations.

#### **§ 109-4. Acceptable and unacceptable matter.**

A. Garbage such as wastes from preparation, cooking and serving of food, market wastes, wastes from handling, storage and sale of produce are acceptable.

B. Combustible rubbish such as paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding dunnage are acceptable. NOTE: Tree branches and stumps must be cut to a length no longer than four feet or they will not be accepted.

C. Noncombustible rubbish such as metals, tin cans, metal furniture, dirt, glass, crockery and minerals are acceptable.

D. Street refuse such as sweepings, dirt, leaves, catch basin dirt and contents of litter receptacles are acceptable.

E. Dead animals such as cats, dogs, horses and cows are acceptable; provided, however, that all dead animals shall be sealed in a container or refuse bag and the landfill operator notified prior to their delivery, and provided further that there is full compliance with any and all laws, rules and regulations of the County of Albany and State of New York, its departments, agencies and subdivisions.

F. Sewage treatment residue such as solids from coarse screening and from grit chambers are acceptable only from the Town of Coeymans Sewage Treatment Plant.

G. Abandoned vehicles such as junk cars and trucks are acceptable.

H. To increase the life of the landfill and to act as a measure to ensure the health and well-being of the Town of Coeymans residents, all industrial wastes are prohibited from being deposited in the landfill. "Industrial waste" is defined as meaning wastes in liquid, semisolid or solid form that result from industrial or commercial processes, including but not limited to factories, processing plants and repair and cleaning establishments, which wastes include, but are not limited to, sludge, oils, solvents, spent chemicals, acids or organic wastes.

I. However, the Town Board reserves the right to accept any prohibited waste for deposit at the landfill site by written agreement between the Town Board and the user, subject to the conditions and terms imposed by said Town Board for such special use, after the Town Board has fully considered the needs of the town and amount of imposition on the town landfill as compared to the needs of the applicant for the special use.

J. The following wastes from any source are specifically prohibited: railroad ties and tracking, inflammable or explosive wastes, plastics, dyes, oil drums or other drums or canisters which contained industrial materials, hazardous solids and liquids, wastes deemed to be hazardous or toxic wastes as defined by state or federal statute, explosives, chemicals, pathological wastes, radioactive materials and any other dumping which the Town Board or its agent deems harmful or injurious to the proper operation of the landfill site or is deemed an undue burden on the landfill site, whether said dumping is done by an individual, industry, business or hired collector, representative or the agents thereof.

K. It is expressly provided herein that any and all wastes, garbage, refuse and offal which is collected or transported from any geographic outside of the boundaries of the Town of Coeymans or the Town of New Baltimore, as long as said Town of New Baltimore maintains a contract with said Town of Coeymans to allow its residents to use the Town of Coeymans Landfill site, is unacceptable matter for purposes of dumping or disposal at the Town of Coeymans Landfill site.

#### **§ 109-5. Hours of operation.**

A. The regular hours of operation of the landfill are as follows: Thursday, Friday and Saturday 9:00 a.m. to 3:00 p.m. All vehicles must be off the landfill premises by these closing hours.

B. The landfill will be closed on the following days: New Year's Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas. No trespassing is allowed at the landfill site after the regular dumping hours.

#### **§ 109-6. Additional regulations.**

During the life of this landfill there may be imposed upon the Town of Coeymans by either state or federal agencies mandated rules and regulations relating to solid waste disposal. It is expressly implied through this chapter that any or all of such additional governmental regulations that may hereafter come into existence have the same force and effect as though fully enumerated herein.

#### **§ 109-7. Penalty for offenses.**

A. Use of the landfill by any person other than one authorized in § 109-2 herein will result in the violator being criminally prosecuted for the commission of a violation and shall, upon conviction thereof, result in a penalty or fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment for each and every offense.

The commission of a single act prohibited by this chapter shall constitute a separate violation hereof, and each day of such violation shall constitute a separate offense, punishable as such.

B. In addition to the criminal action stated above for the use of the landfill by an unauthorized person, the Town of Coeymans may subject said violator to a civil penalty or fine payable to the Town of Coeymans in the amount of \$100 for each such offense. The failure of an authorized user of the landfill to adhere to the above-enumerated rules may result in the revocation of that user's dumping permit. Further, the use of the landfill by an authorized user in an unacceptable manner as stated in § 109-3 or 109-4 herein may result in said user being prosecuted in either or both of the manners set forth above.

## **CHAPTER 114. MOBILE HOME PARKS**

- § 114-1. Definitions.
- § 114-2. Permits; fees.
- § 114-3. Annual permit required for existing and approved mobile home parks or trailer parks.
- § 114-4. Location; area and space requirements; general layout.
- § 114-5. Roadways; parking.
- § 114-6. Sanitation.
- § 114-7. Insect, rodent control and brush control.
- § 114-8. Electric installation and outlet requirements.
- § 114-9. Alterations, additions and accessory structures.
- § 114-10. Service buildings necessary to accommodate trailers.
- § 114-11. Exceptions.
- § 114-12. Applicability to existing parks.
- § 114-13. Inspection and supervision.
- § 114-14. Penalties for offenses.
- § 114-15. Higher standards to prevail.
- § 114-16. Variances.
- § 114-17. Transferability of permit.
- § 114-18. Revocation of license or permit.
- § 114-19. Environmental considerations.

## **CHAPTER 114. MOBILE HOME PARKS**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 3-28-1978. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Building construction and fire prevention — See Ch. 71.  
Mobile home requirements for flood damage prevention — See Ch. 93.  
Sewers — See Ch. 134.  
Subdivision of land — See Ch. 145.  
Zoning — See 165.

### **§ 114-1. Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meaning ascribed to them in this section.

#### **ACCESSORY STRUCTURE**

Any structural addition to said mobile home which includes, but is not limited to, awnings carports, porches, storage cabinets, mailboxes and similar appurtenant structures.

#### **ANNUAL PERMIT**

A written permit issued annually by the Building Inspector permitting a person, partnership or corporation to operate and maintain a mobile home park or trailer park under this chapter.

#### **BUILDING INSPECTOR**

The Town Building Inspector duly appointed by the Town Board.

#### **COMMON WAY**

Any path, area or space designated for joint use of those occupying the mobile home park.

#### **INITIAL PERMIT**

A single license granted on the initial application for a permit to construct, erect, operate, maintain and install a mobile home park.

#### **MOBILE HOME**

Any vehicle or structure used or so constructed as to permit its being towed on a public street or highway and/or used as a conveyance on the public streets and highways, whether licensed as such or not, and constructed in such a manner as will permit occupancy thereof as a dwelling or permanent living quarters (sleeping place) for one or more persons, and provided with a toilet and bathtub or shower and electrical and plumbing connections to outside systems whether to be placed on a foundation or not. New mobile homes sited in the town must meet the standards of construction set forth in the State Code for the Construction and Installation of Mobile homes and the Uniform Code of Construction and Installation Standards for Mobile Homes of the State of New York. At such time as the town may establish a building code, Editor's Note: See Ch. 71, Building Construction and Fire Prevention. all mobile homes within the jurisdiction shall come under this chapter. This definition of mobile home includes all additions which are purchased or added thereto or additions made subsequent to installation.

#### **MOBILE HOME OR TRAILER SPACE**

A plot of ground within a mobile home park or trailer park designated for the accommodation of one mobile home or one trailer.

#### **MOBILE HOME PARK**

A plot of ground on which two or more mobile homes occupied for dwelling or sleeping purposes are located, placed and used as dwellings.

**RECREATION AREA**

An area equal to at least 10% of the gross land area but not less than a minimum area of at least one acre set aside for common use of the occupants of the mobile home or trailer park for diversionary purposes. The land shall be landscaped, cleared, adequately drained, conveniently located and shall be included in the sanitary maintenance of the park. The topography shall be suitable for recreation purposes.

**SERVING BUILDINGS**

A structure housing a toilet(s), lavatory or other such facilities required by this chapter.

**SEWER CONNECTION**

The connection consisting of all pipes and appurtenances for the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home park.

**SEWER RISER PIPE**

That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home space.

**SHALL**

Indicates that which is required by the provisions of this chapter.

**TRAILER**

Any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling for travel, recreational and vacation uses or sleeping place for one or more persons. A "trailer" under this chapter shall also mean tent trailers, truck campers or other sleeping facilities other than a mobile home and/or what normally constitutes a permanent dwelling unit.

**TRAILER PARK**

Any lot, piece or plot of ground on which two or more trailers occupied for sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

**WATER RISER PIPE**

That portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home space.

**§ 114-2. Permits; fees.**

For new mobile homes or trailer parks, expansions or alterations of existing mobile home parks or trailer parks, the following regulations shall apply.

**A. Initial permit.**

(1) All initial applications for permits shall be made to the Planning Board, and application for renewals for existing valid permits shall be made to the Building Inspector. Upon approval of the Planning Board and compliance with regulations of the New York State Health Department and approval of the Albany County Health Department, issuance of the permit shall be by the Building Inspector and shall be contingent upon compliance with all sanitary laws and regulations of the State of New York and approval by a majority vote of the Town Planning Board and compliance with this chapter. A public hearing must be held prior to action by the Town Planning Board. The public hearing shall be announced in the official Town Newspaper at least two successive weeks prior to the meeting.

(2) Preliminary applications for new mobile home parks or trailer parks, expansions or alterations of existing parks shall be made by presenting to the Planning Board a sketch diagram of the park area, outlining dimensions of the park, boundaries, spaces, roads, entrances, exits, accessory buildings, parking areas, wooded areas, wetlands, watercourses and abutting highway roads and landowners. Information shall also be provided on water supply and sewage disposal location and design. The sketch diagram shall be drawn approximately to scale. No fee shall accompany the initial sketch diagram.

(3) Within five weeks after the preliminary application is presented, the Town Planning Board shall notify the applicant of its approval or conditional approval or disapproval of the preliminary application. Reasons for any disapproval shall be provided by the Board. Thereafter, the applicant shall make final application as provided in § 114-2B below. Final application shall be submitted within one year of the date of approval of the preliminary application. Failure to submit final application within the prescribed period shall require the applicant to submit a new preliminary application. In the event the preliminary application is conditionally approved, the applicant may submit a final application, complete with all changes, alterations and additions noted by the Town Planning Board on the preliminary location, together with all other requirements of the final application. Final plans shall be reviewed by the Town Environmental Management Board prior to action by the Town Planning Board. Where appropriate, the County Planning Board shall have an opportunity to review plans.

**B. Permit: method of final application and requirements.**

(1) Final applications for permits shall be in writing, sworn to and signed before a notary public by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner thereof, together with six complete sets of plans drawn to scale to adequately illustrate the details of the proposed site (one set will be returned to the developer upon approval). Final plans shall be prepared under the supervision of

a professional engineer or architect or landscape architect licensed by the State of New York and shall bear the seal and signature of this professional licensed individual. The name and address of each partner shall be provided if the applicant is a partnership; or the name and address of each officer and director if the applicant is an association or corporation.

(2) The plan shall show the location of the proposed park and shall include but not be limited to:

(a) Area; dimensions; adjacent owners; structures.

[1] The area and dimensions of the tract of land included in the proposed mobile home park and any additional lands held in common title and the name of all adjacent landowners, together with the dimensions of all setbacks.

[2] Position of structures within 200 feet of adjacent properties.

(b) The maximum number, location and size of all mobile home spaces.

(c) The location of any existing buildings and any proposed structures.

(d) The location and width of roadways, traffic flow, entrances and exits.

(e) The location of water systems and sewer lines and the sewage disposal systems within the site and the location of all existing public and private water and sewage systems adjacent to the site, as well as solid waste storage.

(f) The method and plan for electric lighting, including streetlighting.

(g) Proposed electrical and telephone utilities within the site.

(h) Circulatory traffic flow or a turnaround with 110 feet diameter.

(i) Modified topographic contours of the land showing the finished grade of all land surfaces within the proposed park, and landscaping to be performed and wooded areas.

(j) Inset diagram showing a cross-section of proposed roadway construction within the mobile home park.

(k) Surface water drainage such as any proposed stormwater facilities, including drainage channels, runoffs and watercourses, as well as existing wetlands and areas subject to flooding.

(l) Proposed location of required screening adjacent to public roads and signs.

(m) Legend explaining symbols on final application map.

(3) The town has the discretionary authority to inquire into the financial ability of a developer and/or applicant to implement his plans.

(4) Final application for new mobile home parks or trailer parks or expansions of existing parks shall be accompanied by a fee paid to the Town Clerk of \$100. An additional \$10 fee shall be paid to the Town Clerk for each approved mobile home space or trailer space before issuance of a final permit.

(5) The mobile home park or trailer park owner shall begin construction of the proposed new park or expansion of existing park within one calendar year following final approval and issuance of a permit by the Planning Board. Any construction not completed within three calendar years after approval by the Planning Board shall be grounds for the permit to become null and void unless the particular circumstances of said applicant warrant the Planning Board to grant an extension.

C. In the event that an initial permit is granted to an applicant and that prior to or during construction and before the completion of the mobile home park or trailer park the premises for the intended park is sold or transferred or there is any change in ownership of said premises proposed for the mobile home or trailer park, then the new owners shall submit to the town a sworn statement setting forth the nature of the change of ownership, its effective date as well as a statement that the new owner(s) intend to complete the mobile home or trailer park in accordance with the initial application and requirements of this chapter.

### **§ 114-3. Annual permit required for existing and approved mobile home parks or trailer parks.**

**[Amended 6-25-2001 by L.L. No. 4-2001]**

A. It shall be unlawful for any person to construct, maintain or operate any existing and approved mobile home park or trailer park within the limits of the Town of Coeymans unless the owners, partnership or corporation (he or she or any firm) holds a valid permit issued annually by the Building Inspector in the name of such person or persons or firm for the specific mobile home or trailer park.

B. Application for an annual permit shall be made to the Town of Coeymans Building Inspector on forms supplied by the town on or before the first day of June of each year. The annual permit shall be for a period from the first day of July of each year to the 30th day of June the succeeding year.

C. The annual cost of this permit shall be \$10 per mobile home space and/or trailer space, payable on or before June 30 of each year.

**§ 114-4. Location; area and space requirements; general layout.**

A. Location. Mobile home parks and trailer parks may be located only in the areas permitting this land use, except if a variance is granted. No mobile home in a park may be located closer than 50 feet to any public right-of-way and no trailer in a park closer than 50 feet to any public right-of-way.

B. Area requirements. The area of a new mobile home park or trailer park shall be proven to be at least five acres and large enough to accommodate:

- (1) The designated number of spaces.
- (2) Necessary streets or roadways.
- (3) A green strip to adjacent private uses at least 25 feet deep and 50 feet from public right-of-way, appropriately landscaped.
- (4) Sanitary requirements of the Albany County Health Department.

C. Space requirements; stands and skirts.

(1) Each single mobile home space shall be at least 50 feet wide and 100 feet deep and each trailer space 30 feet wide and 60 feet deep, and each space shall possess a driveway with an unobstructed access to a common way within the park. Such spaces shall be clearly defined and mobile homes shall be so located that a minimum of 20 feet clearance exists between any part of the mobile home and any adjacent mobile home or trailer. Mobile home parks which accommodate 10 or more mobile homes shall provide at least one recreation area consisting of at least 10% of the gross site area of the mobile home park with a minimum area of not less than one acre.

(2) Mobile home stands. The mobile home stand shall be improved to provide adequate support and space for the place and tie-down of the mobile home. The stand shall be designed to not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure.

(3) The mobile home stand shall be improved, graded for adequate drainage, permanently marked off by posts, pins, monuments, permanent markers or painted markings.

(4) The mobile home stand shall be provided with anchors, tie-downs, such as cast-in-place concrete "dean men" eyelets imbedded in concrete, screw augers, arrowhead anchors, or other devices at each corner of the stand to ensure the stability of the mobile home.

(5) Unless a variance is granted, the mobile home shall be enclosed by a skirt securely fastened and extending from the outside wall of the mobile home to the pad, and constructed of a material capable of withstanding the weather elements over extended periods of time. No skirt shall be required where a perimeter foundation fully encloses the area between the mobile home and ground level.

(6) No double size mobile homes shall be placed on a mobile home space or stand designed for a nondouble size mobile home.

D. Mobile home or trailer space availability required. It shall be illegal to allow any occupied mobile home or trailer to remain in a mobile home or trailer park unless a mobile home or trailer space is available. No mobile home or trailer space shall be used as a parking or storage area for boats, campers, snowmobiles, motorcycles or other recreational vehicles not used by the owner as a primary mode of transportation.

#### **§ 114-5. Roadways; parking.**

A. For fire prevention and protection, every mobile home and trailer park shall have access to a public street by means of a private entrance not less than 24 feet wide. In a mobile home park, a minimum width of 18 feet shall constitute all roads. All roads shall be finished with hard-surfaced pavement in accordance with town highway standards. Editor's Note: See Ch. 125, Road Specifications. In a mobile home and/or trailer park roadways shall be well-drained, hard-surfaced or paved and maintained in good condition. All roadways shall be lighted at night and shall have a light intensity at the center of the roadway of no less than two footcandles. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on abutting streets and roads. Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 60 feet. No intersecting streets within the park shall have any angle of intersection less than 80°. Where appropriate, plans must be reviewed by either the Town or County Highway Departments or New York State Transportation Department.

B. At least one off-street parking space shall be provided on each mobile home lot. Such space shall have a minimum width of nine feet and a minimum length of 20 feet. The parking space should be of comparable hard surface to the proposed roadways. Additional off-street parking spaces shall be provided in a convenient location for guest and service vehicles.

C. In the alternative, all parking may be provided for all mobile home spaces at two or more centrally located parking areas accessible and conveniently located to all mobile home spaces. These parking areas shall be so designed so that they complement and aesthetically benefit the mobile home park as well as contribute to the common scheme of the mobile home park. If this design is followed, two parking spaces shall be provided for each mobile home space, and no combination of on-lot parking and centrally located parking shall be allowed.

#### **§ 114-6. Sanitation.**

A. Water supply requirements. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home or trailer park. A minimum rate of 200 gallons per day per site shall be provided with a minimum pressure of 20 pounds per square inch at highest ground elevation at peak demand. Except as noted, only drinking water shall be supplied to accessory building or structures used by the occupants of the premises for culinary and lavatory purposes. Other sources when supplied to toilets and urinals shall not be connected with the drinking supply or available at any taps on the property. A water service connection consisting of a service box with a shutoff valve installed below the frost line and a three-fourths-inch diameter riser shall be supplied to each lot. Surface drainage shall be diverted from the connection.

B. Fire protection. Adequate fire protection shall be provided in conformity with local fire regulations.

C. Plumbing. All plumbing in the mobile home or trailer park shall comply with state and town plumbing laws and regulations and shall be maintained in good operating condition.

D. Sewage disposal. Editor's Note: See also Ch. 131, Septic Systems; and Ch. 134, Sewers. Mobile home or trailer parks shall be serviced by a public sewage system or by a private disposal system which meets the sewer requirements of the state, county and town. Sewage disposal systems shall be designed on a minimum flow of 200 gallons of waste per day per mobile home lot where a community or public sewer system is provided. Each lot shall be provided with a four-inch sewer pipe below the ground surface and a riser pipe. The three-inch connecting pipe from the mobile home to the riser pipe shall be noncollapsible and semirigid. All connections shall be watertight, and provisions shall be made for plugging the sewer riser pipe when the mobile home space is not occupied by a mobile home. Final plans must be reviewed and approved by the County Department of Health prior to Planning Board approval becoming effective.

E. Refuse and garbage disposal. Editor's Note: See also Ch. 138, Solid Waste. The storage, collection and disposal of refuse in a mobile home or trailer park shall not create health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution. All refuse and garbage shall be stored in flytight, rodentproof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing.

F. Reporting of communicable diseases. Every mobile home or trailer park operation shall maintain a register containing a record of all occupants using the park. Such register shall be available to any authorized person inspecting the park, and shall be preserved for a period of at least one year. Such register shall contain the names and addresses of all mobile home or trailer occupants stopping in the park. Every owner, operator, attendant or other person operating a mobile home or trailer park shall notify the local Health Officer immediately of any suspected communicable or contagious disease within the mobile home park. In the case of disease diagnosed by the physician as quarantinable, such owner, operator, attendant or other person operating the mobile home park shall notify the Health Officer of the departure or the proposed departure of a mobile home or its occupants.

#### **§ 114-7. Insect, rodent control and brush control.**



A. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the state and county health authorities.

B. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

C. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground.

D. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

E. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison oak, poison ivy, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

F. Lawn or natural ground cover shall be provided in those areas not used for the placement of mobile homes, buildings, walkways, roads or parking areas.

**§ 114-8. Electric installation and outlet requirements.**

An electrical service supplying at least 200 amps, 220 volts shall be provided for each mobile home space. Each trailer space shall be serviced with a minimum of 110 volts. All installations shall comply with all State and Fire Underwriters Electrical Codes. Electrical outlets shall be weatherproof. No mobile home park power line shall be permitted to lie on the ground. Underground utility installation may be permitted. Each mobile home lot shall be provided with a State and Fire Underwriters Electrical Code approved disconnecting device and overcurrent protective equipment.

**§ 114-9. Alterations, additions and accessory structures.**

A. Alterations and additions must comply with the effective town and state codes and ordinances.

B. Accessory structures shall remain as per definition dependent upon the mobile homes and shall not be used as complete independent living units with permanent provisions for sleeping, cooking and sanitation. Such structures shall be erected, constructed or occupied on a mobile home lot as directed by the management of the mobile home park as specified herein. In addition:

(1) Accessory structures shall be designed in a manner that will not detract from the appearance of the mobile home park.

(2) Accessory structures shall not obstruct required openings for light and ventilation of the mobile home and shall not prevent inspection of mobile home equipment and utility connections.

(3) Mailboxes shall be clustered attractively at the ends of streets and located for the safe and easy access for the pickup and delivery of mail. They shall not be located on any public right-of-way or road.

**§ 114-10. Service buildings necessary to accommodate trailers.**

A. Flush-type toilets.

(1) Minimum distance from mobile homes and trailers. Flush-type toilets shall be placed in buildings which are not more than a distance of 250 feet nor less than 15 feet away from any mobile home or trailer or any other structures.

(2) All areas shall be provided with the following facilities:

(a) One toilet for each sex for each 10 sites shall be provided. Urinals shall be provided. Up to 1/2 the male toilets may be urinals. A minimum of two toilets for each sex shall be provided.

(b) Lavatories or other hand-washing facilities shall be provided at a ratio of one for each 15 sites (without water and sewage hookups) for each sex.

(c) Showers shall be provided at all campgrounds or trailer parks of 75 or more and must be served with hot and cold or tempered water between 90° and 110° F. and be available at a ratio of two showers for each 50 sites for each sex.

(d) Utility sinks shall be provided. The sink should be near the door if located within a building where they can be utilized for the disposal of dishwater brought in buckets.

(e) Where individual water hookups and sewage disposal facilities acceptable to the permit issuing official are provided, the ratio shall be one toilet and lavatory for each sex for every 40 sites within 500 feet of each site. No service building shall be located within 75 feet of any public or state highway.

B. Lighting requirements. The building shall be lighted with a light intensity of two footcandles (lumens) measured at the darkest corner of the room.

C. Construction requirements. The building shall be a permanent structure of impervious material, adequately ventilated and heated and with all openings to the outside effectively screened and be supplied with a floor drain and comply with the town and state requirements.

