

THE CHARTER

CHAPTER C. CHARTER

THE CODE

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## **CHAPTER 1. GENERAL PROVISIONS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs: Art. I, 4-4-1994 as L.L. No. 1-1994; Art. III, at time of adoption of Code 4-4-1994 by L.L. No. 1-1994 (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]**

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

**[Adopted 4-4-1994 as L.L. No. 1-1994]**

#### **§ 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 City of Saratoga Springs, as codified by General Code Publishers Corp., and consisting of the Charter and Chapters 1 through A247, together with an Appendix, shall be known collectively as the "Code of the City of Saratoga Springs," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the City of Saratoga Springs" 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 where such legislation appears 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 City Council of the City of Saratoga Springs, and it is the intention of said Council 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 Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.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 City of Saratoga Springs 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 City of Saratoga Springs 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 City of Saratoga Springs 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 City of Saratoga Springs.

D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the City of Saratoga Springs.

E. Any local law or ordinance of the City of Saratoga Springs 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 City of Saratoga Springs or any portion thereof.

F. Any local law or ordinance of the City of Saratoga Springs appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City of Saratoga Springs or other instruments or evidence of the city's indebtedness.

G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

H. The levy or imposition of special assessments or charges.

I. The annexation or dedication of property.

J. Any legislation relating to salaries or employee benefits.

K. Any local law or ordinance amending the Zoning Map.

L. Any legislation adopted subsequent to January 1, 1993.

M. The city's currently effective Zoning Ordinance and all amendments thereto.

N. Any legislation dealing with fire prevention or building construction administration.

O. The City Charter and any amendments thereto.

#### **§ 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 City Clerk of the City of Saratoga Springs 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 to by the City Clerk of the City of Saratoga Springs by impressing thereon the Seal of the City of Saratoga Springs, and such certified copy shall remain on file in the office of said City Clerk to be made available to persons desiring to examine the same during all times while the 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 City of Saratoga Springs" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the City Council 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 City Council deems desirable.

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

It shall be the duty of the City Clerk to keep up-to-date the certified copy of the book containing the Code of the City of Saratoga Springs required to be filed in the office of the City Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the City Council subsequent to the enactment of this local law in such form as to indicate the intention of said City Council 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 may be purchased from the City Clerk of the City of Saratoga Springs upon the payment of a fee to be set by resolution of the City Council, which Council may also arrange by resolution for procedures for the periodic supplementation thereof.

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

Any person who, without authorization from the City Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the City of Saratoga Springs or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the City of Saratoga Springs 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 two hundred fifty dollars (\$250.) or imprisonment for a term of not more than fifteen (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 City of Saratoga Springs, 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 (1) or more of said pieces of legislation. It is the intention of the City Council 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 following amendments and/or additions 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.) Editor's Note: In accordance with the provisions of § 1-11B, the following chapters, Articles and sections were adopted, readopted, added or amended: §§ C17, C50 and C56, Arts. I and III of Ch. 1, Ch. 6, Ch. 8, Ch. 9, Ch. 13, Ch. 19, Ch. 34, Ch. 38, Ch. 45, Ch. 48, Ch. 51, §§ 61-3, 65-1, 65-5, 65-7, 65-8, 65-9, 65-10, 65-11, 69-6, 72-1, 72-3, 72-4, 72-5, 75-14, 81-7, 83-2, 96-1C, D and E, 96-2, Ch. 101, §§ 106-3, 106-4, 106-5, 106-6, 106-7, 106-8, 109-1, 109-3, 109-8, 115-3, 120-8, 126-3A, 129-2, 129-5, 132-9, 136-1, 136-2, 136-3, 136-4E, 136-5G and H, 136-6, 136-7, 136-10, 136-11, 136-12, 136-13, 136-14, 136-15, 136-16, 136-17, 136-18, 136-19, 136-20, 136-21B and C, 136-22, 140-2, 140-5, 145-9B, Ch. 151, 155-3, 159-2A, 159-4, 159-5, 162-2, 168-2, 168-4, 171-2, 171-3, 171-5B, 171-6, 171-8, 171-27, 175-8, 178-2, 182-1, 182-2A, 182-4, 182-5, Ch. 192, §§ 203-2, 203-4, 203-6, 203-12, 203-13, 203-15, 203-17, 203-21, Art. IX of Ch. 203, §§ 203-28, 209-2, 209-3, 209-4A, 209-8, 209-12, 212-1, 212-25, 212-31, 215-18A, 218-3, 218-11, 218-17B, 220-8, Ch. 225, §§ 231-1, 231-2, 231-3, 231-4, 231-8, 231-10, 231-11, 231-14, 231-18, 231-22, 231-25, 231-27, 231-28, 231-32, 231-40, 231-43, 231-45, 231-46, 231-47A, 231-48, 231-49, 231-52, 231-53A, D, E, G and H, 231-54, 231-55A(4) and C, 231-56A, 231-57, 231-59, 231-60, 231-61, 231-64, 231-65A, 231-67, 231-68, 231-71 and 231-74. The following former sections and titles were deleted from the Charter: §§ 53, 57 and 58 and Titles IXB, IXC, IXD, IXE, IXF, IXG, IXH, IXI, IXJ and IXK. The following former chapters and sections were deleted from the 1970 Code: §§ 9-3, 9-5, 9-6, 14-1B and C, 14-10, 14-12, 14-13, 14-15, 14-16, 14-17, Ch. 39, §§ 61-9, 61-11, 63-1, Ch. 79, §§ 89-2, 89-3, 89-4, 97-5.1, 132-5, 132-25 and 132-92 through 132-94. A complete description of the changes may be found in L.L. No. 1-1994, on file in the office of the City Clerk.

## **§ 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 City of Saratoga Springs, 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.

## **§ 1-14. (Reserved).**

## **§ 1-15. (Reserved).**

## **§ 1-16. (Reserved).**

## **§ 1-17. (Reserved).**

## **§ 1-18. (Reserved).**

## **§ 1-19. (Reserved).**

## **ARTICLE II. Legislation Enacted During Codification**

[During the process of codification, certain amendments to existing legislation were approved by the City Council for inclusion in the Code of the City of Saratoga Springs. Such enactments are noted in the histories of individual chapters as "... amended during codification; see Ch. 1, General Provisions, Art. II." These enactments will be adopted separately and are presently proposed before the City Council for that purpose. Upon final enactment, a complete enumeration of all such enactments will be included in this Article, along with specific dates of adoption.]

## **ARTICLE III. General Penalty**

**[Adopted 4-4-1994 by L.L. No. 1-1994]**

### **§ 1-20. Penalties for offenses.**

Unless otherwise specifically provided in this Code, any person who violates any provision of this Code shall, upon conviction thereof, be subject to a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment for a term not exceeding fifteen (15) days, or both. Each day that such violation continues shall constitute a separate offense.

## CHAPTER 6. ASSESSOR

### § 6-1. Position of elected Assessor continued.

## **CHAPTER 6. ASSESSOR**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 4-5-71 as L.L. No. 3-1971, approved at referendum 6-22-71. Amendments noted where applicable.]**

## **GENERAL REFERENCES**

Taxation — See Ch. 212.

### **§ 6-1. Position of elected Assessor continued.**

The office of Assessor in the City of Saratoga Springs, New York, shall continue to be an elected position under the provisions of § 1556 of the Real Property Tax Law of the State of New York. Editor's Note: Said § 1556 was repealed by L. 1984, c. 472. Statutory provisions regarding Assessors may be found in § 308 et seq. of the Real Property Tax Law.

## CHAPTER 8. CODE ADMINISTRATION

### § 8-1. Purpose and findings.

### § 8-2. Administration.

### § 8-3. Code Administrator.

### § 8-4. Recordkeeping.

## **CHAPTER 8. CODE ADMINISTRATION**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 4-5-1993; readopted at time of adoption of Code 4-4-1994 by L.L. No. 1-1994 (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]**

### **§ 8-1. Purpose and findings.**

The City Council of the City of Saratoga Springs finds that the efficient administration and enforcement of duly enacted local laws, ordinances and regulations of this city is crucial to the public health, safety and welfare. The purpose of this chapter is to establish procedures for administration and enforcement consistent with the Code of the City of Saratoga Springs, the laws of the State of New York and the laws of the United States.

### **§ 8-2. Administration.**

The Department of Public Safety is responsible for the enforcement of the provisions of the Code of the City of Saratoga Springs.

### **§ 8-3. Code Administrator.**

A. There is hereby designated in the City of Saratoga Springs a public official known as the "Code Administrator" to administer and enforce all chapters, articles and sections of the Saratoga Springs City Code, except the following:

- (1) The provisions of the Charter of the City of Saratoga Springs.
- (2) The provisions of Chapter 1 through 53 of the Code of the City of Saratoga Springs (Administrative Legislation).
- (3) The provisions of the following chapters of the Code of the City of Saratoga Springs: Chapter 79 (Bingo); Chapter 89 (Buses); Chapter 101 (Dogs and Other Animals); Chapter 106 (Electrical Standards); Chapter 120 (Flood Damage Prevention); Chapter 155 (Parks and Recreation Areas); Chapter 171 (Plumbing); Chapter 182 (Public Access to Records); Chapter 199 (Special Assessment District); Chapter 201 (Street Naming and Numbering); Chapter 209 (Swimming Pools); Chapter 212 (Taxation); Chapter 228 (Vessels and Waters).
- (4) The provisions of Chapter 225 of the Code of the City of Saratoga Springs (Vehicles and Traffic).
- (5) The provisions of Chapters 240 through 243 of the Code of the City of Saratoga Springs (Zoning), except that the Code Administrator shall have authority to administer and enforce the following provisions of Chapter 240:

#### **[Amended 10-3-2000]**

- (a) Article X (Signs), §§ 240-10.1 through 240-10.5.
- (b) Article XII (Supplemental Regulations and Exceptions), § 240-12.4 (Home occupations), § 240-12.5 (Junkyards), § 240-12.7 (Walls and fences - Obstruction of intersections), § 240-12.8 (Swimming pools), § 240-12.9 (Garage Sales), and § 240-12.17 (Unsafe structures).
- (6) The provisions of Chapter 117, Articles I and II, of the Code of the City of Saratoga Springs (Fire Prevention and Building Construction).



B. Upon determination by the Code Administrator that a violation of the City Code exists in, on or about any building or premises within his responsibility, he shall order, in writing, the remedying of the condition. Such order shall state the specific provision of the City Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by sending by mail.

C. In addition to and not in limitation of any power otherwise granted by law, the Code Administrator is hereby authorized to issue appearance tickets for violations of any provision of the City Code within his responsibility.

#### **§ 8-4. Recordkeeping.**

A. The Code Administrator shall keep permanent official records of all transactions and activities conducted by him. All such records shall be public information open to public inspection during reasonable business hours.

B. The Code Administrator shall regularly report to the Commissioner of Public Safety, in writing, regarding business conducted by him.

### **CHAPTER 8A. CONTRACTS**

#### **ARTICLE I. Withdrawal of Retained Percentages**

##### **§ 8A-1. Authority.**

##### **§ 8A-2. Supersession of statute.**

### **CHAPTER 8A. CONTRACTS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as indicated in article titles. Amendments noted where applicable.]**

#### **ARTICLE I. Withdrawal of Retained Percentages**

**[Adopted 7-5-2005 by L.L. No. 4-2005]**

##### **§ 8A-1. Authority.**

In accordance with authority cited in New York State Comptroller's Opinion 83-230, the City Council hereby supersedes § 106 of the General Municipal Law.

##### **§ 8A-2. Supersession of statute.**

The provision of § 106 of the General Municipal Law which is expressly superseded by this article is that provision that, under any contract awarded by the City, the contractor may, from time to time, withdraw retained percentages upon depositing with the City's fiscal officer bonds or notes of the United States of America, or obligations, the payment of which is guaranteed by the United States of America, or bonds or notes of the State of New York, or bonds of any political subdivision of the State of New York, of a market value equal to the amount so withdrawn.

### **CHAPTER 9. DEFENSE AND INDEMNIFICATION**

#### **§ 9-1. Implementation of plan; insurance.**

## CHAPTER 9. DEFENSE AND INDEMNIFICATION

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 1-19-87 by resolution. Amendments noted where applicable.]**

### **§ 9-1. Implementation of plan; insurance.**

The City Council of the City of Saratoga Springs agrees to provide a defense and indemnify its officers and employees in any state or federal legal action arising out of any alleged act or omission which occurred or allegedly occurred in the scope of official duty or public employment and hereby authorizes the purchase of liability and public officials' and employees' legal liability insurance to indemnify all lawfully elected and appointed officials of the City of Saratoga Springs, members of commissions and boards duly appointed by the City of Saratoga Springs and all employees and persons who perform services for the City of Saratoga Springs as volunteers, if such volunteers are under the direction and control of the City of Saratoga Springs.

## CHAPTER 13. ETHICS, CODE OF

§ 13-1. Purpose.

§ 13-2. Definitions.

§ 13-3. Standards of conduct.

§ 13-4. Annual disclosure.

§ 13-5. Board of Ethics.

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Attachments:

013a Disclosure Statement

## **CHAPTER 13. ETHICS, CODE OF**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 4-11-2006 by L.L. No. 1-2006. Editor's Note: This local law also repealed former Ch. 13, Ethics, Code of, adopted 12-7-1970 by resolution, as amended. Amendments noted where applicable.]**

## **GENERAL REFERENCES**

Defense and indemnification — See Ch. 9.

### **§ 13-1. Purpose.**

Pursuant to the provisions of § 806 of the General Municipal Law, the City Council of the City of Saratoga Springs recognizes that there are standards of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of City government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the City of Saratoga Springs. These rules shall serve as a guide for official conduct of the officers and employees of the City of Saratoga Springs. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

### **§ 13-2. Definitions.**

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

**APPEAR and APPEAR BEFORE**

Communicating in any form, including, without limitation, personally, through another person, by letter, facsimile or electronic mail, or by telephone.

**CITY ATTORNEY**

The City Attorney of the City of Saratoga Springs.

**CITY CLERK**

The City Clerk of the City of Saratoga Springs.

**CITY GOVERNMENT**

Includes all departments, offices, bureaus and instrumentalities of the government of the City of Saratoga Springs, including the City Council.

**CONFIDENTIAL INFORMATION**

Any data acquired through the course of employment or public office which is protected from disclosure by law.

**CUSTOMER OR CLIENT**

A. Any person to whom an officer or employee of the City of Saratoga Springs has supplied goods or services during the previous 24 months having, in the aggregate, a value greater than \$1,000; or

B. Any person to whom an officer's or employee's outside employer or business has supplied goods or services during the previous 24 months having, in the aggregate, a value greater than \$1,000, but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.

**FAMILY**

A group of individuals with the following relationships: spouse, life partner, sibling, parent, children (including children of spouse or life partner), grandchildren and the spouses of any of said individuals.

**GIFT AND FINANCIAL BENEFIT**

Includes anything of value, including, but not limited to, money, services, licenses, permits, contracts, authorizations, loans, travel, entertainment, hospitality, or any promise thereof, or any other gratuity or promise thereof. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.

**NOT-FOR-PROFIT ENTITY**

A legal entity created under the Not-for-Profit Corporation Law of the State of New York.

**OFFICER OR EMPLOYEE OF THE CITY OF SARATOGA SPRINGS**

An officer or employee of the City of Saratoga Springs, whether paid or unpaid, including, without limitation, all decision-making officers, employees, and members of any decision-making board, body, council, commission, agency, department, district, administration, bureau, or committee of the City of Saratoga Springs. "Officer or employee of the City of Saratoga Springs" shall not include a judge, justice, officer, or employee of the Unified Court System.

**OUTSIDE EMPLOYER OR BUSINESS**

A. Any activity, other than service to the City of Saratoga Springs, from which the officer or employee of the City of Saratoga Springs receives compensation for services rendered or goods sold or produced;

B. Any entity, other than the City of Saratoga Springs, of which the officer or employee of the City of Saratoga Springs is a member, officer, or employee and from which he or she receives compensation for services rendered or goods sold or produced; or

C. Any entity in which an officer or employee of the City of Saratoga Springs has an ownership interest, except a corporation of which the officer or employee of the City of Saratoga Springs

owns less than 5% of the outstanding stock. For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

**PERSON**

Includes both individuals and entities.

**POLITICAL PARTY OFFICER**

Any person serving or acting as the Chair, Vice Chair, First Vice Chair, Secretary, Treasurer or equivalent officers by whatever name or title known of any political party or committee organized for the purpose of nominating persons for elective office in the government of the City of Saratoga Springs.

**RELATIVE**

A member of one's family.

**SUBORDINATE OF AN OFFICER OR EMPLOYEE OF THE CITY OF SARATOGA SPRINGS**

Another officer or employee of the City of Saratoga Springs over whose activities he or she has direction, supervision, or control.

**§ 13-3. Standards of conduct.**

A. General prohibition. A City officer or employee shall not use his or her official position or office, or take or fail to take any action, in a manner which he or she knows, or has reason to know, may result in a personal financial benefit for any of the following persons:

- (1) The City officer or employee;
- (2) His or her outside employer or business;
- (3) A member of his or her household;
- (4) A customer or client;
- (5) A relative; or
- (6) Any firm, corporation, association, partnership or other organization in which the City officer or employee, or a relative, serves as an officer or director, whether compensated or not compensated.

B. Specific City officers and employees.

- (1) Responsibilities.
  - (a) Professionally licensed. All City officers and employees with professional licenses are prohibited from knowingly exercising any discretion in any matter of City interest which shall involve any person, firm or corporation which is a client of his or her or a client of his or her firm.
  - (b) Authorized to conduct inspections and issue permits. All City officers and employees with the authority to conduct inspections or issue permit approvals shall not engage in a business or have a financial interest in any firm engaged in a business within the City where said business conducts, as a regular and significant part of its business, matters requiring such inspections or such permits. In addition, any such City officer and/or employee shall recuse himself/herself from conducting any such inspection or issuing any necessary permits that directly pertain to his or her outside employer or business.
  - (c) Public safety. No public safety officer shall have any interest in or be employed in the City by any company, corporation, partnership, association or individual for the purpose of providing

private investigations, accident reconstruction, fire prevention, or fire inspection or any other activity related to such public safety officer's employment with the City. This shall not be construed as prohibiting membership or service in volunteer fire or emergency medical organizations. Additionally, public safety officers may be employed in the City for the purpose of providing security or traffic services consistent with City policies.

(2) The foregoing City officers and employees are listed due to the unique nature of their offices and positions which, in turn, raises ethical conflicts unique to those offices and positions. This list is not to be deemed all-inclusive. Every City officer and employee shall endeavor to pursue a course of conduct consistent with the spirit of this chapter as well as the actual provisions and strive to act so as not to raise suspicion among the public that he or she is likely to be engaged in activities that are in violation of his or her trust.

C. Gifts. Except as set forth below, a City officer or employee shall not directly or indirectly solicit, accept or agree to accept any gift or favor, whether in the form of money, services, loan, travel, entertainment, hospitality, thing, promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence such City officer or employee, or could reasonably be expected to influence such City officer or employee in the performance of his or her official duties, or was intended as a reward for any official action taken by such City officer or employee. This restriction shall not be construed as applying to the following situations in which gifts or benefits are:

- (1) Received by the officer or employee from his or her parent, spouse, child or sibling;
- (2) Accepted on behalf of the City and transferred to the City;
- (3) Received as refreshments or meals at a widely attended gathering;
- (4) received for the solemnization of a marriage by an officer or employee of the City of Saratoga Springs listed in § 11 of the Domestic Relations Law at a place other than his or her normal place of business or at a time other than his or her normal hours of business and which have a value of \$75 or less;
- (5) Received as nonmonetary awards from charitable organizations; or
- (6) Received as City services or benefits, or the use of City facilities, generally available on the same terms and conditions to residents or a class of residents in the municipality.

D. Confidential information. He or she shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest or the personal interest of other individuals or entities.

E. Representation before one's own agency. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he or she is an officer, member or employee or of any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.

F. Representation before any agency for a contingent fee. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his or her municipality whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection

shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

G. Disclosure of interest in legislation. To the extent that he or she knows thereof, a member of the City Council and any officer or employee of the City of Saratoga Springs, whether paid or unpaid, who participates in the discussion or gives official opinion to the City Council on any legislation before the City Council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation, including any involvement in current or past litigation.

H. Investments in conflict with official duties. He or she shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his or her official duties.

I. Outside employer or business. He or she shall not engage in, solicit, negotiate for or promise to accept work for an outside employer or business which creates a conflict with or impairs the proper discharge of his or her official duties.

J. Future employment. He or she shall not, after the conclusion of service or employment with such municipality, appear before any board or agency of the City of Saratoga Springs in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

K. Right to engage in political activity; prohibition on coercion; prohibition on political solicitation in a City workplace. Unless otherwise prohibited by law, officers and employees shall not be denied the right to support or refuse to support a political party or committee, or a candidate for public office, outside of the workplace. Officers or employees shall not coerce, or request or authorize another to coerce, any officer or employee to support or refuse to support a political party or committee or a candidate for public office. Officers or employees shall not make use of a City workplace to request, or authorize another to use a City workplace to request, that any officer or employee participate in an election campaign or a political event or contribute to a political party or committee. Officers or employees shall not display, distribute or otherwise utilize election campaign literature or materials at a City workplace.

L. Inducement of others. An officer or employee of the City of Saratoga Springs shall not induce, threaten or coerce or aid another officer or employee of the City to violate any of the provisions of this Code of Ethics.

M. City employees. No officer or employee shall direct or cause any subordinate officer or employee to do or perform any service or work outside of the scope of his or her public work responsibilities or employment. Subordinate officers and employees may voluntarily perform such service or work, with or without compensation, outside of the hours during which they are assigned to perform duties for the City.

N. City property. No officer or employee shall use or request or permit the use of City-owned property, including, but not limited to, vehicles, equipment, materials or supplies, for personal convenience, use or profit, except when such goods or services are available to the public generally or are used by the officer or employee in compliance with City policy for such use or where the use of City-owned property for personal use is part of the officer's or employee's compensation.

O. Conflict with other codes of conduct.

(1) Recognizing the need for professional integrity and the fact that various professional associations have adopted standards of conduct for their members, the City hereby requires that

each City officer or employee who is affected by a professional Code of Ethics be bound, in addition to the within chapter, by his or her respective Codes of Ethics. Any conflict between the provisions of this chapter and a given professional code of conduct of a City officer or employee is to be resolved by the Ethics Board. However, the Ethics Board must at all times give the greatest latitude to said individual's professional code of conduct and, whenever possible, reconcile this to complement and respect the individual's professional code of conduct.

(2) Substantial consideration shall be given to the effect deviation from an individual's professional code of conduct will have on that individual's ability to practice his/her profession. If need be, the Ethics Board is authorized and required to obtain advisory opinions from the appropriate professional association to clarify any given situation.

P. Interests in contracts with the City.

(1) Prohibited interests. No City officer or employee shall have an interest in a contract with the City, or an interest in a bank or trust company, that is prohibited by § 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the City in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by § 804 of that law.

(2) Disclosable interests. Any City officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the City shall disclose in writing the nature and extent of that interest in accordance with § 803 of the General Municipal Law and promptly file such written disclosure with the City Clerk. The City Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.

(3) Violations. Any City officer or employee who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by § 805 of the General Municipal Law.

Q. Recusal. When a City officer or employee is required to recuse himself or herself under this Code of Ethics, he or she must state that he or she is doing so on the public record, if available, or, if not, by submitting a written statement. The employee or officer must then immediately refrain from participating in the matter further and must physically remove himself or herself from the room when the matter is being discussed.

R. Provisions A through Q. Provisions A through Q hereinabove are a comprehensive, but not necessarily exclusive, list of provisions regarding ethical behavior of City employees and officers. City employees and officials should seek the assistance of the Board of Ethics when in doubt regarding any particular behavior or issue.

**§ 13-4. Annual disclosure.**

A. Every official and employee listed in § 13-4B hereinafter must file an annual disclosure form with the Board of Ethics. The first disclosure pursuant to this chapter shall be due 90 days after the effective date of this legislation. In every calendar year thereafter, annual disclosure forms shall be due for filing by February 15. Annual disclosure forms shall be maintained in the Office of the City Attorney.

B. Employees and officers who must file annual disclosure forms:

(1) City Council members.

(2) Deputy Commissioners and the Deputy Mayor.

- (3) City Attorney.
- (4) Assistant City Attorney.
- (5) Members of boards:
  - (a) Planning Board;
  - (b) Zoning Board of Appeals;
  - (c) Design Review Commission;
  - (d) Board of Assessment Review;
  - (e) Board of Ethics;
  - (f) Civil Service Commission;
  - (g) Recreation Commission; and
  - (h) Special Assessment Districts.
- (6) Director of Finance.
- (7) City Tax Revenue Supervisor.
- (8) Assistant to Purchasing Agent.
- (9) Director of Urban Heritage Area Program.
- (10) Secretary to City Council.
- (11) Secretary to Civil Service Commission.
- (12) Building Inspector.
- (13) Code Enforcement Officers.
- (14) City Planner.
- (15) Assistant City Planner.
- (16) City Engineer.
- (17) Assistant Assessor.
- (18) City Recreation Director.
- (19) Director of Public Works.



(20) Police Chief.

(21) Fire Chief.

(22) Administrator of Planning and Economic Development.

(23) Human Resource Administrator.

(24) Risk and Safety Manager.

(25) Administrator of Parks, Recreation and Open Space.

C. Annual disclosure form. See § 13-8, Forms.

### **§ 13-5. Board of Ethics.**

A. Ethics Board established. The Board of Ethics for the City of Saratoga Springs, which shall consist of five members, is hereby established, one of whom shall be an officer or employee of the City. The City Attorney, or Assistant City Attorney in his or her stead, shall serve as counsel to the Board of Ethics.

B. Qualifications of members of Ethics Board.

(1) No Ethics Board member shall hold office in a political party or hold elective office in the City.

(2) At any given time, no more than two Ethics Board members may be registered in the same political party, except that this requirement shall not apply to the City officer or employee.

(3) Ethics Board members must be residents of the City of Saratoga Springs throughout their tenure as Board members; provided, however, that a member appointed because he or she is an officer or employee of the City shall not be subject to this requirement.

C. Appointment of Ethics Board members; term of office.

(1) The Mayor shall appoint the members of the Ethics Board, with the consent of a majority of the City Council. The Board of Ethics shall select its chairperson annually.

(2) One initial Board member shall serve for a term ending December 31, 2006; the second initial Board member shall serve for a term ending December 31, 2007; the third initial Board Member shall serve for a term ending December 31, 2008; the fourth initial Board Member shall serve for a term ending December 31, 2009; and the fifth initial Board member shall serve for a term ending December 31, 2010. The initial Board members shall be appointed within 60 days of the effective date of this chapter. Thereafter, each Board Member shall be appointed to a five-year term after the expiration of the prior member's term.

(3) An Ethics Board member shall serve until his or her successor has been appointed. Consecutive service on an Ethics Board shall not exceed two full terms; initial terms, as defined in Subsection C(2) hereinabove, may not be used in calculating the number of terms served.

D. Ethics Board vacancies. Vacancies on the Board of Ethics shall be filled by mayoral appointment, with City Council approval, for the unexpired term of the member.

E. Removal of Ethics Board members. An Ethics Board member may be removed from office by the City Council for failure to meet the qualifications set forth in this chapter, substantial neglect of duties of office, or violation of this chapter, after written notice and opportunity for reply.

F. Ethics Board meetings. The Ethics Board shall meet at least quarterly. A quorum shall be three members, and a majority of the full Board shall be required for the Ethics Board to take formal action. The Chair or any member may call a meeting of the Ethics Board.

G. Jurisdiction, powers and duties of Ethics Board.

(1) The Ethics Board may act only with respect to officers and employees of the City of Saratoga Springs subject to the Ethics Board's jurisdiction.

(2) The termination of a municipal officer's or employee's term of office or employment with the City (on a voluntary or involuntary basis) shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed by this chapter or by the Act, if any, on a former officer or employee. However, in no event shall the Ethics Board have jurisdiction over a former officer or employee where a hearing has not been commenced pursuant to the provisions of this chapter within one year of the termination of a City officer's or employee's term of office or employment with the City.

(3) The City Ethics Board shall have the following powers and duties:

(a) To prescribe and promulgate rules and regulations by resolution of the Board, governing its own internal organization and procedures in a manner consistent with this, and to cause to be filed with the office of the City Clerk and the office of the City Attorney a copy of those rules and regulations and any amendments thereto;

(b) To request that the Mayor appoint such staff as is necessary to carry out its duties under this chapter, and to delegate authority to such staff to act in the name of the Ethics Board between meetings of the Ethics Board, provided that the delegation is in writing and the specific powers to be delegated are enumerated, and further provided that the Ethics Board shall not delegate the power to conduct hearings, determine violations, recommend disciplinary action, refer any matter to a prosecutor, or render any advisory opinion;

(c) To review, index, and maintain on file lists of officers and employees and annual and other disclosure statements filed with the Ethics Board, pursuant to this chapter;

(d) To review, index, maintain on file, and dispose of written complaints and to make notifications and conduct inquiries pursuant to this chapter;

(e) To conduct hearings, recommend disciplinary action to the appropriate appointing authority, pass resolutions of censure where appropriate, make referrals, and initiate appropriate actions and proceedings pursuant to this chapter;

(f) To render, index, and maintain on file advisory opinions pursuant to this chapter;

(g) To provide for training, assistance to, and education of officers and employees pursuant to this chapter, including the development and distribution of a plain-language ethics guide for use by City employees and officers, including all forms developed by the Ethics Board;

(h) To report annually to the Mayor and the City Council regarding the Board's operations of the previous year, and to make recommendations to the Mayor and the City Council, as needed, for changes to this chapter.

#### H. Review of lists and disclosure statements.

(1) The Ethics Board shall review:

- (a) The lists of officers and employees, prepared pursuant to this chapter, who must file annual disclosure statements to determine whether the lists are complete and accurate.
- (b) All annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this chapter or the local Ethics Act, if any.
- (c) All other disclosure statements.

(2) If the Ethics Board determines that an annual disclosure statement or other disclosure statement is deficient or reveals a possible or potential violation of this chapter, the Ethics Board shall notify the person in writing, state the deficiency or possible or potential violation, provide the person with a thirty-day period to cure the deficiency, and advise the person of the penalties for failure to comply with this chapter. Such notice shall be confidential to the extent permitted by the Public Officers Law. If the person fails to cure the deficiency within the specified time period, the Commission shall send a notice of delinquency:

- (a) To the reporting person; and
- (b) In the case of the Mayor or a City Council member, to the entire City Council; and
- (c) In the case of all other municipal officers and employees, to the appointing authority for such person.

#### I. Inquiries.

(1) Upon receipt of a written complaint by any person alleging a violation of this chapter or upon determining on its own initiative that a violation of this chapter may exist, the Ethics Board shall have the power and duty to conduct any inquiry necessary to carry out the provisions of this chapter. The Ethics Board may administer oaths or affirmations. In conducting any inquiry pursuant to this section and after first having sought and been denied cooperation and voluntary compliance with the course of its inquiry, the Ethics Board may subpoena witnesses, compel their attendance, and require the production of any books or records which it may deem relevant and material.

(2) Nothing in this section shall be construed to permit the Ethics Board to conduct an inquiry of itself or of any of its members or staff. In the event the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this chapter, or any other law, the Board shall promptly transmit a copy of the complaint to the Mayor and the City Council.

(3) The Ethics Board shall state in writing the disposition of every written complaint it receives and of every inquiry it conducts and shall set forth the reasons for the disposition. All such statements and all written complaints shall be indexed and maintained on file by the Ethics Board.

(4) Any person filing a written complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.

#### J. Hearings; disciplinary action.

(1) Disciplinary action. In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend appropriate disciplinary action pursuant to the provisions of this chapter. In the case of a hearing held by the Board, the due process procedural mechanisms shall be substantially similar to those set forth in Article 3 of the State Administrative Procedure Act. The recommendation of the Ethics Board shall be made to the appointing authority or person or body authorized by law to impose such sanctions. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless, in its discretion, the Ethics Board refers the matter to the authority or person or body authorized by law to impose disciplinary action or unless the Ethics Board refers the matter to the appropriate prosecutor. If such a referral is made, or if a matter is the subject of another governmental inquiry investigation or judicial proceeding, the Ethics Board may adjourn the matter pending a final determination of such matter by the other authority, person, body, or prosecutor.

(2) Prosecutions. The Ethics Board may refer to the appropriate prosecutor possible criminal violations. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any criminal violation.

(3) Construction as to Ethics Board. Nothing in this section shall be construed to permit an Ethics Board to take any action with respect to any alleged violation of this chapter, or of any other law, by an Ethics Board member or members. Any inquiries regarding Ethics Board members shall be conducted by the City Council under procedures consistent with the procedures set forth in this chapter.

#### K. Advisory opinions.

(1) Upon the written request of any officer or employee, the Ethics Board may render a written advisory opinion with respect to the interpretation or application of this chapter. Any other person may similarly request an advisory opinion, but only with respect to whether his or her own action might violate a provision of this chapter.

(2) Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board in the City Attorney's office.

#### L. Public inspection of records; public access to meetings.

(1) Records of the Ethics Board are available for public inspection pursuant to the provisions of §§ 84 through 90 of the Public Officers Law.

(2) Meetings of the Ethics Board shall be accessible to the public pursuant to the provisions of §§ 100 through 111 of the Public Officers Law.

### **§ 13-6. Effect on filing of claims.**

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the City of Saratoga Springs, or any agency thereof, on behalf of himself, herself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

### **§ 13-7. Distribution of copies.**

The Mayor of the City of Saratoga Springs shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the City within 30 days after the effective date of this chapter. Each officer

and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code nor the enforcement of provisions thereof.

#### **§ 13-8. Forms.**

The annual disclosure form required by § 13-4 of this chapter shall be in the following format. Editor's

Note: Said form is included at the end of this chapter.

Attachments:

013a Disclosure Statement

#### **CHAPTER 15. FINGERPRINTING OF CITY PERSONNEL**

§ 15-1. Findings; purpose.

§ 15-2. Fingerprinting required.

§ 15-3. Employees and officers subject to fingerprinting.

#### **CHAPTER 15. FINGERPRINTING OF CITY PERSONNEL**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 8-1-2006. Editor's Note: This local law was originally adopted as Ch. 113 but was renumbered to fit into the organizational structure of the Code. Amendments noted where applicable.]**

#### **§ 15-1. Findings; purpose.**

The City Council finds that the fingerprinting of certain City employees and officers for the purpose of conducting appropriate background checks prior to employment is an appropriate method to further public health, safety and welfare. It is the purpose of this chapter to establish procedures for fingerprinting that will allow background checks with the Division of Criminal Justice Services.

#### **§ 15-2. Fingerprinting required.**

Every City employee and official serving in a position described in § 113-3 shall, prior to employment, provide a set of his or her fingerprints, to be taken by the City of Saratoga Springs Police Department. The Police Department shall thereupon conduct a fingerprint search through the Division of Criminal Justice Services, and the results of that investigation shall be kept on file with the Saratoga Springs Police Department as a permanent record.

#### **§ 15-3. Employees and officers subject to fingerprinting.**

The following employees and officers shall be subject to the fingerprinting requirements of this chapter:

- A. Public Safety Dispatcher.
- B. Parking Enforcement Officer.
- C. Animal Control Officer.
- D. Firefighter.
- E. School crossing guard.

- F. Vehicle Traffic Controller.
- G. Police officer part-time.
- H. Motor equipment operator.
- I. Identification clerk.
- J. Traffic signal electrical technician.
- K. Code Administrator.
- L. Cleaner.
- M. Automotive mechanic.
- N. Laborer.
- O. Senior Public Safety Dispatcher.

#### CHAPTER 16. (RESERVED)

**Former Ch. 16, Fire Department, adopted as Ch. 39 of the 1970 Code, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

#### CHAPTER 19. DESIGN REVIEW COMMISSION

§ 19-1. Appointment; vacancies; removal; terms.

§ 19-2. Compensation.

§ 19-3. Officers.

§ 19-4. Powers and duties.

§ 19-5. Referrals to Commission.

#### **CHAPTER 19. DESIGN REVIEW COMMISSION**

Editor's Note: The former Historic Review Commission became the Design Review Commission 6-7-1993.

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 4-4-1994 by L.L. No. 1-1994. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Zoning — See Ch. 240.

**§ 19-1. Appointment; vacancies; removal; terms.**

**[Amended 6-6-2006 by L.L. No. 3-2006; 6-19-2007 by L.L. No. 8-2007]**

A. There shall be a Design Review Commission, hereinafter call the "Commission," which shall consist of seven members, all of whom shall be residents of the City of Saratoga Springs and of which three members shall be property owners in an historic district. In addition, the Commission shall have two alternate members selected from the list of former Commission members. The members and alternate members of the Commission shall be appointed by the Mayor.

B. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment by the Mayor for the unexpired term.

C. Any member, or alternate member, may be removed by the Mayor for cause and after public hearing.

D. The term of office of each Commission member shall be three years except that the initial appointments of two members shall be for one year, of two members for two years and of three members for three years. Particular consideration shall be given to the appointment of persons specially qualified by reason of training or experience in architecture, art, art history, law, building construction, real estate, local history and the like. Alternate members shall be appointed to serve a one-year term concurrent with the calendar year.

E. Alternate members shall serve in the place of a Commission member in the event a member is unavailable due to recusal or absence. The alternate member who shall serve first in any given calendar year shall be chosen by random lot by the Commission Chair. The alternate members shall then serve on a rotating basis, as needed, based upon availability.

F. When serving in the place of a member, the alternate member shall have the full rights and obligations of a member. Alternate members not serving in place of a member may not participate as a Commission member in the discussion of agenda items at meetings or workshops of the Commission or any subcommittee thereof. In the event a Commission member is available to once again serve with regard to a matter because he/she is no longer absent or recused, the alternate member will no longer serve with regard to said matter.

G. All provisions of law relating to Commission member eligibility, vacancy in office, removal, compatibility of office and service on other boards, training, continuing education, compensation, and attendance shall apply to alternate members, except that there shall be no requirement that an alternate member be a property owner in an historic district.

#### **§ 19-2. Compensation.**

Such members shall receive no payment for their services as members of the Commission.

#### **§ 19-3. Officers.**

The Commission shall have a Chairperson and a Vice Chairperson who are elected by the Commission at its annual meeting. The term of office will be for one year. If a vacancy shall occur other than by expiration of a term, the Commission will hold a special election to fill the office until the next annual meeting.

#### **§ 19-4. Powers and duties.**

A. The Design Review Commission shall have and exercise the powers and duties as follows:

- (1) To review, approve, approve with modification or disapprove all applications for historic review as required by § 240-7.2.

(2) To review, approve, approve with modification or disapprove all applications for historic review hardship as required by § 240-7.6.

(3) To review, approve, approve with modification or disapprove all applications for architectural review as required by § 240-8.2.

(4) To submit an annual report of its activities to the Mayor and the City Council.

(5) To adopt, amend or repeal rules for the transaction of its business, which shall include the holding of regular and special meetings, definition of quorum and manner of voting, maintenance of its records and any other rules and regulations necessary or appropriate to the performance of its functions. Such rules or regulations shall be submitted to the City Council for approval and filing for public view and shall become effective, if not modified or rejected by the City Council, within 30 days after their submission to same.

(6) To submit its annual budget request to the Mayor. All appropriations must be approved by the City Council.

(7) To make necessary and proper expenditures, not exceeding in amount the appropriation that may be made for such commission by the City Council.

(8) To administer on behalf of the City of Saratoga Springs property or full or partial interest in real property, including easements, that the City of Saratoga Springs may have or accept as a gift or otherwise, upon authorization and approval by the City Council.

(9) To accept and administer on behalf of the City of Saratoga Springs such gifts, grants and money as may be appropriate for the purposes of this chapter. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other appropriate functions for the purpose of carrying out the duties and powers of the Design Review Commission.

(10) To retain such staff specialists or consultants or to appoint such citizen advisory committees as may be required from time to time to carry out its duties, provided that the City Council has made appropriations for any costs associated with such.

(11) To propose or sponsor the nomination of landmarks and historic districts to the National Register of Historic Places and to review and comment on any National Register proposed nominations submitted to the Design Review Commission upon request of the Mayor, City Council or State Historic Preservation Office.

(12) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation.

(13) To maintain a directory of architectural styles.

(14) To develop specific design guidelines for the alteration, construction or removal of landmarks or property and structures within historic districts. This shall include a list of architectural and other criteria appropriate to the development of each historic district or architectural review district to serve as a guide for persons contemplating work within an historic district and to serve as an aid to the Commission in reviewing applications.



(15) To conduct surveys of City landmarks and of buildings and areas within the historic districts for the purpose of acquiring data concerning historic, architectural or cultural significance of such buildings and areas.

(16) To conduct an ongoing survey to identify historically and architecturally significant properties, structures, landmarks and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state or City.

(17) To advise and assist owners on physical and financial aspects of preservation, renovation, rehabilitation and reuse, on procedures for inclusion on the National Register of Historic Places and on participation in state and federal historic preservation programs.

(18) To inform and educate the citizens of Saratoga Springs concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures and pamphlets and by holding programs and seminars.

(19) To confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques or markers.

(20) To request advisory opinions on any matter before the Commission to the City Council, the Zoning Board of Appeals, the Planning Board and any other body, agency or department of the City.

(21) To review and make advisory recommendations on any matter referred to the Commission by the City Council, the Zoning Board of Appeals, the Planning Board and any other body, agency or department of the City.

(22) To investigate and recommend to the City Council the adoption of ordinances designating properties or structures having special historic, community or architectural value as landmarks.

(23) To develop a preservation component in the Master Plan of the City of Saratoga Springs and to recommend it to the Planning Board and the City Council.

(24) To exercise all other powers conferred upon it by the City Council.

#### **§ 19-5. Referrals to Commission.**

The City Council, City departments or officers having final jurisdiction over any matter referred to in § 19-4 of this chapter may refer such matter to the Commission for a report, but if such Commission shall not have made its final report thereon within 30 days from the date of reference thereto, the authority having final jurisdiction may proceed to final action. This section shall not be construed to prevent the City Council from granting, in any specific case, such longer period as it may fix within which said Commission may make its final report.

#### **CHAPTER 28. PUBLICATION OF ORDINANCES**

##### **§ 28-1. Summary publication authorized.**

##### **§ 28-2. Summary requirements.**

#### **CHAPTER 28. PUBLICATION OF ORDINANCES**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 5-7-1996 by L.L. No. 5-1996. Amendments noted where applicable.]**

## GENERAL REFERENCES

Ordinances — See Charter.

### **§ 28-1. Summary publication authorized.**

In addition to and not in limitation of the provisions in Title VIII of the Charter of the City of Saratoga Springs, the City Council hereby authorizes publication of a summary of each adopted ordinance as an alternative to publication of the full text of each adopted ordinance, except in cases where publication of the full text of the ordinance is specifically required by laws of the State of New York or of the United States.

### **§ 28-2. Summary requirements.**

Each published summary of an ordinance shall briefly describe the subject matter of the ordinance and its purpose and shall state when and where a complete text of the ordinance shall be available for review by interested persons.

## CHAPTER 30. (RESERVED)

**Former Ch. 30, Pensions, consisting of Art. I, Fire and Police Pension Fund, adopted as Ch. 79 of the 1970 Code, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

## CHAPTER 34. PLANNING BOARD

§ 34-1. Appointment; vacancies; removal; terms.

§ 34-2. Compensation; municipal officials; other city agencies.

§ 34-3. Officers.

§ 34-4. Powers and duties.

§ 34-5. Referrals to Board.

## **CHAPTER 34. PLANNING BOARD**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs at time of adoption of Code 4-4-1994 by L.L. No. 1-1994; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]**

## GENERAL REFERENCES

Zoning Board of Appeals — See Ch. 51.

Zoning — See Ch. 240.

Subdivision regulations — See Ch. A247.

### **§ 34-1. Appointment; vacancies; removal; terms.**

A. Pursuant to § 27 of the General City Law, there shall be a City Planning Board, hereinafter called the "Board," appointed by the Mayor, which Board shall consist of seven members.

B. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment by the Mayor for the unexpired term.

C. Any member may be removed by the Mayor for cause and after public hearing.

D. Members of the Board shall hereafter be appointed for terms of seven years. Effective July 1, 1994, members now holding office for terms of less than seven years shall hold office until the end of the official year in which their term is scheduled to expire, except that at the beginning of the official year 1996, the Mayor shall have authority to reestablish the terms of the members of the Planning Board now holding office in the manner described in § 27, Subdivision 4 of the General City Law, so that the term of one member shall expire at the end of the official year 1996, and the terms of the remaining members shall be so fixed that one term shall expire at the end of each official year thereafter. At the expiration of the term of each member so appointed, his or her successors shall thereafter be appointed for terms of seven years.

**[Amended 1-2-1996 by L.L. No. 1-1996]**

**§ 34-2. Compensation; municipal officials; other city agencies.**

A. Such members shall receive no payment for their services as members of the Board.

B. The municipal officials on such Board shall not, by reason of membership thereon, forfeit their right to exercise the powers, perform the duties or receive the compensation of the municipal office held by them during such membership.

C. No member of the Planning Board shall be eligible for membership on the city's Zoning Board of Appeals.

**§ 34-3. Officers.**

The Chairperson of the Board shall be designated by the Mayor or, on failure to do so, shall be elected from and by its own members. The Vice Chairperson shall be designated by the Mayor.

**§ 34-4. Powers and duties.**

The Planning Board shall have and exercise the powers and duties as follows:

A. At the direction of the City Council, to prepare a City Comprehensive Plan for the development of the entire area of the city.

(1) Definition of City Comprehensive Plan. The term "City Comprehensive Plan" means the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material, that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the city. The City Comprehensive Plan, as herein defined, shall, among other things, serve as a basis for land use regulation, infrastructure development, public and private investment and any plans which may detail one or more topics of a City Comprehensive Plan.

(2) Content of a City Comprehensive Plan. The City Comprehensive Plan may include the following topics at the level of detail adapted to the special requirements of the city:

(a) General statements of goals, objectives, principles, policies and standards upon which proposals for the immediate and long-range enhancement, growth and development of the city are based.

(b) Consideration of regional needs and the official plans of other government units and agencies within the region.

(c) The existing and proposed location and intensity of land uses.

(d) Consideration of agricultural uses, historic and cultural resources, coastal and natural resources and sensitive environmental areas.

(e) Consideration of population, demographic and socioeconomic trends and future projections.

(f) The location and types of transportation facilities.

(g) Existing and proposed general location of public and private utilities and infrastructure.

(h) Existing housing resources and future housing needs, including affordable housing.

(i) The present and future general location of educational and cultural facilities, historic sites, health facilities and facilities for emergency services.

(j) Existing and proposed recreation facilities and park land.

(k) The present and potential future general location of commercial and industrial facilities.

(l) Specific policies and strategies for improving the local economy in coordination with other plan topics.

(m) Proposed measures, programs, devices and instruments to implement the goals and objectives of the various topics within the Comprehensive Plan.

(n) All or part of the plan of another public agency.

(o) Any and all other items which are consistent with the orderly growth and development of the city.

(3) The City Council shall adopt or amend the Comprehensive Plan only after a public hearing, notice of which hearing shall be advertised at least three times in the official newspaper or in a newspaper of general circulation in the city at least five days but not more than 20 days before such hearing.

(4) The City Council may refer the Comprehensive Plan and its amendments to the Planning Board for review and comment. Within 45 days after receipt of the plan or any amendments, the Planning Board shall report its recommendations thereon to the Council. If the Planning Board fails to respond within the prescribed time, the City Council may act without such report. The Board shall not act contrary to any City Council recommendation without first setting forth in the official record the reasons for such contrary action.

(5) The Comprehensive Plan and all modifications thereof shall be on file in the office of the Planning Board and in the offices of the City Engineer and City Clerk.

B. To make any investigations and reports relating to the planning of the city and its future growth and affording facilities for housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population. Any expenditures of the Board for such investigations or reports shall not

exceed the appropriation for its expenses. Copies of such investigations or reports shall be submitted to the City Council for their review and comment.

C. To prepare recommendations for changes to the Zoning Ordinance and districts, but any changes in or exemption from such plan after adoption shall be made by the City Council.

D. To issue advisory reports to the City Council on any proposed change in the text or Zoning District boundary under conditions set forth in § 240-15.3.

E. To issue advisory reports to the City Council on any proposed planned unit development applications under conditions set forth in § 240-3.10.

F. To make referrals for advisory opinions on any matter before the Board to the City Council, the Zoning Board of Appeals, the Design Review Commission, the Recreation Commission and any other body, agency or department of the city.

G. To review and make advisory recommendations on any matter referred to the Planning Board by the City Council, the Zoning Board of Appeals, the Design Review Commission, the Recreation Commission and any other body, agency or department of the city.

H. To assist the Mayor with the development of an annual submittal to the City Council of a six-year municipal capital funds plan.

I. To advertise and hold public hearings when it requires or desires. The minimum requirement shall be that notice of hearings shall be advertised at least three times in the official newspaper or in a newspaper of general circulation in the city at least five days before such hearing but not more than 20 days. The public hearing requirement of specific ordinances must be met as set forth.

J. To adopt, after public hearing by the Planning Board and approval of the City Council, subdivision rules and regulations.

K. To review, approve, approve with modification or disapprove all applications for subdivisions within the City of Saratoga Springs pursuant to the adopted subdivision rules and regulations.

L. To change or add to the Official Map of the city so as to lay out new streets, highways or parks or widen or close existing streets, highways or parcels. Drainage systems may also be shown on the map.

M. To review, approve, approve with modification or disapprove applications for site plans as required by § 240-5.2.

N. To review, approve, approve with modification or disapprove all applications for special use permit as required by § 240-6.2.

O. To submit its annual budget by the Mayor. All appropriations must be approved by the City Council.

P. To make necessary and proper expenditures, not exceeding in amount the appropriation that may be made for such Board by the City Council.

Q. To employ experts and a staff and to pay for their services and such other expenses as may be necessary, not exceeding in all the appropriation that may be made for such Board by the City Council.

R. To adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this chapter, after public hearing by the Planning Board and subject to the approval of the City Council. The City Council shall move to approve, reject or modify the same within 30 days after submission. Failure of the City Council to so move shall be construed to constitute approval of such rules, bylaws and forms.

S. To express all other powers conferred upon it by the City Council.

#### **§ 34-5. Referrals to Board.**

The City Council, city departments or officers having final jurisdiction over any matter set forth in § 34-4 of this chapter may refer such matter to the Planning Board for a report, but if such Planning Board shall not have made its final report thereon within 30 days from the date of reference thereto, the authority having final jurisdiction may proceed to final action. This section shall not be construed to prevent the City Council from granting, in any specific case, such longer period as it may fix within which said Board may make its final report.

### **CHAPTER 36. POLICE DEPARTMENT**

#### **ARTICLE I. Powers of Police Chief**

##### **§ 36-1. Grant of powers.**

##### **§ 36-2. Notification of Mayor of action taken.**

##### **§ 36-3. Severability.**

### **CHAPTER 36. POLICE DEPARTMENT**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as indicated in article histories. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Traffic Violations Bureau — See Ch. 45.

#### **ARTICLE I. Powers of Police Chief**

**[Adopted 5-15-2001 by L.L. No. 3-2001]**

##### **§ 36-1. Grant of powers.**

In accordance with authority provided in § 209-m of the General Municipal Law, which reads, in pertinent part:

"2. Notwithstanding the provisions of any general, special or local law or of any county, City or village charter, the chief executive officer of a local government, whenever he deems that the public interest requires it, may request the chief executive officer of any other local government to detail, assign and make available for duty and use in the local government for which the request is made any part of the forces, equipment and supplies of the police department, police force or parkway police force of the local government of which the request is made. The chief executive officer of the local government of which the request is made is hereby authorized and empowered to grant the request so made.

3. A local government may, by local law, delegate to the chief of police of its police

department or police force the powers hereby granted to a chief executive officer to request and grant police assistance."

the City Council hereby delegates to the Chief of Police the powers granted to a chief executive officer under that section.

#### **§ 36-2. Notification of Mayor of action taken.**

In addition to and not in limitation of any powers delegated to the Chief of Police in § 36-1, the Chief of Police shall, as soon as practicable, inform the Mayor of any action taken by him pursuant to that delegation of powers.

#### **§ 36-3. Severability.**

The provisions of this article are hereby declared to be severable, and if any clause, sentence, paragraph, word, section or part of this article shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### CHAPTER 38. RECREATION COMMISSION

#### § 38-1. Establishment.

#### § 38-2. Membership; terms.

#### § 38-3. Powers and duties.

### **CHAPTER 38. RECREATION COMMISSION**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 5-6-77 by resolution. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Parks and recreation areas — See Ch. 155.

#### **§ 38-1. Establishment.**

There is established a Recreation Commission for the City of Saratoga Springs, New York, pursuant to § 243 of the General Municipal Law.

#### **§ 38-2. Membership; terms.**

Said Commission shall consist of seven (7) members, to serve for such time as is provided in said § 243.

#### **§ 38-3. Powers and duties.**

The power to equip, operate and maintain the playgrounds and recreation centers of said City of Saratoga Springs shall be vested in said Commission as is provided in § 243 of the General Municipal Law.

### CHAPTER 41. SALARIES AND COMPENSATION

ARTICLE I. Salaries and Compensation Information  
ARTICLE II. Compensation of Nonelected City Officials  
§ 41-1. Supersession of City Law.

## **CHAPTER 41. SALARIES AND COMPENSATION**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as indicated in article histories. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Salary of certain City officials — See Charter, § C15.  
Pensions — See Ch. 30.