#### **§ 114-11. Exceptions.**

None of the provisions of this chapter shall be applicable to the following:

A. The business of mobile home or travel trailer sales.

B. The storage or garaging of mobile homes or travel trailers not being used for living or sleeping purposes within a building or structure or to the storage of one unoccupied as the mobile home or travel trailer on premises occupied as the principal residence by the owner of such mobile home or travel trailer; provided, however, that such unoccupied mobile home or travel trailer shall not be parked or located between the street line and the front building line on such premises.

C. A mobile home or travel trailer located on the site of a construction project, survey project or other similar work project and which is used solely as a field office or work or toolhouse in connection with such project, provided that such mobile home or travel trailer is removed from the site within 30 days after the completion of such project.

D. A sectional or modular house which is prefabricated in sections or modules, transported to the building site then fastened together, and placed on a permanent and totally enclosed masonry foundation.

#### **§ 114-12. Applicability to existing parks.**

This chapter shall apply to any existing or approved mobile home park or trailer park lawfully in existence on the date of the amendment of this chapter in 1978 but they shall not be required to comply with § 114-2A and B and the amendments of §§ 114-4, 114-5, 114-6, 114-7, 114-8 and 114-9 (formerly Sections 4, 5, 6, 7, 8 and 9 of the ordinance of September 5, 1969) as long as the physical characteristics, configuration, capacity and design remain the same and unless state, county, or town health, safety or sanitary laws or regulations require adherence to higher standards. Unless otherwise stated, mobile home and trailer parks with permits granted under the ordinance of September 5, 1969, shall continue to comply with the terms of that ordinance. The terms of the annual renewal for existing or approved parks are described in § 114-3. Any addition, extensions or enlargements of existing parks shall comply with all the provisions of this chapter. Applications for extensions or enlargements shall be made as provided in § 114-2A and B. A park operating under any temporary permit shall be maintained and operated in compliance with all the provisions of this chapter except as it has been heretofore excused or a variance granted.

#### **§ 114-13. Inspection and supervision.**

A. Inspection of mobile home parks. The Building Inspector is hereby authorized and directed to make inspections to determine the conditions of mobile home and trailer parks located within the Town of Coeymans annually in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The Building Inspector or his duly authorized representative shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

B. Supervision of mobile home parks. It shall be the responsibility of the owner or operator of the mobile home park to see that all facilities are kept in good working order and in good repair. This includes water supply facilities, sewage disposal facilities, grounds and any other facility, equipment, appliances or appurtenances pertinent to the normal operation of the mobile home park and trailer park. The mobile home park or trailer park supervisor is required to prohibit residents from keeping easily combustible materials beneath mobile homes as a fire prevention precaution and to request mobile home occupants to examine the condition of heating tapes used beneath trailers at the beginning of each heating season. The mobile home park operator shall require residents to use the off-street parking facilities and not permit on-street parking unless allowed under this chapter.

C. The park occupant shall comply with all applicable requirements of this chapter and regulations issued hereunder and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition. The

park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limit of any mobile home lot. Editor's Note: See also Ch. 60, Animals, Art. 1, Dog Control.

D. A mobile home shall not be occupied for dwelling purpose unless it is properly placed on a mobile home stand and connected to water, sewage and electrical utilities.

E. The permit certificate and a copy of this chapter shall be conspicuously posted in the office or on the premises of the mobile home park at all times.

#### **§ 114-14. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1). Any person, firm or corporation who willfully violates any provision of this chapter may, upon conviction, be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both. Each day's failure to comply with any such provision shall constitute a separate violation. The application of the above penalty or penalties or the prosecution for a violation of the provisions of this chapter shall not preclude or prevent the revocation of any permit.

#### **§ 114-15. Higher standards to prevail.**

In any case, where a provision of this chapter is found to be in conflict with a provision of any ordinance or code of the Town of Coeymans, County of Albany or the State of New York existing on the effective date of this chapter, the provisions which establish the higher standard for the promotion and protection of the health and safety of the people shall prevail.

#### **§ 114-16. Variances.**

Where there are practical difficulties, unusual circumstances or design innovations involved, the Planning Board may, upon written appeal from any person applying for an initial mobile home park permit under the terms of this chapter, grant variances from any of the provisions and regulations of this chapter relative to design and construction of said mobile home park, except those regulations related to County or State Health Department requirements. In considering an appeal, the Board shall be guided by the circumstances of the situation and the intent of the applicant, and shall act so as to protect the best interests of the community.

#### **§ 114-17. Transferability of permit.**

Any annual permit granted under this chapter may be transferred or assigned, provided that the assignee shall notify the Town Building Inspector in writing of his complete and proper name, address and telephone number on or before the date of said assignment.

#### **§ 114-18. Revocation of license or permit.**

If the Town Planning Board or Building Inspector, upon inspection, finds that such facility is not being conducted in accordance with the regulations applicable to such uses under the provisions of this chapter, the Building Inspector shall serve upon the holder of such license an order in writing, directing that the conditions therein specified be corrected starting with five days after the serving of such order and completed within 30 days thereof. If after the expiration of such period, such conditions remain unchanged or are not corrected in accordance with the order of the Building Inspector, he shall serve notice in writing upon such person requiring the holder of such license to appear before the Town Planning Board, at a time and place to be specified in such notice, and show cause why such license or permit should not be revoked. The Town Planning Board may have a hearing and revoke the annual permit and/or the initial permit or license if the holder of such permit or license has violated any regulations applicable to such facility or has violated any of the provisions of this chapter. Upon the revocation of such license or permit, the premises shall forthwith cease to be used for said purposes and all occupants shall be removed therefrom. In the event of violation of any part of the State or County Sanitary Code or regulations, revocation of a license or a permit will be coordinated with County Health Department personnel.

#### **§ 114-19. Environmental considerations.**

In order to maintain the beauty and environmental balance of the Town of Coeymans, each mobile home park owner shall, in designing, constructing and maintaining a mobile home park, comply with and promote each of the following requirements:

A. The general design, construction and maintenance of the mobile home park shall be architecturally and aesthetically beneficial and complementary to the Town of Coeymans in general and the abutting lands.

B. Whenever possible, trees, shrubs, and grass shall be retained and maintained in their natural state.

C. Each mobile home park shall be designed, constructed and maintained to ensure optimum conservation, preservation, development and use of the scenic, aesthetic, wildlife, recreational, historical, ecological and natural resources of the Town of Coeymans.

D. Each mobile home park and trailer park owner shall make an optimum effort to comply with each of the aforementioned requirements.

## CHAPTER 125. ROAD SPECIFICATIONS

- § 125-1. Title.
- § 125-2. Purpose.
- § 125-3. Application for dedication or acceptance of roads and streets.
- § 125-4. Regulations for streets offered for dedication.
- § 125-5. Arrangement of streets.
- § 125-6. Definitions: word usage.
- § 125-7. Street locations.
- § 125-8. Street widths.
- § 125-9. Sidewalks.
- § 125-10. Streetlights.
- § 125-11. Reserve strips prohibited.
- § 125-12. Property lines at street corners.
- § 125-13. Dead-end (cul-de-sac) streets; collector and commercial streets.
- § 125-14. Street grades.
- § 125-15. Angles.
- § 125-16. Intersecting streets.
- § 125-17. Improvements.
- § 125-18. Right-of-way monuments.
- § 125-19. Specifications prior to being offered for dedication.
- § 125-20. Guide rails.
- § 125-21. Service streets; loading and parking areas.
- § 125-22. Engineering inspections.
- § 125-23. State and county approval.
- § 125-24. Light poles; telephone and cable conduits.
- § 125-25. Recommendation to accept streets.
- § 125-26. Improvements required prior to acceptance of street and prior to issuance of building permits.
- § 125-27. Effect on other provisions.
- § 125-28. Short title.

## **CHAPTER 125. ROAD SPECIFICATIONS**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 5-24-1993. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Streets and sidewalks — See Ch. 142.

Subdivision of land — See Ch. 145.

#### **§ 125-1. Title.**

Editor's Note: See also § 125-28, Short title. This chapter is entitled "Requirements and Procedures for Acceptance and Dedication by the Town of Coeymans of Streets or Highways in the Town of Coeymans."

#### **§ 125-2. Purpose.**

The purpose of this chapter is to promulgate a policy for accepting a dedication of streets, thoroughfares, and or highways, and to outline the required sequence of steps in conjunction with proposed street construction and dedication in the Town of Coeymans, Albany County. Editor's Note: The definition of "street" and description of word usage, which immediately followed this paragraph, was moved to § 125-6 during the process of codification.

#### **§ 125-3. Application for dedication or acceptance of roads and streets.**

A. Applications requesting dedication and/or acceptance of roads shall be made in writing to the Town Board, the Town Superintendent of Highways and the Town Planning Board.

B. All applications for the dedication of a street to the Town of Coeymans shall be accompanied by a proposed warranty deed, together with a proper title search covering at least 30 years up to the time application is made and also a tax search or lease.

C. Deeds of streets to be dedicated must clearly indicate the name of the street. An individual deed will be required for each street and each easement.

D. If said street is part of a phased subdivision before the Planning Board a separate deed for the highway and related easements shall be presented for each phase section, with the final phase section deed describing all previously presented deeds for the highway.

E. All applications shall be accompanied by five copies of the subdivision or road or street plan with profiles of each street shown, with existing and proposed grades as outlined below. All subdivision and street maps shall contain the following data:

- (1) Be a minimum scale of one inch equals 50 feet.
- (2) Show contours based on USGS datum at intervals not greater than two feet, unless otherwise approved by the Town Board or Planning Board. The width of contour band shall be at least 20 feet each side of a proposed highway boundary.
- (3) Include a location plan at a scale of one inch equals 1,000 feet showing the location of the plot with relation to established streets.
- (4) Show all drainage areas tributary to the development.
- (5) Show all proposed connecting streets, roads or highways with profiles of such intersecting streets for a minimum of 200 feet beyond the proposed dedication.
- (6) Show right-of-way to be conveyed with a metes and bounds description. For a proposed subdivision, a separate supplementary map of that portion of streets, roads or highway to be conveyed shall be submitted showing building lots with appropriate survey data and restrictions and names of the abutting owners.
- (7) Show location of permanent survey monuments, set or to be set.
- (8) Show the proposed name of all streets or roads, and the proposed house numbers, if applicable.
- (9) Show a profile of the streets or roads at a horizontal scale of one inch equals 50 feet maximum, and a vertical scale of not less than one inch equals five feet, which shall show the original surface, finished grade and other pertinent information, such as existing or proposed drainage.
- (10) Show the proposed method of collection and disposal of surface waters, the size, grade and invert elevations of all proposed and existing inlet basins, culverts and/or storm sewers. Should it be proposed to use existing drainage structures so indicate on plans. Drainage structures shall be designed to be capable of conveying the following discharge as a minimum:
  - (a) A ten-year flood without static head at entrance; and
  - (b) A fifty-year flood utilizing the available head at entrance for depressed culverts; and twenty-five-year flood for all others.
  - (c) Minimum culvert size shall be 18 inches in diameter.
- (11) Show soil test pit locations and results to a depth of five feet below road center-line elevation at any given point or to groundwater, whichever is less, at least once for every 500 feet of road at the center line or at edge of pavement. This criteria may be considered for waiving by the Town Board, in cases where an existing road is being proposed for dedication.
- (12) Show a typical road section, cross-section conforming to the town's standard road sections and details.
- (13) All references to specifications and item numbers thereof shall pertain to New York State Department of Transportation Standard Specifications dated January 2, 1990, and all addendums thereof.

#### **§ 125-4. Regulations for streets offered for dedication.**

No street offered for dedication after the date of the passing of this chapter shall be accepted as a town street except if it should conform to the regulations hereinafter provided.

A. The owner or owners shall have the land comprising the street surveyed and mapped in accordance with the above standards by a licensed surveyor and a map thereof shall be filed in the Albany County Clerk's office or be in a form acceptable to be filed therein.

B. Utilities, water and sewers.

- (1) All underground utilities, if required, shall be installed in such street prior to acceptance by the town. Such underground utilities shall include storm sewers, water mains, gas mains, telephone, electric power and sanitary sewers. They shall be installed without expense to the town and under the overall supervision of the Town Highway

Superintendent. The water mains, sanitary sewer, drainage facilities and storm sewers shall be designed and installed in accordance with the town's requirements. The installation of water mains shall be under the supervision of the Superintendent of Highways and in accordance with acceptable town water main installation requirements working under the Superintendent of Highways and shall not be installed between November 15 and April 15 unless permission is granted by the Superintendent of Highways. The installation of sanitary sewers shall be under the supervision of the Superintendent of Sewers and the Superintendent of Highways and in accordance with acceptable town sewer installation standards and shall not be installed between November 15 and April 15 unless permission is granted by the Superintendent of Sewers.

(2) The developer or owner shall bear the cost of engineering reviews by the town, and the developer's engineer shall submit engineering proof of the proper installation and testing of all sanitary sewer and water lines prior to street dedication.

C. Prior to final Planning Board or Town Board approval (signing of the plans) the developer shall deposit sufficient moneys with the town or Supervisor to cover any costs of installation, testing and engineering review of all subdivision, such escrow deposit to be accompanied by a properly executed escrow agreement between the town and the developer. The developer shall not install said sewer and water facilities prior to depositing sufficient escrow if required.

#### **§ 125-5. Arrangement of streets.**

The arrangement of streets or highways hereinafter laid out shall, whenever possible, be in conformance with Article IV, § 145-18B, entitled "arrangement," of Chapter 145, Subdivision of Land of the Code of the Town of Coeymans.

#### **§ 125-6. Definitions; word usage.**

A. Whenever used in this chapter, the following words shall have the meanings indicated:

##### **BRIDGE**

Applies to any structure whether single or multiple span construction with a clear span in excess of 20 feet, measured along the center line of roadway from face to face of abutments or sidewalls.

##### **COLLECTOR STREET**

A street which serves or designed to serve as a traffic way for a neighborhood or as a feeder to a major street. Traffic both in weight and volume is appreciably greater than local street traffic.

##### **DEAD-END STREET OR CUL-DE-SAC**

A street or a portion of a street with only one vehicular traffic outlet.

##### **MAJOR STREET**

A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating area.

##### **MINOR STREET AND LOCAL RESIDENTIAL**

A street intended to serve primarily by passenger cars and light trucks which serve the dwelling. Only an occasional heavy vehicle is expected.

##### **STREET**

Means and includes streets, roads, avenues, lanes or other trafficways, between right-of-way lines.

##### **STREET PAVEMENT**

The wearing or exposed surface of the roadway used by vehicular traffic, shoulders excluded.

##### **STREET WIDTH**

The width of right-of-way, measured at right angles or tangent to the center line of the street.

B. The word shall is mandatory and not directory. Words used in the present tense include the future.

#### **§ 125-7. Street locations.**

All proposed street locations shall be reviewed in conjunction with the Superintendent of Highways and Town Planning Board for determination of designation of such street prior to first mapping of the same.

#### **§ 125-8. Street widths.**

A. Minimum width of street or highway right-of-way hereinafter laid out shall be as follows:

Street Type	Minimum Right-of-Way	Minimum Pavement
Major commercial	80 feet	24 feet / 8-foot shoulders
Collector street and local residential	60 feet	22 feet / 4-foot shoulders

B. These widths shall be measured to the lot lines on tangents and on the radial line on curves.

#### **§ 125-9. Sidewalks.**

Sidewalks may be required to be constructed along any and all streets or highways when the Town Board and the Planning Board feel they would be of benefit for that particular location.

**§ 125-10. Streetlights.**

Streets or highways may require streetlights installed by the developer in accordance with power company streetlighting specifications.

**§ 125-11. Reserve strips prohibited.**

Reserve strips of land, which might be used to control access from the proposed subdivision or street (dedication to any neighboring property or to any land within the subdivision and/or adjacent land) will not be accepted except where control of such strips is definitely placed in the town under the offer to dedicate.

**§ 125-12. Property lines at street corners.**

The property lines at all street corners shall be rounded or otherwise set back sufficiently to allow a radius on the property line of a minimum of 20 feet; and curbs, if required, shall be adjusted accordingly.

**§ 125-13. Dead-end (cul-de-sac) streets; collector and commercial streets.**

Where dead-end streets are designed to be permanent, they should in general not exceed 1,000 feet in length, and shall terminate in a circular turnaround or cul-de-sac having a minimum right-of-way radius of 60 feet and outside pavement radius of 40 feet.

**§ 125-14. Street grades.**

A. Street grades shall not exceed 6% nor be less than 0.5%. Street grades in excess of 6% but at no time greater than 10% may be constructed or accepted at the discretion of the Highway Superintendent, provided that there is a second means of ingress and egress on an accepted street with grades no more than 6% and being no more than a 3% grade within 50 feet of its intersection.

B. Change in grade. All changes in grade shall be connected by vertical curves of such length and curvature as meet the approval of the Town Engineers so that clear and safe visibility shall be provided for a safe distance, with minimum desirable stopping sight distance of at least 200 feet for minor streets and 300 feet for collector streets shall be required.

C. Steep grades and curves; visibility of intersection. A combination of steep grades and horizontal curves shall be avoided. In order to provide visibility for traffic safety, corner lots (whether at an intersection entirely within the subdivision or of a new street with an existing street) shall be so located and landscaped that the view will not be obstructed for a distance of 50 feet on each side of a corner lot.

**§ 125-15. Angles.**

A. As far as practical, acute angles between streets at their intersections are to be avoided.

B. In general, all streets shall join each other so that for a distance of at least 100 feet the intersecting street is approximately at right angles to the street it joins. Should existing terrain constraints create a hardship in meeting this requirement, the following shall apply:

(1) Where a deflection angle of more than 10° in a street occurs at any point between two intersecting streets, the connecting curve should have a radius of not less than 400 feet for collector streets and 250 feet on local residential and minor streets for the inner street line. The outer street lines must be parallel to the inner street lines.

C. The maximum degree of horizontal curve permitted for center-line road alignment will be 11° (radius 521 feet).

**§ 125-16. Intersecting streets.**

A. Intersecting streets shall be so laid out that blocks between street lines shall not be more than 1,200 feet in length or less than 500 feet unless an unusual topographic condition or efficient land use makes it a real hardship to keep within the limit.

B. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement throughout the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify at its discretion that a four-foot-wide paved footpath is included.

C. Intersections with collector or major arterial roads. Intersections of minor or local residential street openings into such roads shall, in general, be at least 500 feet apart.

**§ 125-17. Improvements.**

A. Fire hydrants. Installation of fire hydrants where required shall be in conformity with all requirements of standard thread and not as specified New York State Fire Rating Organization and the Division of Fire Safety of the State of New York.

B. Streetlighting facilities. Lighting facilities where required shall be in conformance with the lighting system of the town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized town electrical inspector. (See also § 125-10.)

C. Signs. Street signs shall be provided and installed by the developer in accordance with the requirements of the current New York State Department of Transportation Manual of Uniform Traffic Control Devices.

#### **§ 125-18. Right-of-way monuments.**

Sufficient right-of-way monuments shall be placed to properly reproduce the right-of-way for each and every street laid out. Right-of-way markers must be placed at all intersecting street lines and at such elevations as not to be distracting to the property or a danger to any individual or animal, but still be visible at all times for future reference. Monuments must be installed at the time of dedication, and appropriately shown on submitted survey maps.

#### **§ 125-19. Specifications prior to being offered for dedication.**

A. Prior to being offered for dedication to the town, all streets shall be completely graded, all underground utilities shall have been installed in accordance with all provisions of this chapter, base course of shale or gravel shall have been placed, graded and compacted and paving curbing and sidewalks as required shall have been installed in conformance with applicable standards as shown on "Highway Cross-Sections -- Town of Coeymans." Editor's Note: Said diagram is on file in the town offices. No road or street will be accepted by the Town of Coeymans until such time as the above conditions are met or appropriate escrow account is received by the town to insure completion of these requirements. (See § 125-25.)

B. The subbase materials, surface paving and curbing shall consist of the following materials:

(1) Gravel subbase shall consist of material described in place and rolled in conformance with New York State Department of Transportation Specifications of January 2, 1990, as most recently revised, and shall not be placed until the entire width of the road section is graded in accordance with the town's typical cross-section. Thickness of granular subbase or approved shale substitute section shall be as follows:

(a) Item 304.02 material ten-inch compacted or shale subbase fourteen-inch compacted (maximum particle size to be three inches), with one inch of screening or item 304.02 applied to the final surface (total thickness 15 feet).

(b) As an alternative, combinations of both of the above may be considered as approved by the Superintendent of Highways.

(2) Paving or subbase materials shall not be placed until all utilities are installed along with lot laterals and engineering certification of proper installation is forwarded to the Superintendent of Highways and the Planning Board by the gas company, telephone company, power company, sewer department and water department. Water, sewer and highway certification must be accompanied by an as-built drawing.

(3) Either asphalt plant mix or moto paved materials will be acceptable as roadway pavements. Asphalt concrete base course and wearing surface if used shall conform to Section 403.13 Hot Mix Asphalt Concrete Pavement of the above-mentioned specifications. Asphalt concrete pavement depths and thickness requirements are detailed in the town's standard road sections and details.

(4) Concrete curbing, if required, shall conform to New York State Department of Transportation specifications of January 1990, Item 609.04. Curbing shall be mountable type beginning two inches above the top of pavement. The town reserves the right to rescind the necessity of curbs.

(5) Culverts and storm sewers. Generally in a heavy residential area, storm sewers and curbs will be required. The distance of which water is allowed to run in open ditches will be determined in each individual case, depending upon the various factors involved. Storm sewers or drainage culverts where installed shall be of reinforced concrete pipe or corrugated metal pipe (preferably aluminum) and shall be laid on grades which will produce a velocity of not less than three feet per second nor more than 10 feet per second when flowing full; minimum acceptable grade is 0.5%.

(a) Reinforced concrete pipe shall conform to Item 706-0 of New York State Department of Transportation Specifications dated January 2, 1990, for reinforced concrete pipe, as required. In certain locations standard or extra strength concrete sewer pipe (nonreinforced), ASTM designation C-14, will be allowed. Corrugated metal pipe shall conform to Item 707-2 and shall be not less than the gauge recommended by the town's design criteria for corrugated steel round pipe and pipe arch culverts H-20 loading. All storm sewers shall be constructed



accurately to line and grade and shall be so constructed that all joints are sound and tight, or if designed to allow infiltration to lower the ground water level, shall be constructed in such a manner that will eliminate the entrance of sand through the joints. The design of stormwater inlets shall be in accordance with good engineering practice as approved by the Superintendent of Highways. Engineering certification of proper storm sewer installation and design must be submitted to the Superintendent of Highways prior to dedication.

C. At the time of roadway pavement placement, all proposed streets shall have the subbase material graded and continued to the full width and length of the road section as well as all frames and grates of catch basins and manholes established to grade. These grades shall be in conformance with the town's standard highway cross-sections.

D. The developer or owner submitting streets or highways for acceptance by the town shall obtain all necessary easements or rights-of-way for maintenance of any surface water flows caused by reason of the development or proposed dedication of said street or highway and by reason of the installation of culverts or surface drains. No street or highway will be accepted by the Town of Coeymans, nor approved by the Highway Superintendent, before such necessary easements or rights-of-way have been obtained and passed upon by the Attorney of the Town of Coeymans.

E. Utilities in streets. The Planning Board or the Town Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the pavement roadway and street line to simplify location and repair of lines when they require attention. Underground utility service connections to the property line of each lot shall be installed before the street is paved.

F. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street right-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

G. Watercourses.

(1) Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of adequate culverts or other structures of design approved by the Town Engineer.

(2) Where a road or street is traversed by a watercourse, drainage way, channel or stream beyond the proposed right-of-way, there shall be provided a stormwater easement or drainage right-of-way as required by the Town Engineer, and in no case less than 20 feet in width.

H. Bridges. Bridges if required shall be designed in accordance with accepted engineering standards by a licensed professional engineer. All existing bridges to be included in a dedication to the town shall be certified in writing by a licensed professional engineer to meet in all respects the current New York State Department of Transportation Standards for Highway Bridges.

#### **§ 125-20. Guide rails.**

Guide rails where required for highway ditch or culvert protection or as a general safety measure shall be placed as specified by the Superintendent of Highways. Guide railing will be required where embankment exceeds 10 feet in height, or for lesser embankment height where the slope of surface adjacent to the shoulders is less than a one on three.

#### **§ 125-21. Service streets; loading and parking areas.**

A. Service streets or loading space in commercial development. Paved rear service streets of not less than 20 feet in width, or in lieu thereof adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

B. Free flow of vehicular traffic abutting commercial development. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

#### **§ 125-22. Engineering inspections.**

To ensure compliance to approved plans and specifications of the town, the owner/developer shall provide competent engineering inspection to supervise the construction of any road improvement. When the developer has completed the streets, an engineer licensed to practice professional engineering in New York State shall certify in writing to the Town Board that he has supervised the improvements and that they conform to all approved plans, requirements and specifications of the town.

#### **§ 125-23. State and county approval.**

A. Approval in writing shall be obtained by the owners and/or developers from the New York State Department of Transportation where proposed streets or highways intersect state roads for its permission to connect said street with such roads.

B. Approval in writing shall be obtained by the owner and/or developer from Albany County Superintendent of Highways where proposed streets or highways intersect county roads for his permission to connect said streets with such proposed roads.

**§ 125-24. Light poles; telephone and cable conduits.**

Light poles, if required, shall be set in conformance with the standard typical cross-section of the town. Telephone and power cable conduits shall also be installed in conformance with standard typical cross-section. To eliminate conflict with existing utilities or those proposed for future installation, all trenches, holes, etc., required for the above work shall be carefully located in the field from existing property markers or from stakes set specifically for such purposes and their "as placed" location shall be shown on an as-built set of plans.

**§ 125-25. Recommendation to accept streets.**

If, in the opinion of the Town Superintendent of Highways and the Town Planning Board, the proposed streets or highways and drainage systems constructed by the owners and/or developer are completed in accordance with plans signed by the above town representatives, the Town Superintendent of Highways and the Town Planning Board will recommend to the Town Board that the streets be accepted within 45 days. The Town Board, at its discretion for the best interest of the town, may refuse to accept a proposed street or highway, notwithstanding that it conforms to all of the provisions of this chapter, if in its judgment the public interest will best be served by such acceptance and subject to such conditions as the Town Board may propose.

**§ 125-26. Improvements required prior to acceptance of street and prior to issuance of building permits.**

A. Before any street or highway shall be accepted for dedication and before any building permits are issued for dwelling abutting such proposed street or highway, the same shall be suitably improved to the satisfaction of the Town Highway Superintendent and the Town Board of the Town of Coeymans in accordance with the standards and specifications set forth and approved herein.

B. At that time, at the discretion of the Town Superintendent of Highways and the Town Planning Board, a cash escrow sufficient to cover the full cost of placing of pavement for streets, curbs and sidewalks, if required, as estimated by the Town Superintendent of Highways and the Town Board shall be furnished to the town by the person seeking to obtain building permits only after showing the Town Superintendent of Highways and the Town Board sufficient proof of such a need to build prior to street paving or dedication. In general, this will not be an acceptable practice but only considered where undue circumstances and hardship is shown.

C. Such cash escrow shall be in a sufficient amount to assure completion of the highway within a stated period of time and shall empower the Town Superintendent of Highways to utilize the moneys so posted to complete the highway as needed and if necessary.

D. The owner shall comply with the terms and provisions of the rules and regulations contained in this chapter and the requirements of the various cash escrow contracts.

**§ 125-27. Effect on other provisions.**

All previous regulations or resolutions affecting the acceptance and dedication of streets by the town are hereby rescinded, except Chapter 145, Subdivision of Land, of the Code of the Town of Coeymans, and as subsequently amended. In such cases where the requirements of the latter are different than this chapter, the more stringent shall apply.

**§ 125-28. Short title.**

This chapter shall be known and may be cited as the "Street or Highway Resolution of the Town of Coeymans."

## CHAPTER 131. SEPTIC SYSTEMS

- § 131-1. Licenses.
- § 131-2. Equipment.
- § 131-3. Sanitation standards.
- § 131-4. License fees.
- § 131-5. Identification.
- § 131-6. Revocation of license.
- § 131-7. Septic tank disposal.
- § 131-8. Other disposal.
- § 131-9. Time of disposal.
- § 131-10. Inspection.
- § 131-11. Penalties for offenses.

## **CHAPTER 131. SEPTIC SYSTEMS**

[HISTORY: Adopted by the Town Board of the Town of Coeymans 9-7-1961. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Sewers — See Ch. 134.

#### **§ 131-1. Licenses.**

No person, firm or corporation shall engage in the business of cleaning and servicing privy vaults, septic tanks, unsewered privies, pit privies or similar receptacles in the Town of Coeymans until such person, firm or corporation shall have first procured a license to do so from the Town Clerk of said town.

#### **§ 131-2. Equipment.**

No license shall be issued to any person, firm or corporation to engage in the business of cleaning and servicing privy vaults, septic tanks, unsewered privies, pit privies or similar receptacles in said town until said applicant as first filed with the Town Clerk of said town a description of the equipment owned or operated by said applicant. The Town Clerk shall have said equipment inspected by a duly authorized representative of the said town and if it meets the standards of sanitation required by this chapter, the Town Clerk shall issue a license to the applicant, provided that the other requirements of this chapter are complied with by the applicant.

#### **§ 131-3. Sanitation standards.**

The minimum sanitation specifications for equipment owned or operated by said applicant and disposal areas shall be the standards of sanitation as set forth by applicable health laws, rules and regulations of the State of New York and County of Albany and any other ordinances heretofore or hereafter adopted by the Town Board of said town.

#### **§ 131-4. License fees.**

The license fee for persons authorized to engage in the business of cleaning and servicing privy vaults, septic tanks, pit privies, unsewered privies or similar receptacles in the Town of Coeymans shall be \$5 per year for the use of one truck and one other truck solely for servicing privy vaults, septic tanks, pit privies, unsewered privies or similar receptacles and an additional \$5 per year for each additional truck owned or operated by the licensee in connection with the business or activities covered by this chapter. Said license fees shall be paid to the Town Clerk of said town. All licenses shall expire upon the 30th day of September each year. In no event shall any refund be made or any license fee.

#### **§ 131-5. Identification.**

All equipment and trucks owned or operated by said licensee shall have painted on them the name of the licensee and the license number of the license in a color easily discernible and in letters not less than two inches in height.

#### **§ 131-6. Revocation of license.**

All licensees under this chapter shall be required to perform the services of cleaning and servicing privy vaults, septic tanks, pit privies, unsewered privies or similar receptacles in the Town of Coeymans upon the request of any person, firm or corporation who desires such service and who promises or tenders payment for such services. Refusal to perform such service without good cause in the Town of Coeymans shall be grounds for revocation of the license or licenses held by said licensee by the Town Clerk.

#### **§ 131-7. Septic tank disposal.**

All equipment and trucks cleaning and servicing septic tanks shall dispose of all material therefrom at a designated manhole to be designated by the Town Board of the said town.

#### **§ 131-8. Other disposal.**

Materials from pit privies, privy vaults, unsewered privies, other receptacles except septic tanks and from septic tanks serving a produce house or packing plant shall not be dumped into the manhole designated above, but shall be disposed of by dumping into a hole or trench dug for that purpose and shall be immediately covered with not less than 24 inches of dirt. Said licensee shall first designate the location of disposal of the said materials to the Town Clerk of said town and obtain the

approval of the location by said town Clerk, whether said place of disposal be located within or without the Town of Coeymans.

**§ 131-9. Time of disposal.**

All materials from any receptacle included with this chapter shall be disposed of only during the daylight hours whether it be dumped into a designated manhole or any other disposal location.

**§ 131-10. Inspection.**

The Commissioner of Health of Albany County, the Town Clerk of the Town of Coeymans, and/or the duly authorized representative of either of them shall have the right of Inspection of all equipment, trucks and disposal areas at any reasonable hour they may desire to make such inspection. Failure of said equipment or trucks to meet the required sanitation requirements shall be grounds for revocation of any license or licenses to operate the same. Failure of any disposal area to meet the required sanitation standards shall be grounds for immediate disapproval of the further use of said disposal area by the Town Clerk.

**§ 131-11. Penalties for offenses.**

Any person, firm or corporation who shall violate any of the provisions of this chapter or who fails to comply with any of the provisions herein upon conviction thereof shall be guilty of a misdemeanor and punishable for a first offense by a fine not exceeding \$50 or by imprisonment for not exceeding six months, or both; and for a second or subsequent offense by a fine not exceeding \$250 or by imprisonment for not exceeding one year, or both. Each day such violation shall continue or be permitted to exist shall constitute a separate offense or violation.

## CHAPTER 134. SEWERS

### ARTICLE I. Sewer Rents

§ 134-1. Purpose.

§ 134-2. Area of applicability.

§ 134-3. Amount of rent to be determined annually.

§ 134-4. Payment schedule; late payments.

§ 134-5. Rent fund.

### ARTICLE II. Sewer Use

§ 134-6. Definitions.

§ 134-7. Purpose.

§ 134-8. Unlawful deposit of waste or garbage.

§ 134-9. Unlawful discharges into watercourses.

§ 134-10. New privies, septic tanks and cesspools prohibited.

§ 134-11. Use of public sewers required.

§ 134-12. Private sewage disposal systems.

§ 134-13. Connection required when public sewer becomes available.

§ 134-14. County requirements.

§ 134-15. Permit required prior to connection with public sewer.

§ 134-16. Residential/commercial service; service to producers of industrial waste.

§ 134-17. Industrial waste permit system administration.

§ 134-18. Separate building sewers required.

§ 134-19. Existing building sewers.

§ 134-20. Building sewer specifications.

§ 134-21. Size and slope of building sewer.

§ 134-22. Depth and grade of building sewer.

§ 134-23. Mechanical lift in lieu of gravity flow.

§ 134-24. Excavations.

§ 134-25. Joint specifications.

§ 134-26. Connection of building sewer to public sewer at property line.

§ 134-27. Inspections; notifications.

§ 134-28. Guarding of excavations; restoration of property.

§ 134-29. Manholes required for school, hospitals and similar institutions and commercial and industrial complexes.

§ 134-30. Sewer extensions.

§ 134-31. Construction of sewer extensions under contract permitted.

§ 134-32. Sewer extensions constructed by owners, builders or developers.

§ 134-33. Sewer design specifications.

§ 134-34. Exfiltration test.

§ 134-35. All constructed sewer extensions to become town property.

§ 134-36. Issuance of building permit dependent on approved waste disposal method.

§ 134-37. Prohibited discharges into sanitary sewers.

§ 134-38. Stormwater and unpolluted drainage; cooling water.

§ 134-39. Prohibited discharges into public sewer.

§ 134-40. Grease, oil and sand interceptors.

§ 134-41. Maintenance of interceptors; inspection.

§ 134-42. Discharges requiring review, approval and treatment.

§ 134-43. Maintenance of treatment facilities.

§ 134-44. Manholes required for significant industrial users.

§ 134-45. Measurements and tests based on manhole samples.

§ 134-46. Special agreements authorized.

§ 134-47. Standards to apply at point of discharge.

§ 134-48. Protection from accidental discharges required.

§ 134-49. Notification upon accidental discharge.

§ 134-50. Posting of number to call upon accidental discharge.

§ 134-51. Connections between waste system and plumbing system to be eliminated.

§ 134-52. Compliance with new and more stringent standards required.

§ 134-53. Authority to establish more stringent requirements.

§ 134-54. Dilution in lieu of treatment prohibited.

§ 134-55. Damage or tampering with sewerage works prohibited.

§ 134-56. Liability insurance required for sewer construction.

§ 134-57. Access to premises and records for inspection required.

§ 134-58. Notice for violations.

§ 134-59. Penalties for offenses.

§ 134-60. Action to prevent unlawful acts.

§ 134-61. Violators liable for expenses and damage.

§ 134-62. Penalties for false statements or falsifying monitoring devices.

§ 134-63. Orders to cease and desist.

§ 134-64. Revocation of wastewater discharge permit.

§ 134-65. License required to perform work; revocation of license.

## **CHAPTER 134. SEWERS**

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

### **GENERAL REFERENCES**

Septic systems — See Ch. 131.

Subdivision of land — See Ch. 145.

### **ARTICLE I. Sewer Rents**

**[Adopted 12-21-1970]**

#### **§ 134-1. Purpose.**

The purpose of this article is to establish a schedule of sewer rents and time for collection thereof for the Coeymans Hamlet Sewer District, Town of Coeymans, County of Albany, State of New York.

#### **§ 134-2. Area of applicability.**

The area within which such rent be paid and/or payable is hereby described as follows:

A. The Coeymans Hamlet Sewer District situated in the Town of Coeymans, Albany County, New York, comprises all of that tract or parcel of land described as follows:

Beginning at the northeasterly intersection of the northerly boundary line of the Village of Ravena and the easterly boundary line of the Village of Ravena; thence proceeding easterly along a theoretical extension of the northerly boundary line of the Village of Ravena a distance of 1,050 feet to a point in the center line of Coeymans Creek; thence proceeding easterly and southerly along the center line of Coeymans Creek as it winds and turns a distance of 3,950 feet more or less to a point in the westerly edge of the Hudson River, said point being the intersection of the westerly edge of the Hudson River and the center line of Coeymans Creek; thence proceeding southerly along the westerly edge of the Hudson River a distance of 4,350 feet more or less, to a point, said point being at the intersection of the westerly edge of the Hudson River and the northerly edge of the Hannacroix Creek; thence proceeding westerly along the northerly edge of the Hannacroix Creek a distance of 2,350 feet more or less to a point, said point being 200 feet more or less westerly of the westerly boundary line of Route 144; thence proceeding northerly parallel to and 200 feet distant westerly from the west boundary line of Route 144 a distance of 1,040 feet more or less to a point; said point being the southeasterly corner of St. Patrick's and Grove Cemeteries; thence proceeding generally northerly and westerly along the north boundary line of St. Patrick's and Grove Cemeteries a distance of 2,300 feet more or less to the southwesterly corner of said Cemeteries; thence proceeding westerly a distance of 1,250 feet more or less to the southeasterly boundary corner of the Village of Ravena; thence proceeding northerly along the easterly boundary line of the Village of Ravena a distance of 6,050 feet more or less to the point and place of beginning.

B. Also including all that parcel of tract of land situated southwesterly of the Village of Ravena and more particularly described as follows:

Beginning at a point in the southerly town of the Town of Coeymans, said point being 200 feet easterly of the center line of Route 9W; thence proceeding westerly along the southerly boundary line of the Town of Coeymans, a distance of 620 feet more or less to a point, said point being 300 feet more or less westerly of the west boundary line of Old Route 9W; thence proceeding northerly along a line parallel to and 300 feet more or less westerly from Old Route 9W a distance of 2,760 feet more or less to a point in the westerly boundary line of the Village of Ravena; thence proceeding southeasterly and southerly along the westerly boundary line of the Village of Ravena a distance of 1,890 feet more or less to a point, said point being the southwesterly corner of the Village of Ravena; thence proceeding southerly along a theoretical extension of the westerly line of the Village of Ravena a distance of 940 feet more or less to the point and place of beginning.

#### **§ 134-3. Amount of rent to be determined annually.**

**[Amended 12-27-1976]**

The Town Board shall annually fix and determine by resolution the amount of the sewer rental rent to be charged for each classification of property within the Coeymans Hamlet Sewer District.

**§ 134-4. Payment schedule; late payments.**

Such sewer rents shall be payable annually in two installments: 1/2 of such sewer rent shall be payable on the first day of January 1971; and the second installation shall be payable on the first day of July 1971, in each year, beginning in the year 1971. In the event that said sewer rent is not paid within 30 days from the due date, a five-percent penalty shall be added to the charge imposed upon the real property. The Town Clerk shall annually file with the Town Board a statement showing the unpaid rates, charges and fees for the Coeymans Hamlet Sewer District, containing a brief description of the property against which such sewer rents were imposed, the names of the persons or corporations liable to pay for the same and the amounts chargeable to each. In the event that the fee and penalty shall not be paid prior to the levy of town taxes, including taxes for special district purposes, then the Supervisor shall, pursuant to § 198, Subdivision 1(k), of the Town Law, transmit a statement of such delinquency to the County Legislature of the County of Albany which shall levy the sums against the property liable thereof.

**§ 134-5. Rent fund.**

A. The revenues derived from the rents as collected, including penalties and interest, shall be credited to a special fund to be known as the "Coeymans Hamlet Sewer District Rent Fund," which moneys shall be used for the following purposes:

- (1) For the payment of the costs of operation, maintenance and repairs of the Coeymans Hamlet Sewer District.
- (2) For the payment of interest on and amortization of, or payment of indebtedness which has or shall be incurred for, the construction or reconstruction of sewer systems within the said Coeymans Hamlet Sewer District.
- (3) For the construction of sewage treatment and disposal works with the necessary appurtenances thereto, including pumping station or stations, or for the extension, enlargement, replacement of, or additions to, the said Coeymans Hamlet Sewer District, or any part or parts thereof.

B. Such revenues shall be used only as aforesaid and in compliance with the provisions of § 453 of the General Municipal Law of the State of New York.

**ARTICLE II. Sewer Use**

**[Adopted 9-14-1982 by L.L. No. 2-1982]**

**§ 134-6. Definitions.**

A. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

**ADMINISTRATIVE BODY**

The duly appointed/elected Town Board of the Town of Coeymans or its authorized deputy or representative.

**ASTM**

American Society for Testing and Materials.

**BOD (DENOTING "BIOCHEMICAL OXYGEN DEMAND")**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in parts per million by weight.

**BUILDER**

Any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.

**BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

**BUILDING SEWER**

The extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER**

A sewer receiving both runoff and sewage.

**CONTAMINATION**

An impairment in 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.

**CONTRACTOR**

Any person, firm, or corporation approved by the Town Board to do work in the town.

**DEVELOPER**

Any person, persons or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

**ENGINEER**

The professional engineer retained for the Town of Coeymans.

**GARBAGE**

Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INDUSTRIAL USER**

Any industrial or commercial establishment with a classification as designated in the "Standard Industrial Classification Manual" 1972 edition, as published by the Executive Office of the President and who utilizes the services of the town's sewer system.

**INDUSTRIAL WASTES**

The liquid wastes from industrial processes as distinct from sewage.

**LOCAL GOVERNING BODY, TOWN BOARD OR LOCAL BOARD**

Town Board or Village Board.

[Added 8-14-1990 by L.L. No. 1-1990]

**NATURAL OUTLET**

Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**NYSDC**

The New York State Department of Environmental Conservation or other duly authorized official of said Department.

**NYSDOT**

The New York State Department of Transportation.

**OWNER**

Any individual, firm, company, association, society, person or group having title to real property.

**PERSON**

Any individual, firm, company, association, society, corporation, or group.

**PH**

The logarithm of the reciprocal of the concentration of hydrogen ions in grams-ionic weights per liter of solution.

**POLLUTION**

Man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

**POTW TREATMENT PLANT**

That portion of the municipal system which is designed to provide treatment (including recycling and reclamation) wastes received by the municipal system.

**PRETREATMENT**

The reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a 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 CRF 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 has been shredded to such degree that all particles will be carried freely under the flow condition normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

**PROPERTY LINE**

Curblin if the building sewer is to connect with the public sewer in a public street. "Property line" shall mean the edge of a sewer right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.

**PUBLICLY OWNED TREATMENT WORKS (POTW)**

A treatment works as defined by Section 212 of the Act (33 USG 1292). This 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 sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

**SANITARY SEWER**

A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

**SEWAGE**

A combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and stormwater as may be present.

**SEWER**

A pipe or conduit for carrying sewage.

**SIGNIFICANT INDUSTRIAL USER**

Any user who:

- (1) Has a discharge flow of 25,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow in the municipality's wastewater system;



- (3) Has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act;
- (4) Has been identified as one of the 21 industrial categories pursuant to Section 307 of the Act; or
- (5) Is found by the county to have significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

**SPDES**

Denotes 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 discharges to the waters of the state.

**STORM SEWER OR STORM DRAIN**

A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

**SUPERINTENDENT**

The Superintendent of the Sewer District of the Town of Coeymans, or his authorized deputy, agent or representative.

**SUSPENDED SOLIDS**

Solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.

**TOWN**

The Town of Coeymans, County of Albany, State of New York.

**USEPA**

The United States Environmental Protection Agency or, where appropriate, a designation for the administrator or other duly authorized official of said agency.

**WATERCOURSE**

A channel in which a flow of water occurs, either continuously or intermittently.

B. "Shall" is mandatory; "may" is permissive.

**§ 134-7. Purpose.**

The purposes of these rules and regulations are specifically stated as follows:

- A. To prohibit excessive volume and/or inordinate rates of flow of sewage and wastes into the town system and all sewers tributary thereto.
- B. To prohibit the contribution of sewage, 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 sewage, 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 system and sewers tributary thereto.
- D. To prohibit the contribution of sewage, industrial wastes or others wastes which may create operating difficulties at the 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 sewage, industrial wastes or others wastes which require for treatment at the plant, greater expenditures than are required for equal volumes of normal sewage.
- F. To require the pretreatment of 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 County Department of Health and any other agencies which have requirements or jurisdiction for the protection of the physical, chemical and bacteriological quality of watercourses within or bounding the town.
- H. To protect the public health and to prevent nuisances.

**§ 134-8. Unlawful deposit of waste or garbage.**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the town, or in any area under the jurisdiction of said town, any human or animal excrement, garbage or other objectionable waste. Exceptions may be granted by the administrative body to an owner or lessee acting in the normal course of farm or garden operations but only after specific application by such owner or lessee and upon such conditions as the administrative body may impose.

**§ 134-9. Unlawful discharges into watercourses.**

It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the town or in any area under the jurisdiction of the town, any sewage, industrial wastes or other polluted waters. Use of separate storm sewers and sanitary sewers is mandatory for all future construction in the town. No combined sewers will be allowed to be constructed in the future.

**§ 134-10. New privies, septic tanks and cesspools prohibited.**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

**§ 134-11. Use of public sewers required.**

The owners of any house, building or property, used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer is hereby required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after the date of official notice to do so, provided that said public sewer is located within 100 feet of the property line.

**§ 134-12. Private sewage disposal systems.**

Where a public sanitary sewer is not available under the provisions of § 134-11, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Albany County Department of Health, or ACDOH, dealing with septic tank installations.