### **ARTICLE I. Salaries and Compensation Information**

**[The salaries and compensation of all officers and employees of the City of Saratoga Springs are as set forth from time to time by the City Council or through collective bargaining agreements. Information concerning current salary and compensation figures is on file in the office of the City Clerk, where it is available for examination during regular office hours.]**

### **ARTICLE II. Compensation of Nonelected City Officials**

**[Adopted 3-20-2007 by L.L. No. 4-2007]**

#### **§ 41-1. Supersession of City Law.**

In accordance with authority cited in New York State Comptroller's Opinion 3-344 and New York State Attorney General's Opinion 20-183, the City Council hereby supersedes § 25 of the General City Law so as to allow the City of Saratoga Springs to increase the compensation of nonelected City officials and positions during any fiscal year after such compensation is established by budget.

## **CHAPTER 45. TRAFFIC VIOLATIONS BUREAU**

§ 45-1. Establishment.  
§ 45-2. Disposition of traffic violations.  
§ 45-3. Designation of fines.  
§ 45-4. Records.  
§ 45-5. Organization.

## **CHAPTER 45. TRAFFIC VIOLATIONS BUREAU**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 10-7-85 as Ch. 130, Art. IA, of the 1970 Code. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Vehicles and traffic — See Ch. 225.

#### **§ 45-1. Establishment.**



The City Judge is hereby authorized to establish a Traffic Violations Bureau to assist the court in the disposition of offenses in relation to traffic violations.

#### **§ 45-2. Disposition of traffic violations.**

The Traffic Violations Bureau so established is hereby authorized to dispose of violations of traffic laws, ordinances, rules and regulations designated by the court, except the offenses constituting the traffic infraction of speeding or a misdemeanor or a felony, by permitting a person charged with an offense within the limits herein stated to answer, within a specified time, at the Traffic Violations Bureau, either in person or by written power of attorney in such form prescribed herein, by paying a fine and, in writing, waiving a hearing in court or by pleading guilty to the charge and authorizing the person in charge of the Bureau to make such a plea and pay such a fine in court. Acceptance of the prescribed fine and power of attorney by the Bureau shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states. If a person charged with a traffic violation does not answer, as hereinbefore prescribed, within a designated time, the Bureau shall cause a complaint to be entered against him forthwith and a warrant to be issued for his arrest and appearance before the court. Any person who shall have been, within the preceding twelve (12) months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court or of three (3) or more violations other than parking violations shall not be permitted to appear and answer to a subsequent violation at the Traffic Violations Bureau but must appear in court at a time specified by the Bureau.

#### **§ 45-3. Designation of fines.**

The court shall designate the fines to be paid for offenses, which may be satisfied at the Bureau as hereinbefore stated, provided that such fines are within the limits established as penalties for such offenses.

#### **§ 45-4. Records.**

The Traffic Violations Bureau shall keep records as are directed by § 373 of the General Municipal Law and such other records as shall be directed by the court.

#### **§ 45-5. Organization.**

The Traffic Violations Bureau shall be in charge of such person or persons and shall be open at such hours as the court may designate.

### **CHAPTER 48. UTILITIES DEPARTMENT**

#### **§ 48-1. Establishment; duties.**

#### **§ 48-2. Responsibility to Commissioner of Public Works.**

#### **§ 48-3. Income credited to Department.**

### **CHAPTER 48. UTILITIES DEPARTMENT**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Water and sewers — See Ch. 231.

#### **§ 48-1. Establishment; duties.**

There shall be a Utilities Department which shall be vested with the care, control, operation, maintenance and management of all the property, equipment and materials owned by, used with or pertaining to the following:

A. The water system of the City of Saratoga Springs.

B. The sewage disposal system of the City of Saratoga Springs, to include sanitary and storm sewers.

#### **§ 48-2. Responsibility to Commissioner of Public Works.**

The Utilities Department shall be solely responsible to the Commissioner of Public Works of the City of Saratoga Springs.

#### **§ 48-3. Income credited to Department.**

All water rates, tapping fees and other income shall be credited to the Utilities Department.

#### **CHAPTER 51. ZONING BOARD OF APPEALS**

§ 51-1. Establishment; appointment; vacancies; removal; terms.

§ 51-2. Compensation; other city agencies.

§ 51-3. Officers.

§ 51-4. Powers and duties.

§ 51-5. Referrals to Board.

#### **CHAPTER 51. ZONING BOARD OF APPEALS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs at time of adoption of Code 4-4-1994 by L.L. No. 1-1994; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Planning Board — See Ch. 34.

Zoning — See Ch. 240.

Board of Appeals Rules — See Ch. A246.

#### **§ 51-1. Establishment; appointment; vacancies; removal; terms.**

A. There is hereby established a Zoning Board of Appeals pursuant to § 81 of the General City Law.

B. Such Board shall consist of seven members appointed by the Mayor.

C. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment by the Mayor for the unexpired term.

D. Any member may be removed by the Mayor for cause and after public hearing.

E. Members of the Board shall hereafter be appointed for terms of seven years. Effective July 1, 1994, members now in office for terms of less than seven years shall hold office until the end of the official year in which their term is scheduled to expire, except that at the beginning of the official year 1996, the Mayor shall have authority to reestablish the terms of the members of the Zoning Board of Appeals

now holding office in the manner described in § 81, Subdivision 3 of the General City Law, so that the term of one member shall expire at the end of the official year 1996, and the terms of the remaining members shall be so fixed that one term shall expire at the end of each official year thereafter. At the expiration of the term of each member so appointed, his or her successors shall thereafter be appointed for terms of seven years.

**[Amended 1-2-1996 by L.L. No. 1-1996]**

**§ 51-2. Compensation; other city agencies.**

A. Such members shall receive no payment for their services as members of the Board.

B. No member of the Zoning Board of Appeals shall be eligible for membership on the city's Planning Board.

**§ 51-3. Officers.**

The officers of the board shall consist of a Chairperson, Vice Chairperson and Secretary who are elected by the Board at its annual meeting. The term of office will be for one year. If a vacancy shall occur other than by the expiration of a term, the Board will hold a special election to fill the office until the next annual meeting.

**§ 51-4. Powers and duties.**

The Zoning Board of Appeals shall have and exercise the powers and duties as follows:

A. To review, approve, approve with modification or disapprove applications for interpretations of any portion of the city's Zoning Ordinance as required by § 240-14.3.

B. To review, approve, approve with modification or disapprove applications for use and area variances as required by § 240-14.4.

C. To prepare recommendations for changes to the Zoning Ordinance and districts, but any changes in or exemption from such plan after adoption shall be made solely by the City Council.

D. To make referrals for advisory opinions on any matter before the Board to the City Council, the Planning Board, the Design Review Commission, the Recreation Commission and any other body, agency or department in the city.

E. To review and make advisory recommendations on any matter referred to the Zoning Board by the City Council, the Planning Board, the Design Review Commission, the Recreation Commission and any other body, agency or department of the city.

F. To advertise and hold public hearings when it requires or desires. The minimum requirement shall be that notice of hearings shall be advertised at least three times in the official newspaper or in a newspaper of general circulation in the city at least five days before such hearing but not more than 20 days. The public hearing requirement of specific ordinances must be met as set forth.

G. To submit its annual budget to the Mayor. All appropriations must be approved by the City Council.

H. To make necessary and proper expenditures, not exceeding in amount the appropriation that may be made for such Board by the City Council.

I. To employ experts and a staff and to pay for their services and such other expenses as may be necessary, not exceeding in all the appropriation that may be made for such Board by the City Council.

J. To adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this chapter, after public hearing by the Zoning Board of Appeals and subject to the approval of the City Council. The City Council shall move to approve, reject or modify the same within 30 days after submission. Failure of the City Council to so move shall be construed to constitute approval of such rules, bylaws and forms.

K. To exercise all other powers conferred upon it by the City Council.

#### **§ 51-5. Referrals to Board.**

The City Council, city departments or officers having final jurisdiction over any matter set forth in § 51-4 of this chapter may refer such matter to the Zoning Board of Appeals for a report, but if such Board shall not have made its final report thereon within 30 days from the date of reference thereto, the authority having final jurisdiction may proceed to final action. This section shall not be construed to prevent the City Council from granting, in any specific case, such longer period as it may fix within which said Board may make its final report.

#### **CHAPTER 58. ALARM SYSTEMS**

§ 58-1. Purpose.

§ 58-2. Definitions.

§ 58-3. Alarm supplier permit; penalty.

§ 58-4. Alarm user permit; fee; penalty.

§ 58-5. Rules and regulations.

§ 58-6. Time-out timer.

§ 58-7. Emergency service numbers.

§ 58-8. False alarms; additional fees.

§ 58-9. Enforcement.

§ 58-10. Liability.

#### **CHAPTER 58. ALARM SYSTEMS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 10-21-1991; amended in its entirety 11-18-2008. Subsequent amendments noted where applicable.]**

#### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Noise — See Ch. 148.

#### **§ 58-1. Purpose.**

The purpose of this chapter is to promote the health, safety and welfare of the people of the City of Saratoga Springs by imposing regulations on the sale, installation and maintenance of burglar alarms, fire alarms and other emergency alarms and security systems in said City.

#### **§ 58-2. Definitions.**

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

#### **ALARM SUPPLIER**

Any person or legal entity who installs, maintains or otherwise prepares emergency alarms to be installed anywhere in the City of Saratoga Springs. The term "alarm supplier," as defined above, shall not apply to property owners or lessees within the City of Saratoga Springs who install and maintain their own systems, and such owners and lessees are exempt from the requirements of § 58-3 of this chapter, but are not exempt from any other section of this chapter unless specifically stated herein.

#### **ALARM USER**

Any person or legal entity who installs or seeks to install an emergency alarm upon premises under his or her control and located within the City of Saratoga Springs.

#### **EMERGENCY ALARM**

Any device designed to send a signal in any manner to the Fire Department and/or the Police Department of the City of Saratoga Springs, or to a facility responsible for monitoring such alarm system; any device designed to emit an audible or visual signal from the premises where the device is installed. The term "emergency alarm" shall not include any system used by any government agency or to any device installed in a motor vehicle as defined in the Vehicle and Traffic Law of the State of New York.

#### **FALSE ALARM**

The activation of an emergency alarm under circumstances where it cannot be reasonably determined that any emergency or unauthorized entry has occurred or has been attempted. The term does not include:

- A. Activations caused by problems in telephone lines, acts of God, natural disasters or other causes reasonably determined to be beyond the control of the alarm user.
- B. Activations within 45 calendar days of the initial installation of the emergency alarm.
- C. Intentional false alarms that are punishable under the New York State Penal Law.

#### **§ 58-3. Alarm supplier permit; penalty.**

- A. No alarm supplier shall do business within the City of Saratoga Springs without first filing a copy of his New York State license to engage in the business of installing security or fire alarm systems (as described in Article 6-D of the General Business Law) with the Department of Accounts. The Department of Accounts shall charge no fee for the filing of such license.
- B. Any alarm supplier who does business within this City without filing a copy of his license as in Subsection A above may be subject to a penalty of not more than \$250.

#### **§ 58-4. Alarm user permit; fee; penalty.**

- A. Coincident with the installation of any emergency alarm in the City of Saratoga Springs, an application for an emergency alarm user permit shall be submitted to and approved by the Commissioner of Accounts or his designee. A one-time fee of \$25 shall accompany the application. Each application shall contain a signed statement by the alarm user that the City shall not be responsible in any way for the operation of the alarm system, or for any failure to respond to a transmitted alarm or for entry upon the premises by City personnel in response to a transmitted alarm.

#### **§ 58-5. Rules and regulations.**

The City Council, subject to approval, shall have the authority to promulgate rules and regulations governing the operations, testing and maintenance of each alarm system.

#### **§ 58-6. Time-out timer.**

Each and every emergency alarm system which is audible at the exterior of the premises of the alarm installation shall be installed with a timer which will discontinue the audible signal after a maximum time period of 15 minutes. This section shall not apply to any emergency alarm system which is prohibited by law from employing such a timer.

#### **§ 58-7. Emergency service numbers.**

No emergency alarm of any type shall terminate, transmit to or call the emergency service number 911 or any emergency service number, except those numbers designated exclusively for the purpose.

#### **§ 58-8. False alarms; additional fees.**

A. The following fees in addition to the fees specified in § 58-4 shall be due from any emergency alarm user who transmits more than two false alarms within any twelve-month period, whether caused by human error or malfunction of equipment:

(1) For each of the third and fourth false alarms transmitted: \$50.

(2) For the fifth and each additional false alarm transmitted: \$250.

B. If any alarm user shall transmit more than 10 false alarms within a twelve-month period, the Commissioner of Public Safety may, in his or her discretion, either revoke that alarm user's permit or require that the alarm, if it has been thereto maintained by a property owner or lessee, be thereafter maintained by personnel of an alarm supplier licensed by the City pursuant to § 58-3.

C. Notice of additional fees due shall be sent to each alarm user by regular mail at the address specified in the permit application. The notice shall state the dates of each false alarm and the amount of additional fees due. It shall also state that payment of the additional fees shall be due 30 days from the date of the notice.

D. If any additional fees duly noticed shall remain unpaid for longer than 30 days from the date of the notice, the Code Administrator shall have authority to commence an action in small claims court in the name of the City to recover the additional fees due.

#### **§ 58-9. Enforcement.**

Both the Police Department of the City of Saratoga Springs and the City Fire Inspector shall have the authority to enforce the provisions of this chapter and to issue appearance tickets for violations thereof. Such authority shall be in addition to and not in limitation of any other authority or power conferred by law.

#### **§ 58-10. Liability.**

The City of Saratoga Springs shall not be liable for any defects in operation of emergency alarm systems, nor any failure to respond appropriately, nor for any erroneous response, nor for the failure or defect of any licensee pursuant to the provisions of this chapter with respect to the installation, operation or maintenance of equipment, the transmission of alarm signals or messages or the relaying of such signals or messages.

### **CHAPTER 61. ALCOHOLIC BEVERAGES**

§ 61-1. Possession of open containers.

§ 61-2. Presumptive evidence.

§ 61-3. Penalties for offenses.

## **CHAPTER 61. ALCOHOLIC BEVERAGES**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 86 of the 1970 Code. Section 61-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.  
Peace and good order — See Ch. 162.

#### **§ 61-1. Possession of open containers.**

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

#### **§ 61-2. Presumptive evidence.**

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

#### **§ 61-3. 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 constitute an offense punishable by the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

## **CHAPTER 65. AMUSEMENT DEVICES**

- § 65-1. Definitions.
- § 65-2. Approval and license required.
- § 65-3. Application for license.
- § 65-4. Issuance of license.
- § 65-5. Fees; expiration of license.
- § 65-6. Amendment of licenses.
- § 65-7. Revocation of license; hearing.
- § 65-8. Penalties for offenses.
- § 65-9. Seizure of devices.
- § 65-10. Nonprofit owners.
- § 65-11. (Reserved)

## **CHAPTER 65. AMUSEMENT DEVICES**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 6-4-1996. Editor's Note: This ordinance also provided for the repeal of former Ch. 65, Amusement Devices, adopted 8-21-1995. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Curfew — See Ch. 96.  
Entertainment — See Ch. 109.

Games of chance — See Ch. 123.  
Peace and good order — See Ch. 162.  
Zoning — See Ch. 240.

#### **§ 65-1. Definitions.**

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

##### **COIN-CONTROLLED AMUSEMENT DEVICE**

Any mechanical or electronic device used or designed to be operated for amusement or recreation by the insertion of a coin, by the payment of money or by the payment of any other consideration, except for coin-controlled mechanical or electronic music machines of the type commonly known as "jukeboxes."

##### **DISTRIBUTE**

One or more individuals, a partnership, a company, an association of persons or a corporation who or which allows or permits a coin-operated amusement device owned by another to be placed, distributed or located in his place of business under his control.

##### **OPERATOR**

One or more individuals, a partnership, a company, an association of persons or a corporation who or which owns, places, distributes or locates in any place, other than his own place of business, a coin-controlled amusement device.

##### **OWNER**

Any one or more individuals, a partnership, a company, an association of persons or a corporation who or which actually owns and has title to any coin-controlled amusement device and who or which receives all the profits from the operation of such device or machine used and operated in his own place of business.

##### **PERSON**

One or more individuals, a partnership, a company, an association of persons or a corporation.

#### **§ 65-2. Approval and license required.**

A. Notwithstanding any other provision of this chapter, no person shall place or deliver for use or permit the use of any coin-controlled amusement device upon any premises in the City of Saratoga Springs until:

(1) The location of the establishment or premises where the devices shall be located shall have been approved by the Commissioner of Public Safety and the Commissioner of Accounts.

(2) A license in accordance with this section to use or permit the use of such device upon any premises within said city has been obtained from the Commissioner of Accounts by the owner or operator of such device.

B. No license shall be granted for any establishment or premises where such device is to be operated if located within 500 feet of the lot lines of a public or private school, unless otherwise approved by the Commissioner of Accounts.

#### **§ 65-3. Application for license.**

A. The owner or distributor of any such coin-controlled amusement device who desires to distribute or place any such device for use shall make application to the Commissioner of Accounts for such permission upon blanks to be furnished by him, giving the following information:

(1) The name and address of the owner or distributor and such additional information as the Commissioner of Accounts may require.



(2) The location of the establishment where the device or devices are to be located, the business name of the establishment (if applicable) and the number of devices to be located at that establishment.

(3) The name and residence of the person having responsible charge of the premises upon which the device is proposed to be located for use and the location of said premises by street and number.

B. The Commissioner of Accounts may require such further information as he may deem reasonably necessary. In addition, the Commissioner of Accounts shall have the authority to require a fire inspection in appropriate cases where such inspection would not otherwise be required.

#### **§ 65-4. Issuance of license.**

The Commissioner of Accounts, upon the receipt of any such application, may issue a license to the applicant to place and permit the use upon the premises designated in the application of the coin-controlled amusement device described therein, in the manner therein specified and in accordance with the provisions of this chapter.

#### **§ 65-5. Fees; expiration of license.**

A. The Commissioner of Accounts shall not issue a license hereunder until the sum of \$30 for each licensed device shall have been paid to the City of Saratoga Springs for each device up to and including 10 in number. If more than 10 machines or devices are to be licensed, then the total fee to be paid shall be \$300, plus \$25 per device licensed for said premises after number 10. For licenses issued after July 1 in any year, the license fees shall be 50% of those heretofore stated in this subsection.

B. All licenses issued under this chapter shall expire on the 31st day of December next succeeding the date of their issuance.

C. (Reserved)

#### **§ 65-6. Amendment of licenses.**

A licensee may, at any time, apply to the Commissioner of Accounts for an amendment to increase or decrease the number of devices in operation at an approved location and/or to add one or more locations to his license. Any application for such an amendment shall be subject to the same review, approval and regulation as the original license and shall be accompanied by any fees required under § 65-5 for any devices added. The Commissioner of Accounts may, in his discretion, require such additional information about the amendment as he may deem reasonably necessary.

#### **§ 65-7. Revocation of license; hearing.**

A. The Commissioner of Accounts may revoke any license issued by him under this chapter for violation of any of the sections of this chapter. The Commissioner shall notify the license holder, in writing, of his intent to revoke the license and shall, if requested by the license holder, hold a hearing to determine the propriety of revoking the license. He shall then notify the license holder, in writing, of his determination after the hearing is held.

B. The Commissioner of Accounts may, at any time, hold a hearing to determine the propriety of issuing or renewing a license under this chapter. He shall notify the applicant, in writing, of his determination after the hearing is held.

#### **§ 65-8. Penalties for offenses.**

A. Any operator or owner who violates any of the provisions of this chapter, in addition to the revocation of his license, shall be subject to a fine not to exceed \$500. Each day on which such violation continues shall constitute a separate offense.

B. Any distributee who, having knowledge that an unlicensed coin-controlled amusement device is in operation in his place of business or any place under his control, allows or permits said device to remain there in operation shall be subject to a fine not to exceed \$500.

#### **§ 65-9. Seizure of devices.**

In the event that a renewal of license has not been obtained 30 days after expiration or 10 days after an unlicensed device is noted, the Commissioner of Accounts will send a certified letter, return receipt requested, to the owner or operator of said machines and a certified letter, return receipt requested, to the business owner of the premises stating that the device will have to be licensed or removed within 30 days. If there is no response to the certified letter, return receipt requested, advising of unlicensed devices, the city may confiscate said devices and have said devices removed from the premises at the device-owner's expense and stored. If, after 30 days of seizure, the devices are still in storage and unlicensed, the devices may be sold at public auction to the highest bidder.

#### **§ 65-10. Nonprofit owners.**

The provisions of this chapter shall not apply to an owner which shall be a not-for-profit or educational corporation chartered under the Not-For-Profit Corporation Law of the State of New York or under § 213 of the Education Law of the State of New York.

#### **§ 65-11. (Reserved)**

#### CHAPTER 69. (Reserved)

**[Editor's Note: Former Ch. 69, Assemblies, Public, adopted 5-6-1997, as amended, was repealed 2-7-2006. For current provisions, see Ch. 98, Demonstrations; Ch. 199A, Special Events; and Ch. 216, Temporary Structures.]**

#### CHAPTER 72. AUCTIONS

§ 72-1. License required; fees.

§ 72-2. Prohibited hours.

§ 72-3. Time limit for filing application.

§ 72-4. Applicability.

§ 72-5. Penalties for offenses.

#### **CHAPTER 72. AUCTIONS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 9 of the 1970 Code. Sections 72-1, 72-3, 72-4 and 72-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.  
Pawnbrokers — See Ch. 159.  
Peddling and soliciting — See Ch. 165.

#### **§ 72-1. License required; fees.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. No person, business or association shall conduct an auction in the City of Saratoga Springs without first obtaining a license from the Commissioner of Accounts of said city and paying a license fee of twenty-five dollars (\$25.) per auction.

#### **§ 72-2. Prohibited hours.**

**[Amended 7-18-77]**

No auction shall be conducted in the City of Saratoga Springs between the hours of 1:00 a.m. and 8:00 a.m., except for the public sale of horses. Editor's Note: Former § 9-3, Permit for auction, which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

#### **§ 72-3. Time limit for filing application.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Application for a license must be filed ten (10) working days prior to the date of the auction. Editor's Note: Former §§ 9-5 and 9-6, as amended, dealing with filing of inventories and license fees, respectively, which immediately followed this section, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

#### **§ 72-4. Applicability.**

**[Amended 7-6-70** Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. ]

The provisions of this chapter shall not apply to sales of real estate.

#### **§ 72-5. Penalties for offenses.**

**[Amended 7-6-70** Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. ]

Any person, firm or corporation violating any of the provisions of this chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

### **CHAPTER 75. BICYCLES**

§ 75-1. Construal of provisions.

§ 75-2. License required.

§ 75-3. Application for license; fee.

§ 75-4. Issuance of license.

§ 75-5. Attachment of license plate.

§ 75-6. Inspections.

§ 75-7. Renewal of license.

§ 75-8. Transfer of ownership and license.

§ 75-9. Rental agencies.

§ 75-10. Effect of traffic control devices.  
§ 75-11. Speed restriction.  
§ 75-12. Parking.  
§ 75-13. Riding on sidewalks.  
§ 75-14. Penalties for offenses.

## **CHAPTER 75. BICYCLES**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 14 of the 1970 Code. Section 75-14 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### **GENERAL REFERENCES**

Play vehicles — See Ch. 168.  
Streets and sidewalks — See Ch. 203.  
Vehicles and traffic — See Ch. 225.

#### **§ 75-1. Construal of provisions.**

It is a traffic infraction for any person to do any act forbidden or fail to perform any act required in this chapter. Editor's Note: Former Subsections B and C, dealing with parental responsibility and the use of streets or public paths, respectively, which immediately followed this section, were deleted at the time of adoption of Code; see Ch. 1, General Provisions, Art. I.

#### **§ 75-2. License required.**

**[Amended 4-19-76]**

No person who resides within the city shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate is attached thereto as provided herein. For purposes of this chapter, college students who live within the city limits are to be considered residents of the City of Saratoga Springs.

#### **§ 75-3. Application for license; fee.**

Application for a bicycle license and license plate shall be made upon a form provided by the city and shall be made to the Chief of Police. An annual license fee of twenty-five cents (\$0.25) shall be paid to the city before each license or renewal thereof is granted.

#### **§ 75-4. Issuance of license.**

A. The Chief of Police, upon receiving proper application therefor, is authorized to issue a bicycle license. Each bicycle license issued under this section shall be effective for the period from June 1 of the year for which issued until May 31 of the following year.

**[Amended 4-19-76]**

B. The Chief of Police shall not issue a license for any bicycle when he knows or has reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

C. The Chief of Police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued and the number on the frame of the bicycle for which issued and a record of all bicycle license fees collected by him.

#### **§ 75-5. Attachment of license plate.**

A. The Chief of Police, upon issuing a bicycle license, shall also issue a license plate bearing the license number assigned to the bicycle, the name of the city and the year for which issued.

#### **[Amended 4-19-76]**

B. The Chief of Police shall cause such license plate to be firmly attached to rear mudguard or frame of the bicycle for which issued in such position as to be plainly visible from the rear.

C. No person shall remove a license plate from a bicycle during the period for which issued, except upon a transfer of ownership or in the event that the bicycle is dismantled and no longer operated upon any street in this city.

#### **§ 75-6. Inspections.**

The Chief of Police or an officer assigned such responsibility shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he determines is in unsafe mechanical condition.

#### **§ 75-7. Renewal of license.**

Upon the expiration of any bicycle license, the same may be renewed upon application and payment of the same fee as upon an original application.

#### **§ 75-8. Transfer of ownership and license.**

Upon the sale or other transfer of a licensed bicycle, the licensee shall remove the license plate and shall either surrender the same to the Chief of Police or may, upon proper application but without payment of additional fee, have said plate assigned to another bicycle owned by the applicant.

#### **§ 75-9. Rental agencies.**

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided herein and such bicycle is equipped with the lamps and other equipment required by law. Editor's Note: Former § 14-10, Traffic laws apply to persons riding bicycles, which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

#### **§ 75-10. Effect of traffic control devices.**

A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. Editor's Note: Former §§ 14-12 and 14-13, dealing with the manner of riding

and use of roads or paths, respectively, which immediately followed this subsection, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

#### **§ 75-11. Speed restriction.**

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. Editor's Note: Former §§ 14-15, 14-16 and 14-17, dealing with merging into roadways, clinging to vehicles and carrying items, respectively, which immediately followed this section, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

#### **§ 75-12. Parking.**

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

#### **§ 75-13. Riding on sidewalks.**

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and, when such signs are in place, no person shall disobey the same.

#### **§ 75-14. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Every person convicted of a violation of any provision of this chapter shall be subject to the penalties set forth in § 1800 of the Vehicle and Traffic Law.

### **CHAPTER 79. BINGO**

§ 79-1. Definitions.

§ 79-2. Authorization to conduct games.

§ 79-3. Application for license.

§ 79-4. Restrictions on conduct of games.

§ 79-5. Issuance and duration of license.

§ 79-6. Denial of license; amendment.

§ 79-7. Form and contents of license.

§ 79-8. Supervision.

§ 79-9. Games on Sunday.

§ 79-10. Participation by minors.

§ 79-11. Frequency of games; alcoholic beverages.