**§ 134-13. Connection required when public sewer becomes available.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 134-11, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

**§ 134-14. County requirements.**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the Albany County Department of Health.

**§ 134-15. Permit required prior to connection with public sewer.**

**[Amended 8-14-1990 by L.L. No. 1-1990]**

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer thereof without first obtaining a written permit from the appropriate local government body of the town.

**§ 134-16. Residential/commercial service; service to producers of industrial waste.**

**[Amended 8-14-1990 by L.L. No. 1-1990]**

A. There shall be two classes of building sewer permits:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial waste.

B. In the case of residential and commercial services, the owner or his agent shall make application on a special form furnished by the appropriate local governing body. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the local governing body. Permit, tap-in and inspection fees for residential and commercial services shall be established by the Town Board and shall be collected by the Town Clerk at the time the application is filed.

C. In the case of establishments which produce industrial wastes, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer. The administrative body shall approve or disapprove the application prior to action by the local governing body. If the application is approved, the local governing body shall establish a permit, tap-in and inspection fee for each commercial, industrial or other nonresidential building as compared to the demands of a single residential structure. All engineering costs incurred by the local governing body for its separate engineering review shall be paid by the owner or his agent, or builder or developer.

**§ 134-17. Industrial waste permit system administration.**

In the case of a significant industrial user and all other establishments producing industrial waste, the permit system above mentioned shall be administered as follows:

A. The maximum period of discharge under a permit is three years. At the end of the three-year period, the permit holder must make application with the Town Clerk for renewal, extension and/or modification of the permit.

B. The terms and conditions under which a permit is granted is subject to modification by the Town Board. No modification of the permit's terms and conditions may be made without written notification to the permit holder. The terms and conditions of any modification should be sent by certified mail by the Town Clerk to the permit holder at least 30 days prior to the meeting of the Town Board.

C. A permit shall not be reassigned, transferred or sold to a new owner, new user, new or changed operation or to different premises.

D. A holder of an industrial permit shall apply for a permit modification if the industrial production or process is changed so that the characteristics of the wastewater or flow is altered.

E. The permit application shall require information concerning volume, constituents and characteristics of the wastewater, flow rate, each product produced by type, amount and rate of production and a description of the activities, facilities and plant processes on the premises, including all materials processed and types of material which are or can be discharged.

F. The conditions of a wastewater discharge permit shall be uniformly enforced and shall be expressly subject to all provisions of this article and all other regulations, user charges and fees established by the county and applicable state and federal regulations.

G. The permits shall contain specifications for applicable monitoring programs which may include sampling locations, frequency of sampling, number, types and standards per test and reporting schedule.

#### **§ 134-18. Separate building sewers required.**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where building sewers are to serve multiple dwelling structures, there shall be provided at least one separate building sewer for each group of four living units.

#### **§ 134-19. Existing building sewers.**

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this article.

#### **§ 134-20. Building sewer specifications.**

##### **[Amended 8-14-1990 by L.L. No. 1-1990]**

The building sewer shall be tar-coated, extra heavy cast iron soil pipe, conforming to ASTM Specifications A74, and American Standards Association (ASA) Specifications A-40.0. ABS pipe specifications ANSI-ASTM D-2751 (latest revision), all joints shall be solvent welded, type SC, all pipe couplings and fittings shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipe with leaded joints shall be required where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the local governing body. Building sewer pipe shall have a maximum length of five feet between joints.

#### **§ 134-21. Size and slope of building sewer.**

The size and slope of the building sewer shall be subject to the approval of the local governing body, but in no event shall the diameter be less than four inches, nor shall the slope of the pipe be less than 1/8 inch per foot.

#### **§ 134-22. Depth and grade of building sewer.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but in no event shall be less than three feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of the building sewer which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper plug or other approved means.

#### **§ 134-23. Mechanical lift in lieu of gravity flow.**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer.

#### **§ 134-24. Excavations.**

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the local governing body. Pipe laying and backfill shall be performed in accordance with Section 3 through 6 of ASTM Specifications C12 except that no backfill shall be placed until the work has been inspected and except that trench width measured at the top of the installed pipe shall not exceed 24 inches.

#### **§ 134-25. Joint specifications.**

**[Amended 8-14-1990 by L.L. No. 1-1990]**

A. All joints and connections shall be made gastight and watertight. Cement joints may be permitted subject to approval of the Engineer and/or Superintendent.

B. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead not less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coating shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe material shall be made with special adapters and joint materials approved by the local governing body.

C. Premolded gasket joints for hub and plain and cast iron pipe may be used if approved by the local governing body and shall be neoprene compression-type gasket which provides a positive double seal in the assembled joint. The gasket shall be a premolded, one-piece unit, designed for joining the cast iron hub and plain end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendation using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be bland, flax-base, nontoxic material and shall not chemically attack the gasket material.

D. ABS pipe shall follow the manufacturer's recommendations, using properly designed couplings, pursuant to the published information relating thereto.

#### **§ 134-26. Connection of building sewer to public sewer at property line.**

**[Amended 8-14-1990 by L.L. No. 1-1990]**

The connection of the building sewer into an existing public sewer shall be made at the property line. Except as provided under §§ 134-31 and 134-32, if the portion of the building sewer located in the street or right-of-way has not previously been provided, such will be constructed from the existing public sewer to the property line by the owner, builder or developer, upon submittal of the proper request and obtaining approval and consent of the governing body. All costs and expense incident to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the local governing body from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer (at the property line) will be dependent upon the type of pipe material used and in all cases shall be approved by the local governing body.

#### **§ 134-27. Inspections; notifications.**

A. The applicant for the building sewer permit shall notify the local governing body when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the duly authorized representative of the local governing body.

B. When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected before the trenches are filled; and the person performing such work shall notify the local governing body when the installation of the building sewer is completed. The filling of a trench before inspection is made will subject the person to whom a permit is issued to a penalty to be established by the Town Board.

#### **§ 134-28. Guarding of excavations; restoration of property.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

#### **§ 134-29. Manholes required for school, hospitals and similar institutions and commercial and industrial complexes.**

When any building sewer is to serve a school, hospital or similar institution or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the administrative body, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The administrative body shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the

Superintendent. If required, a new manhole shall be installed in the public sewer pursuant to § 134-33, and the building sewer connection made thereto as directed by the Superintendent.

**§ 134-30. Sewer extensions.**

All extensions to the sanitary sewer system owned and maintained by the town or a local governing body shall be properly designed in accordance with and in strict conformance with all requirements of the New York State Department of Environmental Conservation and the Albany County Health Department. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from, the local governing body and the New York State Department of Environmental Conservation and the Albany County Health Department before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

**§ 134-31. Construction of sewer extensions under contract permitted.**

Sewer extensions, including individual building sewers from the public sewer to the property line, may be constructed by the local governing body under contract if in the opinion of the local Town Board, the number of properties to be served by such extensions warrants its cost. Under this arrangement, the property owner shall pay for and install the building sewer from the property line to his residence or place of business in accordance with the requirements of § 134-15 through 134-29. Property owners may propose sewer extensions within the town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the appropriate Board. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the local Board.

**§ 134-32. Sewer extensions constructed by owners, builders or developers.**

**[Amended 8-14-1990 by L.L. No. 1-1990]**

If the local governing body does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the local Board in accordance with the requirements of § 134-30. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewer shall be as specified in § 134-33. The installation of the sewer extension must be subject to inspection by the local governing body and the expenses for this inspection shall be paid for by the owner, builder or developer. The local Board's decision shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in § 134-34 before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers.

**§ 134-33. Sewer design specifications.**

**[Amended 8-14-1990 by L.L. No. 1-1990]**

A. Sewer design shall be in accordance with the following provisions. All pipe used in construction of building sewer in public right-of-way to the owner's property line will be heavy wall PVC sewer pipe, ASTM D-3034 O.D. SDR 26 wall, minimum internal pipe diameter will be six inches, or equivalent as determined by the governing body. All pipe used in construction of public sewers will be heavy wall PVC sewer pipe ASTM D-3034 O.D. SDR 26 wall minimum internal pipe diameter will be eight inches, or equivalent as determined by the governing body. Minimum internal pipe diameter shall be eight inches. Joints for each kind of pipe shall be designed and manufactured such that O-ring gaskets of the "snap-on" type are employed. Gaskets shall be continuous, solid, natural or synthetic rubber and shall provide a positive compression seal in the assembled joint such that the requirements of § 134-34 are met. Joint preparation and assembly shall be in accordance with the manufacturer's recommendations. Wye branch fittings shall be installed for connection to building sewers in accordance with § 134-17. Trench widths as measured just above the crown of the pipe shall not exceed the following:

Pipe Diameter (inches)	Trench Width (feet - inches)
8	3 - 3
10	3 - 6
12	3 - 9
14	4 - 0

(1) If the trench widths are found, during field inspection, to exceed the limits in the above table, the sewer pipe shall be encased with a minimum of six inches of concrete. Pipe shall be firmly and evenly bedded on a minimum of three inches of No. 1A or No. 1 crushed stone (NYSDPW specification). Pipe thickness and field strength shall be calculated on the following criteria:

- (a) Safety factor: 1.5.
- (b) Load factor: 1.5.
- (c) Weight of soil: 120 pounds per cubic foot.
- (d) Wheel loading: 16,000 pounds.

B. Utilizing the above information, design shall be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers."

C. Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet. The manholes shall be constructed with a poured 3,000 psi concrete base 12 inches thick, steel troweled concrete or mortar bench walls and inverts, and precast four-foot diameter concrete manhole barrel sections with concentric tapered top section, as specified by ASTM C-478. The manhole frame and cover shall be the standard design of the local governing body and shall be set with no less than two courses of brick underneath to allow for later adjustment in elevation. All joints shall be sealed against infiltration.

**§ 134-34. Exfiltration test.**

A. All sewers shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the local governing body. This test consists of filling the pipe with water to provide a head of at least five feet above the top of the pipe or five feet above groundwater, whichever is higher, at the highest point of the pipe line under test, and then measuring the loss of water from the line by the amount which must be added to maintain the original level. In this test, the line must remain filled with water for at least 24 hours prior to the taking of measurements. Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end, or in one of the sewer manholes available for convenient measuring.

B. When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must be some positive method of releasing entrapped air in the sewer prior to taking measurements. The test length intervals for either type of test shall be as ordered or approved but in no event shall they exceed 1,000 feet. In the case of sewers laid on steep grades, the length of line to be tested be exfiltration at any one time may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the line. The test period wherein the measurements are taken shall not be less than two hours in either type of test.

C. The total leakage of any section tested shall not exceed the rate of 100 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. For purposes of determining the maximum allowable leakage, manholes shall be considered as sections of forty-eight-inch diameter pipe, five feet long. The equivalent leakage allowance shall be 4.5 gallons per manhole per 24 hours, for forty-eight-inch diameter manholes. If leakage exceeds the specified amount, the necessary repairs or replacements required shall be made to permanently reduce the leakage to within the specified limit, and the tests shall be repeated until the leakage requirement is met.

**§ 134-35. All constructed sewer extensions to become town property.**

**[Amended 8-14-1990 by L.L. No. 1-1990]**

All sewer extensions constructed at the property owner's, builder's or developer's expense, after final approval and acceptance by the local Board, shall become property of and shall thereafter be maintained by the local governing body. Said sewers, after their acceptance by the local governing body, shall be guaranteed against defects in materials or workmanship for 18 months. The guaranty shall be in a form provided for by the local governing body. At the sole discretion of the local Board, a completion bond or certified check may be demanded as part of the guaranty. In order to obtain final approval and acceptance by the local governing body, the owner, builder or developer must provide as-built plans of the sewer line construction, including ties to property line of Wye for sewer laterals and public sewer and end of the building sewer at property line.

**§ 134-36. Issuance of building permit dependent on approved waste disposal method.**

No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers.

**§ 134-37. Prohibited discharges into sanitary sewers.**

No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage cooling water or unpolluted industrial process waters to any sanitary sewer.

**§ 134-38. Stormwater and unpolluted drainage; cooling water.**

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to the watercourse approved by the town. Industrial cooling water or unpolluted process water may be discharged, upon approval of the local governing body, to a storm sewer or natural outlet. Any industrial cooling water discharge is also subject to application for a SPDES permit, and any such discharge is subject to New York State and federal regulations.

**§ 134-39. Prohibited discharges into public sewer.**

Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described water or wastes to any public sewer:

A. Any liquid or vapor 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.).

B. Any waters or wastes which contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32° F. and 150° F.

C. Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, exceeding an average of 50 parts per million (417 pounds per million gallons) ether soluble matter.

D. Any liquid, solid 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 explosions 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 county, the state or EPA has notified the user is a fire hazard or a hazard to the system.

E. Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

F. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the local governing body. Garbage grinders shall not be used for disposal of plastics, plastic products, inert materials or garden refuse; or wastes generated in preparation of food not normally consumed on the premises.

G. Any ashes, cinder, sand, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, cannery waste, bulk solids or any other solid or viscous substance capable of causing obstruction to the flow of the sewers or other interference with the proper operation of the sewage works.

H. Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalis must be neutralized, at all times, within a permissible pH range of 6.0 to 9.5.

I. Any cyanides, in excess of two parts per million by weight as CN.

J. Any radioactive wastes or isotopes of such half-life concentrations that may exceed limits established by applicable local, county, state or federal regulations.

K. Any waters or wastes that for a duration of 15 minutes have a concentration greater than four times that of "normal" sewage as measured by suspended solids and BOD and/or which is discharges continuously at a rate exceeding 200 gallons per minute except by special permit. Normal sewage shall be construed to fall within the following ranges:

Constituents	Permissible Range
Suspended solids	180 to 350 ppm
BOD	140 to 300 ppm
Chlorine requirements	5 to 15 ppm

L. Any stormwater, roof drains, spring water, cistern or tank overflow, footing drain, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge or effluent from any air-conditioning machine or refrigeration unit.

M. No person shall discharge or cause to be discharged any waters or wastes 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, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the town sewage treatment plant. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it arrives at the treatment plant or as set in a categorical pretreatment standard, and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control by the Engineer and/or Superintendent in volume and concentration of water discharges.

**Effluent Concentration Limits  
(mg/l)**

<b>Parameter</b>	<b>30-Day Average</b>	<b>24-Hour Average</b>
Cadmium	0.4	0.8
Hex Chromium	0.2	0.4
Total Chromium	4.0	8.0
Copper	0.8	1.6
Lead	0.2	0.4
Mercury	0.2	0.4
Nickel	4.0	8.0
Zinc	1.2	2.4
Arsenic	0.2	0.4
Available Chlorine	25.0	25.0
Cyanide - free	0.4	0.8
Cyanide - complex	1.6	3.2
Selenium	0.2	0.4
Sulfide	6.0	12.0
Barium	4.0	8.0
Manganese	4.0	8.0
Gold	0.2	0.4
Silver	0.2	0.4
Fluorides		
To fresh water	4.0*	8.0*
To saline water	36.0	72.0



Effluent Concentration Limits (mg/l)		
Parameter	30-Day Average	24-Hour Average
Phenol	4.0	8.0

**NOTES:**

\*May be multiplied by a factor of 1.5 if the municipal water supply is not fluoridated.

N. Any discoloration such as, but not limited to, dyes, inks and vegetable tanning solutions or any other conditions in the quality of treatment works effluents in such a manner that receiving quality requirements established by law cannot be met.

O. Any water or wastes containing phenols or other waste producing substances, in such concentrations exceeding limits which may be established by the Engineer and/or Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

P. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludge 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, 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. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewer by any user, which waters contain the substances or possess the characteristics enumerated in this § 134-39 and which, in the judgment of the Engineer and/or Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Engineer and/or Superintendent may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to public sewers.
- (3) Require control over the quantities and rates of discharge.
- (4) Require payment to cover the added cost of handling and treating the wastes and damage to sewer system, not covered by existing taxes or sewer charges.

**§ 134-40. Grease, oil and sand interceptors.**

A. Grease, oil and sand interceptors shall be provided when the above set limits for those substances are exceeded or when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and 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 Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

**§ 134-41. Maintenance of interceptors; inspection.**

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Superintendent of the Sewer District at any time.

**§ 134-42. Discharges requiring review, approval and treatment.**

The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than 300 parts per million, or containing more than 350 parts per million of suspended solids, or containing more than 20 parts

per million of chlorine requirements, or containing any quantity of substances having the characteristics described in § 134-39, or having an average daily flow greater than 2% of the average daily sewer flow of the town shall be subject to the review and approval of the Engineer. Where necessary, in the opinion of the Engineer, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or reduce the chlorine requirements to 20 parts per million, or reduce objectionable characteristics or constituents to within the maximum limits provided for in § 134-39, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer and/or Albany County Health Department, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Engineer will constitute a violation of this article.

**§ 134-43. Maintenance of treatment facilities.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**§ 134-44. Manholes required for significant industrial users.**

When required by the Engineer and/or Superintendent or classified as a significant industrial user, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**§ 134-45. Measurements and tests based on manhole samples.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in §§ 134-39 and 134-42 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," upon suitable samples taken at control manhole provided for in § 134-44. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

**§ 134-46. Special agreements authorized.**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town Board and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the industrial concern. Acceptance of such wastes shall not cause the POTW to violate its SPDES permit or the receiving water quality standards or any pretreatment regulations promulgated by USEPA or NYSDEC in accordance with Section 307 of PL 95-217.

**§ 134-47. Standards to apply at point of discharge.**

All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Sewage," published by the American Public Health Association. However, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the town and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a twenty-four-hour period. However, more frequent and longer periods may be required at the discretion of the town at the expense of the user.

**§ 134-48. Protection from accidental discharges required.**

Detailed plans showing facilities and operating procedures to provide protection from accidental discharge of prohibited materials or other wastes from significant contributing industries must be submitted to the town for review and shall be acceptable to the town before construction of the facilities.

**§ 134-49. Notification upon accidental discharge.**

An industrial user shall notify the town 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 under applicable state and federal regulations.

**§ 134-50. Posting of number to call upon accidental discharge.**

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 this article are to be made available to user's employees.

**§ 134-51. Connections between waste system and plumbing system to be eliminated.**

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 wastes in violation of this article.

**§ 134-52. Compliance with new and more stringent standards required.**

When pretreatment regulations are adopted by USEPA or NYSDEC for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to federal or state pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the PL 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the town.

**§ 134-53. Authority to establish more stringent requirements.**

The town reserves the right to establish by local law more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objective presented in § 134-7 of this article.

**§ 134-54. Dilution in lieu of treatment prohibited.**

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.

**§ 134-55. Damage or tampering with sewerage works prohibited.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of any sewerage work. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**§ 134-56. Liability insurance required for sewer construction.**

A contractor must present a certificate of insurance showing suitable liability insurance before a permit will be issued for construction of building sewers, sewer extensions or private sewage disposal.

**§ 134-57. Access to premises and records for inspection required.**

Persons or occupants of premises where wastewater is produced or discharged shall allow the USEPA, NYSDEC or their representative ready access at all times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties. 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 any copy and records, inspect any monitoring equipment or method required by the town's wastewater discharge local law and sample any effluents 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 their security guards so that upon presentation of suitable identification, personnel from the town will be permitted to enter without delay.

**§ 134-58. Notice for violations.**

Any person found to be violating any provision of this article except § 134-55 shall be served by the town or local governing body with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**§ 134-59. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Any person, individual, firm, corporation or partnership who fails to comply with the provisions of this article, other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of disorderly conduct and shall be subject to fine not exceeding \$250 or imprisonment not exceeding 15 days, or both, for each offense. The continued violation of any provision of any section of this article, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue. Additionally, the person found in violation of any section of this article shall be liable and responsible to the town for any and all damage caused by the violation and any expense to the town incurred to inspect and investigate any such violation.

**§ 134-60. Action to prevent unlawful acts.**

As an alternative, upon violation of this article, the proper authorities of the Town Board or local governing body, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains; to restrain, correct or abate such violation; or to prevent the occupancy of any building structure or land where said violation of this article is found.

**§ 134-61. Violators liable for expenses and damage.**

Any person violating any of the provisions of this article shall become liable to the town or local governing body for any expense, loss or damage occasioned the town or local governing body by reason of such violation.

**§ 134-62. Penalties for false statements or falsifying monitoring devices.**

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). 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 under this article shall be punishable by a fine not more than \$250 or by imprisonment for not more than 15 days, or both.

**§ 134-63. Orders to cease and desist.**

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:

- A. Comply forthwith; or
- B. Comply in accordance with a time schedule set forth by the town; or
- C. Take appropriate remedial or preventive action in the event of a threatened violation.

**§ 134-64. Revocation of wastewater discharge permit.**

The town may revoke any wastewater discharge permit or terminate or cause to be terminated wastewater services 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.

**§ 134-65. License required to perform work; revocation of license.**

- A. Each and every plumber, contractor or excavator or other person, firm or corporation other than the property owner himself, will be required to have a license issued by the local Town or Village Clerk before he will be permitted to do any work insofar as this article is concerned.
- B. As part of the application for license to do work in the town, the applicant will present a license bond written by an indemnity or bonding company lawfully doing business in the State of New York, on a form provided by the Local Board.
- C. If in the opinion of the local Board the work performed by the contractor violates the provisions of this article or any other local law of the local governing body, or if the contractor's work is, in the opinion of the local Board, substandard, then in that event, the local Board may revoke the license for the contractor to do work.

## **CHAPTER 138. SOLID WASTE**

### **ARTICLE I. Removal; Recycling**

#### **§ 138-1. Legislative intent.**

#### **§ 138-2. Legislative authority.**

#### **§ 138-3. Definitions.**

#### **§ 138-4. Preparation of waste; general procedures.**

#### **§ 138-5. Permit and reporting requirements for collectors.**

#### **§ 138-6. Town Recycling Center.**

#### **§ 138-7. Nonresidential and commercial properties.**

#### **§ 138-8. Multiple-family and group residences.**

#### **§ 138-9. Recyclables to be clean and dry.**

#### **§ 138-10. Placement of hazardous substances unlawful.**

#### **§ 138-11. Dumping prohibited.**

#### **§ 138-12. Recycling Center limited to town-generated recyclables.**

#### **§ 138-13. Penalties for offenses.**

#### **§ 138-14. Repealer.**

### **ARTICLE II. Prohibition Against Waste Generated Outside Town**

#### **§ 138-15. Legislative declaration.**

#### **§ 138-16. Definitions.**

#### **§ 138-17. Importation of waste prohibited.**

#### **§ 138-18. Penalties for offenses.**

#### **§ 138-19. Repealer.**

#### **§ 138-20. Enforcement.**

## **CHAPTER 138. SOLID WASTE**

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

### **GENERAL REFERENCES**

Outdoor burning — See Ch. 78.

Junkyards and storage of junk — See Ch. 105.

Landfills — See Ch. 109.

Solid waste removal in mobile home parks — See Ch. 114.

### **ARTICLE I. Removal; Recycling**

**[Adopted 7-28-1992 by L.L. No. 2-1992]**

#### **§ 138-1. Legislative intent.**

The purpose of this article is to promote and protect the public health and welfare of the citizens of the Town of Coeymans by regulating the collection and disposal of solid waste; to reduce the amount of solid waste which the town must dispose of; to eliminate disposal of solid waste at sites which are not authorized by the town; to recover recyclable materials and deliver them to markets; to offer alternative refuse disposal and recycling options; to reduce littering; and to encourage participation by the whole community in addressing the solid waste problem through a simple, equitable fee system based on actual solid waste quantities generated.

#### **§ 138-2. Legislative authority.**

This article is enacted under the authority granted the Town of Coeymans in § 120-aa of the General Municipal Law, § 136 of the Town Law, § 10 of Municipal Home Rule Law and through the requirements of the New York State Solid Waste Management Act of 1988.

#### **§ 138-3. Definitions.**

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

#### **COLLECTOR**

Any sole proprietorship, firm, partnership, corporation or other entity registered and permitted by the Town of Coeymans to carry on the business of collecting, transporting, disposing of solid waste, and marketing of recyclables, both residential and nonresidential, generated within the Town of Coeymans according to the provisions listed herein.

#### **COMPOSTING**

Refers to the microbial degradation or decomposition of organic matter into a useful product.

#### **CONSTRUCTION DEBRIS**

Discarded general building materials and refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property excluding materials defined as hazardous waste.

#### **ENVIRONMENTAL ENFORCEMENT OFFICER**

That person appointed by the Town Board to enforce this article and other laws related to solid waste issues.

**GARBAGE**

Any nonrecyclable kitchen and household waste and table cleanings.

**GROUP RESIDENCE**

Any residential structure where more than four unrelated residents reside which includes shared kitchens and bathrooms.

**HAZARDOUS WASTE**

A waste defined in § 27-0901 of the Environmental Conservation Law of the State of New York as the same may be amended from time to time.

**LARGE HOUSEHOLD FURNISHINGS**

Any other large, bulky article actually used in the home and which equip it for living, including but not limited to chairs, sofas, tables, beds and carpets.

**MULTIPLE-FAMILY RESIDENCE**

Any residential structure with four or more units with individual kitchens and bathrooms.

**NONRECYCLABLE WASTE**

Items not listed as collectible by the Recycling Coordinator, including but not limited to rags, sweepings, rubber, leather, crockery, electrical wiring, shells, dirt, filth, ashes and similar waste materials.

**NONRESIDENCE**

Any building not used as a residence or multiple-family residence and includes commercial establishments, social organizations, churches and schools.

**RECYCLABLES**

Those waste items designated by the Recycling Coordinator as being marketable, and currently including but not limited to clean plastic and glass food containers, metal food cans, dry discarded newspapers, magazines, cardboard and flat paper.

**RECYCLING CENTER**

A site or sites designated by the Town Board and operated by the Town of Coeymans or designated agent for the purposes of collecting recyclables so that they can be shipped to various recycling markets.

**RECYCLING COORDINATOR**

That person appointed by the Town Board to administer the recycling program and to arrange for marketing the collected items and to perform educational and informational functions.

**RESIDENCE**

Any residential structure with fewer than three units which have separate kitchens and baths.

**SCRAP IRON**

Not limited to car parts, cast iron and heavy metals. It shall not include car bodies.

**SOLID WASTE**

A waste defined by § 27-0701 of the Environmental Conservation Law of the State of New York as the same may be amended from time to time. Hereinafter, referred to as "waste."

**TIRES**

Discarded vehicular tires and tire casings separated from the rim.

**TOWN**

The Town of Coeymans, its Town Board and its agents and representatives.

**WHITE GOODS**

Any large, bulky household mechanism, including but not limited to tin, refrigerators, washers, dryers, stoves and water heaters.

**YARD WASTE**

Leaves, grass clippings, twigs and branches, hedge trimmings, and tree limbs under four inches in diameter.

**§ 138-4. Preparation of waste; general procedures.**

A. All residential, nonresidential and commercial waste generators in the Town of Coeymans shall contract for waste removal services with a private waste collector registered and permitted by the town or shall demonstrate to the Recycling Coordinator an appropriate, legal, alternative method of disposal. These waste removal services shall include the separation of recyclables according to instructions issued by the Town Recycling Coordinator. This list of instructions will be approved by the Town Board by resolution and will take effect 30 days after the approval of the resolution unless otherwise specified in the resolution.

B. All recyclables become the property of the Town of Coeymans from the time they are deposited at the Recycling Center. In the case of waste collectors licensed by the town, recyclables become the property of the licensed waste collectors from the time they are picked up at curbside if the licensed waste collector can demonstrate that the recyclables will be sent to a market approved by the Recycling Coordinator.

C. Collectors shall supply town-approved recycling bins to their residential customers.

D. Containers for nonrecyclable materials or garbage are not required to be clear or allow unobstructed view of contents. Those which do not offer unobstructed view are, however, subject to random content testing at the Town Recycling Center or at curbside.

**§ 138-5. Permit and reporting requirements for collectors.**

A. No person shall engage, on a regular basis, in the business of collecting, transporting or disposing of solid waste and/or the marketing of recyclables generated within the Town of Coeymans, without a permit as required in this article.

B. The following procedures shall be followed to obtain a solid waste collection permit:

(1) A permit application shall be made, in writing, on a form prescribed by the Town Clerk accompanied by a fee. The Town Board will set the permitting fee for solid waste collection by resolution. Changes in the permitting fee shall take effect on the date that each permit is due for filing or renewal.

(2) The application shall contain the name of the applicant or, if a partnership or corporation, the names of the partners, officers, directors and all persons holding 25% or more of the outstanding shares of said corporation, the address of the place of business and the regular and emergency telephone numbers.

(3) The application shall list the days of collection, the number of collections and the areas served.

(4) The Town Clerk shall review the application for completeness and shall submit it to the Recycling Coordinator who will review it and establish any terms and conditions required. Following the Recycling Coordinator's review and approval of the application, the Town Clerk shall issue a permit to the collector.

C. Upon violation of the collection conditions prescribed by this article, the Recycling Coordinator can recommend revocation of the permit which requires the approval of the Town Board prior to revocation.

D. The effective term of the permit shall be determined by the Town Board.

E. Acceptance of the solid waste permit constitutes an agreement to perform under the following conditions, where applicable to the service provided by the permitted collector:

(1) For all permitted collectors:

(a) To provide regular scheduled collection service to its contracted customers for refuse and/or recyclables.

(b) To keep recyclables segregated for delivery to a suitable, State Department of Environmental Conservation-recognized materials recovery facility, or to markets approved by the Recycling Coordinator.

(c) That the collector be obligated to pick up regularly only those recyclable items prescribed by the town and described in § 138-3, definition of "recyclables."

(d) That the collector provide the Recycling Coordinator with a monthly report showing weight of recyclables collected by category from Town of Coeymans customers, the manner of disposal, along with the total tonnage of nonrecyclable solid waste collected from Town of Coeymans customers and location of its disposal.

(2) For nonresidential and commercial collectors:

(a) That collection of recyclables from nonresidential and commercial waste generators shall be compatible with the residential standards designated by the Recycling Coordinator.

**§ 138-6. Town Recycling Center.**

A. The town shall operate and maintain proper facilities for separated recyclables at a central location, designated as the "Recycling Center." Additional drop-off points for recyclables may be designated by resolution of the Town Board. The Recycling Center and other drop-off points will accept designated recyclable items. Certain other items, such as but not limited to white goods, will be identified by a list issued from the Recycling Coordinator. They may be deposited at the Recycling Center provided that a disposal fee has been paid. The Town Board reserves the right to revise the fee schedule for recyclables by resolution.

B. The initial hours of operation for the Town Recycling Center and a fee schedule for disposal of recyclables shall be adopted by resolution of the Town Board of the Town of Coeymans. Oversight of the operation of the Town Recycling Center shall be the responsibility of the Recycling Coordinator.

C. The Town Recycling Center may accept recyclables pursuant to rules and regulations adopted by the Town of Coeymans from both permitted collectors and residential and nonresidential users who can demonstrate that they reside in the Town of Coeymans and have obtained a permit to use the facility from the Town Clerk.

D. The Recycling Coordinator and/or designated inspectors will conduct random inspections of solid waste and recyclables left curbside. If these random inspections reveal recyclables mixed with solid waste, this will constitute a violation of this article and could result in penalties under the provisions of § 138-13 of this article.

**§ 138-7. Nonresidential and commercial properties.**

A. The Recycling Coordinator shall issue instructions on which materials are to be collected, the timetable and how they shall be prepared.

B. The Recycling Coordinator shall work with the owners or operators of nonresidential and commercial properties to develop recycling plans which meet the community's goal of increasing recycling in a manner which is as efficient for the property as possible.

**§ 138-8. Multiple-family and group residences.**

A. The owner of every multifamily residential complex or group residence shall provide and maintain, in a neat and sanitary condition, recycling collection areas to receive the recyclables generated by the residents of the complex. This area will be approved by the Recycling Coordinator and, if construction is required, the area will conform to local codes.

B. In cases where a condominium, cooperative, homeowner or similar organization exists, the association shall be responsible for the provision and maintenance of the recycling collection areas.

C. All residents shall separate recyclables from the waste stream and place them in the appropriate containers within the collection areas, or curbside.

D. The Recycling Coordinator shall work with the owners or operators of multiple-family and group residences to develop recycling plans which meet the community's goal of increasing recycling in a manner which is as efficient for the residence as possible.

**§ 138-9. Recyclables to be clean and dry.**

All recyclables offered for collection, either curbside or at the Recycling Center, shall be clean and free of food particles and shall be kept dry.

**§ 138-10. Placement of hazardous substances unlawful.**

It is unlawful to place a hazardous substance out for collection at curbside.

**§ 138-11. Dumping prohibited.**

It is unlawful to dispose of any material by dropping or willfully dumping such material in a manner inconsistent with the intent of this article and at a site not authorized by this article.

**§ 138-12. Recycling Center limited to town-generated recyclables.**

The Town Recycling Center is open to town residents, nonresidence buildings and commercial facilities only. Only materials generated inside the Town of Coeymans will be accepted.

**§ 138-13. Penalties for offenses.**

It is the intent of this article to encourage recycling and safe disposal of solid waste in the Town of Coeymans. Unless otherwise stated, those who violate the provisions of this article will face these penalties:

A. Any person, individual, firm, corporation or partnership who fails to comply with the provisions of this article other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of a violation and shall be notified of this violation by a written summons issued by the Recycling Coordinator and/or designated inspector and delivered by certified mail. A first violation of this article shall be subject to a written warning. A second violation shall be subject to a written warning. Upon the third, the Recycling Coordinator will refer the case to the Town Court. Anyone found guilty of such violations shall be fined \$50. Upon the fourth and subsequent violations, the Recycling Coordinator will refer the case to the Town Court. Anyone found guilty of such violations will be fined up to \$250 and/or 30 days in jail. The violator will have one week to redress each violation. If, after that week, the Recycling Coordinator discovers that a violation still exists, it shall be considered a separate offense. Additionally, persons found in violation of any section of this article shall be liable and responsible to the town for any and all damage caused by the violation and any expense to the town incurred to inspect and investigate any such violation.

B. Any person who knowingly makes any false statements, representation, record, report, plan or other documentation filed with the town or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall be punished by \$250 and/or 90 days in jail.

**§ 138-14. Repealer.**



All provisions of any other local law or ordinance which are inconsistent with the provisions of this article are hereby repealed, except that part of Chapter 109, Landfills, which prohibits the importation of solid waste into the Town of Coeymans. Editor's Note: Section 9 of L.L. No. 2-1992, which followed this section, provided as follows: "There shall be a grace period for this local law which shall run from the effective date of the Law's filing with the Secretary of State for thirty days. During this time, recycling shall be mandatory but the Town will not collect fines or actively enforce violations."

## **ARTICLE II. Prohibition Against Waste Generated Outside Town**

**[Adopted 3-13-1995 by L.L. No. 1-1995]**

### **§ 138-15. Legislative declaration.**

A clean, wholesome, attractive environment is declared to be of importance to the health, safety and welfare of the residents of the Town of Coeymans ("town"). It is further declared that the importation of solid waste generated within the State of New York and outside the town to any site within the town is a hazard to such health, safety and welfare, necessitating the elimination thereof.

### **§ 138-16. Definitions.**

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

#### **SOLID WASTE**

All putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal.

### **§ 138-17. Importation of waste prohibited.**

The importation of solid waste generated outside the town to any site within the town is hereby prohibited. Said prohibition shall apply only to solid waste generated within the State of New York.

### **§ 138-18. Penalties for offenses.**

A. Any person, firm or corporation committing an offense of this article shall be guilty of a violation and shall be subject to a mandatory minimum fine not to exceed \$1,000.

B. In the event of a continuing offense of this article, each day such offense shall continue shall be a separate violation and subject to a separate penalty.

C. The Town Attorney may also maintain an action or proceeding in a court of competent jurisdiction to restrain any violations of this article.

### **§ 138-19. Repealer.**

All provisions of any other local law and/or ordinance which are inconsistent with this article are hereby repealed; provided, however, that this article shall in no way repeal, modify or otherwise alter Local Law No. 1 of 1976 and Local Law 1 of 1982. Editor's Note: Local Law No. 1-1976 was repealed by L.L. No. 1-1992; and L.L. No. 1-1982 was superseded by L.L. No. 1-1992. See now Ch. 109, Landfills.

### **§ 138-20. Enforcement.**

The enforcement of this article will be the responsibility of the Town Police Department and Building Department.

## **CHAPTER 142. STREETS AND SIDEWALKS**

### **ARTICLE I. Notification of Defects**

#### **§ 142-1. Purpose.**

#### **§ 142-2. Conditions for maintenance of civil action.**

#### **§ 142-3. Action upon receipt of written notices.**

#### **§ 142-4. Supersession of statute.**

## **CHAPTER 142. STREETS AND SIDEWALKS**

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

### **GENERAL REFERENCES**

Road specifications — See Ch. 125.

Parking — See Ch. 156.

Off-road vehicles — See Ch. 158.

## **ARTICLE I. Notification of Defects**

**[Adopted 9-19-1989 by L.L. No. 2-1989]**

### **§ 142-1. Purpose.**

The purpose of this article is to provide that no civil action shall be maintained for damages or injuries in consequence of any streets, highways, sidewalks, buildings or other facilities being defective, out of repair, unsafe, dangerous, obstructed or in consequence of any snow or ice thereon unless written notice was theretofore given and there was a failure to take action within a reasonable time.

### **§ 142-2. Conditions for maintenance of civil action.**

No civil action shall be maintained against the Town of Coeymans, any of its districts located therein, or any town officer, agent or employee for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sign, highway marking or device, sidewalk or crosswalk or any town building or facility being defective, out of repair, unsafe, dangerous or obstructed or in consequence of snow and ice thereon unless it appears that written notice of such defective, unsafe, dangerous or obstructed condition, or of the existence of the snow or ice, of such highway, bridge or sidewalk was actually given to the Town Clerk or Town Superintendent of Highways of the Town of Coeymans and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be moved or place made otherwise reasonably safe. Such written notice shall be dated and signed and shall, among other things, specify the particular place and condition alleged to be out of repair, unsafe, dangerous or obstructed or the place and extent of the existence of the snow or ice and shall be actually given to the Town Highway Superintendent or Town Clerk.

### **§ 142-3. Action upon receipt of written notices.**

The Town Superintendent of Highways shall transmit in writing to the Town Clerk, within five days after receipt thereof, all written notices received by him pursuant to this article. The Town Clerk shall cause all written notices received by him or her pursuant to this article to be recorded and preserved pursuant to Town Law § 65-a, Subdivision 4.

### **§ 142-4. Supersession of statute.**

This article shall supersede in its application to the Town of Coeymans Subdivisions 1 through 3 of § 65-a of the Town Law.

## CHAPTER 145. SUBDIVISION OF LAND

### ARTICLE I. Declaration of Policy

§ 145-1. Power and authority of Planning Board.

§ 145-2. Objectives of land subdivision.

§ 145-3. Title; adoption.

### ARTICLE II. Terminology

§ 145-4. Definitions.

### ARTICLE III. Procedure for Filing Subdivision Applications

§ 145-5. Compliance required.

§ 145-6. Sketch plan.

§ 145-7. Approval of minor subdivision.

§ 145-8. Preliminary plat for major subdivision.

§ 145-9. Plat for major subdivision.

§ 145-10. Required improvements.

§ 145-11. Filing of approved subdivision plat.

§ 145-12. Plat approval not deemed public acceptance of streets.

§ 145-13. Ownership and maintenance of recreation areas.

### ARTICLE IV. General Requirements and Design Standards

§ 145-14. Standards to be followed.

§ 145-15. Character of land.

§ 145-16. Conformity to Official Map and Master Plan.

§ 145-17. Specifications for required improvements.

§ 145-18. Street layout.

§ 145-19. Street design.

§ 145-20. Street names.

§ 145-21. Lots.

§ 145-22. Drainage improvements.

§ 145-23. Parks, open spaces and natural features.

### ARTICLE V. Documents To Be Submitted

§ 145-24. Sketch plan.

§ 145-25. Minor subdivision plat.

§ 145-26. Major subdivision preliminary plat and accompanying data.

§ 145-27. Major subdivision plat and accompanying data.

### ARTICLE VI. Variances and Waivers

§ 145-28. Authority of Planning Board to vary regulations.

§ 145-29. Authority of Planning Board to waive required improvements.

§ 145-30. Conditions to be imposed.

### ARTICLE VII. Violations and Penalties

§ 145-31. Penalties for offenses.

§ 145-32. Additional remedies.

## **CHAPTER 145. SUBDIVISION OF LAND**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 9-4-1969. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Planning Board — See Ch. 34.

Flood damage prevention — See Ch. 93.

Mobile home parks — See Ch. 114.

Road specifications for acceptance/dedication — See Ch. 125.

Sewers — See Ch. 134.

Zoning — See Ch. 165.

### **ARTICLE I. Declaration of Policy**

#### **§ 145-1. Power and authority of Planning Board.**

By the authority of the resolution of the Town Board of the Town of Coeymans, adopted on September 4, 1969, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Coeymans is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the county and to conditionally approve preliminary plats within the Town of Coeymans.

#### **§ 145-2. Objectives of land subdivision.**

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the town. This means, among other things, that land to be subdivided shall be of

such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed street shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds.

**§ 145-3. Title; adoption.**

In order that land subdivisions may be in accordance with this policy, these regulations, which shall be known as and which may be cited as the "Town of Coeymans Land Subdivision Regulations," have been adopted by the Planning Board on July 9 and approved by the Town Board on September 4, 1969.

**ARTICLE II. Terminology**

**§ 145-4. Definitions.**

For the purpose of these regulations, certain words and terms used herein are defined as follows:

**COLLECTOR STREET**

A street which serves or designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

**DEAD-END STREET OR CUL-DE-SAC**

A street or a portion of a street with only one vehicular traffic outlet.

**EASEMENT**

Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his property.

**ENGINEER OR LICENSED PROFESSIONAL ENGINEER**

A person licensed as a professional engineer by the State of New York.

**MAJOR STREET**

A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

**MAJOR SUBDIVISION**

Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

**MASTER OR COMPREHENSIVE PLAN**

A Comprehensive Plan, prepared by the Planning Board pursuant to § 272-a of the Town Law, which indicates the general locations recommended for various functional classes or public works, places and structures and for general physical development of the town, and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

**MINOR STREET**

A street intended to serve primarily as an access to abutting properties.

**MINOR SUBDIVISION**

Any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map, Chapter 165, Zoning, of the Code of the Town of Coeymans, or these regulations.

**OFFICIAL MAP**

The map established by the Town Board pursuant to § 270 of the Town Law, showing streets, highways and parks and drainage both existing and proposed.

**PLANNING BOARD OR BOARD**

The Planning Board of the town.

**PRELIMINARY PLAT**

A drawing or drawings clearly marked "preliminary plat" showing the salient features of a proposed subdivision, as specified in Article V, 145-26, of these regulations, submitted to the Planning Board of the town for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

**SKETCH PLAN**

A sketch of a proposed subdivision showing the information specified in Article V, § 145-24, of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

**STREET**

Includes streets, roads, avenues, lanes or other trafficways, between right-of-way lines.

**STREET PAVEMENT**

The wearing or exposed surface of the roadway used by vehicular traffic.

**STREET WIDTH**

The width of right-of-way, measured at right angles to the center line of the street.

**SUBDIVIDER**

Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined, either for himself or others.

**SUBDIVISION**

The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, and includes resubdivision.

**SUBDIVISION PLAT OR FINAL PLAT**

A drawing, in final form, showing a proposed subdivision containing all information or detail required by the law and by these regulations to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or Register.

**SURVEYOR**

A person licensed as a land surveyor by the State of New York.

**TOWN ENGINEER**

The duly designated engineer of the town.

**ARTICLE III. Procedure for Filing Subdivision Applications**

**§ 145-5. Compliance required.**

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

**§ 145-6. Sketch plan.**

A. Submission of sketch plan. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least 10 days prior to the regular meeting of the Board two copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article V, § 145-24, for the purposes of classification and preliminary discussion.

B. Discussion of requirements of classification. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects as well as the availability of existing services and other pertinent information. Classification of the sketch plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. The Board may require however, when it deems necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in Article III, § 145-7, of these regulations. If it is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Article III, §§ 145-8, 145-9 and 145-10.

C. Study of sketch plan. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

D. If the Planning Board determines that assistance is necessary at the time of application or at any time during the approval process, the Planning Board shall request from a designated licensed engineer retained by the Town Board an estimated fee for performing a comprehensive review of the project submissions or other necessary services.

**[Added 6-25-2001 by L.L. No. 5-2001]**

E. The Planning Board shall require the applicant to deposit a cash amount equal to the estimate in a town-established escrow account. This money will then be used to pay the claims as the required services are performed during the approval process.

**[Added 6-25-2001 by L.L. No. 5-2001]**

F. Payment to the escrow account is a prerequisite to a complete application, and no review will be initiated until full payment is received.

**[Added 6-25-2001 by L.L. No. 5-2001]**

G. When the services are less than the amount in the escrow account, that amount shall be returned to the applicant within 30 days of final project approval.

**[Added 6-25-2001 by L.L. No. 5-2001]**

H. The amount specified above does not include any approvals or fees required from or by agencies other than the town costs associated with extensions to districts to provide necessary services to the subdivision nor fees charged by town departments or boards for permits, approvals, hearings, except as noted above.

**[Added 6-25-2001 by L.L. No. 5-2001]**

**§ 145-7. Approval of minor subdivision.**

A. Application and fee.

(1) Within six months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a subdivision plat. Failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article V, § 145-25.

(2) Fees for application to the Planning Board for minor subdivisions shall be set by resolution of the Town Board upon recommendation of the Planning Board and the Building Inspector.

**[Amended 6-25-2001 by L.L. No. 3-2001]**

B. Number of copies. Five copies of the subdivision plat shall be presented to the Secretary of the Planning Board at least 10 days prior to a scheduled monthly meeting of the Planning Board.

C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision plat.

D. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least 10 days prior to which the application for plat approval, complete and accompanied by the required fee and all data required by Article V, § 145-25, of these regulations, has been filed with the Secretary of the Planning Board.

E. Public hearing. A public hearing shall be held by the Planning Board within 30 days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the town at least five days before such hearing.

F. Action on subdivision plat. The Planning Board shall, within 45 days from the date of the public hearing, approve, modify and approve, or disapprove the subdivision plat.

**§ 145-8. Preliminary plat for major subdivision.**

A. Application and fee.

(1) Prior to filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in Article V, § 145-26, thereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law, and Article V, § 145-26, of these regulations, except where a waiver may be specifically authorized by the Planning Board.