§ 79-12. Operation and conduct of games; equipment; expenses; compensation.

§ 79-13. Charges for admission and participation; restrictions.

§ 79-14. Advertising games.

§ 79-15. Statement of receipts and expenses.

§ 79-16. Examinations; disclosure of information.

§ 79-17. Appeals.

§ 79-18. Immunity from prosecution; exemption.

§ 79-19. Penalties for offenses.

§ 79-20. Amendments; repeals.

### **CHAPTER 79. BINGO**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 18 of the 1970 Code; amended in its entirety during codification 7-20-1992 by L.L. No. 3-1992 (see Ch. 1, General Provisions, Art. II). Subsequent amendments noted where applicable.]**

## **GENERAL REFERENCES**

Games of chance — See Ch. 123.

### **§ 79-1. Definitions.**

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

#### **AUTHORIZED ORGANIZATION**

As set forth in Article 14-H of the General Municipal Law.

#### **BINGO OR GAME**

Includes 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 Racing and Wagering Board.

#### **LICENSE**

A license issued pursuant to the provisions of this chapter.

### **§ 79-2. Authorization to conduct games.**

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 City of Saratoga Springs subject to the provisions of this chapter, the provisions of Article 14-H (§§ 475 to 499) of the General Municipal Law, as amended, and the provisions of the State Bingo Control Law. Editor's Note: See § 430 et seq. of the Executive Law.

### **§ 79-3. Application for license.**

Application procedures and requirements shall be as set forth in Article 14-H of the General Municipal Law.

### **§ 79-4. Restrictions on conduct of games.**

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 a licensee under the provisions of Article 14-H of the General Municipal Law shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.

B. No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

C. No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in

the conduct of bingo games from other than a supplier licensed under the Bingo Control Law Editor's Note: See § 430 et seq. of the Executive Law. or from another authorized organization.

D. The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

E. No prize shall exceed the sum or value of two hundred fifty dollars (\$250.) in any single game of bingo.

F. No series of prizes on any one (1) bingo occasion shall aggregate more than one thousand dollars (\$1,000.).

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

H. No person shall receive any remuneration for participating in the management or operation of any game of bingo.

I. Limited-period bingo shall be conducted in accordance with the provisions of Article 14-H of the General Municipal Law and the rules and regulations of the commission.

J. 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.

#### **§ 79-5. Issuance and duration of license.**

A. The Commissioner of Accounts shall cause to be investigated the qualifications of each applicant and the merits of each application, and the Chief of Police is hereby designated and empowered as the proper city official to conduct such investigation. The Chief of Police 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 such persons are of good moral character or have ever been convicted of crime; whether the conduct of such games will comply with all the provisions of law and rules and regulations applicable thereto; 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 bingo; whether a prize will be offered or given in excess of the sum or value of two hundred fifty dollars (\$250.) in any single game or an aggregate of all prizes given in a series of games on a given occasion will exceed the sum or value of one thousand dollars (\$1,000.); and such other questions or inquiries as the Commissioner of Accounts may direct.

B. If the Commissioner of Accounts 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 specified kinds of games of bingo applied for upon payment of a license fee or fees of eighteen dollars and seventy-five cents (\$18.75) for each occasion upon which any games of bingo are to be conducted under such license, which fees are to be paid to the Commissioner of Accounts of the City of Saratoga Springs.

C. On or before the 30th day of each month, the Commissioner of Finance of the City of Saratoga Springs shall transmit to the State Comptroller a sum equal to fifty percent (50%) of all commercial lessor license fees and the sum of eleven dollars and twenty-five cents (\$11.25) per occasion of all license fees collected by the City of Saratoga Springs 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 (1) year.

**§ 79-6. Denial of license; amendment.**

A. No applicant for a license hereunder shall be denied by the Commissioner of Accounts until after a hearing, held on due notice to the applicant, at which time 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 Commissioner of Accounts 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.

**§ 79-7. Form and contents of license.**

Each license shall be in such form as shall be prescribed in the rules and regulations promulgated by the Control Commission and shall include all information required under § 483 of the General Municipal Law.

**§ 79-8. Supervision.**

The Commissioner of Accounts, with the aid and cooperation of the Department of Police, shall have and exercise control and supervision over all games of bingo held, operated or conducted under such license and shall have the power and authority to suspend any such license and to revoke the same, after notice and hearing, 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 Commissioner of Accounts or any officer designated by him shall have the right of entry at any time into any premises where any such game of bingo is being held, operated or conducted or where it is intended that any such game of bingo shall be 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.

**§ 79-9. Games on Sunday.**

Pursuant to the authority granted in Article 14-H, § 485, of the General Municipal Law, the conduct of bingo games on the first day of the week, commonly known as "Sunday," is hereby authorized.

**§ 79-10. Participation by minors.**

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

**§ 79-11. Frequency of games; alcoholic beverages.**

No game or games of bingo shall be held, operated or conducted under any license issued under this chapter more often than on six (6) days in any one (1) calendar month or in any room or outdoor area where alcoholic beverages are sold or served during the progress of the game or games.

**§ 79-12. Operation and conduct of games; equipment; expenses; compensation.**

A. No person shall hold, operate or conduct any game or games of bingo under any license issued under this chapter except an active member of the authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of

bingo under such license except an active member or a member or an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided.

B. No such game of bingo shall be conducted with any equipment except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of bingo held, operated or conducted pursuant to any license issued under this chapter except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof under any circumstances whatever.

C. No rental shall be paid for the use of any premises for holding, operating or conducting any such game of bingo thereon or for any other purpose in connection with the holding, operating or conducting thereof unless the amount of such rental is stated in a statement annexed to the application for the license as provided in § 480 of Article 14-H of the General Municipal Law or which is in excess of the sum stated as the rental to be charged therefore in such settlement.

D. No commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting or assisting in the holding, operation or conduct of any game of bingo so held, operated or conducted, except that reasonable compensation may be paid to bookkeepers or accountants for bookkeeping or accounting services rendered according to a schedule of compensation prescribed by the rules of the Control Commission.

#### **§ 79-13. Charges for admission and participation; restrictions.**

No more than one dollar (\$1.) shall be charged by any licensee for admission to any room or place in which any game or games of bingo are to be held, operated and conducted under any license issued under this chapter, which admission fee, upon payment thereof, shall entitle the person paying the same to a card entitling him to participate, without additional charge, in all regular games of bingo to be played under such license on such occasion, and no charge in excess of one dollar (\$1.) shall be made for a single opportunity to participate in all special games to be played under such license on such occasions. All winners shall be determined and all prizes shall be awarded in any game played on any occasion within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any such game.

#### **§ 79-14. Advertising games.**

No game of bingo to be conducted under any license issued under this chapter shall be advertised as to the location, the time when it is to be or has been played or the prizes awarded or to be awarded by means of newspapers, radio, television or sound trucks or by means of billboards, posters or handbills or any other means addressed to the general public, except that one (1) sign not exceeding sixty (60) square feet in area may be displayed on or adjacent to the premises where the game will be played, and an additional sign may be displayed on or adjacent to the premises where the prize or prizes are displayed, and additional signs may be displayed upon any fire-fighting equipment belonging to any licensee which is a volunteer fire company or upon any first-aid or rescue squad equipment belonging to any licensee which is a first-aid or rescue squad in and throughout the community or communities served by such volunteer fire company or such first-aid or rescue squad, as the case may be.

#### **§ 79-15. Statement of receipts and expenses.**

Within seven (7) days after the conclusion of the holding, operating and conducting of any game of bingo, the authorized organization which held, operated or conducted the same and its members who were in charge thereof shall furnish to the Commissioner of Accounts a duly verified statement showing the amount of the gross receipts derived from each game of bingo, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participation in said game or the right to participate therein, each item of expense incurred or paid and each item of expenditure made or to be made, the name and address of each person to whom each such item has been paid or is to be paid with a detailed description of the merchandise purchased or the services rendered therefor, the net profit derived from each game of bingo and the use to which such net profit has been or is to be applied and a list of prizes offered and given, with the respective values thereof, and it shall be the duty of such licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.

#### **§ 79-16. Examinations; disclosure of information.**

The Commissioner of Accounts and the Control Commission shall have the power to examine or cause to be examined the books and records of any authorized organization to which any such license is issued so far as they may relate to any transactions connected with the holding, operating and conducting of any game of bingo thereunder and to examine any manager, officer, director, agent, member or employee thereof, under oath, in relation to the conduct of any such game of bingo under any such license, but any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this chapter and Article 19-B of the Executive Law.

#### **§ 79-17. Appeals.**

Any applicant for or holder of any licenses issued or to be issued under this chapter aggrieved by any action of the city, its officers or agents concerning an application which has been made or a license which has been issued may appeal to the Control Commission from the determination of the city, its officers or agents by filing with the Commissioner of Accounts a written notice of appeal within thirty (30) days after the determination or action appealed from. Upon the hearing of such appeal, the evidence, if any, taken before the Commissioner of Accounts and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the Control Commission upon said appeal shall be binding upon the city and all parties to said appeal.

#### **§ 79-18. Immunity from prosecution; exemption.**

No person or corporation lawfully conducting or participating in the conduct of bingo or permitting the conduct upon any premises owned by him or it of any game of bingo conducted or to be conducted under any license lawfully issued pursuant to this chapter shall be liable to prosecution or conviction for violation of any provision of Article 225 of the Penal Law or any other law or ordinance to the extent that such conduct is specifically authorized by this chapter, but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of bingo under any license obtained by any false pretense or by any false statement made in any application for such license, or otherwise, or permitting the conduct upon any premises owned by him or it of any game of bingo conducted under any license known to him or it to have been obtained by any such false pretense or statement.

#### **§ 79-19. Penalties for offenses.**

Any person, association or corporation who or which shall make false statement in any application for any such license or in any statement annexed thereto or shall pay any rental for the use of any premises for holding, operating or conducting any game of bingo under this chapter or for any other purpose in connection with the holding, operating or conducting thereof, unless the amount of such rental is stated in a statement annexed to the application for the license as provided in § 79-3 of this chapter, or shall pay or receive any sum for such rental in excess of the sum stated as the rental to be charged therefor in such

statement executed by him or on its behalf or shall fail to keep such books and records as shall fully and truly record all transactions connected with the holding, operating and conducting of games of bingo under any such license or shall falsify or make any false entry in any book or record so far as it relates to any transaction connected with the holding, operating or conducting of any game of bingo under any such license or shall violate any of the provisions of this chapter or of any term of such license shall be guilty of a misdemeanor and shall forfeit any license issued to it under this chapter and be ineligible to apply for a license under this chapter for one (1) year thereafter.

#### **§ 79-20. Amendments; repeals.**

This chapter may be amended, from time to time, or repealed by the City Council, and such amendment or repeal, as the case may be, may be made effective and operative not earlier than thirty (30) days following the date of enactment of the local law or ordinance effecting such amendment or repeal, as the case may be, and the approval of a majority of the electors shall not be a condition prerequisite to the taking effect of such local law or ordinance.

#### **CHAPTER 81. BLASTING**

§ 81-1. Permit and license required; definition.

§ 81-2. Insurance.

§ 81-3. Compliance with state provisions.

§ 81-4. Application for permit.

§ 81-5. Referral of application for review.

§ 81-6. Notice to public.

§ 81-7. Issuance of permit.

§ 81-8. Fees; term of permit.

§ 81-9. Retention of certain records required.

§ 81-10. Penalties for offenses.

§ 81-11. Enforcement.

#### **CHAPTER 81. BLASTING**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 94, Art. II, of the 1970 Code; amended in its entirety 8-16-2005 Subsequent amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Fire prevention and building construction — See Ch. 117.

#### **§ 81-1. Permit and license required; definition.**

A. No person, firm, corporation or legal entity shall engage in the activity of blasting anywhere in the City of Saratoga Springs without first obtaining a blasting permit from the Building Inspector as provided in this chapter.

B. No person, firm, corporation or legal entity shall purchase, own, possess, use, transport, deal in, manufacture, or sell explosives or any substance used to provide explosion or force for the purpose of blasting anywhere in the City of Saratoga Springs without first obtaining a license from the United States Bureau of Alcohol, Tobacco and Firearms and the State of New York, Department of Labor. A copy of such license in effect shall be submitted to the Building Inspector along with any application for a blasting permit as provided in this chapter.

C. For purposes of this chapter, the term "blasting" shall mean any act of exploding or detonating a substance for any lawful purpose of construction, demolition, renovation or conservation. New York

State Department of Environmental Conservation permitted mining operations are excluded from this definition.

#### **§ 81-2. Insurance.**

A. A person or corporation applying for such permit is required to have a valid New York State explosive license issued by the State Department of Labor or other appropriate state department and shall provide a certificate of insurance:

(1) Naming the City as an additional insured on commercial general liability including completed products and operations and personal injury liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate and excess liability insurance in the amount of \$4,000,000 per occurrence aggregate.

(2) Evidence of statutory workers' compensation and employer's liability insurance or a waiver of same as permitted by law.

B. Execute a hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City of Saratoga Springs, its agents and employees (hereinafter referred to as "City"), from and against all claims, damages, losses and expense (including, but not limited to, attorneys' fees), arising out of or resulting from the performance of the work or purchase of the services, sustained by any person or persons, provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of property caused by the tortious act or negligent act or omission of a person or contractor, its employer, agents or subcontractors.

#### **§ 81-3. Compliance with state provisions.**

The provisions of Article 16 of the Labor Law of the State of New York, as well as the Industrial Code Rules contained in Title 12, Part 39 of the New York Codes, Rules and Regulations, are recognized as applicable to the possession, handling, storage, and transportation of explosives within the jurisdiction of the City of Saratoga Springs and shall be complied with by all persons engaging in the activity of blasting.

#### **§ 81-4. Application for permit.**

The application for a blasting permit shall be on a form approved by the Building Inspector and shall contain the original and four copies of all such information as is required by the Building Inspector, including the following:

A. The name of the owner of the property upon which the detonation of explosives is intended to occur.

B. The business address of the person, firm or corporation proposing to detonate explosives on the subject property.

C. Evidence of the fact that the person, firm or corporation intending to detonate explosives is duly licensed pursuant to § 458 of the Labor Law of the State of New York and the United States Bureau of Alcohol, Tobacco and Firearms.

D. The precise location of the intended detonation of explosives, as well as the size charges intended to be detonated and the proposed schedule for detonation of explosives.

E. Evidence that the person intending to detonate explosives has sufficient financial security or insurance coverage to provide payment for damages to any person suffering damages by virtue of the detonation of the explosives.

F. Evidence that the person intending to detonate has obtained permission to do so from all utilities within the blasting area, including gas, electric, communications, cable and water and sewer. Evidence shall be submitted in written form and attached to the application for blasting.

G. A description of all structures, including residential dwellings, located within 250 feet of the blast site and a list of the names and the addresses of the owner or owners of any parcel of property immediately adjoining or abutting the parcel of property from which the blasting is to take place, as shown on the most recent tax rolls of the City of Saratoga Springs.

#### **§ 81-5. Referral of application for review.**

Upon receipt of an application for a blasting permit, the Building Inspector shall forward copies of the submitted application to the following City offices for review:

A. The Office of the City Engineer.

B. The Department of Public Safety.

C. Risk and Safety Management.

D. The Department of Public Works.

#### **§ 81-6. Notice to public.**

The person, firm, corporation or legal entity conducting or causing any blasting operation within the City of Saratoga Springs shall cause notice of such blasting to be mailed to all property owners within 250 feet of the blasting site. Such mailing shall be by certified mail not fewer than 10 calendar days prior to the blasting activity. Said notice shall include a description of the blasting activity, a description of all signals to be used during the blasting operation and an address and telephone number where property owners may request further information.

#### **§ 81-7. Issuance of permit.**

Upon determining that all requirements have been met and the required fee paid, the Building Inspector shall have the authority to issue a permit for blasting activity as provided herein.

#### **§ 81-8. Fees; term of permit.**

A fee of \$100 shall be paid for each permit issued under this chapter. A permit shall be valid for one year from the date of issuance, unless specified as being valid for some other time period.

#### **§ 81-9. Retention of certain records required.**

Upon receipt of a permit, each permittee shall provide to the Building Inspector a written statement that copies of all pre-blast surveys done in connection with the permit will be placed on file and retained at a specified location for a period of not less than three years after the blasting activity is completed.

#### **§ 81-10. Penalties for offenses.**

Any person, firm, corporation or legal entity engaging in blasting activities in violation of this chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the Code.

#### **§ 81-11. Enforcement.**

It shall be the duty of the Code Administrator to enforce the provisions of this chapter. In addition to and not in limitation to any power otherwise granted by law, the Code Administrator is hereby authorized to issue appearance tickets for violation of this chapter.

### **CHAPTER 83. BRUSH, GRASS AND WEEDS**

#### **§ 83-1. Duty of owner of occupant.**

#### **§ 83-2. Performance of work by city; assessment of costs.**

### **CHAPTER 83. BRUSH, GRASS AND WEEDS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 53 of the 1970 Code. Section 83-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Property maintenance — See Ch. 175.

Trees — See Ch. 220.

#### **§ 83-1. Duty of owner of occupant.**

It shall be the duty of the owner or occupant of lands situated along any avenue, street or lane within the Inside Tax District of the City of Saratoga Springs to cut and remove the grass and weeds growing upon said land and also growing within the bounds of such avenue, street, lane or alley at least six (6) times in each year. The same shall be done in the first week and once in the last week of each of the months of June, July and August unless otherwise directed by the Commissioner of Public Works.

#### **§ 83-2. Performance of work by city; assessment of costs.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. If the owner or occupant fails to cut or remove such weeds and grass as provided herein, the Commissioner of Public Works shall cause the same to be done, and the expense hereby incurred shall be charged against said owner or occupant and levied and collected as an assessment against the property on the next tax roll. The cost of such work performed shall be credited to the appropriate budget item of the Department of Public Works.

### **CHAPTER 89. BUSES**

#### **§ 89-1. Authorization for permit to operate.**

### **CHAPTER 89. BUSES**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 4-7-75 as Ch. 26 of the 1970 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Streets and sidewalks — See Ch. 203.

Taxicabs — See Ch. 215.

Vehicles and traffic — See Ch. 225.

### **§ 89-1. Authorization for permit to operate.**

Pursuant to § 385, Subdivision 15, of the Vehicle and Traffic Law of the State of New York, the Commissioner of Accounts is hereby authorized to issue a blanket permit to Greyhound Lines, Inc., to operate one-hundred-two-inch-wide vehicles within the city limits of Saratoga Springs over Broadway (Route 9), provided that such blanket permit shall only be applicable to vehicles which may legally operate over Route 87 and over Route 9 between the City of Saratoga Springs and said Route 87.

## **CHAPTER 94. CABLE COMMUNICATIONS**

### **ARTICLE I. General Provisions**

§ 94-1. Purpose.

§ 94-2. Word usage.

§ 94-3. Definitions.

§ 94-4. Franchise required.

§ 94-5. Form of franchise.

§ 94-6. Nature of franchise.

§ 94-7. Administration of chapter; adoption of regulations.

§ 94-8. Transfers.

§ 94-9. General conditions upon construction, operation and repair.

§ 94-10. Protection of City and residents.

§ 94-11. Enforcement; remedies.

§ 94-12. Books and records.

§ 94-13. Reports.

§ 94-14. Maps required.

§ 94-15. Other records required.

§ 94-16. Extensions.

§ 94-17. Privacy.

§ 94-18. Procedure for paying franchise fees and fees in lieu of franchise fees.

### **ARTICLE II. Special Rules Applicable to Cable Systems**

§ 94-19. Applications.

§ 94-20. Application for initial franchise or renewal franchise.

§ 94-21. Application for renewal franchise filed pursuant to 47 U.S.C. § 546.

§ 94-22. Application for transfer.

§ 94-23. Legal qualifications.

§ 94-24. Franchise fee.

§ 94-25. No exclusivity.

§ 94-26. Minimum franchise conditions.

§ 94-27. Rate regulation and consumer protection; penalties for offenses.

### **ARTICLE III. Open Video Systems**

§ 94-28. Additional definitions.

§ 94-29. Applications for grant or renewal of franchises.

§ 94-30. Transfers.

§ 94-31. Minimum requirements.

§ 94-32. Special termination rules.

§ 94-33. Rate regulation.

§ 94-34. Fee in lieu of franchise fee.

§ 94-35. Exclusive contracts.

ARTICLE IV. Section titles; time calculation; severability; peripheral equipment; antennas; discrimination; transitions.

§ 94-36. Captions.



§ 94-37. Calculation of time.  
§ 94-38. Severability.  
§ 94-39. Connections to cable system; use of antennas.  
§ 94-40. Discrimination prohibited.  
§ 94-41. Transition provisions.

## **CHAPTER 94. CABLE COMMUNICATIONS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 11-7-2006 by L.L. No. 6-2006. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Electrical standards — See Ch. 106.  
Fire prevention and building construction — See Ch. 117.  
Zoning — See Ch. 240.

### **ARTICLE I. General Provisions**

#### **§ 94-1. Purpose.**

The purpose of this chapter is to:

- A. Establish a local policy concerning cable systems, open video systems, and private communication systems that use the public rights-of-way in the City;
- B. Promote the availability of diverse, multimedia information resources to the community; enhance educational opportunities throughout the community and build a stronger community;
- C. Encourage the provision of advanced and competitive cable or open video system services on the widest possible basis to the businesses, institutions and residents of the City;
- D. Encourage economic development while preserving aesthetic and other community values and prevent proliferation of aboveground facilities; and
- E. Encourage universal access to video programming services for all residents and businesses.

#### **§ 94-2. Word usage.**

As used in this chapter:

- A. The masculine includes the feminine, the singular includes the plural and the present tense includes the future tense.
- B. The word "person" includes an individual, firm or corporation.
- C. The word "shall" is always mandatory.
- D. Words not defined in this chapter shall have the same meaning as in Title VI of Title 47 of the United States Code and, if not defined therein, their common and ordinary meaning.

E. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision.

F. References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

### **§ 94-3. Definitions.**

Unless the context of the chapter otherwise requires, the following definitions of words and phrases shall be used in the interpretation and construction of this chapter.

#### **ACCESS, PEG ACCESS or PEG USE**

The availability of a cable system or open video system for public, educational or governmental use (including institutional network use) by various agencies, institutions, organizations, groups, and individuals, including the City and its designated access providers, to acquire, create, and distribute programming not under a franchisee's editorial control, including, but not limited to:

A. **PUBLIC ACCESS or PUBLIC USE** — Access where organizations, groups, or individual members of the general public, on a nondiscriminatory basis, are the primary or designated programmers or users;

B. **EDUCATIONAL ACCESS or EDUCATIONAL USE** — Access where school districts and not-for-profit educational institutions chartered by the New York State Education Department of Regents are the primary or designated programmers or users; and

C. **GOVERNMENTAL ACCESS or GOVERNMENTAL USE** — Access where municipal, county or state government, or agencies thereof, are the primary or designated programmers or users having editorial control over their programming.

#### **AFFILIATE**

A person who (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.

#### **BASIC SERVICE**

Any service tier regularly provided to all subscribers which includes the retransmission of local television broadcast signals and PEG access channels.

#### **CABLE ACT**

The Cable Communications Policy Act of 1984, 47 U.S.C. § 521 et seq., as amended by the Cable Television Consumer Protection and Competition Act of 1992, as further amended by the Telecommunications Act of 1996, as further amended from time to time.

#### **CABLE COMMUNICATIONS SYSTEM**

An open video system (OVS) or cable system, except for:

A. A system that serves fewer than 50 subscribers; or

B. A master antenna television system as defined in New York State Public Service Law § 212.

#### **CABLE SERVICE**

The one-way transmission to subscribers of video programming or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

#### **CABLE SYSTEM**

A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment, that is designed to provide cable service which includes video

programming and which is provided to multiple subscribers within a community, including programming delivered in Internet protocol format, but such term does not include:

- A. A facility that serves only to retransmit the television signals of one or more television broadcast stations;
- B. A facility that serves subscribers without using, or connecting to a facility that uses, any public rights-of-way within the City;
- C. A facility of a common carrier which is subject, in whole or in part, to the provisions of Title II (Common Carriers) of the Communications Act of 1934, as amended, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services;
- D. Any facilities of any electric utility used solely for operating its electric utility systems;
- E. An OVS that is certified by the FCC; or
- F. A video service provided over the public Internet using Internet protocol, or any successor protocol that is not offered by, or not offered as part of a package of video services offered by, a video service provider or its affiliate.

**CHANNEL**

A portion of the electromagnetic frequency spectrum which is used in a cable system or OVS and which is capable of delivering a television signal whether in an analog or digital format. The definition does not restrict the use of any channel to the transmission of analog television signals or one-way transmission.

**CITY**

City of Saratoga Springs and all departments, divisions, and agencies thereof.

**CONSTRUCTION, OPERATION, MAINTENANCE OR REPAIR**

The named actions interpreted broadly, encompassing, among other things, installation, extension, maintenance, replacement of components, relocation, undergrounding, grading, site preparation, adjusting, testing, make-ready, and excavation.

**DOWNSTREAM CHANNEL**

A channel designed and activated to carry a transmission from the headend to other points on a cable communications system, including interconnections.

**FCC**

The Federal Communications Commission.

**FRANCHISE**

An authorization granted by the City to the operator of a cable communications system giving the operator the nonexclusive right to occupy the space, or use facilities upon, across, beneath, or over public rights-of-way in the City, to provide specified services within a franchise area.

**FRANCHISE AREA**

The area of the City that a franchisee is authorized to serve by the terms of its franchise or by operation of law.

**FRANCHISEE**

A person holding a cable communications system franchise granted by the City.

**GROSS REVENUES**

All cash, credits, property, or other consideration of any kind or nature received directly or indirectly by a franchisee or its affiliates from any source whatsoever arising from, attributable to, or in any way derived from a franchisee's operation of a cable system to provide cable service within the franchise area. "Gross revenues" includes, but is not limited to, fees charged to subscribers for basic service; fees charged to subscribers for any optional premium per-channel,

per-program, or video-on-demand service; monthly fees charged to subscribers for any tier of service other than basic service; installation, disconnection, reconnection, and change-in-service fees; leased channel fees; fees, payments, or other payment received as consideration from programmers for carriage of programming on the cable system; converter rentals or sales; advertising revenues, including a per capita share of advertising revenues for advertising carried on more than one cable system; revenues from home shopping channels; sales of programming guides; and such other revenue sources as may now exist or hereafter develop. The definition shall be interpreted in a manner which permits the City to collect the maximum franchise fee permitted by law, irrespective of the source of revenue. "Gross revenues," however, shall not include any bad debt (defined as unpaid subscriber or advertiser accounts) or any taxes on services imposed directly upon any subscriber (but not on a franchisee) or user by the state, City, or other governmental unit and collected by a franchisee on behalf of said governmental unit. The amount paid as a franchise fee shall not be deducted from gross revenues unless required to be deducted under federal law.

**MAYOR**

The Mayor of the City or the Mayor's designee.

**OPERATOR**

A person:

- A. Who directly or through one or more affiliates provides service over a cable communications system and directly or through one or more affiliates owns a significant interest in such facility; or
- B. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a facility.