(2) Fees for application to the Planning Board for preliminary plat for major subdivision shall be set by resolution of the Town Board upon recommendation of the Planning Board and the Building Inspector.

**[Amended 6-25-2001 by L.L. No. 3-2001]**

B. Number of copies. Five copies of the preliminary plat shall be presented to the Secretary of the Planning Board at least 10 days prior to a regular monthly meeting of the Planning Board.

C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.

D. Study of preliminary plat.

(1) The Planning Board shall study the practicability of the preliminary plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage

disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan, the Official Map, if such exist, and Chapter 165, Zoning.

(2) The Planning Board, in reviewing a preliminary plat, shall attempt to avoid excessive community expenditures by the town because of necessary community improvements. This applies particularly to improvements not only viewing them as capital expenditures by the municipality but also taking into consideration excessive operating expenditures such as school bus operation, police and fire protection, etc. The Planning Board shall avoid approval of premature subdivisions in light of orderly community development.

E. When officially submitted. The time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least 10 days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article V, § 145-26, of these regulations, has been filed with the Secretary of the Planning Board.

F. Conditional approval of the preliminary plat.

(1) Within 45 days after the time of submission of a preliminary plat, the Planning Board shall take action to conditionally improve, with or without modifications, or disapprove such preliminary plat and the grounds of any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such forty-five-day period shall constitute a conditional approval of the preliminary plat.

(2) When granting conditional approval to a preliminary plat, the Planning Board shall state the conditions of such approval, if any, with respect to the specific changes which it will require in the preliminary plat; the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare; and the amount of improvement or the amount of all bonds therefor which it will require as prerequisite to the approval of the subdivision plat. The action of the Planning Board plus any conditions attached thereto shall be noted on three copies of the preliminary plat. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Town Board. Conditional approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

#### **§ 145-9. Plat for major subdivision.**

A. Application for approval and fee. The subdivider shall, within six months after the conditional approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application blank available from the Secretary of the Planning Board. Fees for application to the Planning Board for plat for major subdivision; application for approval and fee shall be set by resolution for the Town Board upon recommendation of the Planning Board and the Building Inspector. If the final plat is not submitted within six months after the conditional approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require resubmission of the preliminary plat.

**[Amended 6-25-2001 by L.L. No. 3-2001]**

B. Number of copies. A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Secretary of the Board with a copy of the application and three copies (one copy in ink on linen or plastic reproducible material) of the plat, the original and one true copy of all offers of cession, covenants and agreements, and two prints of all construction drawings, at least 10 days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.

C. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least 10 days prior to which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article V, § 145-27, of these regulations, has been filed with the Secretary of the Planning Board. In addition, if the applicant elects to construct any or all required improvements, as specified in Article III, § 145-10A(2), the Town Engineer must file a certificate with the Planning Board stating that these improvements have been satisfactorily installed before the subdivision plat shall be considered officially submitted.

D. Endorsement of state and county agencies. Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the Albany County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary town, county and state agencies. Endorsement

and approval by the Albany County Department of Health shall be secured by the subdivider before official submission of subdivision plat.

E. Public hearing. A public hearing shall be held by the Planning Board within 30 days after the time of submission of the subdivision plat for approval. This hearing shall be advertised in a newspaper of general circulation in the town at least five days before such hearing.

F. Action on proposed subdivision plat. The Planning Board shall, within 45 days from the date of the public hearing on the subdivision plat, approve, modify and approve or disapprove the subdivision plat. However, the subdivision plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with the provisions of § 145-10 of this article.

#### **§ 145-10. Required improvements.**

A. Improvements and performance bond. Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either § 145-10A(1) or § 145-10A(2) below:

(1) In an amount set by the Planning Board the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bonds shall comply with the requirements of § 277 of the Town Law and shall be satisfactory to the Town Board and Town Engineer as to form, sufficiency, manner of executing and surety. A period of one year (or such other period as the Planning Board shall determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

(2) The subdivider shall complete all required improvements to the satisfaction of the Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Engineer as to form, sufficiency, manner of execution and surety.

B. Modification of design of improvements. If at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer shall issue any authorization under this subsection in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

C. Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so the Town Board may cause inspection to be made to assure that all town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

D. Proper installation of improvements. If the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, Building Inspector and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the town's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

#### **§ 145-11. Filing of approved subdivision plat.**

A. Final approval and filing. Upon completion of the requirements in §§ 145-9 and 145-10 above and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman of the Planning Board or Acting Chairman) and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the Planning Board to act shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of 90 days.

B. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such subdivision



plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

**§ 145-12. Plat approval not deemed public acceptance of streets.**

The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement, or other open space shown on such subdivision plat.

**§ 145-13. Ownership and maintenance of recreation areas.**

When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title dedication, and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

**ARTICLE IV. General Requirements and Design Standards**

**§ 145-14. Standards to be followed.**

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI herein.

**§ 145-15. Character of land.**

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

**§ 145-16. Conformity to Official Map and Master Plan.**

Subdivisions shall conform to the Official Map of the town and shall be in harmony with the Master Plan, if such exists.

**§ 145-17. Specifications for required improvements.**

All required improvements shall be constructed or installed to conform to the town specifications, which may be obtained from the Town Engineer.

**§ 145-18. Street layout.**

Editor's Note: See also Ch. 125, Road Specifications.

A. Width, location and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform to the Master Plan, if such exists, and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

C. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.

D. Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Provisions for future resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future subdivision in accordance with the requirements contained in these regulations.

F. Dead-end streets. The creation of dead-end or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty-foot side easement to provide for continuation of pedestrian traffic, and utilities to the next street. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved subdivision plat for which a bond has been filed.

G. Block size. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot-wide paved footpath be included.

H. Intersections with collector or major arterial roads. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.

I. Street jogs. Street jogs with center-line offsets of less than 125 feet shall be avoided.

J. Angle of intersection. In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.

K. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

L. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirement of approach grades and future grade separations.

#### **§ 145-19. Street design.**

A. Width of rights-of-way. Streets shall have the following widths. (When not indicated on the Master Plan or Official Map, if such exists, the classification of streets shall be determined by the Board.)

Type	Minimum Right-of-Way (feet)	Minimum Pavement (feet)
Major streets	100	30
Collector streets	60	24
Local streets	50	24

B. Improvements. Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street trees and fire hydrants in such a manner as to meet the minimum requirements of the Town Board and the standards established as part of the Comprehensive Plan of the town. Waivers may be requested and the Planning Board may waive sections or reduce the standards established as part of the Comprehensive Plan, subject to appropriate conditions, where such improvements in the judgment of the Planning Board may be omitted or altered without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town Engineer. Such grading and improvements shall be approved as to design and specifications by the Town Engineer.

(1) Fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.

(2) Streetlighting facilities. Lighting facilities shall be in conformance with the lighting system of the town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized town electrical inspector.

(3) Signs. Street signs shall be provided and installed according to the requirements of the town.

C. Utilities in streets. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the pavement roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

D. Utility easements. Where topography is such as make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to

the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

E. Grades. Grades of all streets shall conform in general to the terrain, and shall not be less than 0.5% or more than 6% for major or collector streets, or 10% for minor streets in residential zones, but in no case more than 3% within 50 feet of any intersection.

F. Changes in grade. All changes in grade shall be connected by vertical curves of such length and radius as meet the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.

G. Curve radii at street intersections. All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.

H. Steep grades and curves; visibility of intersection. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, corner lots (whether at an intersection entirely within the subdivision or of a new street with an existing street) shall be so located and landscaped that the view will not be obstructed for 40 feet on each side of a corner lot. If directed, ground shall be excavated to achieve visibility.

I. Dead-end streets (culs-de-sac). Where dead-end streets are designed to be permanent, they should be, in general, not exceed 500 feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary turnaround a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.

J. Watercourses. Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Town Engineer, and in no case less than 20 feet in width.

K. Curve radii. In general, street lines within a block, deflecting from each other at any one point by more than 10°, shall be connected with a curve, the radius of which for the center line of street shall not be less than 400 feet on major street, 200 feet on collector streets and 100 feet on minor streets.

L. Service streets or loading space in commercial development. Paved rear service streets of not less than 20 feet in width or, in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

M. Free flow of vehicular traffic abutting commercial development. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

#### **§ 145-20. Street names.**

A. Type of name. All street names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.

B. Names to be substantially different. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90° without a change in street name.

#### **§ 145-21. Lots.**

A. Lots to be buildable. The lot arrangement shall be such that in constructing a building in compliance with Chapter 165, Zoning, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

B. Side lines. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

C. Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

D. Driveway access. Driveway access and grades shall conform to specifications of the town driveway ordinance, if one exists. Driveway grades between the street and the setback line shall not exceed 10%.

E. Access from private streets. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

F. Monuments and lot corner markers. Permanent monuments meeting specifications approved by the Town Engineer as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the subdivision plat.

#### **§ 145-22. Drainage improvements.**

A. Removal of spring and surface water. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

B. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of facility based on anticipated run-off from a ten-year storm under conditions of total potential development permitted by Chapter 165, Zoning, in the watershed.

C. Responsibility from drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

D. Land subject to flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions. Editor's Note: See also Ch. 93, Flood Damage Prevention.

#### **§ 145-23. Parks, open spaces and natural features.**

A. Recreation areas shown on Town Plan. Where a proposed park, playground or open space shown on the Town Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in § 145-23B below. Such area or areas may be dedicated to the town or county by the subdivider if the Town Board approves such dedication.

B. Parks and playgrounds not shown on Town Plan. The Planning Board shall require that the plat show sites of a character extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation area shown on the plat. The Board shall require that not less than three acres of recreation space be provided per 100 dwelling units shown on the plat. However, in no case shall the amount be more than 10% of the total area of the subdivision. Such area or areas may be dedicated to the town or county by the subdivider if the Town Board approves such dedication.

C. Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown the subdivider shall submit, prior to final approval, to the Board, three prints (one on cloth) drawn in ink showing at a scale of not less than 30 feet to the inch, such area and the following features thereof:

(1) The boundaries of the said area, giving lengths and bearings of all straight lines; radii lengths, central angles and tangent distances of all curves.

(2) Existing features such as brooks, ponds, clusters of trees, rock outcrops, structures.

(3) Existing and, if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.

D. Waiver of plat designation of area for parks and playgrounds.

(1) In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein or, if in the opinion of the Board it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board shall then require as a condition to approval of the plat a payment to the town of \$100 per gross acre, or more if the going rate is greater, of land which otherwise would have been acceptable as a recreation site. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in § 145-23B above.

(2) Such amount shall be paid to the Town Board at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town Board in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that is suitable for permanent park, playground or other recreational purposes; and is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies; and shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situated, provided that the Planning Board finds there is a need for such improvements.

E. Reserve strips prohibited. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.

F. Preservation of natural features. The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and -falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street as shown on the final subdivision plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of eight inches or more as measured three feet above the base of the trunk be removed without prior approval by the Planning Board.

## **ARTICLE V. Documents To Be Submitted**

### **§ 145-24. Sketch plan.**

The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following information:

A. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.

B. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.

C. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.

D. The Tax Map sheet, block and lot numbers, if available.

E. All the utilities available, and all streets which are either proposed, mapped or built.

F. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply [see § 145-25A(3)] within the subdivided area.

G. All existing restrictions on the use of land, including easements covenants, or zoning lines.

### **§ 145-25. Minor subdivision plat.**

A. In the case of minor subdivision only, the subdivision plat application shall include the following information:

(1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

(2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments as approved by the Town Engineer, and shall be referenced and shown on the plat.

(3) All on site sanitation and water supply facilities shall be designed to meet the minimum specification of the State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.

(4) Proposed subdivision name; name of town and county in which it is located.

(5) The date; North point; map scale; name and address of record owner and subdivider.

B. The plat to be filed with the County Clerk shall be printed upon linen or clearly drawn in India ink upon tracing cloth. The size of the sheet shall be 24 by 36 inches, or 48 by 72 inches.

**§ 145-26. Major subdivision preliminary plat and accompanying data.**

The following documents shall be submitted for conditional approval:

A. Five copies of the preliminary plat prepared at a scale of not more than 100 but preferably not less than 50 feet to the inch, showing:

(1) Proposed subdivision name; name of town and county in which it is located; date; true North point; scale; name and address of record owner, subdivider and engineer or surveyor, including license number and seal.

(2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.

(3) Zoning district, including exact boundary line of district if more than one district, and any proposed changes in the zoning district lines and/or the zoning ordinance text applicable to the area to be subdivided.

(4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

(5) Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more as measured three feet above the base of the trunk and other significant existing features for the proposed subdivision and adjacent property.

(6) Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

(7) Contours with intervals of five feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two feet.

(8) The width and location of any streets or public ways or place shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profile of all streets or public ways proposed by the developer.

(9) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes; connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; profiles of all proposed water and sewer lines.

(10) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles; connection to existing lines or alternate means of disposal.

(11) Plans and cross-sections showing the proposed location and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof, the character, width and depth of pavements and subbase, the location of manholes, basins and underground conduits.

(12) Preliminary designs of any bridges or culverts which may be required.

(13) The proposed lot lines with approximate dimensions and area of each lot.

(14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width, and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the Official Map.

(15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances made and certified to be a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the plat.

B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed street and indication of the

probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract, shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.

C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

**§ 145-27. Major subdivision plat and accompanying data.**

The following documents shall be submitted for plat approval:

A. The plat to be filed with the County Clerk shall be printed upon linen, or be clearly drawn in India ink upon tracing cloth. The size of the sheets shall be 24 inches by 36 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the North point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

B. The plat shall show:

(1) Proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located, the name and address of record owner and subdivider, name and license number and seal of the licensed land surveyor.

(2) Street lines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use.

(3) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line and boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State System of Plane Coordinates, and in any event should be tied to reference points previously established by a public authority.

(4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North point.

(5) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.

(6) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.

(7) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing town practice.

(8) Permanent reference monuments shall be shown and shall be constructed in accordance with specification of the Town Engineer. When referenced to the State System of Plane Coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.

(9) All lot corner markers shall be permanently located satisfactorily to the Town Engineer at least 3/4 inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.

(10) Monuments of a type approved by the Town Engineer shall be set at all corners and angle point of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.

(11) A map shall be submitted to the satisfaction of the Planning Board, indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Article III, § 145-10A(2), then said map shall be submitted prior to final approval of the subdivision plat. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Article III, § 145-10A(1), such bond shall not be released until such a map is submitted in a form satisfactory to the Planning Board.

**ARTICLE VI. Variances and Waivers**

**§ 145-28. Authority of Planning Board to vary regulations.**

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan, if such exist, or Chapter 165, Zoning.

**§ 145-29. Authority of Planning Board to waive required improvements.**

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.

**§ 145-30. Conditions to be imposed.**

In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

**ARTICLE VII. Violations and Penalties**

**[Added 5-24-1993]**

**§ 145-31. Penalties for offenses.**

Any subdivider or purported subdivider who shall take any action with respect to a subdivision in violation of any provision of these subdivision regulations, or who shall take any action with respect to a subdivision without first obtaining the approvals required by these subdivision regulations, or who shall violate any term, condition or modification ordered pursuant to any provision of these subdivision regulations, or who shall omit, neglect or refuse to do any act required by these subdivision regulations, shall be guilty of an offense and subject to a fine of not more than \$350 or imprisonment for a period not to exceed six months, or both, and in addition, may be ordered to pay all costs and expenses involved in the case. Every such subdivider shall be deemed guilty of a separate offense for each week that such violation, omission, neglect or refusal shall continue.

**§ 145-32. Additional remedies.**

In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used, or any land is divided into lots, blocks or sites in violation of these subdivision regulations, the Town Board, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.



## CHAPTER 149. TAXATION

### ARTICLE I. Business Exemption

#### § 149-1. Zero exemption.

#### § 149-2. When effective; filing requirements.

### ARTICLE II. Alternative Veterans Exemption

#### § 149-3. Legislative intent and purpose.

#### § 149-4. Exemption authorized.

#### § 149-5. Additional exemption for combat veterans.

#### § 149-6. Additional exemption for service-connected disability.

#### § 149-6.1. Gold Star Parents.

#### § 149-7. When effective; applicability.

### ARTICLE III. Exemption for Certain Disabled Homeowners

#### § 149-8. Short title.

#### § 149-9. Persons with disabilities and limited incomes.

#### § 149-10. Definitions.

#### § 149-11. Required proof.

#### § 149-12. Computation of exemption.

#### § 149-13. Real property held in trust.

#### § 149-14. Cooperative apartment ownership.

#### § 149-15. Conditions for not granting exemption.

#### § 149-16. Application for exemption.

#### § 149-17. Amendments.

#### § 149-17.1. Saving clause.

#### § 149-17.2. Effective date.

### ARTICLE IV. Veterans Exemption

#### § 149-18. Title.

#### § 149-19. Change in value of exempted real property.

#### § 149-20. Veterans exemption verses alternative veterans exemption.

### ARTICLE V. Senior Citizens Exemption

#### § 149-21. Exemption granted; conditions; application.

#### § 149-22. Partial exemptions; conditions; application.

#### § 149-23. Amendments.

#### § 149-24. Saving clause.

#### § 149-25. Effective date.

### ARTICLE VI. Cold War Veterans Exemption

#### § 149-26. Purpose; legislative authority.

#### § 149-27. Definitions

#### § 149-28. Amount of exemption.

#### § 149-29. Limitations; duration; application.

#### § 149-30. When effective; applicability.

## **CHAPTER 149. TAXATION**

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

### **GENERAL REFERENCES**

Assessor — See Ch. 8.

### **ARTICLE I. Business Exemption**

**[Adopted 10-26-1976 by L.L. No. 3-1976]**

#### **§ 149-1. Zero exemption.**

As provided in Subdivision 7 of § 485-b of the Real Property Tax Law, the exemption table set forth in Subdivision 2(a) of that section shall be amended to read as follows:

<b>Year of Exemption</b>	<b>Percentage of Exemption</b>
1	None
2	None
3	None

Year of Exemption	Percentage of Exemption
4	None
5	None
6	None
7	None
8	None
9	None
10	None

**§ 149-2. When effective; filing requirements.**

This article shall take effect immediately as provided in the Municipal Home Rule Law, and an additional copy shall be filed with the State Board of Equalization and Assessment. Editor's Note: Now the State Board of Real Property Services, pursuant to L. 1994, c. 385.

**ARTICLE II. Alternative Veterans Exemption**

**[Adopted 4-23-1998 by L.L. No. 1-1998; amended in its entirety 2-27-2006 by L.L. No. 1-2006]**

**§ 149-3. Legislative intent and purpose.**

A. This Board finds and determines that the sacrifices and services provided by veterans in protecting this country should be acknowledged by providing certain tax exemption.

B. By Chapter 256 of the Laws of New York for 2005, the New York State Legislature amended § 458-a of the Real Property Tax Law authorizing the adoption of a local law to increase the maximum tax exemptions for veterans.

C. The purpose of this article is to amend Local Law No. 6 of 1999 and adopt maximum tax exemptions for veterans as authorized by Chapter 256 of the Laws of New York for 2005.

**§ 149-4. Exemption authorized.**

Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$36,000 or the product of \$36,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less.

**§ 149-5. Additional exemption for combat veterans.**

In addition to the exemption provided by § 149-4 of this article, where the veteran served in a combat theater or combat zone of operation, as documented by the award of a United States Campaign Ribbon or Service Medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$24,000 or the product of \$24,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the class ratio, whichever is less.

**§ 149-6. Additional exemption for service-connected disability.**

In addition to the exemptions provided by §§ 149-4 and 149-5 of this article, where the veteran received a compensation rating from the United States Veterans Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed \$120,000 or the product of \$120,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less. For the purposes of this article, where a person who served in the active military, naval or air service during a period of war died in service of a service-connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.

**§ 149-6.1. Gold Star Parents.**

This Board also finds and determines that the sacrifices made by Gold Star Parents should be acknowledged by entitling them to the same alternative veterans real property tax exemptions accorded to veterans and spouses of veterans, up to a maximum of 25%. The New York State Legislature amended § 458-a of the Real Property Tax Law by adding a new

Subdivision 7 authorizing the adoption of a local law to grant Gold Star Parents this alternative exemption. For the purpose of extending this exemption, a Gold Star Parent shall be defined as "the parent of a child who died in the line of duty while serving in the United States Armed Forces during a period of war." A Gold Star Parent shall be deemed to be eligible for the exemption for qualifying residential real property under §§ 149-4 and 149-5.

**§ 149-7. When effective; applicability.**

This article shall take effect immediately upon filing with the Secretary of State and shall apply to assessment rolls prepared on the basis of a taxable status date occurring on or after such date.

**ARTICLE III. Exemption for Certain Disabled Homeowners**

**[Adopted 10-25-1999 by L.L. No. 3-1999]**

**§ 149-8. Short title.**

This article shall be known as the "Town of Coeymans Disabled Homeowner Tax Exemption Law."

**§ 149-9. Persons with disabilities and limited incomes.**

**[Amended 2-23-2004 by L.L. No. 2-2004]**

Effective as hereinafter provided, there shall be an exemption from taxation for general Town purposes to the extent of the percentage of assessed evaluation provided in the following schedule, determined by the maximum income exemption eligibility level also provided in the following schedule, up to a maximum of 50% of the assessed valuation of real property owned by one or more persons with disabilities, or real property owned by a husband or wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereinafter defined, is limited by reason of such disability:

<b>Annual Income</b>	<b>Percentage of Assessed Valuation Exempt From Taxation</b>
\$0 to \$24,000	50%
\$24,000 or more but less than \$25,000	45%
\$25,000 or more but less than \$26,000	40%
\$26,000 or more but less than \$27,000	35%
\$27,000 or more but less than \$27,900	30%
\$27,900 or more but less than \$28,800	25%
\$28,800 or more but less than \$29,700	20%
\$29,700 or more but less than \$30,600	15%
\$30,600 or more but less than \$31,500	10%
\$31,500 or more but less than \$32,400	5%

**§ 149-10. Definitions.**

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

**PERSON WITH A DISABILITY**

One who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who:

A. Is certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the Federal Social Security Act; or

B. Is certified to receive Railroad Retirement Disability benefits under the Federal Railroad Retirement Act; or

C. Has received a certification from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind.

#### **SIBLING**

A brother or sister, whether related through half blood, whole blood or adoption.

#### **§ 149-11. Required proof.**

An award letter from the Social Security Administration or the Railroad Retirement Board or a certification from the State Commission for the Blind and Visually Handicapped shall be submitted as proof of disability.

#### **§ 149-12. Computation of exemption.**

Any exemption provided by this article shall be computed after all other partial exemptions allowed by the law have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same tax purpose pursuant to both this article and § 467 of the Real Property Tax Law. Editor's Note: See Art. V, Senior Citizens Exemption, of this Ch. 149.

#### **§ 149-13. Real property held in trust.**

Notwithstanding any other provisions of law to the contrary, the provisions of this article shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption pursuant to this article.

#### **§ 149-14. Cooperative apartment ownership.**

A. Title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

B. That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section, and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

#### **§ 149-15. Conditions for not granting exemption.**

No exemption shall be granted:

A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sums authorized by the provisions of § 459-c of the Real Property Tax Law. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife, is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Where title is vested in siblings, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment; but shall not include a return of capital, gifts, inheritances or moneys earned through employment in the foster grandparent program, and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid by insurance. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion or wear and tear of real or personal property held for the production of income.

#### **[Amended 2-23-2004 by L.L. No. 2-2004]**

B. Unless the property is used exclusively for residential purposes; however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this article.

C. Unless the real property is the legal residence and is occupied, in whole or in part, by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in § 2801 of the Public Health Law, provided that any income accruing to that person shall be considered income for purposes of this article only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

#### **§ 149-16. Application for exemption.**

A. Application for such exemption must be made annually by the owner, or all of the owners of the property, on forms prescribed by the State Board to be furnished by the appropriate local assessing unit, and shall furnish the information and be executed in the manner required or prescribed on such forms, and shall be filed in such Assessor's office on or before the appropriate taxable status date; provided, however, that proof of a permanent disability need be submitted only in the year an exemption pursuant to this article is first sought or the disability is first determined to be permanent.

B. At least 60 days prior to the appropriate taxable status date, the appropriate local assessing unit shall mail to each person who was granted an exemption pursuant to this article on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

#### **§ 149-17. Amendments.**

**[Added 2-23-2004 by L.L. No. 2-2004** Editor's Note: This local law also renumbered former § 149-17, When effective; applicability, as § 149-17.2. ]

The annual income limits and tables, set forth in this article, may be amended by resolution of the Town Board, subject to permissive referendum.

##### **§ 149-17.1. Saving clause.**

**[Added 2-23-2004 by L.L. No. 2-2004]**

If any part or provision of this article or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to other persons or circumstances, and the Town Board of the Town of Coeymans hereby declares that it would have passed this article or the remainder thereof had such invalid application or invalid provision been apparent.

##### **§ 149-17.2. Effective date.**

**[Amended 2-23-2004 by L.L. No. 2-2004]**

This article shall take effect immediately upon filing with the Secretary of State, after 45 days from the date of its adoption.

#### **ARTICLE IV. Veterans Exemption**

**[Adopted 10-25-1999 by L.L. No. 4-1999]**

##### **§ 149-18. Title.**

This article shall be entitled "Local Law of the Town of Coeymans Adopting Chapter 410 of the 1994 Laws of the State of New York, Subdivision 5, § 458 of the New York State Real Property Tax Law, in Relation to Veterans Exemptions, Town of Coeymans."

##### **§ 149-19. Change in value of exempted real property.**

Notwithstanding the limitation on the amount of exemption prescribed in Subdivision 1 or 2 per Subdivision 5 of § 458 of the New York State Real Property Tax Law, if the total assessed value of the real property for which such exemption has been granted increases or decreases as a result of a revaluation or update of assessments, and a material change in level of assessment, as provided in Title Two of Article Twelve of Chapter 410 of the 1994 Laws of New York State, is certified for the assessment roll pursuant to the rules of the State Board, the Assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by such change in level of assessment. If the Assessor receives the certification after the completion, verification and filing of the final assessment roll, the Assessor shall certify the amount of exemption as recomputed pursuant to this section to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the Assessor on the roll.

##### **§ 149-20. Veterans exemption verses alternative veterans exemption.**

Notwithstanding the provisions of Paragraph (b) of Subdivision 6, § 458 of the New York State Real Property Tax Law, eligible owners of property who previously received an exemption pursuant to Subdivision 5 of § 458, but who opted instead to receive exemption pursuant to § 458-a, Editor's Note: See Art. II, Alternative Veterans Exemption, of this Ch. 149. are hereby authorized to receive an exemption pursuant to Subdivision 5 of § 458 of the New York State Real Property Tax Law upon timely application by the owner within one year of the adoption of this article. Where such application is timely made, the Assessor shall recompute all exemptions granted pursuant to this section by multiplying the amount of each such exemption by the cumulative change in level of assessment certified by the State Board measured from the assessment roll immediately preceding the assessment roll on which exemptions were first granted pursuant to § 458-a; provided, however, that if an exemption was initially granted to a parcel on a later assessment roll, the cumulative change in level factor to be used in recomputing that exemption shall be measured from the assessment roll immediately preceding the assessment roll on which that exemption was initially granted. No refunds or retroactive entitlements shall be granted.

#### **ARTICLE V. Senior Citizens Exemption**

**[Adopted 10-25-1999 by L.L. No. 5-1999]**

##### **§ 149-21. Exemption granted; conditions; application.**

Effective as hereinafter provided, there shall be an exemption from taxation for general Town purposes to the extent of 50% of the assessed valuation of real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, or by siblings, one of whom is 65 years of age or over, upon the following terms and conditions:

##### **A. No exemption shall be granted pursuant to this section:**

(1) If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$24,000. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payment made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, moneys earned through the federal foster grandparent program or any medical or prescription drug expenses actually paid which were not reimbursed or paid by insurance. The provisions of this subsection notwithstanding, such income shall not include veterans disability compensation, as defined in Title 38 of the United States Code. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

**[Amended 11-25-2002 by L.L. No. 1-2002; 2-23-2004 by L.L. No. 1-2004]**

(2) Unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption; provided, however, that in the event of the death of either husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor, and such ownership shall be deemed continuous for the purpose of computing such period of 12 consecutive months; provided, further, that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transfer or spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purpose of computing such period of 12 consecutive months; and provided, further, that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which the application is made for exemption, and such periods of ownership shall be deemed to be consecutive for the purposes of this section. Where a residence is sold and replaced with another within one year and is in the same assessing unit or municipality, the period of ownership of the replacement residence is deemed consecutive for exemption from taxation by each such assessing unit or failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of taxes on property owned by such person.

**B.** Application for such exemption must be made by the owner, or all of the owners of the property, on forms prescribed by the State Board to be furnished by the appropriate local assessing unit, and shall furnish the information and be executed in the manner required or prescribed on such forms, and shall be filed in such Assessor's office on or before the appropriate taxable status date. Notwithstanding any other provision of law, any person otherwise qualifying under this article shall not be denied the exemption under this article if he becomes 65 years after the appropriate taxable status date and on or before December 31 of the same year.

C. At least 60 days prior to the appropriate taxable status date, the appropriate local assessing unit shall mail to each person who was granted exemption pursuant to this article on the latest completed assessment roll, an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to be granted. The appropriate local assessing unit shall, within three days of the completion and filing of the tentative assessment roll, notify by mail any applicant who has included with his application at least one self-addressed, prepaid envelope, of the approval or denial of the application; provided, however, that the appropriate local assessing unit shall, upon receipt and filing of the application, send by mail, notification of receipt to any applicant who has included two of such envelopes with the application. Where an applicant is entitled to a notice of denial pursuant to this subsection, such notice shall be on a form prescribed by the State Board and shall state the reasons for such denial and shall further state that the applicant may have such determination reviewed in the manner provided by law. Failure to mail any such application form or notices of failure of such person to receive any of the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

D. Any conviction of having made any willful false statement in the application for such exemption, shall be punishable by a fine of not more than \$100 and shall disqualify the applicant or applicants from further exemption for a period of five years.

E. The real property tax exemption on real property owned by a husband and wife, one of which is 65 years of age or over, once granted, shall not be rescinded by the Town of Coeymans solely because of the death of the older spouse so long as the surviving spouse is at least 62 years of age.

F. The appropriate local assessing units shall accept applications for the renewal of exemptions pursuant to this article after the taxable status date. In the event that the owner or all of the owners of property which has received an exemption pursuant to this section on the preceding assessment roll fail to file the application required pursuant to this section on or before taxable status date, such owner or owners may file the application, executed as if such application had been filed on or before the taxable status date, with the Assessor on or before the date of the hearing of complaints.

**§ 149-22. Partial exemptions; conditions; application.**

**[Amended 11-25-2002 by L.L. No. 1-2002; 2-23-2004 by L.L. No. 1-2004]**

Effective as hereinafter provided, there shall be an exemption from taxation for general Town purposes on real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, to the extent of the percentage of assessed valuation provided in the following schedule, determined by the maximum income eligibility level also provided in the following schedule:

<b>Annual Income</b>	<b>Percentage of Assessed Valuation Exempt From Taxation</b>
\$0 to \$24,000	50%
\$24,000 or more but less than \$25,000	45%
\$25,000 or more but less than \$26,000	40%
\$26,000 or more but less than \$27,000	35%
\$27,000 or more but less than \$27,900	30%
\$27,900 or more but less than \$28,800	25%
\$28,800 or more but less than \$29,700	20%
\$29,700 or more but less than \$30,600	15%
\$30,600 or more but less than \$31,500	10%

<b>Annual Income</b>	<b>Percentage of Assessed Valuation Exempt From Taxation</b>
\$31,500 or more but less than \$32,400	5%

A. No exemption shall be granted pursuant to this section:

(1) If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$32,400. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, moneys earned through the federal foster grandparent program or any medical or prescription drug expenses actually paid which were not reimbursed or paid by insurance. The provisions of this subsection notwithstanding, such income shall not include veterans disability compensation, as defined in Title 38 of the United States Code. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

(2) Unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption; provided, however, that in the event of the death of either husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor, and such ownership shall be deemed continuous for the purpose of computing such period of 12 consecutive months; provided, further, that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transfer or spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months; and provided, further, that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which the application is made for exemption, and such periods of ownership shall be deemed to be consecutive for the purposes of this section. Where a residence is sold and replaced with another within one year and is in the same assessing unit or municipality, the period of ownership of the former property shall be combined with the period of ownership of the replacement residence and deemed consecutive for exemption from taxation by each such assessing unit or municipality. Notwithstanding any other provision of law, where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for the exemption from taxation by a municipality within the state granting such exemption.

(3) Unless the property is used exclusively for residential purposes.

(4) Unless the real property is the legal residence and is occupied, in whole or in part, by the owner or by all of the owners of the property.

B. Application for such exemption must be made by the owner, or all of the owners of the property, on forms prescribed by the State Board to be furnished by the appropriate local assessing unit, and shall furnish the information and be executed in the manner required or prescribed on such forms, and shall be filed in such Assessor's office on or before the appropriate taxable status date. Notwithstanding any other provision of law, any person otherwise qualifying under this section shall not be denied the exemption under this section if he becomes 65 years after the appropriate taxable status date and on or before December 31 of the same year.

C. At least 60 days prior to the appropriate taxable status date, the appropriate local assessing unit shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to be granted. The appropriate local assessing unit, shall, within three days of the completion and filing of the tentative assessment roll, notify by mail any applicant who has included with his application at least one self-addressed, prepaid envelope, of the approval or denial of the application; provided, however, that the appropriate local assessing unit shall, upon receipt and filing of the application, send by mail notification of receipt to any applicant who has included two such envelopes with the application. Where an applicant is entitled to a notice of denial pursuant to this subsection, such notice shall be on a form prescribed by the State Board and shall state the reasons for such denial and shall further



state that the applicant may have such determination reviewed in the manner provided by law. Failure to mail any such application form or notices or failure of such person to receive any of the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

D. Penalty for false statement; collection or erroneous exemption; payment of fines.

(1) Any conviction of having made any willful false statement in the application for such exemption shall be punishable by a fine of not more than \$100 and shall disqualify the applicant or applicants from further exemption for a period of five years.

(2) Notwithstanding any inconsistent provisions of the New York State Real Property Tax Law, the collection of any amount of tax erroneously exempted due to an incorrect statement in an application for exemption shall be enforceable in the same manner provided for the collection of delinquent taxes pursuant to the provisions of Article 11 of the New York State Real Property Tax Law.

(3) Any fine levied pursuant to Subsection D(1) of this subsection shall be paid to the appropriate assessing authority.

E. The real property tax exemption on real property owned by a husband and wife, one of whom is 65 years of age or over, once granted, shall not be rescinded by the Town of Coeymans solely because of the death of the older spouse so long as the surviving spouse is at least 62 years of age.

F. The appropriate local assessing units shall accept applications for the renewal of exemptions pursuant to this section after the taxable status date. In the event that the owner or all of the owners of property which has received an exemption pursuant to this section on the preceding assessment roll fail to file the application required pursuant to this section on or before taxable status date, such owner or owners may file the application, executed as if such application had been filed on or before the taxable status date, with the Assessor on or before the date for the hearing of complaints.

#### **§ 149-23. Amendments.**

**[Added 2-23-2004 by L.L. No. 1-2004]**

The annual income limits and tables, and age requirements, set forth in this article, may be amended by resolution of the Town Board, subject to permissive referendum.

#### **§ 149-24. Saving clause.**

**[Added 2-23-2004 by L.L. No. 1-2004]**

If any part or provision of this article or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to other persons or circumstances, and the Town Board of the Town of Coeymans hereby declares that it would have passed this article or the remainder thereof had such invalid application or invalid provision been apparent.

#### **§ 149-25. Effective date.**

**[Added 2-23-2004 by L.L. No. 1-2004]**

This article shall take effect immediately upon filing with the Secretary of State, after 45 days from the date of its adoption.

### **ARTICLE VI. Cold War Veterans Exemption**

**[Adopted 1-12-2009 by L.L. No. 1-2009]**

#### **§ 149-26. Purpose; legislative authority.**

The purpose of this article is to allow for a tax exemption for the Town of Coeymans War veterans, allowable pursuant to § 458-b of the Real Property Tax Law of the State of New York, which was created by Chapter 655 of the Laws of the State of New York for the year 2007.

#### **§ 149-27. Definitions**

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

##### **COLD WAR VETERAN**

A person, male or female, who:

A. Served on active duty for a period of more than 365 days in the United States Armed Forces during the time period from September 2, 1945, to December 26, 1991;

B. Was discharged or released therefrom under honorable conditions; and

C. Has been awarded the Cold War Recognition Certificate as authorized under Public Law 1005-85, the National Defense Authorization Act.

**ARMED FORCES**

The United States Army, Navy, Marine Corps, Air Force and Coast Guard.

**ACTIVE DUTY**

Full-time duty in the United States Armed Forces, other than duty for training.

**SERVICE CONNECTED**

With respect to disability or death, that such disability was incurred or aggravated, or that death resulted from a disability incurred or aggravated, in the line of active military, naval or air service.

**QUALIFIED OWNER**

A Cold War veteran, the spouse of a Cold War veteran or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

**QUALIFIED RESIDENTIAL REAL PROPERTY**

Property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that a portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this article. Such property shall be the primary residence of the Cold War veteran or the unmarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unmarried surviving spouse is absent from the property due to medical reasons or institutionalized for up to five years.

**LATEST STATE EQUALIZATION RATE**

The latest final equalization rate established by the State Board pursuant to Article 12 of Real Property Tax Law.

**§ 149-28. Amount of exemption.**

Pursuant to the provisions of Chapter 655 of the 2007 Laws of the State of New York amending the Real Property Tax Law of the State of New York, the maximum veteran's exemption from real property taxes allowable pursuant to § 458-b of the Real Property Tax Law is established as follows:

A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$12,000 multiplied by the latest state equalization rate for the Town of Coeymans.

B. In addition to the exemption provided by Subsection A of § 149-28, where the Cold War veteran received a compensation rating from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$40,000 or the product of \$40,000 multiplied by the latest State equalization rate for the Town of Coeymans, whichever is less.

**§ 149-29. Limitations; duration; application.**

A. If the Cold War veteran receives the exemption under any other section of the Real Property Tax Law that provides for veteran exemptions, the Cold War veteran shall not be eligible to receive the exemption under this article.

B. The exemption under this article shall be granted for a period of 10 years. Where a qualified owner owns qualifying residential real property on the effective date of this article, such ten-year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this article. Where a qualified owner does not own qualifying residential real property on the effective date of this article, such ten-year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential real property, such ten-year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten-year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this section for the unexpired portion of the ten-year exemption period.

C. Application for exemption shall be made by the owner, or all of the owners of the property on a form prescribed by the State Board. The owner or owners shall file the completed form in the Assessor's office on or before the first appropriate taxable status date. The owner or owners of the property shall be required to file each year. The applicant shall file on or before the appropriate taxable status date. Any applicant convicted of willfully making any false statements in the application for such exemption shall be subject to the penalties prescribed in the New York State Penal Code.

**§ 149-30. When effective; applicability.**

This article shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status occurring on or after such date.

**CHAPTER 156. VEHICLES AND TRAFFIC**

ARTICLE I. Parking Prohibited: Main Street

§ 156-1. East side.

ARTICLE II. Parking Prohibited: Church Street

§ 156-2. South side.

ARTICLE III. Parking Prohibited: Various Locations

§ 156-3. Findings; descriptions of locations.

§ 156-4. Penalties for offenses.

ARTICLE IV. Parking and Traffic Regulations

§ 156-5. Parking prohibited where indicated by signage.

§ 156-6. Parking prohibited: locations.

§ 156-7. Penalties for parking offenses.

§ 156-8. Speed limits.

§ 156-9. One-way traffic.

§ 156-10. Local traffic only.

§ 156-11. Fire lane.

§ 156-12. Penalties for traffic offenses.

ARTICLE V. Snow Emergencies

§ 156-13. Legislative intent.

§ 156-14. Determination of snow emergency.

§ 156-15. Notice.

§ 156-16. Duration.

§ 156-17. Erection and maintenance of signs.

§ 156-18. Parking, stopping and standing regulations.

§ 156-19. Snow emergency routes.

§ 156-20. Enforcement; penalties for offenses.

**CHAPTER 156. VEHICLES AND TRAFFIC**

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

**GENERAL REFERENCES**

Streets and sidewalks — See Ch. 142.

Off-road vehicles — See Ch. 158.

**ARTICLE I. Parking Prohibited: Main Street**

**[Adopted 9-4-1958]**

**§ 156-1. East side.**

Parking is prohibited on the east side of Main Street, in Coeymans, from north boundary of property now occupied by Walter Shutter, north to the point of intersection of Lower Church Street, signs to be placed defining such regulation.

**ARTICLE II. Parking Prohibited: Church Street**

**[Adopted 9-4-1958]**

**§ 156-2. South side.**

Parking is prohibited on the south side of Church Street in Coeymans, from the point of intersection of Fifth Street, west to point of intersection of New Street, signs to be placed defining such regulation.

**ARTICLE III. Parking Prohibited: Various Locations**

**[Adopted 1-4-1983 by L.L. No. 1-1983]**

**§ 156-3. Findings; descriptions of locations.**

The Town Board of the Town of Coeymans recognizes that the parking or standing of motor vehicles at the following described locations create a hazard to the safe operation of motor vehicles and motorcycles at such locations. Therefore, in the interest of the safety and welfare of the traveling public, parking or standing of a motor vehicle or motorcycle is prohibited at the following described locations:

- A. Along the south side of Westerlo Street from a point at the intersection of the southerly pavement edge of Westerlo Street and the westerly pavement edge of Civill Avenue to a point 50 feet westerly therefrom.
- B. Along the east side of Civill Avenue from a point at the intersection of the southerly pavement edge of Westerlo Street and the easterly pavement edge of Civill Avenue to a point 45 feet southerly therefrom.
- C. Along the south side of Westerlo Street from a point at the intersection of the southerly pavement edge of Westerlo Street and the westerly pavement edge of Blaisdell Avenue to a point 35 feet westerly therefrom.
- D. Along both sides of Blaisdell Avenue from its intersection with Westerlo Street to the intersection of Einie Drive.

**§ 156-4. Penalties for offenses.**

Any person violating the provisions of this article shall be punishable by a fine not exceeding \$25.

**ARTICLE IV. Parking and Traffic Regulations**

**[Adopted 10-25-1999 by L.L. No. 7-1999]**

**§ 156-5. Parking prohibited where indicated by signage.**

No person shall park a motor vehicle, motorcycle, moped, trailer, vessel or item of motorized equipment along any town road or street where such parking is prohibited by an official Highway Department or Police Department sign, whether permanent or temporary.

**§ 156-6. Parking prohibited: locations.**

No person shall park a motor vehicle, motorcycle, moped, trailer, vessel or item of motorized equipment on any of the following Town of Coeymans streets:

- A. The north side of Westerlo Street on its entire length.
- B. The south side of Westerlo Street from Church Street east to the area adjacent to New Street.
- C. The south side of Westerlo Street from Blaisdell Avenue east to Main Street.
- D. The north side of Westerlo Street from Main Street, east to First Street.
- E. Either side of Fifth Street on its entire length.
- F. The east side of Second Street on its entire length.
- G. Either side of Fori Lane on its entire length.
- H. Either side of Pape Hill on its entire length.
- I. The south side of Dock Street on its entire length.
- J. The east side of First Street from Dock Street south to Westerlo Street.

**§ 156-7. Penalties for parking offenses.**

Violations of the provisions of § 156-5 or 156-6 of this article shall be punishable by a minimum fine of \$25.

**§ 156-8. Speed limits.**

The maximum speed at which any vehicle may proceed on or along any town road or street within the boundaries of the Town of Coeymans, outside the Village of Ravena, is hereby established at 30 miles per hour, except for those portions of town streets which are officially posted otherwise.

**§ 156-9. One-way traffic.**

Effective upon the adoption of this article, Fori Lane shall be restricted to one-way traffic, east to west.

**§ 156-10. Local traffic only.**

Effective upon the adoption of this article, Second Street shall be restricted to local traffic only; nonlocal through traffic is prohibited.

**§ 156-11. Fire lane.**

Effective upon the adoption of this article, Pape Hill shall be designated as a fire lane only; all through traffic is prohibited.

**§ 156-12. Penalties for traffic offenses.**

Violations of the provisions of §§ 156-8, 156-9, 156-10 and 156-11 of this article shall be punishable in accordance with the current fine schedule observed by the local court in reference to similar violations of Article 25 and Article 30 of the New York State Vehicle and Traffic Law.

**ARTICLE V. Snow Emergencies**

**[Adopted 2-23-2009 by L.L. No. 2-2009]**

**§ 156-13. Legislative intent.**

It is hereby declared and found vital to the public welfare and safety of the residents of the Town and the general public that this article be enacted to regulate and control traffic, to prevent traffic congestion, to expedite the orderly flow of traffic and emergency vehicles and to facilitate removal of snow from Town streets and highways during periods of snow emergency.

**§ 156-14. Determination of snow emergency.**

A snow emergency shall exist whenever there shall be an accumulation of snow exceeding three inches in depth as measured at the official snow gauge to be provided and maintained by the Superintendent of Highways at such location within the Town as he, in his discretion, may determine.

**§ 156-15. Notice.**

The presence on any street or highway within the Town of an accumulation of snow to a depth exceeding three inches shall be deemed notice to all operators of motor vehicles stopping, standing or parking such vehicles on such street or highway that the snow emergency parking regulations set forth in this article are in effect at such time and place, and it shall be presumed that such motor vehicle operators have actual notice of the existence of a snow emergency by reason of such snow accumulation.

**§ 156-16. Duration.**

A snow emergency shall remain in effect for a period of 48 hours after it commences unless sooner declared terminated by the Supervisor, his/her designee, the Superintendent of Highways or the Chief of Police.

**§ 156-17. Erection and maintenance of signs.**

The Superintendent of Highways shall cause to be posted, erected and maintained during the months of November, December, January, February, March and April of each year appropriate signs at street locations clearly visible to all vehicles entering the Town by all major streets, at or near the Town boundary, to provide notice of the parking, stopping and standing regulations that shall be in effect during snow emergencies as defined in this article. The type, number and location of such signs shall be determined by the Town.