**OVS**

An open video system. A reference to an OVS includes pedestals, equipment enclosures (such as equipment cabinets), amplifiers, power guards, nodes, cables, fiber optics and other equipment necessary to operate the OVS or installed in conjunction with the OVS.

**PERSON**

Any individual, corporation, partnership, association, joint-stock company, trust, or any other legal entity, but not the City.

**PUBLIC PROPERTY**

Any property that is owned or under the control of the City that is not a public right-of-way, including, for purposes of this chapter, but not limited to, buildings, parks, poles, structures in the public rights-of-way such as utility poles and light poles, or similar facilities or property owned by or leased to the City.

**PUBLIC RIGHTS-OF-WAY**

The surface of and the space above and below any street, road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, drive, or right-of-way or easement primarily dedicated to travel, now or hereafter existing within the City, which may be properly used for the purpose of installing, maintaining, and operating a cable communications system, and any other property that a franchisee is entitled by state or federal law to use by virtue of the grant of a franchise.

**SUBSCRIBER**

The City or any person who is lawfully receiving, for any purpose or reason, any cable service via a cable communications system, whether or not a fee is paid for such service.

**UPSTREAM CHANNEL**

A channel designed and activated to carry transmissions from a point on the cable system, other than the headend, to the headend or another point on the cable system.

**§ 94-4. Franchise required.**

No person may construct or operate a cable communications system in the City without first obtaining a City franchise therefor.

#### **§ 94-5. Form of franchise.**

Any franchise shall be issued in the form of a contract and must be executed by both the City and the franchisee to become effective.

#### **§ 94-6. Nature of franchise.**

A. Scope. A franchise granted pursuant to this Code shall authorize and permit a franchisee to construct, operate and repair a cable system or an OVS (as applicable) to provide cable service in the City and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain facilities appurtenant to such cable system in, on, over, under, upon, across, and along those public rights-of-way that the City may authorize a franchisee to use.

B. Nothing passes by implication. A franchise shall not convey rights other than as specified in this chapter or in a franchise agreement; no rights shall pass by implication.

C. Franchise not in lieu of other authorizations. A franchise shall not include, or be a substitute for:

(1) Complying with requirements for the privilege of transacting and carrying on a business within the City, including but not limited to complying with the conditions the City may establish before constructing facilities for, or providing, noncable services;

(2) Any permit, agreement or authorization required in connection with operations on or in public rights-of-way or public property, including, by way of example and not limitation, street cut permits; or

(3) Any permits or agreements for occupying any other property of the City or private entities to which access is not specifically granted by the franchise.

D. Franchisee must comply with other laws. A franchise does not relieve a franchisee of its duty to comply with all City ordinances and regulations, and every franchisee must comply with the same. Likewise, the rights granted under a franchise are subject to the exercise of police and other powers the City now has or may later obtain, including but not limited to the power of eminent domain. Every franchise shall be deemed to incorporate all the requirements of the City Code.

E. Franchise not a grant of property rights. A franchise does not convey title, equitable or legal, in the public rights-of-way. Rights granted may not be subdivided or subleased.

F. Franchise nonexclusive. No franchise shall be exclusive, prevent the City from issuing other franchises or authorizations, or prevent the City from itself constructing, operating, or repairing its own cable communications system, with or without a franchise.

G. Franchise term. Every franchise shall be for a term of years, which term shall be eight years, unless a franchise specifies otherwise.

H. Costs borne by franchisee. Unless otherwise specifically stated in a franchise or required by law, all acts which a franchisee is required to perform under the franchise or applicable law must be performed at the franchisee's expense.

I. Failures to perform. If a cable communications system operator fails to perform work that it is required to perform within the time provided for performance, the City may perform the work and bill the operator therefor. The operator shall pay the amounts billed within 30 days.

#### **§ 94-7. Administration of chapter; adoption of regulations.**

A. Adoption of regulations. The City may, from time-to-time, adopt regulations to implement the provisions of this chapter. This chapter, and any regulations adopted pursuant to this chapter, are not contracts with any franchisee and may be amended at any time.

B. Delegation. The Mayor or his/her designee (hereafter referred to as the "Cable Administrator") is hereby authorized to administer the provisions of this chapter and any franchise issued pursuant thereto and to provide any notices (including noncompliance notices) and to take any action on the City's behalf that may be required hereunder or under applicable law.

C. No waiver. The failure of the City, upon one or more occasions, to exercise a right or to require compliance or performance under a franchise or any other applicable law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance, unless such right has been specifically waived in writing.

D. Administration of public, educational and government access. The City may designate one or more entities, including itself, to control and manage the use of public, educational and governmental access channels, facilities and equipment.

#### **§ 94-8. Transfers.**

A. Prior approval required. Every franchise shall be deemed to be held in trust and to be personal to the franchisee. Any transfer that is made without the prior approval of the City shall be deemed to impair that trust. A transfer is any transaction pursuant to which:

(1) A cable communications system or the rights and/or obligations held by the franchisee under the franchise are transferred, sold, assigned, or leased, in whole or in part, directly or indirectly, to another person (except the term does not include sale of portions of the cable system that are removed); or

(2) There is any change, acquisition, or transfer of control of the franchisee or its direct or indirect parents, whether by merger, consolidation, sale of assets or ownership interests, or any other means. A transfer occurs whenever there is a change in actual working control, in whatever manner exercised, over the affairs of a franchisee or its direct or indirect parents. Without limiting the above, any change in the general partners of a franchisee will be presumed a change in control.

B. Exception for mortgages. Notwithstanding any other provision of this chapter, pledges in trust or mortgages of the assets of a cable communications system to secure the construction, operation, or repair of the cable system may be made without application and without the City's prior consent. However, no such arrangement may be made if it would in any respect under any condition 1) prevent the cable communications system operator or any successor from complying with the franchise or applicable law or 2) permit a third party to succeed to the interest of the franchisee, or to own or control the system, without the prior consent of the City. Any mortgage, pledge or lease shall be subject to and subordinate to the rights of the City under any franchise, this chapter, or other applicable law.

#### **§ 94-9. General conditions upon construction, operation and repair.**

A. Franchisee must follow local rules. The construction, operation, and repair of cable communications systems shall be performed in compliance with all laws, ordinances, departmental rules, regulations, and practices affecting such cable communications system. By way of example, and not limitation, this includes zoning and safety codes, construction standards, regulations for providing notice to persons that may be affected by system construction, and directives governing the time, place and manner in

which facilities may be installed in the rights-of-way. Persons engaged in the construction, operation, or repair of communications facilities shall exercise reasonable care in the performance of all their activities and shall use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injury, or nuisance to the public or to property.

B. No permit without franchise. A franchise is required before a permit may be issued for work associated with the construction of a cable communications system. Any permit issued for such work to a person that does not hold a franchise shall vest no rights in the permittee; the permit may be revoked at will, and the permittee shall remove all facilities installed under the permit upon the City's demand.

C. Permits must be obtained. Construction, operation, or repair of a cable communications system shall not commence until all required permits have been obtained from the proper City official and all required fees have been paid. All work performed will be performed in strict accordance with the conditions of the permit. Upon order of the City, any work and/or construction undertaken that is not completed in compliance with the City's requirements, or which is installed without obtaining necessary permits and approvals, shall be removed.

D. No interference. Interference with the use of the public rights-of-way by others, including others that may be installing cable communications systems, must be minimized. The City may require a person using the public rights-of-way to cooperate with others through joint trenching and other arrangements to minimize adverse impacts on the rights-of-way.

E. Existing poles to be used. To the extent possible, operators of cable communications systems shall use existing poles and conduits. Additional poles may not be installed in the public rights-of-way, nor may pole capacity be increased by vertical or horizontal extenders, without the permission of the City.

F. Undergrounding.

(1) Whenever all existing utilities are located underground in an area in the City, every cable communications system operator in the same area must locate its cable communications system underground.

(2) Whenever the owner of a pole locates or relocates underground within an area of the City, every cable communications system operator in the same area shall concurrently relocate its facilities underground.

(3) The City may, for good cause shown, exempt a particular system or facility or group of facilities from the obligation to locate or relocate facilities underground, where relocation is impractical or where the interest in protecting against visual blight can be protected in another manner. Nothing in this section prevents the City from ordering communications facilities to be located or relocated underground under other provisions of the general City law.

G. Prompt repairs. Any and all public rights-of-way, other public property, or private property that is disturbed or damaged during the construction, operation or repair of a cable communications system shall be promptly repaired by the operator. Public property and public rights-of-way must be restored to the satisfaction of the City or to a condition as good as or better than before the disturbance or damage occurred.

H. Movement of facilities for government.

(1) A cable communications system operator shall, by a time specified by the City, protect, support, temporarily disconnect, relocate, or remove any of its property when required by the City by reason of traffic conditions; public safety; public rights-of-way construction and repair (including regrading,

resurfacing or widening); public rights-of-way vacation; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks, or any other type of government-owned system or utility, public work, public facility, or improvement; or for any other purpose where the work involved would be aided by the removal or relocation of the cable communications system. Collectively, such matters are referred to below as the "public work."

(2) The City shall provide written notice describing where the public work is to be performed at least one week prior to the deadline by which a cable communications system operator must protect, support, temporarily disconnect, relocate or remove its facilities. In an emergency, or where a cable communications system creates or is contributing to an imminent danger to health, safety, or property, the City may protect, support, temporarily disconnect, remove, or relocate any or all parts of the cable communications system without prior notice and charge the cable communications system operator for costs incurred.

I. Movement for others.

(1) To accommodate the construction, operation, or repair of the facilities of another person authorized to use the streets or public property, a franchisee shall, by a time specified by such person, protect, support, temporarily disconnect, relocate or remove its facilities. The franchisee must be given written notice describing where the construction, operation or repair is to be performed at least 15 days prior to the time by which its work must be completed. The City may resolve disputes as to responsibility for costs associated with removal, relaying, or relocation of facilities among entities authorized to install facilities in the streets or on public property if such entities are unable to do so themselves.

(2) A cable communications system operator shall, on the request of any person holding a valid permit issued by a governmental authority, temporarily raise or lower its wires by a time specified to permit the moving of buildings or other objects. A cable communications system operator shall be given not less than seven days' advance notice to arrange for such temporary wire changes. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same.

J. Abandonment in place.

(1) A cable communications system operator may abandon any property in place in the public rights-of-way upon written notice to the City. However, if, within 90 days of the receipt of written notice of abandonment, the City determines that the safety, appearance, functioning or use of the public right-of-way and facilities in the public rights-of-way will be adversely affected, the property must be removed by a date specified by the City.

(2) A cable communications system operator that abandons its property must, upon request from the City Council, transfer ownership of the properties to the City at no cost and execute necessary quitclaim deeds and indemnify the City against future costs associated with mitigating or eliminating any environmental hazard associated with the abandoned property.

K. System subject to inspection. Every cable communications system facility shall be subject to inspection and testing by the City. Each operator must respond to requests for information regarding its system and plans for the system as the City may from time to time issue, including requests for information regarding its plans for construction, operation and repair and the purposes for which the plant is being constructed, operated, or repaired.

L. Underground services alert. Each operator of a cable communications system that places facilities underground shall be a member of the regional notification center for subsurface installations



(Underground Services Alert) and shall field mark the locations of its underground communications facilities upon request. The operator shall locate its facilities for the City at no charge.

M. Plan for construction. Each cable communications system operator shall provide the City a plan for any initial system construction, or for any substantial rebuild, upgrade or extension of its facility, which shall show its timetable for construction of each phase of the project and the areas of the City that will be affected.

N. Use of facilities by city. The City shall have the right to install and maintain, free of charge upon any poles or in any conduit owned by a franchisee, any wire and pole fixtures that do not unreasonably interfere with the cable service operations of the franchisee.

#### **§ 94-10. Protection of City and residents.**

A. Indemnity required. No franchise shall be valid or effective until and unless the City obtains an adequate indemnity from the franchisee and such indemnity is maintained in effect. The indemnity must:

(1) Release the City from and against any and all loss, damage, expense, cost (including, without limitation, the cost of litigation), liability and responsibility in or arising out of the construction, operation or maintenance of the cable communications system or the City's grant of a franchise to franchisee, or franchisee's enjoyment of the franchise. Each cable communications system operator must further agree not to sue or seek any money or damages from the City in connection with the above-mentioned matters.

(2) Indemnify and hold harmless the City, its elected and appointed officers, agents, and employees from and against any and all claims, demands, or causes of action of any kind or nature and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees sustained by the City or any third party arising out of, or by reason of, or resulting from or of the acts, errors, or omissions of the cable communications system operator, or its agents, independent contractors or employees, related to or in any way arising out of the construction, operation, maintenance or repair of the system.

(3) Provide that the covenants and representations relating to the release, indemnification, and hold harmless provision shall survive the term of the franchise or other authorization and continue in full force and effect as to the franchisee's responsibility to indemnify.

B. Insurance required. A franchisee (and/or those acting on its behalf) shall not commence construction or operation of the cable system without obtaining insurance in amounts and of a type satisfactory to the City. The required insurance must be obtained and maintained for the entire period the franchisee has facilities in the public rights-of-way. If the franchisee, its contractors, or subcontractors do not maintain the required insurance, the City may order such entities to cease operations until such time as the insurance is obtained and approved by the City.

C. Proof. Certificates of insurance, reflecting evidence of the required insurance and naming the City as an additional insured, and other proofs as the City may find necessary, shall be filed with the City. For persons issued franchises after the effective date of this chapter, certificates and other required proofs shall be filed 30 days prior to the issuance of a franchise, once a year thereafter, and whenever there is any change in coverage. For entities that have facilities in the public rights-of-way as of the effective date of this chapter, the certificate shall be filed within 60 days of the effective date of this chapter, annually thereafter, and whenever there is any change in coverage, unless a preexisting franchise provides for the filing of certificates in a different manner.

D. Certificate contents. Certificates shall contain a provision that coverages afforded under these policies will not be canceled until at least 30 days' prior written notice has been given to the City. Policies shall be issued by companies authorized to do business under the laws of the State of New York. Financial ratings must be no less than "A" in the latest edition of "Bests Key Rating Guide," published by A.M. Best Guide.

E. Insurance amounts. A cable communications system operator and those acting on its behalf to construct or operate the cable system shall each maintain the following minimum insurance. The City shall be named as an additional insured on all such policies by endorsement on the general liability and excess policies; those insurance policies shall be primary and contain a cross-liability clause.

(1) Comprehensive general liability insurance to cover liability, bodily injury and property damage.

(a) Exposures to be covered are premises, operations, products/completed operations, and certain contracts. Coverage must be written on an occurrence basis, with the following limits of liability:

Coverage	Limits
Bodily injury	
Each occurrence	\$1,000,000
Annual aggregate	\$2,000,000
Property damage	
Each occurrence	\$1,000,000
Annual aggregate	\$2,000,000
Personal injury	
Annual aggregate	\$3,000,000

(b) Completed operations and products liability shall be maintained after the termination of the franchise or license (in the case of the cable communications system owner or operator) or completion of the work for the cable communications system owner or operator (in the case of a contractor or subcontractor) for the duration of the applicable statute of limitations.

(c) Property damage liability insurance shall include coverage for the following hazards: X - explosion, C - Collapse, U - underground.

(2) Workers' compensation insurance shall be maintained during the life of this contract to comply with statutory limits for all employees, and in the case any work is sublet, each cable communications system operator shall require the subcontractors similarly to provide workers' compensation insurance for all the latter's employees unless such employees are covered by the protection afforded by each cable communications system operator. Each cable communications system operator and its contractors and subcontractors shall maintain during the life of this policy employers' liability insurance. Workers' compensation insurance shall include a waiver of subrogation clause in favor of the City. The following minimum limits must be maintained:

(a) Workers' compensation: statutory.

(b) Employers' liability: \$500,000 per occurrence.

(3) Comprehensive auto liability. Coverage shall include owned, hired, and nonowned vehicles.

Coverage	Limits
Bodily injury	
Each occurrence	\$1,000,000
Annual aggregate	\$3,000,000
Property damage	
Each occurrence	\$1,000,000
Annual aggregate	\$3,000,000

(4) Excess insurance. Annual aggregate: \$5,000,000.

F. Performance bond. Every operator of a cable communications system shall obtain and maintain a performance bond to ensure the faithful performance of its responsibilities under this chapter and any franchise. The amount of the performance and payment bonds shall be set by the City Council and may be set in a franchise contract in light of the nature of the work to be performed but shall not be less than 10% of the estimated cost of constructing or (in the case of existing systems) upgrading the cable system. The bond is not in lieu of any additional bonds that may be required through the permitting process. The bond shall be in a form acceptable to the City Attorney. Bonds must be obtained prior to the effective date of any franchise, transfer or franchise renewal, unless a franchise specifically provides otherwise.

G. Security fund. Every cable communications system operator shall establish and maintain a cash security fund or provide the City an irrevocable letter of credit in the amount of \$100,000 to secure the payment of fees owed, to secure any other performance promised in a franchise, and to pay any taxes, fees or liens owed to the City. The letter of credit shall be in a form and with an institution acceptable to the City Director of Finance and in a form acceptable to the City Attorney. Should the City draw upon the cash security fund or letter of credit, the cable communications system operator shall, within 14 days, restore the fund or the letter of credit to the full required amount. This security fund/letter of credit may be waived or reduced by the City for a franchisee where the City determines in its discretion that a particular franchisee's operations are sufficiently limited that a security fund/letter of credit is not necessary to secure the required performance. The City may from time to time require a franchisee to change the amount of the required security fund/letter of credit to reflect changed risks to the City and to the public, including delinquencies in taxes or other payments to the City. The cash security fund or letter of credit must be obtained prior to the effective date of any franchise, transfer, or franchise renewal, unless a franchise specifically provides otherwise.

#### **§ 94-11. Enforcement; remedies.**

A. Revocation and termination. The City Council may revoke a franchise or reduce the term of a franchise if it finds, after public notice and opportunity for a hearing, that a cable communications system operator has violated this chapter or its franchise; has defrauded or attempted to defraud the City or subscribers; or has attempted to evade the requirements of this chapter or its franchise. The franchise may be revoked only if the franchisee was given notice of the default and 60 days to cure the

default and failed to cure the default or to propose a schedule for curing the default acceptable to the City where it is impossible to cure the default in 60 days.

B. Effect of termination or forfeiture. Upon termination or forfeiture of a franchise, whether by action of the City, as provided above, or by passage of time, the franchisee must stop using the cable communications system for the purposes authorized by the franchise. The City may take possession of some or all of franchisee's facilities or require the franchisee or its bonding company to remove some or all of the franchisee's facilities from the City and restore affected property to its same, or better, condition. This provision does not permit the City to remove facilities that are used to provide another service for which the franchisee holds a valid franchise issued by the City or is otherwise authorized to use the public rights-of-way to provide another service.

C. Remedies cumulative. Remedies provided for under this chapter or under a franchise shall be cumulative. Recovery by the City of any amounts under insurance, the performance bond, the security fund or the letter of credit does not limit a franchisee's duty to indemnify the City or relieve a franchisee of its franchise obligations or limit the amounts owed to the City.

#### **§ 94-12. Books and records.**

A. Generally. Each cable communications system operator shall provide the City access to books and records related in whole or in part to the construction, operation, or repair of the cable system, or a group of systems of which the cable system is a part, so that the City may inspect and copy these books and records. The records include, but are not limited to, revenue records and other records related to compliance with any provision of this chapter or a franchise. A franchisee is responsible for obtaining or maintaining the necessary possession or control of all such books and records, so that it can produce the documents upon request. Books and records must be maintained for a period of six years, except that a franchise may specify a shorter period for certain categories of voluminous books and records where the information contained therein can be derived simply from other materials. The phrase "books and records" shall be read expansively to include information in whatever format stored.

B. Production. Books and records requested shall be produced to the City by a time and at a location in the City designated by the City. However, if the requested books and records are too voluminous or for security reasons cannot be copied and moved, then the franchisee may request that the inspection take place at some other location mutually agreed to by the City and the franchisee, provided that:

(1) The franchisee must make necessary arrangements for copying documents selected by the City after its review; and

(2) The franchisee must pay all travel and additional copying expenses incurred by the City (above those that would have been incurred had the documents been produced in the City) in inspecting those documents or having those documents inspected by its designee.

#### **§ 94-13. Reports.**

A. Obligation to submit. The City may from time-to-time direct a franchisee to prepare reports and to submit those reports by a date certain, in a format prescribed by the City, in addition to those required by this chapter for the purpose of ensuring compliance with the provisions of this chapter and the franchise.

B. Quarterly reports. Within 45 days of the end of each calendar quarter, a franchisee shall submit a report to the Commissioner of Finance for presentation to the City Council containing the following information:

(1) The number of service calls (calls requiring a truck roll) received during the prior quarter and the percentage of service calls compared to the subscriber base; and

(2) The total estimated hours of known outages as a percentage of total hours of operation. An "outage" is a loss of sound or video on any signal or a significant deterioration of any signal affecting two or more subscribers.

C. Annual reports. No later than 90 days after the end of its fiscal year, a franchisee shall submit to the Commissioner of Finance for presentation to the City Council the following information:

(1) An audited or certified revenue report from the previous calendar year for the cable communications system and a certified statement setting forth the computation of gross revenues used to calculate the franchise fee for the preceding year and a detailed explanation of the method of computation showing:

(a) Gross revenues by category (e.g., basic, pay, pay-per-view, advertising, installation, equipment, late charges, miscellaneous, other); and

(b) What, if any, deductions were made from gross revenues in calculating the franchise fee (e.g., bad debt, credits and refunds), and the amount of each deduction.

(2) A report showing, for each applicable customer service standard, the franchisee's performance with respect to that standard for each quarter of the preceding year. In each case where the franchisee concludes it did not comply fully, the franchisee will describe the corrective actions it is taking to assure future compliance. In addition, the report should identify the number and nature of the customer service complaints received and an explanation of their dispositions.

(3) An ownership report, indicating all persons who, at the time of filing, control or own an interest in the franchisee of 10% or more.

D. Contemporaneous reports. Within 10 days of their receipt or (in the case of documents created by the operator or its affiliate) filing, a franchisee shall provide the Commissioner of Finance for presentation to the City Council:

(1) Notices of deficiency or forfeiture related to the operation of the cable system; and

(2) Any request for protection under bankruptcy laws or any judgment related to a declaration of bankruptcy by the franchisee or by any partnership or corporation that owns or controls the franchisee directly or indirectly.

#### **§ 94-14. Maps required.**

Each franchisee shall maintain accurate maps and improvement plans which show the location, size, and a general description of all facilities installed in the public rights-of-way and any power supply sources (including voltages and connections). Maps shall be based upon postconstruction inspection to verify location. Each franchisee shall provide a map to the City showing the location of its facilities, in such detail and scale as may be directed by the City Engineer, and update the map at least annually and whenever the facility expands or is relocated. Copies of maps shall be provided on disk, in a commercially available electronic format specified by the City Commissioner of Public Works.

#### **§ 94-15. Other records required.**

Unless the City waives the requirement, a franchisee shall at all times maintain:

A. Complaint records. Records of all complaints received, their nature and resolution. The term "complaints" refers to complaints about any aspect of the franchisee's operations.

B. Outage records. Records of outages known to the franchisee and their cause and duration.

C. Complaint response. Records of service calls for repair and maintenance indicating the date and time service was requested, the date of acknowledgment and the date and time service was scheduled (if it was scheduled), and the date and time service was provided and (if different) the date and time the problem was solved.

D. Installation records. Records of installation/reconnection and requests for service extension, indicating the date of request, the date of acknowledgment, and the date and time service was extended.

E. Customer service. Records sufficient to show whether the franchisee has complied with each customer service standard that applies to it.

#### **§ 94-16. Extensions.**

The City may, in its discretion and for an interim period that it deems fit, extend the date for a franchisee to comply with the requirements of §§ 94-12 through 94-15. Notwithstanding the foregoing, any such extension of the obligations under §§ 94-12 through 94-15 shall not exempt that franchisee from complying with all relevant and applicable New York State requirements and rules or extend any New York State required compliance requirement dates.

#### **§ 94-17. Privacy.**

A franchisee shall take all reasonable steps required so that it is able to provide reports, books and records to the City, including by providing appropriate subscriber privacy notices. Each franchisee shall be responsible for redacting data that applicable law prevents it from providing to the City. Nothing in this section shall be read to require a franchisee to violate New York State or federal subscriber privacy laws.

#### **§ 94-18. Procedure for paying franchise fees and fees in lieu of franchise fees.**

A. Fees paid quarterly. The franchise fee paid pursuant to Article II, or the fee in lieu of the franchise fee paid pursuant to Article III, shall be paid quarterly unless otherwise specified in a franchise. Payment for each quarter shall be made to the City not later than 45 days after the end of each calendar quarter.

B. Quarterly statement. Unless a franchise provides otherwise, a franchisee or other entity subject to a fee under Article II or III shall file with the City within 45 days of the end of each calendar quarter a statement showing gross revenues during the preceding quarter and the number of subscribers served.

C. Acceptance of payment not a release. No acceptance by the City of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of such payment be construed as a release of any claim the City may have for additional sums payable.

D. Fee not in lieu of taxes. Neither the franchise fee under Article II nor the fee paid in lieu of the franchise fee under Article III is a payment in lieu of any tax, fee or other assessment of general applicability (including any such tax, fee or assessment imposed on both utilities and cable operators or their services, but not including a tax, fee, or assessment which is unduly discriminatory against cable operators or cable subscribers).

E. Failure to pay franchise fee. In the event that a fee payment is not received by the City on or before the due date set forth in this section or in a franchise, or the fee owed is not fully paid, the person subject to the fee will be charged interest from the due date at an interest rate equal to 3% above the rate for three-month federal treasury bills at the most recent United States Treasury Department sale of such treasury bills occurring prior to the due date of the franchise fee payment.

F. Final statement of gross revenues. Within 90 days of the date a franchisee ceases operations under a franchise (whether because of franchise termination, transfer, or bankruptcy or for any other reason), the franchisee shall file a final statement of gross revenues covering the period from the beginning of the calendar year in which the operations ceased to the date operations ceased. The statement shall contain the information and be certified as required by § 94-13C(1).

## **ARTICLE II. Special Rules Applicable to Cable Systems**

### **§ 94-19. Applications.**

#### **A. Application required.**

(1) An application must be filed for an initial and renewal cable system franchise or for approval of a transfer. A request for renewal filed under 47 U.S.C. § 546(h) need not contain the information required by § 94-19B(2).

(2) To be accepted for filing, an original and six copies of a complete application must be submitted. All applications shall include the names and addresses of persons authorized to act on behalf of the applicant with respect to the application.

#### **B. Application contents.**

(1) The City may specify the information that must be provided in connection with an application and the form in which the information is to be provided.