**§ 156-18. Parking, stopping and standing regulations.**

During a snow emergency as defined in § 150-14 of this article, the following parking, stopping and standing regulations shall apply:

- A. No person shall park a vehicle or permit the same to stand on any Town street or highway during any part of the snow emergency.
- B. It shall be unlawful and a violation of this article for a person to leave a vehicle parked or abandoned or left unattended where same constitutes an obstruction to the movement of traffic or at any place where stopping, standing or parking is prohibited in the Town.
- C. The snow emergency regulations set forth in Subsections A and B of this section shall apply only to those streets and highways maintained by the Town and shall not apply to streets and highways maintained by the state or county.

**§ 156-19. Snow emergency routes.**

The Superintendent of Highways is hereby empowered and authorized to designate certain streets and highways with the Town as snow emergency routes and to cause to be erected and maintained thereon appropriate signs at reasonable intervals along such snow emergency routes to provide notice that parking, stopping and standing or abandonment of vehicles along such snow emergency routes during a snow emergency is prohibited, and it shall be unlawful for any person to park, stop, stand or abandon a vehicle on a street so designated and assigned as a snow emergency route during a snow emergency as herein defined.

**§ 156-20. Enforcement; penalties for offenses.**

The Town shall have the power to remove and store any vehicles that are parked, stopped, standing or abandoned on any street or highway within the Town in violation of this article. All removal and storage fees shall be the responsibility of the owner of said vehicle. Any person violating this article shall be guilty of a traffic infraction, and every person convicted of a violation thereof shall be liable to be punished by a fine of not more than \$500 or imprisonment, or both.

**CHAPTER 158. VEHICLES, OFF-ROAD**

§ 158-1. Purpose.

§ 158-2. Definitions.

§ 158-3. Prior consent required for operation on town lands.

§ 158-4. Operation on highway shoulders.

§ 158-5. Unsafe operation prohibited.

§ 158-6. Consent required for operation on private land or near residences.

§ 158-7. Registration and certificate of registration; fee.

§ 158-8. Additional restrictions.

**§ 158-9. Rules and regulations.**

§ 158-10. Penalties for offenses; impoundment; fees; parental responsibility.

**CHAPTER 158. VEHICLES, OFF-ROAD**

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 6-25-1985 by L.L. No. 2-1985. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Vehicles and traffic — See Ch. 156.

**§ 158-1. Purpose.**

The purpose of this chapter is to protect the public health, welfare and safety by prohibiting and/or regulating the operation of off-highway vehicles (OHV).

**§ 158-2. Definitions.**

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

**OFF-HIGHWAY VEHICLE (OHV)**

A motor vehicle which is not equipped in conformity with Vehicle and Traffic Law § 381 and which is not registered in accordance with the provisions of Vehicle and Traffic Law § 410 and which is manufactured and sold for operation primarily on areas which are not public highways, and having a seat or saddle for the use of the rider and designated to travel on wheels in contact with the ground, and shall include such vehicles commonly known as "motorcycles," "minibikes," "trailbikes," "all-terrain vehicles" and "mopeds," but shall not include such vehicles when used customarily for agricultural, business, gardening or property maintenance purposes, and shall not include snowmobiles.

**§ 158-3. Prior consent required for operation on town lands.**

No person shall operate or drive an OHV on town lands at any time, without the written prior consent of the town.

**§ 158-4. Operation on highway shoulders.**

No person shall operate or drive an OHV on that portion of highways within the Town of Coeymans lying between the regularly traveled or paved portion thereof and the outside boundaries of the rights-of-way of said highways, but the foregoing shall not prohibit the manual operation or pushing of an OHV on such portion of said highways. The word "highways" shall include state highways, county highways, and town highways by dedication or by use.

**§ 158-5. Unsafe operation prohibited.**

No person shall operate or drive an OHV in an unsafe, reckless or destructive manner nor in any manner that creates a public nuisance or annoyance.

**§ 158-6. Consent required for operation on private land or near residences.**

No person shall operate or drive an OHV within 500 feet of any inhabited structure without the consent of the owner, tenant or occupant thereof, nor on any privately owned land without the consent of the owner thereof.

**§ 158-7. Registration and certificate of registration; fee.**

A. No person shall operate an OHV within the Town of Coeymans unless such OHV has been registered in accordance with the provisions of this section, and such registration is in full force and effect, and a certificate of registration has been issued and is displayed in accordance with this chapter and any regulations promulgated by the Town Board.

B. Every owner of an OHV which is or is intended to be operated within the Town of Coeymans shall cause to be filed in the office of the Town Clerk an application for registration, on a form to be prepared under the direction of and furnished by the Town Clerk for that purpose, containing:

- (1) A brief description of the OHV registered, including the name of the manufacturer and the factory number of such vehicle;
- (2) The name and address of the owner of such vehicle and the name and address of any operator/operators of such vehicle other than the owner; and
- (3) Such other information as the Town Board may from time to time require by order or resolution.

C. Upon receipt of a sufficient application for registration, the Town Clerk shall register such OHV and maintain a record of the registration of OHV under the distinctive number assigned to OHV and shall issue a certificate of registration, and a three-inch-by-four-inch sticker which shall bear the number assigned to such OHV, and which shall be conspicuously displayed on such OHV and which shall have the following lettering: "Town of Coeymans OHV Registration No.\_\_\_\_\_" An annual fee of \$5.00 payable to the Town of Coeymans shall be paid to the Town Clerk upon the registration of such OHV.

#### **§ 158-8. Additional restrictions.**

A. No person under the age of 10 shall operate an OHV without the direct on-site supervision of a person over the age of 18 years.

B. No person shall operate or drive an OHV without a certificate of registration hereinabove provided for.

C. No owner of an OHV shall permit or allow the driving of any OHV without a certificate of registration.

D. No person shall operate or ride on an OHV without a safety helmet with minimum approval of DOT specifications.

E. No person shall operate or ride on an OHV between 1/2 hour after sunset and 1/2 hour before sunrise, unless equipped with a functioning and lighted headlamp capable of projecting a beam of light 250 feet and a rear reflector, and in no case shall an OHV be operated between 9:00 p.m. and 7:00 a.m.

F. No person shall operate or ride on an OHV unless equipped with brakes capable of preventing the OHV from rolling on a twenty-degree grade and a muffler which prevents the sound level from exceeding 96 decibels on the A Scale (SAETEST J1287).

G. No person shall operate or drive such OHV on public highways, except to cross, manually or otherwise, said highways in a ninety-degree angle after stopping completely before entering such highway and after yielding the right-of-way to any traffic on or pedestrians along such highway.

H. No landowner, tenant or occupant shall consent or knowingly permit the operation of an OHV on such landowner's, tenant's or occupant's land in violation of the restrictions set forth above in § 158-8A through G inclusively.

#### **§ 158-9. Rules and regulations.**

The Town Board is hereby empowered to make and promulgate, from time to time, by order or resolution, such rules and regulations relating to the use and operation of an OHV, including the requirement of instruction and training, as the Town Board may determine in the interest of promoting the public welfare, convenience and safety. For the purpose of implementing and enforcing such rules and regulations the Town Board may impose such restrictions, limitations and conditions upon the issuance of certificates of registration under this chapter as the Town Board may deem appropriate.

#### **§ 158-10. Penalties for offenses; impoundment; fees; parental responsibility.**

A. A violation of this chapter shall be deemed a violation.

B. Upon convictions, after a hearing before a court of competent jurisdiction, a fine of not more than \$250 or imprisonment for not more than 15 days, or both, may be imposed and the certificate of registration may be suspended for a period not to exceed one year. Failure to pay such a fine may result in the impoundment of the offending OHV until such fine is paid. Three convictions of violations of this chapter within a continuous 18 months may also result in the impoundment of the offending OHV for a period of time not to exceed 90 days. Such OHV may, after 90 days, be

redeemed by the owner thereof after paying storage fees, if any, and after paying an impoundment fee of \$50 to the Town Clerk. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

C. The parent, legal guardian or other person having custody of a person who is under the age of 16 years at the time of the violation of this chapter by such person under the age of 16 years shall likewise be guilty of a violation, if after a hearing by a court of competent jurisdiction and after a determination that such violation occurred by such person under 16 years, and shall be subject to a fine not to exceed \$250 or imprisonment for not more than 15 days, or both. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

## CHAPTER 165. ZONING

ARTICLE I. Purposes (§ 165-1)

ARTICLE II. Terminology (§ 165-2 — § 165-3)

ARTICLE III. Establishment of Districts (§ 165-4 — § 165-6)

ARTICLE IV. Regulations (§ 165-7 — § 165-11)

ARTICLE V. Administration (§ 165-12 — § 165-14)

ARTICLE VI. Amendments (§ 165-15)

ARTICLE VII. Miscellaneous (§ 165-16 — § 165-17)

Open all 17 sections

Attachments:

165a Appendix 1

165b Appendix 2

165c Appendix 3

165d Appendix 4

165e District Zoning Regulations

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 6-19-1961. Amendments noted where applicable.]**

## **GENERAL REFERENCES**

Environmental Conservation Board — See Ch. 8.

Planning Board — See Ch. 34.

Building construction and fire prevention — See Ch. 71.

Environmental quality review — See Ch. 88.

Flood damage prevention — See Ch. 93.

Junkyards and storage of junk — See Ch. 105.

Landfills — See Ch. 109.

Mobile home parks — See Ch. 114.

Subdivision of land — See Ch. 145.

Permit fees — See Ch. A170.



## **CHAPTER A170. PERMIT FEES**

### **ARTICLE I. Building Department Permit Fee Schedule**

#### **§ A170-1. New construction.**

#### **§ A170-2. Additions, alterations and renovations.**

#### **§ A170-3. Demolition permits.**

#### **§ A170-4. Renewals of permits.**

#### **§ A170-5. Miscellaneous inspections.**

#### **§ A170-6. Certificates of occupancy or completion.**

## **CHAPTER A170. PERMIT FEES**

### **ARTICLE I. Building Department Permit Fee Schedule**

#### **§ A170-1. New construction.**

##### **A. One and two-family dwellings.**

(1) One and two-family homes including accessory structures constructed contemporaneously:

(a) First 1,500 square feet of area: \$200.

(b) Each additional 1,000 square feet of area or fraction thereof: \$100.

(2) Siting of a mobile home in an authorized park: \$75

(3) Siting of a mobile home outside of an authorized park: \$125.

B. Multiple dwellings including accessory structures constructed contemporaneously: Each 1,000 square feet of area or fraction thereof: \$200.

##### **C. Installation of an approved factory manufactured home:**

(1) First dwelling unit: \$125.

(2) Each additional dwelling unit: \$50.

D. Garages, swimming pools and other miscellaneous not constructed contemporaneously with the construction of a dwelling:

(1) Each 1,000 square feet of area or fraction thereof: \$50.

E. Sheds or other miscellaneous storage structures under 500 square feet: \$25.

F. Commercial building construction: Each 1,000 square feet of area or fraction thereof: \$200.

#### **§ A170-2. Additions, alterations and renovations.**

A. Projects which involve the alteration and/or renovations of an existing structure or a portion thereof as well as the construction of an addition onto the existing building shall be computed solely on the basis of the square footage of the proposed addition.

##### **B. Additions:**

(1) One and two-family dwellings:

(a) Each 1,000 square feet of area or fraction thereof: \$100.

(2) Multiple dwellings:

(a) Each 1,000 square feet of area or fraction thereof: \$200.

(3) Garages, swimming pools and other miscellaneous accessory structures: Each 1,000 square feet of area or fraction thereof: \$50.

(4) Commercial building construction: Each 1,000 square feet of area or fraction thereof: \$200.

C. Alterations and renovations:

(1) One- and two-family dwellings including structures accessory thereto: \$75.

(2) Multiple dwellings including structures accessory thereto:

(a) Alteration or renovation to an electrical, heating, ventilation, air conditioning or plumbing system or to any combination thereof: \$200.

(b) Other types of alterations or renovations including structural alterations or renovations: Each dwelling unit to be altered or renovated: \$50.

(c) Alterations or renovations to an area not included as part of a dwelling unit: \$200.

(d) Commercial building construction:

[1] Alteration or renovation to an electrical, heating, ventilation, air conditioning or plumbing system or to any combination thereof: \$200.

[2] Other types of alterations or renovations including structural alterations or renovations:

[a] Each 1,000 square feet of area or fraction thereof: \$200.

(e) No fee for an alteration or renovation shall exceed the fee which would be applicable if the particular building or structure were to be newly constructed.

**§ A170-3. Demolition permits.**

Demolition permits: \$50.

**§ A170-4. Renewals of permits.**

Renewals of permits: 50% of whatever fee would be charged for a new permit.

**§ A170-5. Miscellaneous inspections.**

A. Miscellaneous inspections shall include all inspections of existing buildings which are requested by an owner, an owner's agent, a lessee, a tenant or an occupant unless such request for an inspection is related to a complaint alleging Uniform Code violations.

B. One and two-family dwellings or a portion thereof: \$50.

C. Multiple dwellings: Each dwelling unit or sleeping room: \$25 (Minimum fee \$100).

D. Commercial building construction:

(1) Each 1,000 square feet of area or fraction thereof: \$15 (Minimum fee \$100).

E. Solid fuel burning device: \$50.

**§ A170-6. Certificates of occupancy or completion.**

No fee shall be charged for the issuance of a certificate of occupancy or compliance when such certificate is issued for a structure or project for which a building or demolition permit has been previously issued. In all other circumstances a fee in accordance with the schedule specified in § A170-5 will be collected prior to the issuance of a certificate of occupancy or compliance.

## CHAPTER A171. PERSONNEL POLICIES

- § A171-1. Town employee relations.
- § A171-2. Grievances.
- § A171-3. Working schedule and conditions.
- § A171-4. Vacation time.
- § A171-5. Sick and personal leave.
- § A171-6. Health insurance.
- § A171-7. Life insurance.
- § A171-8. Retirement.
- § A171-9. Compensation schedule.
- § A171-10. Holidays.
- § A171-11. Guidelines and duties for Chief of Police.

### (a) CHAPTER A171. PERSONNEL POLICIES

**[HISTORY: Adopted by the Town Board of the Town of Coeymans 1-1-1975. Amendments noted where applicable.]**

### (b) § A171-1. Town employee relations.

This is an agreement between the Town of Coeymans and its employees, regarding the working conditions and benefits.

### (c) § A171-2. Grievances.

The following procedures have been established for processing grievances of personnel of the Town of Coeymans.

A. Purpose. The purpose of enacting these procedures is to establish a more harmonious and cooperative relationship between the Town Board and elected officials and the employees and at the same time provide a means by which certain grievances can be settled between the employer and employee. Any employee will be free to present his grievance without coercion, interference, restraint, discrimination or reprisal.

B. Definition. "Grievance" shall mean any claimed violation, misinterpretation of rules, procedures, regulations, administration orders or work rules of the town which relate to or involve employee or supervision of employees; provided, however, that such term shall not include any matter involving an employee's rate of compensation, retirement benefits, disciplinary proceeding or any matter which is otherwise reviewable pursuant to law or any rules or regulations having the force and effect of the law.

C. Procedures. There shall be two stages to submit a grievance.

(1) Stage One: All grievances must first be reported to the immediate supervisor in charge. The grievance must be in writing and within five days of the grievance. If the grievance is not resolved at this stage, an employee may proceed to the second and final stage.

(2) Stage Two: The aggrieved person and his immediate supervisor shall submit in writing separate statements setting forth the specific nature of the grievance and all facts relating thereto to the Town Supervisor. The Town Board will consider the grievance at a private session with the employee and department head present, and take such action as the Town Board deems appropriate. The second stage must be begun within 15 days of the first stage and not more than 20 days of the grievance.

### (d) § A171-3. Working schedule and conditions.

A. Eight hours shall constitute the regular work day for all full time employees, except that seven Hours shall constitute the regular work day for all clerical employees.

B. The work year is from January 1 to December 31.

C. All employees must telephone their immediate supervisor as soon as possible if he or she is unable to report to work.

### (e) § A171-4. Vacation time.

A. After one full year service an employee is eligible for a vacation time of two weeks or 10 working days. No employee is entitled to more than two weeks vacation within any fiscal year until he or she has completed 10 years of satisfactory service, at which time the employee is entitled to three weeks or 15 work days. Those employees with 20 or more years of service shall have four weeks' vacation time.

**[Amended 1-24-1978]**

B. After six months of satisfactory employment the employee is entitled to five days or one work week vacation time.

C. Vacation time is not cumulative from one fiscal year to another.

D. All personnel working under a fifty-two-week contract are eligible for vacation rights. All employees' vacation time shall be filed in the Supervisor's office by department heads.

(f) § A171-5. Sick and personal leave.

A. All full-time employees shall be eligible for sick leave rights which will be granted at a rate of 1 1/2 days per month for each month of town employment, and each employee shall be allowed to accumulate up to 150 days. There shall be no payments for any accumulated sick days when leaving town employment.

B. All full-time employees shall be entitled to personal leave rights of two days per year; such leave shall not be cumulative from year to year.

C. Procedure for sick leave. An employee must call his department head by 8:00 a.m. on his day of absence and specify his medical problem and doctor, if any.

D. Procedure for personal leave. All employees must submit written application to his department head three days in advance for a personal leave day. Failure to adhere to this policy will result in loss of pay in addition to other possible disciplinary actions.

E. All department heads or employees who do not have a department head shall submit application for personal leave and request for vacation time and make a report of sick leave taken, directly to the Supervisor's office.

F. In case of an emergency, or at such time as a department head determines a crisis situation is in existence, all employees so ordered must be on call and report to work, if called, including holidays.

G. In case of an emergency, or such time as a department head determines a crisis situation is in existence, an employee cannot refuse to work overtime.

H. Definition of sick leave. "Sick Leave" is defined as the right of any employee of the town to be absent from work because of a physical or emotional problem. It is against town policy for an employee to use their sick leave rights for the purpose of extended vacation time or periodic vacations. An abuse of sick leave rights may result in loss of pay in addition to other possible disciplinary actions within the discretion and authority of the department head with the approval of the Town Board.

(g) § A171-6. Health insurance.

The Town Board will direct payment of 100% of the cost of the individual coverage and 100% of the cost of coverage for the family plan of the established Health Insurance Program. To be eligible for the insurance program an employee must work four hours or more per day or 20 hours total per week to qualify.

(h) § A171-7. Life insurance.

Life insurance is available to all full-time nonelected officials. This is a \$5,000 base policy and double indemnity coverage is provided.

(i) § A171-8. Retirement.

The present coverage for eligible employees through the New York State Employees Retirement System shall continue under the Noncontributory Plan. All full-time employees shall retire at age 70.

(j) § A171-9. Compensation schedule.

All employees will be paid on a biweekly basis.

(k) § A171-10. Holidays.

NEW YEAR'S DAY

\*LINCOLN'S BIRTHDAY

\*WASHINGTON'S BIRTHDAY

MEMORIAL DAY

INDEPENDENCE DAY

LABOR DAY

\*COLUMBUS DAY

\*ELECTION DAY

\*VETERAN'S DAY

THANKSGIVING DAY

CHRISTMAS

\*Landfill shall be open on this date.

(I) § A171-11. Guidelines and duties for Chief of Police.

A. Hours are not specifically scheduled but a minimum of 48 hours per week are required, with approximately 1/2 of the work hours logged after 6:00 p.m.

B. The Chief of Police shall be in attendance every Friday night to assist the Town Justices in Court sessions.

C. The Chief of Police shall supervise traffic on all special occasions, such as parades, snow removal and funerals.

D. The Chief of Police shall schedule time for night patrol for all town installations and general highway areas; nighttime patrolling of at least 24 hours per week. The Chief of Police shall have the discretion of having a second man on night patrol as he deems prudent.

E. The Chief of Police must attend one Town Board meeting per month and give a report of progress on particular projects plus a report as to what has been done for the previous month, i.e., number of traffic tickets issued and arrests made.

F. The Chief of Police shall carry out the full duties of Dog Warden.

G. The Chief of Police shall carry out all required work related to the Justices and the Town Justice Court.

H. Detailed Log Book shall be maintained indicating the starting time of a patrol, general area patrolled, each time investigation is made and ending of a patrol. The Log is to be available at all Town Board meetings for inspection of Town Board. Speedometer mileage figure shall be logged daily.

I. All criminal complaint or matters should be personally investigated at the complainant's abode and logged in Log Book.

J. Chief of Police should check in at thirty- to sixty-minute intervals to a person at police phone when out on patrol so they may inform the Chief of any calls and know where to reach him. Also receiver radio shall be placed in police car so that Chief may be reached through the Village Bay Station.

K. Patrolmen are to be used only in very essential situations when the Chief of Police is unable to carry out an assignment, e.g., personal business or illness and for two-man patrol.

L. No part of the work week hours should be attributed to time spent out side the town boundaries for school.

M. Vacation time and other benefits are to be applied to the Chief of Police as agreed to by the Town Board on January 1, 1975. Vacation time must be applied for in writing and submitted to the Supervisor's office in advance.

N. The Chief of Police must be in full uniform at all times while on duty, except under extraordinary circumstances.

O. The Chief of Police shall not do errands for any other department in town.

P. All building inspection duties are the responsibility of the Town Clerk, effective January 1, 1975.

Q. The availability of the Chief of Police is essential, therefore, any second job taken by the Chief of Police shall be after consultation with the Town Board.

CHAPTER DL. DISPOSITION LIST

§ DL-1. Disposition of legislation.

(m)

CHAPTER DL. DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Coeymans adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Town Clerk. The last legislation reviewed for the original publication of the Code was L.L. No. 7-1999, adopted 10-25-1999. A complete listing, including disposition, of all legislation reviewed in conjunction with the original publication of the Code is on file in the office of the Town Clerk.

(n)

§ DL-1. Disposition of legislation.

Local Law No.	Adoption Date	Subject	Disposition
1-2000	6-26-2000	Garbage	Ch. 102
2-2000	6-26-2000	Adoption of Code	Ch. 1, Art. I
3-2000	8-28-2000	Animals: disposal of dog waste	Ch. 60, Art. II
4-2000	2-28-2000	Terms of office: Town Highway Superintendent	Ch. 50, Art. I
5-2000	2-28-2000	Terms of office: Town Clerk	Ch. 50, Art. II
1-2001	3-7-2001	Zoning Map amendment	NCM
2-2001	6-25-2001	Zoning amendment	Ch. 165
3-2001	6-25-2001	Subdivision of land amendment	Ch. 145
4-2001	6-25-2001	Mobile home parks amendment	Ch. 114
5-2001	6-25-2001	Subdivision of land amendment	Ch. 145
6-2001	6-25-2001	Zoning amendment	Ch. 165
1-2002	11-25-2002	Senior citizens tax exemption amendment	Ch. 149, Art. V
1-2003	1-27-2003	Building construction and fire prevention amendment	Ch. 71, Art. I
1-2004	2-23-2004	Senior citizens tax exemption amendment	Ch. 149, Art. V
2-2004	2-23-2004	Tax exemption for certain disabled homeowners amendment	Ch. 149, Art. III
1-2006	2-27-2006	Alternative veterans tax exemption amendment	Ch. 149, Art. II
1-2007	1-10-2007	Building construction and fire prevention amendment	Ch. 71
1-2008	4-28-2008	Residency requirements: Justice Court Clerk	Ch. 45, Art. I
1-2009	1-12-2009	Taxation: Cold War veterans exemption	Ch. 149, Art.

Local Law No.	Adoption Date	Subject	Disposition
2-2009	2-23-2009	Vehicles and traffic: snow emergencies	VI  Ch. 156, Art. V