(2) At a minimum, each application must identify the applicant; show that the applicant is financially, technically and legally qualified to construct, maintain and operate the cable system; contain a pro forma showing of capital expenditures and expected income and expenses for the first five years the applicant is to hold the franchise; and show that the applicant is willing to comply unconditionally with its franchise obligations and such other information required by 16 NYCRR 894.5. Any application for an initial or renewal franchise must describe in detail the cable system that the applicant proposes to build, show where it will be located, set out the system construction schedule, and show that the applicant will provide adequate channels, facilities and other support for PEG use (including institutional network use) of the cable system.

(3) An applicant (and the transferor and transferee, in the case of a transfer) shall respond to any request for information from the City, by the time specified by the City.

#### **C. Incomplete applications.** An application may be rejected if it is incomplete or if the response to requests for information is not timely and complete.

D. The application will be referred to a Cable Television Advisory Committee designated by the City pursuant to 16 NYCRR 894.1.

### **§ 94-20. Application for initial franchise or renewal franchise.**

A. Scope. This section establishes additional provisions that apply to an application for an initial franchise or a renewal franchise application that is not governed by 47 U.S.C. § 546(a) through (g).

B. Process. Any person may apply for an initial or renewal franchise by submitting an application therefor on that person's own initiative or in response to a request for proposals issued by the City. If the City receives an unsolicited application, it may choose to issue a request for additional proposals and require the applicant to amend its proposal to respond thereto. The City shall promptly conduct such investigations as are necessary to act on an application.

C. Consideration of application. In determining whether to grant a franchise, the City will consider the final report submitted of the Cable Television Advisory Committee pursuant to 16 NYCRR 894.2 and may consider:

- (1) The extent to which an applicant for renewal has substantially complied with the applicable law and the material terms of any existing cable franchise;
- (2) Whether an applicant for renewal's quality of service under its existing franchise, including signal quality, response to customer complaints, billing practices, and the like, has been reasonable in light of the needs of the community;
- (3) Where the applicant has not previously held a cable system franchise in the City, whether the applicant's record in other communities indicates that it can be relied upon to provide high-quality service throughout any franchise term;
- (4) Whether the applicant has the financial, legal, and technical ability to provide the services, facilities, and equipment set forth in an application and to satisfy any minimum requirements established by the City;
- (5) Whether the applicant's application is reasonable to meet the future cable-related needs and interests of the City, taking into account the cost of meeting such needs and interests;
- (6) Whether issuance of a franchise is warranted in the public interest considering the immediate and future effect on streets, public property, and private property that will be used by the applicant's cable system;
- (7) Whether issuance of the franchise would reduce competition in the provision of cable service in the City; and
- (8) Such other matters as the City is authorized or required to consider.

D. Issuance of franchise. If the City determines that issuance of a franchise would be in the public interest considering the factors above, it may proffer a franchise agreement to the applicant. No franchise shall become effective until the franchise is unconditionally accepted by the applicant and the franchise agreement is signed.

#### **§ 94-21. Application for renewal franchise filed pursuant to 47 U.S.C. § 546.**

A. Scope. This section establishes additional provisions that apply to applications for renewal governed by 47 U.S.C. § 546(a) through (g).

B. Process. A franchisee which intends to exercise rights under 47 U.S.C. § 546(a) through (g) shall submit a notice in writing to the City in a timely manner clearly stating that it is activating the procedures set forth in those sections. The City shall thereafter commence any proceedings that may



be required under federal law, and upon completion of those proceedings, the City may issue a request for proposals and an application may be submitted for renewal. The City may preliminarily deny the application by resolution, and if the application is preliminarily denied, the City may conduct such proceedings and by resolution establish such procedures and appoint such individuals as may be necessary to conduct any proceedings to review the application.

#### **§ 94-22. Application for transfer.**

A. Scope. This section establishes additional provisions that apply to applications for transfer approval.

B. Information. An application for transfer must contain all the information required by the City by § 94-19 and all information required by any FCC transfer form.

C. Consideration of application. In determining whether a transfer application should be granted, denied, or granted subject to conditions, the City may consider the legal, financial, and technical qualifications of the transferee to operate the cable system; any potential impact of the transfer on subscriber rates or services; whether the incumbent cable operator is in compliance with its franchise; whether the transferee owns or controls any other cable system in the City, whether operation by the transferee may eliminate or reduce competition in the delivery of cable service in the City; and whether operation by the transferee or approval of the transfer would otherwise adversely affect subscribers, the public, or the City's interest under this chapter, the franchise, or other applicable law. The proposed transferee shall pay all reasonable costs incurred by the City in reviewing and evaluating the applications.

D. Minimum conditions. In order to obtain approval of a transfer, an applicant must show, at a minimum, that the transferee is qualified; the transfer will not adversely affect the interests of subscribers, the public, or the City; and that noncompliance issues have been resolved. No application shall be granted unless the transferee agrees in writing that it will abide by and accept all terms of this chapter and the franchise and that it will assume the obligations, liabilities, and responsibility for all acts and omissions, known and unknown, of the previous franchisee for all purposes.

#### **§ 94-23. Legal qualifications.**

A. Standards.

(1) The applicant must be willing to comply with the provisions of this chapter and applicable laws; and to comply with such requirements of a franchise as the City may lawfully require.

(2) The applicant must not have had any cable system or OVS franchise validly revoked (including any appeals) by the City within the three years preceding the submission of the application.

(3) The applicant may not have had an application to the City for an initial or renewal cable system franchise denied on the ground that the applicant failed to propose a cable system meeting the cable-related needs and interests of the community, or as to which any challenges to such franchising decision were finally resolved (including any appeals) adversely to the applicant, within three years preceding the submission of the application, and may not have had an application for an initial or renewal OVS franchise denied on any ground within three years of the application.

(4) The applicant shall not be issued a franchise if, at any time during the 10 years preceding the submission of the application, the applicant was convicted of fraud, racketeering, anticompetitive actions, unfair trade practices or other conduct of such character that the applicant cannot be relied upon to deal truthfully with the City and the subscribers or to substantially comply with its obligations.

(5) The applicant must have the necessary authority under New York State and federal law to operate a cable system or show that it is in a position to obtain that authority.

(6) The applicant shall not be issued a franchise if it files materially misleading information in its application or intentionally withholds information that the applicant lawfully is required to provide.

(7) For purposes of § 94-23A(2) through A(4), the term "applicant" includes any affiliate of the applicant.

B. Exception. Notwithstanding § 94-23A, an applicant shall be provided a reasonable opportunity to show that a franchise should issue even if the requirements of § 94-23A(3) through A(4) are not satisfied, by virtue of the circumstances surrounding the matter and the steps taken by the applicant to cure all harms flowing therefrom and prevent their recurrence, the lack of involvement of the applicant's principals, or the remoteness of the matter from the operation of a cable system.

#### **§ 94-24. Franchise fee.**

A. Amount of franchise fee. A cable operator shall pay to the City a franchise fee in an amount equal to 5% of gross revenues or such other amount as may be specified in the franchise; provided, however, that if the franchise specifies an amount, that amount shall be subject to increase should federal limits on fee payments be eliminated or changed and other cable operators in the City are subject to a higher fee.

B. Bundled services. In the event that the franchisee shall, during the term of the franchise, offer bundled, tied, or combined cable services (which are subject to the franchise fee) with non-cable services (which may not be subject to the franchise fee) to individual subscribers, the combined revenues from such bundled services shall be allocated consistent with standard rates or prices for each service in the bundle advertised by the franchisee through its marketing materials or on its published rate card. In the event the franchisee does not advertise or publish separate prices for the combined services, the percentage that the price for the combined services is discounted from the regular retail rates of the individual services shall be prorated across all the services; provided, however, that any mandatory tariff rates imposed by the New York Public Service Commission (or other governmental entity having such authority) shall be deducted from the combined revenue to determine the revenue subject to the franchise fee. As an example, the franchisee may offer a "bundle" of video, voice and data services for a flat fee of \$75, where the retail rate for services purchased on an individual basis would equal \$100. Assuming that there is no service subject to the mandated tariff rate, the franchisee would apply a discount of 25% to each service. Thus, if the retail rate for the cable service in the bundle were \$50, the franchisee would recognize cable service revenue in the amount of \$37.50 and pay a franchise fee on that revenue.

#### **§ 94-25. No exclusivity.**

A franchisee may not require a subscriber or a building owner or manager to enter into an exclusive contract as a condition of providing or continuing service, nor may a franchisee enter into any exclusive arrangement that would effectively preclude other persons from using the OVS to compete in the delivery of cable service with a franchisee or its affiliates. However, nothing herein prevents a franchisee from entering into an otherwise lawful, mutually desired exclusive arrangement with a building owner or manager of a multiple-dwelling unit or a commercial subscriber.

#### **§ 94-26. Minimum franchise conditions.**

In addition to satisfying such additional or stricter conditions as the City finds necessary based on its investigations, the following elements shall be required in every franchise.

A. System design. Each franchisee shall provide a cable system which uses at least 750 MHz equipment of high quality and reliability. Each franchisee shall install and activate the return portion of the cable system in the sub-low frequency spectrum of 5 MHz to 30 MHz.

B. Public, educational and government use of the system.

(1) A franchisee shall provide to each subscriber the minimum of PEG Access required by New York State law.

(2) Each franchisee shall install, maintain, and replace, as necessary, a dedicated, bidirectional fiber optic link between its headend and a location designated by the City as the primary access center.

(3) Each franchisee shall install, maintain, and replace activated two-way cable plant and all headend, cable plant, and node equipment required to make it operable so that the City, schools, and all designated PEG access centers and PEG access facilities located within the franchise area will be able to send and receive signals (video, audio, and data) using the activated two-way cable plant.

(4) Each franchisee shall ensure that technically adequate signal quality, routing systems, and switching and/or processing equipment are initially and continuously provided for all access interconnections both within the franchisee's cable system and with other cable systems throughout the duration of its franchise.

(5) In the event a franchisee makes any change in the cable system and related equipment and facilities or in the franchisee's signal delivery technology which directly or indirectly substantially affects the signal quality or transmission of access programming, the franchisee shall, at its expense, take necessary steps or provide necessary technical assistance, including the acquisition of all necessary equipment, to ensure that the capabilities of PEG access programmers are not diminished or adversely affected by such change.

(6) A franchisee shall maintain all PEG access channels (both upstream channels and downstream channels) and all interconnections of PEG access channels at the same level of technical quality and reliability as the best commercial channels carried on the system.

C. Service to franchise area. It is the policy of the City to ensure that every cable communications system provide service in its franchise area upon request to any person or any government building. Each franchisee shall extend service upon request within its franchise area, provided that a franchise may permit a franchisee to require a potential subscriber to contribute a fair share of the capital costs of installation or extension as a condition of extension or installation in cases where such extension or installation may be unduly expensive. Service must be provided within the time limits specified in Subsection D.

D. Time for extension.

(1) Except as a franchise otherwise provides, service must be extended upon request to any person or to any government building in a franchisee's franchise area:

(a) Within seven days of the request, where service can be provided by activating or installing a drop;

(b) Within 90 days of the request where an extension of 1/2 mile or less is required; or

(c) Within six months where an extension of 1/2 mile or more is required.

(2) Notwithstanding the foregoing, a franchisee shall not be deemed to be in violation of this section in the event the franchisee uses reasonable efforts to complete the extension in a timely manner but weather or other circumstances beyond the reasonable control of the franchisee prevent such timely completion.

E. Technical standards. A cable system within the City shall meet or exceed the technical standards set forth in 47 CFR 76.601 and any other applicable federal and/or New York State technical standards.

F. Testing. Each cable operator shall perform at its expense such tests as may be necessary to show whether or not the franchisee is in compliance with its obligations under applicable FCC standards, this chapter or a franchise.

G. Interconnection. Upon request of the City, every cable system shall be required to interconnect with every other cable system within the City, or adjacent to the City, on fair and reasonable terms for purposes of providing PEG access and I-Net services.

H. Continuity of service. Each franchisee shall, during the term of the franchise, ensure that subscribers are able to receive continuous service. In the event the franchise is revoked or terminated, the franchisee shall be required to continue to provide service for a reasonable period to assure an orderly transition of service from the franchisee to another entity. A franchise may establish more particular requirements under which these obligations will be satisfied.

#### **§ 94-27. Rate regulation and consumer protection; penalties for offenses.**

A. All rates subject to regulation. The City may regulate any of the cable communications system operator's rates and charges to the extent permitted by law. The City will regulate rates in accordance with FCC and New York Public Service Commission rules and regulations, where applicable. Except to the extent FCC or New York Public Service Commission rules and regulations provide otherwise, all rates and charges that are subject to regulation, and changes in those rates or charges, must be approved in advance. The City may take any required steps to file complaints, toll rates, issue accounting orders or take any other steps required to comply with FCC or New York Public Service Commission rules and regulations. The City Council shall be responsible for issuing rate orders that establish rates or order refunds.

B. No rate discrimination. Except to the extent the City is not permitted by New York State or federal law to enforce such a requirement, a cable operator is prohibited from discriminating in its rates or charges or from granting undue preferences to any subscriber, potential subscriber, or group of subscribers or potential subscribers; provided, however, that a franchisee may offer temporary, bona fide promotional discounts in order to attract or maintain subscribers, so long as such discounts are offered on a nondiscriminatory basis to similar classes of subscribers throughout the franchise area, and a franchisee may offer discounts for the elderly, the disabled, or the economically disadvantaged and such other discounts as it is expressly entitled to provide under federal law, if such discounts are applied in a uniform and consistent manner.

C. Redlining prohibited. A cable operator shall not deny access or charge different rates to any group of subscribers or potential subscribers because of the income of the residents of the local area in which such group resides.

D. Customer service.

(1) Each cable operator must satisfy FCC, New York State and City cable customer service standards or consumer protection standards. In the case of a conflict among standards, the stricter standard shall apply.

(2) For violation of cable customer service standards, penalties will be imposed as follows:

(a) For each day of each material breach: \$200, not to exceed \$600 for each occurrence of material breach.

(b) If there is a subsequent material breach of the same provision within 12 months: \$400 for each day of each material breach, not to exceed \$1,200 for each occurrence of the material breach.

(c) If there is a third or additional material breach of the same provision within 12 months of the first: \$1,000 for each day of each material breach, not to exceed \$3,000 for each occurrence of the material breach.

(3) Any penalty assessed under this section will be reduced dollar for dollar to the extent any liquidated damage provision of a franchise imposes a monetary obligation on a franchisee for the same customer service failures, and no other monetary damages may be assessed.

### **ARTICLE III. Open Video Systems**

#### **§ 94-28. Additional definitions.**

OVS AGREEMENT — A contract entered into in accordance with the provisions of this chapter between the City and an OVS franchisee setting forth the terms and conditions under which the franchise will be exercised.

#### **§ 94-29. Applications for grant or renewal of franchises.**

A. Initial and renewal franchise; application.

(1) A written application shall be filed with the City for grant of an initial or renewal franchise.

(2) To be acceptable for filing, a signed original of the application shall be submitted together with six copies. The application must conform to any applicable request for proposals, and contain all information required under § 94-29B. All applications shall include the names and addresses of persons authorized to act on behalf of the applicant with respect to the application.

B. Contents of applications. The City may specify the information that must be provided in connection with a request for proposals or an application for an initial or renewal franchise. At a minimum, each application must identify the applicant, where it plans to construct its system, and the system construction schedule; show that the applicant will provide adequate channels, facilities and other support for PEG use (including institutional network use) of the OVS; and show that the applicant is financially, technically and legally qualified to construct and operate the OVS.

C. Procedure for applying for grant of franchise.

(1) A person may apply for an initial or renewal franchise on its own initiative or in response to a request for proposals. Upon receipt of an application, the City shall promptly proffer the applicant a proposed OVS agreement, which shall be mailed to the person requesting its issuance and made available to any other interested party. The City may request such additional information as it deems appropriate.

(2) An applicant shall respond to requests for information completely, and within the time directed by the City, and must strictly comply with procedures, instructions, and requirements the City may establish.

(3) An application may be rejected if it is incomplete or the applicant fails to follow procedures or respond fully to information requests.

D. Evaluation. In evaluating a franchise application, the City may consider the following:

(1) The extent to which the applicant has substantially complied with the applicable law and the material terms of any existing City OVS franchise;

(2) Whether the applicant has the financial, technical, and legal qualifications to hold an OVS franchise;

(3) Whether the application satisfies any minimum requirements established by the City for, or will otherwise provide, adequate PEG use capacity, facilities, or financial support (including with respect to institutional networks);

(4) Whether issuance of a franchise would require replacement of property or involve disruption of property, public services, or use of the public rights-of-way; and

(5) Whether the approval of the application may eliminate or reduce competition in the delivery of cable service in the City.

E. Issuance. If the City finds that it is in the public interest to issue a franchise, considering the factors above and such other matters as it is required or entitled to consider, and subject to the applicant's entry into an appropriate OVS agreement, it shall issue a franchise. Prior to deciding whether or not to issue a franchise, the City may hold one or more public hearings or implement other procedures under which comments from the public on an application may be received. No franchise shall become effective until the franchise is unconditionally accepted by the applicant and the franchise agreement is signed.

F. Legal qualifications. In order to be legally qualified:

(1) The applicant must be willing to comply with the provisions of this chapter and applicable laws and to comply with such requirements of an OVS agreement as the City may lawfully require.

(2) The applicant must not hold a cable system franchise or have pending an application for a cable system franchise.

(3) The applicant must not have had any cable system or OVS franchise validly revoked (including any appeals) by the City within three years preceding the submission of the application.

(4) The applicant may not have had an application for an initial or renewal cable system franchise to the City denied on the ground that the applicant failed to propose a cable system meeting the cable-related needs and interests of the community, or as to which any challenges to such franchising decision were finally resolved (including any appeals) adversely to the applicant, within three years preceding the submission of the application.

(5) The applicant may not have had an application for an initial or renewal OVS franchise denied on any grounds within three years of the application.

(6) The applicant shall not be issued a franchise if, at any time during the 10 years preceding the submission of the application, the applicant was convicted of fraud, racketeering, anticompetitive actions, unfair trade practices or other conduct of such character that the applicant cannot be relied upon to deal truthfully with the City and the subscribers or to substantially comply with its obligations.

(7) The applicant must have the necessary authority under New York State and federal law to operate an OVS and must be certified by the FCC under Section 653 of the Cable Act.

(8) The applicant shall not be issued a franchise if it files materially misleading information in its application or intentionally withholds information that the applicant lawfully is required to provide.

(9) For purposes of § 94-29F(2) through (5) the term "applicant" includes any affiliate of the applicant.

G. Exception. Notwithstanding § 94-29F, an applicant shall be provided a reasonable opportunity to show that a franchise should issue even if the requirements of § 94-29F(3) through (5) are not satisfied, by virtue of the circumstances surrounding the matter and the steps taken by the applicant to cure all harms flowing therefrom and prevent their recurrence, the lack of involvement of the applicant's principals, or the remoteness of the matter from the operation of a cable system.

#### **§ 94-30. Transfers.**

A. City approval required. No transfer shall occur without prior written notice to and approval of the City Council.

B. Application.

(1) A franchisee shall promptly notify the City of any proposed transfer and submit an application for its approval.

(2) The City may specify information that must be provided in connection with a transfer application. At a minimum, an application must describe the entities involved in the transaction and the entity that will hold the franchise; describe the chain of ownership before and after the proposed transaction; show that the entity that will hold the franchise will be legally, financially, and technically qualified to do so; attach complete information on the proposed transaction, including the contracts or other documents that relate to the proposed transaction, and all documents, schedules, exhibits, or the like referred to therein; and attach any shareholder reports or filings with the Securities and Exchange Commission that discuss the transaction.

(3) For the purposes of determining whether it shall consent to a transfer, the City may inquire into all qualifications of the prospective transferee and such other matters as the City may deem necessary to determine whether the transfer is in the public interest and should be approved, denied, or conditioned. If the transferee or franchisee refuse to provide information, or provide incomplete information, the request for transfer may be denied.

C. Consideration of application. In deciding whether a transfer application should be granted, denied or granted subject to conditions, the City may consider the legal, financial, and technical qualifications of the transferee to operate the OVS; whether the incumbent OVS operator is in compliance with its OVS agreement and this chapter and, if not, the proposed transferee's commitment to cure such noncompliance; whether the transferee owns or controls any other OVS or cable system in the City and whether operation by the transferee may eliminate or reduce competition in the delivery of cable service in the City; and whether operation by the transferee or approval of the transfer would adversely

affect subscribers, the public, or the City's interest under this chapter, the OVS agreement, or other applicable law. The proposed transferee shall pay all reasonable costs incurred by the City in reviewing and evaluating the applications.

D. Minimum conditions. In order to obtain approval of a transfer, an applicant must show, at a minimum, that the transferee is qualified; the transfer will not adversely affect the interests of subscribers, the public, or the City; and that noncompliance issues have been resolved. No application shall be granted unless the transferee agrees in writing that it will abide by and accept all terms of this chapter and the franchise and that it will assume the obligations, liabilities, and responsibility for all acts and omissions, known and unknown, of the previous franchisee for all purposes.

#### **§ 94-31. Minimum requirements.**

A. PEG access. No OVS operator shall be issued a franchise, or may commence construction of an OVS system, until it:

(1) Agrees to match in all respects the highest PEG obligations borne by any cable operator in the City; or

(2) Agrees to PEG obligations acceptable to the City.

B. Institutional network. Any OVS operator that constructs an I-Net must match in all respects the highest I-Net obligations borne by any cable operator in the City, unless it agrees to alternative I-Net obligations acceptable to the City.

C. Construction provisions. Every OVS agreement shall specify the construction schedule that will apply to any required construction, upgrade, or rebuild of the OVS. The schedule shall provide for prompt completion of the project, considering the amount and type of construction required.

D. Testing. Each OVS operator shall perform, at its expense, such tests as may be necessary to show whether or not the franchisee is in compliance with its obligations under this chapter or a franchise.

E. Consumer protection provisions. Every franchisee must satisfy customer service consumer protection requirements established from time-to-time under state or local law and applicable to OVS operators.

#### **§ 94-32. Special termination rules.**

If a franchisee's FCC certification is revoked or otherwise terminates as a result of the passage of time or as a matter of law, the City may revoke the OVS franchise after a hearing. The OVS franchise may also be revoked if federal regulations or statutory provisions governing OVS are declared invalid or unenforceable, or are repealed.

#### **§ 94-33. Rate regulation.**

The City may regulate a franchisee's rates and charges to the extent permitted by law and may do so by amendment to this chapter, by separate ordinance, by amendment to an OVS Agreement, or in any other lawful manner.

#### **§ 94-34. Fee in lieu of franchise fee.**

A. OVS operators. In lieu of the franchise fee required by Article II, an OVS franchisee shall pay a fee of 5% of the gross revenues of the franchisee, its affiliates or any OVS operator of an OVS in the City.



**B. Persons leasing OVS capacity.**

(1) A person leasing capacity from an OVS operator, other than a person whose revenues are included in the payment made under Subsection A, shall pay the City a fee in lieu of the franchise fee required by Article II of 5% of the gross revenues of such person.

(2) Notwithstanding the foregoing, where an OVS operator charges a person, other than an affiliate, to use its OVS (the "use payments") and that person recovers those use payments through charges to its subscribers that are included in that person's gross revenues and that person fully recovers the use payments through the charges to its subscribers and pays a fee on those charges pursuant to Subsection B(1), then the franchisee may deduct from its gross revenues the use payments it receives from that person.

**§ 94-35. Exclusive contracts.**

A franchisee may not require a subscriber or a building owner or manager to enter into an exclusive contract as a condition of providing or continuing service, nor may a franchisee enter into any arrangement that would effectively prevent other persons from using the OVS to compete in the delivery of cable services with a franchisee or its affiliates. However, nothing herein prevents a franchisee from entering into an otherwise lawful, mutually desired exclusive arrangement with a building owner or manager of a multiple-dwelling unit or a commercial subscriber.

**ARTICLE IV. Section titles; time calculation; severability; peripheral equipment; antennas; discrimination; transitions.**

**§ 94-36. Captions.**

The captions to sections throughout this chapter are intended solely to facilitate reading and reference to the sections and provisions of this chapter. Such captions shall not affect the meaning or interpretation of this chapter.

**§ 94-37. Calculation of time.**

Unless otherwise indicated, when the performance or doing of any act, duty, matter, or payment is required under this chapter or any franchise and a period of time or duration for the fulfillment of doing thereof is prescribed and is fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of time.

**§ 94-38. Severability.**

If any term, condition, or provision of this chapter shall, to any extent, be held to be invalid or unenforceable by a valid order of any court or regulatory agency, the remainder hereof shall be valid in all other respects and continue to be effective. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding on the franchisee and the City.

**§ 94-39. Connections to cable system; use of antennas.**

A. Subscriber right to attach. To the extent consistent with federal law, subscribers shall have the right to attach VCRs, receivers, remote control devices, converters, and other terminal equipment to a franchisee's cable system.

B. Removal of existing antennas. A franchisee shall not, as a condition of providing service, require a subscriber or potential subscriber to remove any existing antenna or disconnect an antenna, except at the express direction of the subscriber or potential subscriber, or prohibit installation of a new antenna, provided that such antenna is connected with an appropriate device and complies with applicable law.

#### **§ 94-40. Discrimination prohibited.**

A. No retaliatory actions. A cable communications system operator shall not discriminate among persons or the City or take any retaliatory action against a person or the City because of that entity's exercise of any right it may have under federal, state, or local law, nor may the operator require a person or the City to waive such rights as a condition of taking service.

B. Employment and hiring practices. A cable communications system operator shall not refuse to employ, discharge from employment, or discriminate against any person in compensation or in terms, conditions, or privileges of employment because of race, color, creed, national origin, sex, age, disability, religion, ethnic background, or marital status. A cable communications system operator shall comply with all federal, state, and local laws and regulations governing equal employment opportunities and hiring practices, as the same may be amended from time-to-time.

#### **§ 94-41. Transition provisions.**

A. Persons holding franchises. Any person holding an existing franchise for a cable communications system may continue to operate under the existing franchise to the conclusion of its present term (but not any renewal or extension thereof) with respect to those activities expressly authorized by that existing franchise, provided, further, that such person shall be subject to the other provisions of this chapter to the extent permitted by law.

B. Persons with pending applications. Pending applications shall be subject to this chapter. A person with a pending application shall have 30 days from the effective date of this chapter to submit additional information to comply with the requirements of this chapter governing applications.

### CHAPTER 96. CURFEW

§ 96-1. Established; exceptions.

§ 96-2. Penalties for offenses.

### **CHAPTER 96. CURFEW**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 27 of the 1970 Code. Section 96-1C, D and E added and § 96-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Amusement devices — See Ch. 65.

Peace and good order — See Ch. 162.

Play vehicles — See Ch. 168.

#### **§ 96-1. Established; exceptions.**

**[Amended 7-20-70; 2-6-78]**

It shall be and is hereby declared to be unlawful for any minor under the age of eighteen (18) years to be abroad or on the public streets, lanes, alleys, parks or other public places in the City of Saratoga Springs, New York, between the hours of 12:00 midnight and 6:00 a.m. unless:

A. Accompanied by the parent or guardian of such minor.

B. The business or employment of such minor, engaged in with the consent of the parent or guardian of such minor, makes it necessary to be upon the streets or other public places in said city between the hours specified herein.

C. On an emergency errand directed by the parent, guardian or other adult having care or custody of the child. Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

D. On legitimate business directed by the parent, guardian or other adult having care or custody of the child. Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

E. Traveling directly to or from any adult-sponsored activity sponsored by any school, church, civic or nonprofit organization. Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

#### **§ 96-2. Penalties for offenses.**

**[Amended 6-15-70; 7-20-70** Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. ]

Any parent or guardian who permits or allows a minor to be abroad upon the streets or other public places in said city or the minor himself who is abroad upon said streets or other public places in said city, contrary to the provisions of § 96-1 of this chapter, upon conviction, shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

#### **CHAPTER 98. DEMONSTRATIONS**

##### **ARTICLE I. General Provisions**

##### **§ 98-1. Compliance with other provisions; definitions; construal of provisions.**

##### **§ 98-2. Prohibited items or activities.**

##### **§ 98-3. Restricted use items or activities.**

##### **ARTICLE II. Declarations**

##### **§ 98-4. Application.**

##### **§ 98-5. Fees.**

##### **§ 98-6. Responsibility for cleanup.**

##### **§ 98-7. Issuance.**

##### **§ 98-8. Alterations.**

##### **§ 98-9. Notice to officials.**

##### **§ 98-10. Contents.**

##### **§ 98-11. Duties of declaration holder.**

##### **ARTICLE III. Enforcement; When Effective**

##### **§ 98-12. Penalties for offenses; when effective.**

#### **CHAPTER 98. DEMONSTRATIONS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 12-20-2005. Amendments noted where applicable.]**

## **GENERAL REFERENCES**

Alcoholic beverages — See Ch. 61.  
Fire prevention and building construction — See Ch. 117.  
Handbills and posters — See Ch. 132.  
Noise — See Ch. 148.  
Parades — See Ch. 151.  
Public property — See Ch. 178.  
Special events — See Ch. 199A.  
Streets and sidewalks — See Ch. 203.  
Temporary structures — See Ch. 216.

## **ARTICLE I. General Provisions**

The right to peacefully assemble and demonstrate is afforded to all persons and protected by the First Amendment of the United States Constitution and the New York State Constitution, Article I, Section 8 & 9. These constitutional privileges are not, however, unlimited as it pertains to maintaining public safety. The municipality may impose reasonable time, place and manner restrictions.

### **§ 98-1. Compliance with other provisions; definitions; construal of provisions.**

A. Demonstration. For the purpose of this chapter, a "demonstration" is a display, by 25 or more persons, in a public place that is intended to attract public attention.

B. No person, corporation, partnership or other entity shall hold or cause to be held any demonstration without first filing a declaration where required by this chapter. Persons holding a permit for a parade, as that term is defined in Chapter 151 of the City Code, shall not be required to file a declaration under this chapter.

C. Any person, corporation, partnership or other entity filing a declaration under this chapter, may also be required to comply with Chapter 216 of the Code of the City of Saratoga Springs entitled "Temporary Structures."

D. Any person, corporation, partnership or other entity filing a declaration under this chapter, must also comply with Chapter 148 of the Code of the City of Saratoga Springs entitled "Noise."

E. Any person, corporation, partnership or other entity filing a declaration under this chapter, must comply with Chapter 61 of the Code of the City of Saratoga Springs entitled "Alcoholic Beverages."

F. The following definitions shall apply to this chapter:

#### **BANNER**

Any sign, as defined herein, hung above a street, from a building, bridge structure or a vehicle or towed by a vehicle, including but not limited to an aircraft, watercraft or trailer.

#### **CITY**

The City of Saratoga Springs, New York.

#### **CITY CLERK**

The City Clerk of the City of Saratoga Springs, New York.

#### **PARADE**

Any procession of any kind on a public street in the City of Saratoga Springs that is intended to attract public attention and that does not comply with normal traffic regulations and control.

**PUBLIC PLACE**

Any place to which the public has unrestricted access, but "public place" shall not mean the interior floor space of any building or any space covered by part of a building's permanent roof.

**SIGNS**

Any display of words, symbols or other visual images made of cloth, paper, plastic, cardboard or other material or any combination of such display.

**SPECIAL EVENT**

Any event, occasion or celebration open to the public and held in or upon any public right-of-way, public street, public park or other public place or conducted in such a manner as to significantly impede public access to any public right-of-way, public street, public park or other public place.

G. Nothing in this chapter shall be construed so as to limit any of the provisions of the New York State Building and Fire Codes.

**§ 98-2. Prohibited items or activities.**

A. The following items or activities are prohibited:

(1) Alcoholic beverages. Alcoholic beverages in any open container cannot be carried or possessed by participants of the demonstration.

(2) Banners. Banners, as defined, are prohibited.

(3) Explosives, fireworks or pyrotechnics. No person shall carry or possess any kind or mixture of explosives, fireworks or pyrotechnics.

(4) Facial coverings. Facial coverings, regardless of the material of which they are made, are not permitted to cover the face from the chin area to the forehead.

(5) Fencing material. Materials commonly used for fencing on property, or a safety zone including barricades and which could be used to obstruct governmental administration shall not be carried or possessed unless placed at a demonstration site by governmental agencies to control demonstration participants and continue to allow free access to sidewalks and other public places as allowed by statute, law, code or ordinance.

(6) Flammable or combustible liquids or gases. Flammable or combustible liquids, compressed gases or gases cannot be carried or possessed.

(7) Gas masks. Gas masks or similar devices designed to filter air breathed and protect the respiratory tract and face against the irritating, noxious or poisonous gases cannot be carried, possessed or worn.

(8) Handcuffs. Handcuffs or similar-type restraining devices cannot be carried, possessed or worn.

(9) Injury, physical. The conduct of the demonstration is not reasonably likely to cause physical injury to persons or property.

(10) Interference with emergency services. The demonstration will not unduly interfere with proper fire and police protection or emergency services to contiguous areas of such assembly areas.

(11) Obscene material. No person shall display, carry or possess any obscene material as defined by § 235.20 of the NYS Penal Law.

(12) Noxious materials. No person shall use, carry or possess any noxious material of any kind or strength while participating in a demonstration.

(13) Obscene material. No person shall display, carry or possess any obscene material as defined by § 235.20 of the NYS Penal Law.

(14) Plastic or metal pipe. It is unlawful to carry or possess any length of plastic pipe more than 1/4 inch thick. Any metal pipe, metal angle iron, box steel, flat steel or similar plastic material is not permitted.

(15) Projectile launchers. Projectile launchers or other devices commonly used for the purpose of launching, hurling, or throwing any object, liquid, material or substance cannot be carried or possessed.

(16) Sidewalks (blocking). No person or group of persons shall block any lawful use of a public sidewalk or any ingress to or egress from any building by standing within 15 feet of said doorway or entrance or any driveway to any building.

(17) Signs. No sign or combination of signs shall render impassable any public way or any ingress to or egress from any public way, or render passage to, from or across a public way unreasonably difficult or hazardous. Posters, plaques or notices mounted on a support or hand held, constructed solely of cloth, paper, plastic or cardboard material no greater than 1/4 inch thick are permitted. Signs must be of such size and construction as to be safely carried and displayed.

(18) Sirens or air horns. No person shall use, carry or possess any hand carried or vehicle-mounted siren or air horn.

(19) Splinter groups. No person or small group is permitted to break off the main group to stage smaller demonstrations or picketing unless a new and separate permit is first obtained.

(20) Strong acid or base chemicals in solid, liquid or gas. No persons shall use, carry or possess any acidic or basic chemical regardless of its physical state.

(21) Traffic (blocking). No person shall block or otherwise interfere with highway, road or rail traffic to include ingress to or egress from a building or onto property.

(22) Wood or wood products. No person shall carry or possess any length of lumber, wood or wood lath unless the wood object is blunted at both ends, is 1/4 inch or less in thickness and two inches or less in width or, if not generally rectangular in shape, does not exceed 3/4 inch at its thickest.

### **§ 98-3. Restricted use items or activities.**

The following items or activities have restricted use:

A. Flyovers. Flyovers and aircraft trailing banners are not permitted unless requested for in the filing of the declaration in advance. A copy of the FAA authorization permit is required to be filed with the declaration.

B. Firearms. Firearm use or carry, real or replica, whether for ceremonial use as in a color guard or not, must be approved in advance by the Police Department.

C. Sound-producing or amplifying devices. The use of any sound producing or amplifying devices is permitted if the sound cannot be amplified so as to be heard at a distance of more than 250 feet from

the perimeter of the demonstration. The use of said equipment must also comply with restrictions and limitations contained in the Noise Ordinance of the City of Saratoga Springs. Editor's Note: See Ch. 148, Noise.

D. Electricity. Electrical connections are not publicly available from the City. Electrical connections and electrical generators from private property are permitted, provided such connections shall have been inspected by a certified electrical inspector as to safety and compliance with the National Electrical Code. A copy of the inspection shall be filed with the Commissioner of Accounts prior to said use.

## **ARTICLE II. Declarations**

### **§ 98-4. Application.**

A. Application for a demonstration declaration shall be made to the Commissioner of Accounts on the forms provided by the Commissioner.

B. Weekly, monthly or yearly declarations for recurring public demonstrations will be issued by the Commissioner of Accounts. Such declaration shall include a schedule for each day of the demonstration, together with any other information the Commissioner of Accounts may deem necessary. All such declarations shall expire at the end of the calendar year in which they are granted.

C. For any event that will attract 5,000 or more persons, the applicant must obtain a permit from the NYS Department of Health and include it with the declaration. A safety plan, as required by the Department of State, must also be included with the application.

### **§ 98-5. Fees.**

There shall be no fee charged for a demonstration declaration.

### **§ 98-6. Responsibility for cleanup.**

The Commissioner of Public Works shall have the authority, in situations where it is determined that the proposed demonstration is of such magnitude or character that it will generate an excessive or extraordinary amount of debris upon the public ways, to require an agreement from the applicant stating that the applicant shall be responsible for the costs of cleanup of the public ways after the demonstration. The Commissioner may enter into any agreement with the applicant as may be necessary for this purpose.

### **§ 98-7. Issuance.**

If the Commissioner of Accounts finds that all applicable provisions of this chapter have been complied with or will be complied with by the applicant, a declaration shall be issued to hold a demonstration and shall be conditional upon such reasonable limitations and requirements as may be deemed necessary for the protection of the public health, safety and welfare.

### **§ 98-8. Alterations.**

he City shall be empowered to alter the date and/or time of the demonstration should such an alteration be in the best interest of public health, safety and welfare.

### **§ 98-9. Notice to officials.**

Immediately upon the application for a demonstration declaration, the Commissioner of Accounts shall send a copy of the declaration to the following:

- A. Mayor.
- B. Commissioner of Public Works.
- C. Commissioner of Accounts.
- D. Police Chief.
- E. City Attorney.
- F. Commissioner of Finance.
- G. Commissioner of Public Safety.
- H. Fire Chief.
- I. Risk and Safety Manager.

#### **§ 98-10. Contents.**

Each demonstration declaration shall state the following information:

- A. The starting and ending times.
- B. Location of the demonstration, including the portions of the streets to be traversed.
- C. The name of the responsible party and telephone number.
- D. Such other information as the Commissioner of Accounts shall find necessary to the enforcement of this chapter.

#### **§ 98-11. Duties of declaration holder.**

- A. The holder of the declaration hereunder shall comply with all directions and conditions and with all applicable laws and ordinances.
- B. Possession of declaration. The demonstration chairperson or the person heading or leading such activity shall be present and carry the demonstration declaration upon his/her person during the conduct of such demonstration.

### **ARTICLE III. Enforcement; When Effective**

#### **§ 98-12. Penalties for offenses; when effective.**

- A. Any person or other legal entity who violates any of the provisions of this chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, General Penalty, of this Code. Both the Police Department and Code Administration shall have the authority to enforce the provisions of this chapter and to issue appearance tickets for violations thereof.



B. This chapter shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

## CHAPTER 101. DOGS AND OTHER ANIMALS

### ARTICLE I. Definitions

#### § 101-1. Definitions.

### ARTICLE II. Dogs Generally

#### § 101-2. Compliance required.

#### § 101-3. Report of bites.

#### § 101-4. Failure to confine.

#### § 101-5. Report of rabies.

#### § 101-6. Enforcement.

#### § 101-7. Penalties for offenses.

### ARTICLE III. Dog Control

#### § 101-8. Leash or other control required.

#### § 101-9. Nuisances.

#### § 101-10. Penalties for offenses.

#### § 101-11. Report of violations.

#### § 101-12. Seizure and redemption of dogs.

#### § 101-13. Dogs attacking persons; penalties for offenses.

### ARTICLE IV. Animals at Large; Cruelty and Abandonment

#### § 101-14. Animals at large prohibited; penalties for offenses.

#### § 101-15. Carrying animals in cruel manner; penalties for offenses.

#### § 101-16. Abandonment; penalties for offenses.

#### § 101-17. Failure to care for animals; penalties for offenses.

### ARTICLE V. Public Pound

#### § 101-18. Establishment; fees.

### ARTICLE VI. Poultry and Swine

#### § 101-19. Fowl at large.

#### § 101-20. Noise by fowl.

#### § 101-21. Keeping swine.

#### § 101-22. Penalties for offenses.

### ARTICLE VII. Compliance With Statute

#### § 101-23. Late penalty for dog licenses.

#### § 101-24. Applicability of state provisions.

### ARTICLE VIII. Cleaning Up After Pets

#### § 101-25. Compliance required.

#### § 101-26. Possession of cleaning implements required in public places.

#### § 101-27. Penalties for offenses.

### ARTICLE IX. Animals Prohibited at Designated Public Events

#### § 101-28. Specific public events at which animals prohibited.

#### § 101-29. Other public events.

#### § 101-30. Service animals excepted.

#### § 101-31. Display and presentation animals excepted.

## **CHAPTER 101. DOGS AND OTHER ANIMALS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 4-4-1994 by L.L. No. 1-1994; amended in its entirety 5-20-2008. Subsequent amendments noted where applicable.]**

## **GENERAL REFERENCES**

Noise — See Ch. 148.

## **ARTICLE I. Definitions**

### **§ 101-1. Definitions.**

As used and intended in this chapter and for the purposes hereof, unless the context otherwise indicates, the following terms shall have the meanings indicated:

#### **ANIMAL**

Any living creature of any nonhuman genus or species which is kept or controlled by any person or legal entity for any domestic, commercial, or agricultural purpose.

#### **ANIMAL CONTROL OFFICER**

A Dog Control Officer as defined in § 114 of the New York State Agriculture and Markets Law and will be responsible to enforce all City ordinances enacted concerning dogs and other animals and to enforce Article 7 of the New York State Agriculture and Markets Law, Licensing, Identification and Control of Dogs.

#### **CONFINED**

As applied to a dog, that such animal is securely confined or restrained and kept on the owner's premises either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person on any adjacent premises or on any public street, way or place or, if the animal is being transported by the owner, that it is securely confined in a crate or other container or so restrained in a vehicle that it cannot escape therefrom.

#### **DOG**

Includes both male and female dogs.

#### **OWNER**

Includes any person or persons, firm, association or corporation who or which at any time owns or has custody and control of or harbors or is otherwise responsible for any dog which is kept, brought or comes within the corporate limits of this City.

## **ARTICLE II. Dogs Generally**

### **§ 101-2. Compliance required.**

The owner, as above defined, of every dog which is at any time kept, brought or comes within the corporate limits of this City will be held responsible for the strict observance by such dog and with respect to such dog of all the rules and regulations contained in this chapter at all times when such dog is within the corporate limits of this City.

### **§ 101-3. Report of bites.**

Every owner of a dog shall immediately report to the Department of Public Safety, Health Officer or Animal Control Officer every case where a person has been bitten by a dog.

### **§ 101-4. Failure to confine.**

Every owner failing to confine a dog after being directed to do so by the Health Officer and/or Animal Control Officer shall be guilty of violating the provisions of this article.

### **§ 101-5. Report of rabies.**

Every dog having rabies or suspected of being infected with rabies shall be reported immediately to the Department of Public Safety or Health Officer, and the owner shall promptly comply with any and all directions the Health Officer and/or the Animal Control Officer shall give with reference to the observation

of such dog or the continued confinement, immunization or other disposition to be made of such dog under the provisions of § 2.14 of Part 2 of the State Sanitary Code, or otherwise.

#### **§ 101-6. Enforcement.**

The Police Department is hereby authorized and directed to enforce strictly all the provisions, rules and regulations of this chapter or any emergency orders issued by the Health Officer.

#### **§ 101-7. Penalties for offenses.**

Every person violating the provisions of this article shall, upon conviction, be punishable by a fine of not less than \$50 nor more than \$100.

### **ARTICLE III. Dog Control**

#### **§ 101-8. Leash or other control required.**

A. No person, firm, association or corporation who owns, harbors or has the custody of any dog shall cause or permit said dog to be on any public street or in any public place in the City of Saratoga Springs unless said dog is under control of a person. As used in this section, the term "control" shall mean that the person shall in fact have the ability and the means to immediately direct, regulate and influence the dog's behavior at all times.

B. In addition to and not in limitation of Subsection A of this section, no person, firm, association or corporation who owns, harbors or has custody of any dog shall cause or permit said dog to be on any public street or in any public place in the City of Saratoga Springs unless said dog is held by a person on a leash of sufficient strength. In the T-6 Zoning District, said leash shall not exceed six feet in length. The City Council may designate from time to time, by resolution, public places within the City where specific lengths of leashes shall be required.

#### **§ 101-9. Nuisances.**

No person, company or corporation who owns, harbors or has custody and control of any dog or dogs shall cause or permit such dog or dogs to become a nuisance within the corporate limits of the City of Saratoga Springs, New York. As used in this section, "nuisance" shall be defined as follows:

- A. Dumping, knocking over or tearing open of garbage and other receptacles.
- B. Depositing of fecal matter or urinating upon property of another person, company or corporation.
- C. Fighting with other dogs or other domestic animals.
- D. Barking, howling, whining or other noise which is of such character that a reasonable person of normal sensitivities would not tolerate it under the circumstances.
- E. Tearing, digging or otherwise destroying or damaging property of any person, company or corporation.

#### **§ 101-10. Penalties for offenses.**

Any person convicted of any violation of §§ 101-8 and 101-9 hereof shall be punishable by fines as follows:

A. For the first offense: a fine of up to \$50.

B. For the second and subsequent offense: a fine of up to \$250, and each day on which the violation continues shall be and constitute a separate offense.

#### **§ 101-11. Report of violations.**

It shall be the responsibility of all persons to report violations of §§ 101-8 and 101-9 hereof to the Police Department of the City of Saratoga Springs, New York, in order that identification of the dog and the owner may be made. It shall further be the responsibility of any police officer to whom the complaint is made to serve a summons for any such violation upon identification of the dog and owner by the person reporting such violation.

#### **§ 101-12. Seizure and redemption of dogs.**

In addition to the foregoing penalties, any dog, unaccompanied by its owner, harbinger or custodian, found in violation of §§ 101-8 or 101-9 hereof shall be forthwith picked up by the representative of an agency retained for such purpose by the City of Saratoga Springs and taken to an authorized kennel or pound. In such event, said dog shall be released only upon the payment of the fine specified in § 101-10 hereof, in addition to a daily service charge as agreed upon between the authorized agency and the City of Saratoga Springs.

#### **§ 101-13. Dogs attacking persons; penalties for offenses.**

A. No person, company or corporation who owns, harbors or has custody and control of any dog shall cause or permit such dog to attack any person at any time. As used in this section, the term "attack" shall be defined as any physical assault, including mauling, biting, tearing or scratching.

B. Any person convicted of a violation of this section shall be punishable by a fine of not less than \$25 nor more than \$50 for the first offense and by a fine of not less than \$50 nor more than \$75 for a second offense.

C. In addition to the foregoing penalties, said owner shall be liable for all reasonable medical costs and the cost of replacing damaged property as determined by the City Court upon presentation of medical services receipts and replaced property receipts.

D. The owner, harbinger or custodian of any dog who has been convicted of a second offense shall be required to hold said dog on a leash, as described in § 101-8 hereof, at all times when not on his or her property.

E. Upon a third violation of this section, the owner of said dog shall be required, within 30 days after such conviction, to dispose of said dog outside the City of Saratoga Springs and will also be liable for any medical costs or costs of replacement for damaged property.

F. In the event of the owner's refusal, failure or neglect to do so, he or she shall be punishable by a fine of \$250, medical costs and costs of replacement of damaged property and shall be deemed a disorderly person and punishable as such.

G. Each day on which such refusal, failure or neglect continues shall constitute a separate offense.

### **ARTICLE IV. Animals at Large; Cruelty and Abandonment**

#### **§ 101-14. Animals at large prohibited; penalties for offenses.**

A. No person who owns, keeps or controls any animal shall permit the same to be at large upon a highway or other public place.

B. Every person violating this section shall, upon conviction, be punishable by a fine not to exceed \$25 for each offense.

#### **§ 101-15. Carrying animals in cruel manner; penalties for offenses.**

A person who carries or causes to be carried in or upon any vehicle or otherwise any animal in a cruel or inhumane manner or so as to produce torture is guilty of a misdemeanor, punishable by imprisonment for not more than one year or by a fine of not more than \$500, or by both.

#### **§ 101-16. Abandonment; penalties for offenses.**

A person who owns, keeps or controls an animal who abandons such animal or leaves it to die in a street, road or public place or who allows such animal, if it becomes disabled, to lie in a public street, road or public place more than three hours after he receives notice that it is left disabled is guilty of a misdemeanor, punishable by imprisonment for not more than one year or by a fine of not more than \$500, or both.

#### **§ 101-17. Failure to care for animals; penalties for offenses.**

A. No person who owns, keeps or controls any animal shall fail to provide proper food, water or shelter for said animal, taking into account the existing weather conditions, whether current or anticipated.

"Food" shall mean food necessary to maintain the good health of the animal. "Water" shall mean water which is clean, in sufficient quantity to sustain the animal and not frozen. "Shelter" shall mean not only the place where the animal may get out of the weather, to include temperature, but also includes an adequate size area for exercise, taking into account the size and activity of the animal.

B. A person found in violation of this section is guilty of a misdemeanor, punishable by imprisonment for not more than one year or by a fine of not more than \$500, or both.

### **ARTICLE V. Public Pound**

#### **§ 101-18. Establishment; fees.**

There may be a public pound located at such place as the Council may from time to time direct and at such fees as the Council may establish.

### **ARTICLE VI. Poultry and Swine**

#### **§ 101-19. Fowl at large.**

No person shall allow fowl to run at large in the Inside Tax District, but he shall keep the same in suitable houses and runways.

#### **§ 101-20. Noise by fowl.**

No person shall harbor a crowing cock in the Inside Tax District, the crowing of which disturbs neighbors during the hours from 12:00 midnight to 7:00 a.m., longer than one day after written notice thereof by the office of the Commissioner of Public Safety.

#### **§ 101-21. Keeping swine.**

No swine shall be kept in the Inside Tax District. Swine in the Outside Tax District must be kept within an enclosure located not less than 200 feet from a highway and not less than 50 feet from a dwelling. A watertight feeding trough must be provided, and no swill shall be thrown upon the ground. The feed trough and enclosure must be kept in a clean and sanitary condition. Odors from such enclosure which shall be offensive to passers upon a highway or to neighbors shall be presumptive evidence of the unsanitary condition thereof.

#### **§ 101-22. Penalties for offenses.**

Any person in violation of §§ 101-19, 101-20 and 101-21 shall be subject to a fine of \$25 for each offense and \$15 for each day's continuance after notice from the Commissioner of Public Safety or his agent of the violation of these sections.

### **ARTICLE VII. Compliance With Statute**

#### **§ 101-23. Late penalty for dog licenses.**

Any person, company or corporation who fails to license his or her dog in accordance with Article 7 of the New York State Agriculture and Markets Law shall be assessed a civil penalty of \$10 for each dog, in addition to the required license fees as specified in Article 7 of the New York State Agriculture and Markets Law.

#### **§ 101-24. Applicability of state provisions.**

All persons, companies or corporations who own, harbor or have the custody and control of any dog will comply with all rules, regulations and laws of Article 7 of the New York State Agriculture and Markets Law and the New York Codes, Rules and Regulations pertaining to said article when such dog is within the corporate limits of the City of Saratoga Springs, New York.

### **ARTICLE VIII. Cleaning Up After Pets**

#### **§ 101-25. Compliance required.**

Any person who owns, keeps, possesses or controls any dog shall promptly remove any fecal matter left by the dog on any public property and on any private property not owned by such person or lawfully occupied by such person.

#### **§ 101-26. Possession of cleaning implements required in public places.**

In addition to and not in limitation of the provisions of § 101-25 above, every person who shall own, keep, possess or control any dog within the City of Saratoga Springs shall possess, at all times when accompanying said dog within such public place, implements or devices sufficient to clean and remove any fecal matter left by the dog in said public place. Failure to possess such implements or devices under such circumstances shall be sufficient to constitute a violation of this article.

#### **§ 101-27. Penalties for offenses.**

Any person violating this article shall, upon conviction, be subject to a fine of \$25 for each offense.

### **ARTICLE IX. Animals Prohibited at Designated Public Events**

### **§ 101-28. Specific public events at which animals prohibited.**

A. No person who owns, harbors or has custody of any animal shall cause or permit said animal to be present on the grounds of any of the following specific public events held in the City of Saratoga Springs:

- (1) First Night.
- (2) July 4 Family Day in Congress Park.
- (3) Hats Off to Saratoga.
- (4) Final Stretch Celebration.
- (5) Victorian Street Walk.

B. For purposes of this section, the grounds of each specific public event shall consist of the area covered by the approved event permit. For July 4 Family Day, the grounds shall consist of Congress Park in its entirety.

### **§ 101-29. Other public events.**

No person who owns, harbors or has custody of any animal shall permit said animal to be present on the grounds of any public event, other than those specified in § 101-28, for which the Commissioner of Public Safety has, in his discretion, a prohibition on animals at such event. The Commissioner shall announce the prohibition in a manner reasonably calculated to give adequate advance notice of the prohibition and shall specify the area or areas of the event where the prohibition will be in effect.

### **§ 101-30. Service animals excepted.**

Nothing in §§ 101-28 and 101-29 above shall be construed to prohibit or regulate the use of service animals.

### **§ 101-31. Display and presentation animals excepted.**

Nothing in §§ 101-28 and 101-29 above shall be construed to prohibit or regulate the use of any animal or animals at public events as part of a display, show, or presentation to the public.

## **CHAPTER 106. ELECTRICAL STANDARDS**

§ 106-1. Title.

§ 106-2. Purpose.

§ 106-3. Compliance with standards.

§ 106-4. Inspection agents.

§ 106-5. Duties of inspection agents.

§ 106-6. Prohibitions.

§ 106-7. Penalties for offenses.

§ 106-8. Nonliability of city.

## **CHAPTER 106. ELECTRICAL STANDARDS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 32 of the 1970 Code. Sections 106-3, 106-5, 106-6, 106-7 and 106-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Alarm systems — See Ch. 58.

Fire prevention and building construction — See Ch. 117.

Plumbing — See Ch. 171.

### **§ 106-1. Title.**

This chapter shall be known as the "Electrical Code of the City of Saratoga Springs, New York."

### **§ 106-2. Purpose.**

Since there is danger to life and property inherent in the use of electrical energy, this chapter is enacted to regulate the installation, alteration or repair of wiring for electric light, heat or power and signal systems operating on fifty (50) volts or more in or on all real property within the City of Saratoga Springs, New York.

### **§ 106-3. Compliance with standards.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. All electrical installations heretofore mentioned shall be made in conformity with the requirements of the State Uniform Fire Prevention and Building Code.

### **§ 106-4. Inspection agents.**

**[Amended 11-21-88]**

Any approved inspection agency is hereby authorized and deputized as an agent of the City of Saratoga Springs, New York, to make inspections and reinspections of all electrical installations heretofore and hereafter described and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections or reinspections be a charge against the City of Saratoga Springs, New York.

### **§ 106-5. Duties of inspection agents.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. It shall be the duty of the inspector to report, in writing, to the Chief Building Inspector, whose duty it shall be to enforce all the provisions of this chapter and all violations of or deviations from or omissions of the electrical provisions of the the State Uniform Fire Prevention and Building Code and of all local laws and ordinances, insofar as any of the same apply to electrical wiring. The inspector shall make inspections and reinspections of electrical installations in and on properties in the City of Saratoga Springs, New York, upon the written request of an authorized official of the City of Saratoga Springs, New York, or as herein provided. The inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances and equipment in and on properties within the City of Saratoga Springs, New York, where he deems it necessary for the protection of life and property. In the event of an emergency, it is the duty of the inspector to make electrical inspections upon the oral request of an official or officer of the City of Saratoga Springs, New York. It shall be the duty of the inspector to furnish written reports to the proper officials of the City of Saratoga Springs, New York, and the owners and/or lessees of



property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with this chapter. He shall direct that a copy of the certificate of compliance be sent to the City of Saratoga Springs, New York, to the attention of the Building Inspector.

#### **§ 106-6. Prohibitions.**

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

A. It shall be a violation of this chapter for any person, firm or corporation to install or cause to be installed or to alter or repair electrical wiring for light, heat or power in or on properties in the City of Saratoga Springs, New York, until an application for inspection has been filed with the inspection agency.

B. It shall be a violation of this chapter for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to the issuance of a temporary certificate or a certificate of compliance by the inspection agency.

#### **§ 106-7. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person, firm or corporation who shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

#### **§ 106-8. Nonliability of city.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electric wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the City of Saratoga Springs, New York, or the inspection agency be deemed to have assumed any such liability by reason of any inspection made pursuant to this chapter.

### **CHAPTER 107. EMERGENCY MEDICAL SERVICE PROVIDERS**

#### **§ 107-1. Purpose.**

#### **§ 107-2. Authority.**

#### **§ 107-3. Standards.**

### **CHAPTER 107. EMERGENCY MEDICAL SERVICE PROVIDERS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 6-19-2007. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Fire Department — See Ch. 16.

Police Department — See Ch. 36.

#### **§ 107-1. Purpose.**

The purpose of this chapter is to promote the health, safety, and welfare of people in the City of Saratoga Springs by establishing regulations that help to assure that persons receiving pre-hospital care and ambulance service in the City will receive appropriate and adequate care and attention. It is hereby declared to be the policy of the City of Saratoga Springs that all pre-hospital care and ambulance services available in the City shall be available from personnel trained, certified, and prepared to render advanced life support services.

#### **§ 107-2. Authority.**

This chapter is enacted pursuant to City Charter §§ 6D and 6.3.2 authorizing the Commissioner of Public Safety to establish Public Safety Service Programs and Emergency Medical Services Plans.

#### **§ 107-3. Standards.**

- A. The Commissioner of Public Safety shall have authority to establish standards, rules, and regulations for providers of pre-hospital emergency medical care and ambulance services in the City in accordance with NYS DOH laws governing the licensing of these services.
- B. The Commissioner of Public Safety shall have authority to establish procedures to direct, centralize, and process all calls for pre-hospital emergency medical care and ambulance service to assure efficient and prompt response.
- C. The Commissioner of Public Safety shall have authority to establish, from time to time, committees to review the effectiveness of emergency medical care and ambulance services in the City and to make recommendations for improvement.

### **CHAPTER 109. ENTERTAINMENT**

#### **ARTICLE I. Licenses**

**§ 109-1. License required; fees.**

**§ 109-2. Exceptions.**

**§ 109-3. Penalties for offenses.**

**§ 109-4. Revocation of license.**

#### **ARTICLE II. Clothing Requirements**

**§ 109-5. Intent.**

**§ 109-6. Prohibited attire.**

**§ 109-7. Duty of compliance.**

**§ 109-8. Penalties for offenses.**

#### **ARTICLE III. Sunday Activities**

**§ 109-9. Authorization for conduct of sports events.**

**§ 109-10. Authorization for conduct of other public events.**

### **CHAPTER 109. ENTERTAINMENT**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs; Art. I, as Ch. 36 of the 1970 Code; Art. II, 4-2-73 as L.L. No. 7-1973 as Ch. 35 of the 1970 Code; Art. III, 2-19-74 as Ch. 88 of the 1970 Code. Sections 109-1, 109-3 and 109-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Amusement devices — See Ch. 65.  
Public assemblies — See Ch. 69.  
Hotels and food establishments — See Ch. 136.  
Parades — See Ch. 151.  
Parks and recreation areas — See Ch. 155.  
Peace and good order — See Ch. 162.

## **ARTICLE I. Licenses**

### **[Adopted as Ch. 36 of the 1970 Code]**

#### **§ 109-1. License required; fees.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. No person shall give or cause to be given any of the amusements hereinafter named without first obtaining a license therefor from the Commissioner of Accounts and paying the following fees:

A. Circus or other show of like character: fifty dollars (\$50.) to two hundred fifty dollars (\$250.) per day.

B. Theatrical performances:

(1) Five dollars (\$5.) per day.

(2) One hundred dollars (\$100.) per year.

C. Concerts:

(1) Five dollars (\$5.) per day.

(2) One hundred dollars (\$100.) per year.

D. Moving pictures:

(1) Five dollars (\$5.) per day.

(2) One hundred dollars (\$100.) per year.

E. Amusements other than noted above: five (\$5.) per day.

#### **§ 109-2. Exceptions.**

No license shall be required for local amateur amusements for a benevolent, charitable, religious or educational purpose or for a local public benefit.

#### **§ 109-3. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person who violates any provision of this Article shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

#### **§ 109-4. Revocation of license.**

A license is revocable by the Commissioner of Accounts if, in his judgment, the amusement becomes or threatens to become unlawful, immoral or indecent.

## **ARTICLE II. Clothing Requirements**

**[Adopted 4-2-73 as L.L. No. 7-1973 as Ch. 35 of the 1970 Code]**

### **§ 109-5. Intent.**

The City of Saratoga Springs, New York, has determined that certain regulations in the field of public entertainment are needed and are necessary in order to promote the general good, health and welfare of its citizens, including the children of the community. Said city, therefore, invokes the privilege and authority given to it under the provisions of the Penal Law of the State of New York and the general powers granted to said city under its Charter and general laws of the State of New York in such cases made and provided in adopting this Article.

### **§ 109-6. Prohibited attire.**

A. It shall be unlawful for any female person to appear, work, entertain, act or display herself in any cabaret, dance hall, bar, tavern, lounge, discotheque, restaurant and any other public place in the City of Saratoga Springs, New York, clothed or costumed in such a manner that the portion of her breast below the top of the areola is not covered with a fully opaque covering or in such a manner that her genitals, pubic area or buttocks are not covered with a fully opaque covering.

B. It shall be unlawful for any male to appear, work, entertain, act or display himself in any cabaret, dance hall, bar, tavern, lounge, discotheque, restaurant and any other public place in the City of Saratoga Springs, New York, clothed or costumed in such a manner that his genitals, pubic area or buttocks are not covered with a fully opaque covering.

### **§ 109-7. Duty of compliance.**

It shall be unlawful for any person to knowingly conduct, maintain, own, lease, manage, operate or furnish any cabaret, dance hall, bar, tavern, lounge, discotheque, restaurant and any other public place in the City of Saratoga Springs, New York, where a female person or male person is not clothed, costumed or covered as required in § 109-6 of this Article.

### **§ 109-8. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person found guilty of violating any of the sections of this Article shall be guilty of a violation and shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

## **ARTICLE III. Sunday Activities**

**[Adopted 2-19-74 as Ch. 88 of the 1970 Code]**

### **§ 109-9. Authorization for conduct of sports events.**

It shall be lawful to conduct, witness, participate or engage in any form of public sports, exercises or shows which is conducted or engaged in primarily for the entertainment of spectators on Sunday after 1:05 p.m.

## **§ 109-10. Authorization for conduct of other public events.**

It shall also be lawful to conduct, witness or participate in all legitimate theatrical performances, concerts and recital dances, motion-picture exhibitions, fairs or other public exhibitions, exhibits, shows or entertainment on Sunday after 1:05 p.m.

## **CHAPTER 110. ENVIRONMENTAL, PARKS AND OPEN AREAS PROTECTION PROGRAM**

§ 110-1. Statutory authority; purpose.

§ 110-2. Legislative intent.

§ 110-3. Legislative findings.

§ 110-4. Capital reserve fund established.

§ 110-5. Debt reserve fund established.

§ 110-6. Reserve funds.

§ 110-7. Limit on funding of accounts.

## **CHAPTER 110. ENVIRONMENTAL, PARKS AND OPEN AREAS PROTECTION PROGRAM**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 7-17-2001 by L.L. No. 5-2001. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Feeding and release of waterfowl — See Ch. 112.

Parks and recreation areas — See Ch. 155.

Public property — See Ch. 178.

Zoning — See Ch. 240.

### **§ 110-1. Statutory authority; purpose.**

The City Council of the City of Saratoga Springs, pursuant to New York State General Municipal Law, Article 2, General Municipal Finance, hereby establishes a program for the purpose of protecting, preserving, enhancing, and improving environmentally sensitive, recreational and scenic land, as such are regulated by various sections of New York State law pursuant to the approval of the electors of the City in a public referendum held pursuant to all applicable statutes of the laws of the State of New York.

### **§ 110-2. Legislative intent.**

Continuing development within the City has demonstrated a compelling need to acquire, improve, preserve, protect, maintain the availability of, and improve the City's remaining natural areas, wetlands, trails, watershed protection land, farm land, stream and other green-way corridors, historical and archaeological sites and areas, significant habitats and ecologically important areas, geological landmarks, public access areas and other similar such open land for active and passive park and recreational facilities, and preserve open areas, to enhance the general quality of life and the environment of the City, and thereby benefit the residents and taxpayers of the City. In order to achieve these goals, the City requires a mechanism to purchase land, easements or other real property rights and interests quickly and efficiently, and make original improvements and embellishments thereto, as the need arises and opportunities are identified. Appropriate fiscal planning is an essential component of fulfilling this goal.

### **§ 110-3. Legislative findings.**

The City Council hereby finds that, in order to more effectively implement the powers and authorities granted to cities by New York State General Municipal Law § 247 and New York State Environmental Conservation Law §§ 49-0301 through 49-0311, both inclusive, which recognize the value of open areas and the need to preserve such land, and empower municipalities with authority to acquire real property to preserve as open areas, to more effectively implement the powers and authorities granted to cities by various sections of General City Law of the State of New York, which recognize the value of active and passive park and recreational facilities, and empower municipalities with authority to provide for original improvement and embellishment of such facilities, including acquisition of real property and/or rights and interests in real property for such purposes, the establishment of an environmental, parks, and open areas protection program pursuant to the laws of the State of New York is necessary.

**§ 110-4. Capital reserve fund established.**

A. Fund account. The Commissioner of Finance shall establish and maintain a separately designated account, pursuant to New York State General Municipal Law § 6-c, to be known as the "Environmental, Parks and Open Areas Acquisition and Improvement Capital Reserve Fund," and may establish therein one or several subaccounts for the purposes set forth herein, as may be required by proper accounting procedures.

B. Scope of fund. This Fund shall be used, pursuant to New York State General Municipal Law § 6-c, to fund the acquisition, protection and maintenance of ownership, rights and interests in land and improvements thereto, for active and passive park and recreational purposes, and preservation of open areas. Said expenditures may be made directly from dedicated, general and special revenues, and need not be bonded, in the sole discretion of the City Council.

C. Deposits. This Fund shall be the repository for all revenues specifically designated for expenditure by the City for the purposes set forth herein, including bond revenues, dedicated fees, general or special municipal revenues and from such other sources as the City Council may determine, in its sole discretion, where permitted by the Laws of the State of New York, including but not limited to those set forth herein below.

D. Additional deposits. The City shall also pursue and attract, for deposit in and use in accordance with this Fund, where permitted by the laws of the State of New York, additional funds, gifts and grants from foundations, private donations, any additional private or public sources, and federal, state and county matching funds.

E. Prohibitions. Monies from this Fund shall not be used for any purposes which are not specifically set forth in this chapter.

**§ 110-5. Debt reserve fund established.**

A. Fund account. The Commissioner of Finance shall establish and maintain a separately designated account, pursuant to New York State General Municipal Law § 6-h, to be known as the "Environmental, Parks and Open Areas Acquisition Improvement Debt Reserve Fund," and may establish one or several subaccounts for the purposes set forth herein, as may be required by proper accounting procedures.

B. Scope of Fund. This Fund shall be used, pursuant to New York State General Municipal Law § 6-h, to accumulate all revenues designated by the City Council for payment of any bonded indebtedness incurred by the City in pursuing the purposes set forth herein.

C. Deposits. This Fund shall be the repository for revenues collected by the City through real property taxes assessed against the whole City tax rate, commencing with the fiscal year of the City beginning January 1, 2002, and from such sources not derived from real property taxes as the City Council may

determine, in its sole discretion, where permitted by the laws of the State of New York. Except for revenues derived from the issuance and sale of serial bonds, revenues shall be transferred from the above-referenced Capital Reserve Fund, as the City Council may determine to be necessary, in its sole discretion.

D. Prohibition. Monies from this Fund shall not be used for any purposes other than payment of any bonded indebtedness incurred in pursuit of the purposes of this chapter.

#### **§ 110-6. Reserve funds.**

##### **A. City Council.**

(1) No expenditures shall be made from these funds except upon the specific authorization of the City Council pursuant to and for the purposes described in this chapter and based on the recommendations of the Advisory Committee established hereunder. In authorizing such expenditures, the City Council must make findings pursuant to the City's adopted open area plan, as amended.

(2) Appointment of Advisory Committee; membership; terms of office.

(a) The Mayor shall appoint an Advisory Committee of citizens who have a commitment to preservation of open areas. The Committee shall have seven members appointed by the Mayor.

(b) Terms of office.

[1] The initial seven members shall be appointed to terms as follows:

[a] Two members: one year;

[b] One member: two years;

[c] Two members: three years;

[d] One member: four years, and

[e] One member: five years.

[2] Each member of the Advisory Committee shall thereafter be appointed for a term of five years, and any member may be reappointed upon expiration of the term thereof.

(3) The Advisory Committee established hereunder shall develop criteria for the expenditure of funds for the acquisition of ownership, rights, or interests in land and improvements thereto for active and passive parks and recreational purposes, and preservation of open areas and shall submit same to the City Council for approval. The Advisory Committee shall make recommendations to the City Council based on said criteria.

B. Commissioner of Finance. The Commissioner of Finance shall have the power to invest, from time to time, the monies of these funds, in accordance with General Municipal Law, Article 2, General Municipal Finances, and any other appropriate statutes of the laws of the State of New York.

C. City parks. All real properties purchased in title with monies from these funds may be dedicated as parklands on a site-specific basis, which may then only be alienated with the approval of the New York State Legislature, and, in such case, shall be maintained by the appropriate City agency.

#### **§ 110-7. Limit on funding of accounts.**

These accounts shall cease to receive further funding after all bonded indebtedness incurred for the purposes of this chapter has been paid, unless the provisions of this chapter are extended by resolution of the City Council in increments of five years. The City Council may, in its sole discretion, prepay all bonded indebtedness and terminate the funding of these accounts earlier than stated herein, upon adoption of a resolution determining to do so. If at any time the City Council does not extend the funding for these accounts, the balances remaining therein shall be used for the purposes set forth herein above until they have been depleted.

#### **CHAPTER 112. FEEDING AND RELEASE OF WATERFOWL**

§ 112-1. Legislative findings and purpose.

§ 112-2. Definitions.

§ 112-3. Feeding of waterfowl prohibited.

§ 112-4. Release of waterfowl prohibited.

§ 112-5. Enforcement.

§ 112-6. Penalties for offenses.

#### **CHAPTER 112. FEEDING AND RELEASE OF WATERFOWL**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 3-3-1998 by L.L. No. 1-1998; amended in its entirety 2-6-2001 by L.L. No. 1-2001. Subsequent amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Environmental, parks and open areas protection program — See Ch. 110.

Parks and recreation areas — See Ch. 155.

#### **§ 112-1. Legislative findings and purpose.**

The existence of large numbers of wild and domestic waterfowl in Saratoga Springs presents a hazard to public health, safety and welfare. Literature from the United States Department of the Interior clearly establishes that a large waterfowl population in a small area greatly increases the dangers of disease. In such a situation, a single diseased bird could quickly spread the disease throughout the flock and thereby create serious and lasting ecological problems. The purpose of this chapter is to provide a method, in addition to and not in limitation of other lawful methods and procedures, for effective management and control of waterfowl in Saratoga Springs.

#### **§ 112-2. Definitions.**

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

##### **WATERFOWL**

Any birds of the family Anatidae, including brant, swans, ducks and geese.

#### **§ 112-3. Feeding of waterfowl prohibited.**



It shall be unlawful for any person to feed, or cause to be fed, any waterfowl within the areas designated as the "Inside Tax District" in Title 11 of the Charter of the City of Saratoga Springs, except during such seasonal periods as may be established from time to time by the Saratoga Springs City Council.

**§ 112-4. Release of waterfowl prohibited.**

It shall be unlawful for any person to release any waterfowl within the area commonly known as Congress Park in the City of Saratoga Springs, or to release any waterfowl in such a manner as to cause said waterfowl to enter said area commonly known as Congress Park.

**§ 112-5. Enforcement.**

A. Pursuant to § 10, Subdivision 4(a) of the Municipal Home Rule Law, the following personnel are hereby authorized to issue appearance tickets in accordance with Article 150 of the Criminal Procedure Law of the State of New York for violations of this chapter:

(1) Such employee or employees of the Department of Public Works as may be designated in writing from time to time by the Commissioner of Public Works.

(2) The Code Administrator, as defined in Chapter 8 of the City Code.

B. Persons authorized under this section shall issue a verbal warning in response to the first offense, a written warning in response to the second offense, and an appearance ticket in response to the third or subsequent offense under this chapter.

C. Nothing in this section shall be construed to limit or supersede in any manner the authority of police officers to issue appearance tickets under Article 150 of the Criminal Procedure Law.

**§ 112-6. Penalties for offenses.**

Any person who violates any provision of this chapter shall be subject to a fine of \$50 for each offense.

**CHAPTER 115. FIREARMS**

§ 115-1. Discharge prohibited.

§ 115-2. Exceptions.

§ 115-3. Penalties for offenses.

**CHAPTER 115. FIREARMS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 42 of the 1970 Code. Section 115-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

**GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

**§ 115-1. Discharge prohibited.**

A. No person shall engage in hunting nor discharge firearms of any caliber, shotguns, air rifles or pellet guns within the Inside Tax District of the City of Saratoga Springs or in the following areas of the Outside Tax District of the City of Saratoga Springs, New York:

**[Amended 2-7-72]**

(1) Bounded on the west by the easterly boundary of the Inside Tax District, including the newly established easterly boundary of the territory annexed from the Town of Greenfield; on the north by the southerly boundary of the Town of Wilton and the Town of Greenfield; on the east by Weibel Road and Gilbert Road; and on the south by that portion of Union Avenue from Gilbert Road to the east side of New York Route 87 and southerly along said east side of New York Route 87 to Crescent Avenue and following along the south side of Crescent Avenue to South Broadway (Route 9).

(2) Bounded on the south by New York State Route No. 50; on the west by the Town of Milton line; on the north by the Town of Greenfield line; and on the east by the westerly boundary line of the Inside Tax District.

B. No person shall discharge firearms of any type within five hundred (500) feet of a dwelling house or place of business in the City of Saratoga Springs, New York.

**§ 115-2. Exceptions.**

This chapter shall not apply to law enforcement officers in the performance of their official duties nor to any club, team or society duly organized for educational purposes discharging firearms in an indoor range under proper supervision.

**§ 115-3. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any violation of the provisions of this chapter shall be punishable, upon conviction thereof, by the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

**CHAPTER 116. FIRE LIMITS**

**§ 116-1. Limits enumerated.**

**CHAPTER 116. FIRE LIMITS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 10-3-1994; amended in its entirety 10-20-1998. Subsequent amendments noted where applicable.]**

**GENERAL REFERENCES**

Fire prevention and building construction — See Ch. 117.  
Zoning — See Ch. 240.

**§ 116-1. Limits enumerated.**

The following shall be and hereby declared to be the fire limits:

Beginning at the center line of Broadway at its intersection with the center line of Van Dam Street and running thence easterly along the center line of Van Dam

Street to the center line of Maple Avenue; thence southerly along the center line of Maple Avenue to the center line of York Street; thence easterly along the center line of York Street to the center line of Henry Street; thence southerly along the center line of Henry Street to the center line of Lake Avenue; thence easterly along the center line of Lake Avenue to the center line of Hodgeman Street; thence southerly along the center line of Hodgeman Street to the center line of Caroline Street; thence westerly along the center line of Caroline Street approximately 80 feet to a point; thence southerly and along the east bounds of lots 165.60-2-49.1 and 165.60-2-47 as shown on the current Tax Map of the City of Saratoga Springs (Inside District) to a point in the center line of Lafayette Street; thence easterly along the center line of Lafayette to a point approximately 130 feet west of the west line of Circular Street; thence southerly parallel with and 130 feet from the west line of Circular Street or the rear lot line of the property facing Circular Street, whichever is greater, to the rear lot line of the properties located on the north side of Phila Street, thence along the rear lot line of the properties located on the north side of Phila Street on a line that extends to the center line of Henry Street; thence southerly along the center line of Henry Street to a point which would be determined by extending the south line of the alley which runs 122 feet southerly of and parallel to Phila Street to the center line of Henry Street; thence easterly from the center line of Henry Street along the southerly side of the alley which runs 122 feet southerly of and parallel to Phila Street to a point which is 76.10 feet westerly of the west side of Circular Street; thence southerly along the west line of the properties facing on Circular Street to the center line of Spring Street; thence easterly along the center line of Spring Street to the center line of Circular Street; thence southerly along the center line of Circular Street to the center line of Whitney Place; thence southerly along the center line of Whitney Place to a point in the center of the intersection of Whitney Place with Circular Alley thence along the center line of Circular Alley to a point in the center of the intersection of Circular Alley with Whitney Place, thence continuing southerly along the center line of Whitney Place to the center line of Lincoln Avenue; thence westerly along the center line of Lincoln Avenue to the center line of Broadway, thence northerly along the center line of Broadway to a point which would be determined by extending the northern bounds of lot 165.83-1-21 as shown on the current Tax Map of the City of Saratoga Springs, (Inside District) to the center line of Broadway; thence westerly along said line to the center line of McDonald Alley; thence northerly along the center line of McDonald Alley approximately 50 feet to a point; thence westerly along the north bounds of lot 165.83-1-15 as shown on the current Tax Map of the City of Saratoga Springs (Inside District) to a point in the center line of Hamilton Street; thence northerly along the center line of Hamilton Street to the center line of West Congress Street; thence westerly along the center line of West Congress Street to the center line of Franklin Street; thence northerly along the center line of Franklin Street, through Franklin Square to the center line of Clinton Street; thence northerly along the center line of Clinton Street to the center line of Walton Street, thence easterly along the center line of Walton Street to the center line of Oak Alley, thence northerly along the center line of Oak Alley to the center line of Van Dam Street; thence easterly along the center line of Van Dam Street to the center line of Broadway, at or about the place of beginning.

## CHAPTER 117. FIRE PREVENTION AND BUILDING CONSTRUCTION

### ARTICLE I. Fire Prevention

#### § 117-1. Uniform Fire Prevention and Building Code.

#### § 117-2. Administration.

#### § 117-3. Fire inspections.

#### § 117-4. Violations; enforcement of Uniform Code.

§ 117-5. Penalties for offenses.  
§ 117-6. Recordkeeping.  
ARTICLE II. Building Construction  
§ 117-7. Uniform Fire Prevention and Building Code.  
§ 117-8. Administration.  
§ 117-9. Violations; enforcement of Uniform Code.  
§ 117-10. Penalties for offenses.  
§ 117-11. Recordkeeping.  
ARTICLE III. Housing Maintenance  
§ 117-12. Uniform Fire Prevention and Building Code.  
§ 117-13. Administration.  
§ 117-14. Violations; enforcement of Uniform Code.  
§ 117-15. Penalties for offenses.  
§ 117-16. Recordkeeping.

## **CHAPTER 117. FIRE PREVENTION AND BUILDING CONSTRUCTION**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 7-1-1991. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Electrical standards — See Ch. 106.  
Flood damage prevention — See Ch. 120.  
Plumbing — See Ch. 171.  
Zoning — See Ch. 240.  
Subdivision Regulations — See Ch. A247.

### **ARTICLE I. Fire Prevention**

#### **§ 117-1. Uniform Fire Prevention and Building Code.**

Except as specifically provided in this chapter, the provisions of the New York State Uniform Fire Prevention and Building Code shall be the standards for fire prevention within the City of Saratoga Springs. All standards for fire prevention heretofore stated in this chapter are hereby repealed.

#### **§ 117-2. Administration.**

The Department of Public Safety is responsible for the administration and enforcement of the provisions of the New York State Uniform Fire Prevention and Building Code dealing with fire prevention.

#### **§ 117-3. Fire inspections.**

A. It shall be the duty of the Department of Public Safety to provide for fire inspections in the following circumstances:

(1) In areas of public assembly, as defined in part 606 of the Uniform Code, fire inspections shall be conducted at least once per year.

(2) In all other public and commercial buildings and all residential buildings that contain more than two (2) dwelling units, fire inspections shall be conducted at least once every two (2) years, or at such other intervals as the Commissioner of Public Safety determines to be consistent with local needs.

B. Fire inspections may be conducted at any time pursuant to:

- (1) A written request of the owner of the property to be inspected or written request of the owner's authorized agent.
- (2) A written statement specifying grounds upon which the subscriber believes a violation of the Uniform Code exists. Such statement must contain the name and address of the subscriber.
- (3) A requirement of any chapter or article of this Code that an inspection be conducted prior to the issuance or renewal of a license or permit.
- (4) Any other reasonable and reliable information that a violation of the Uniform Code exists.

#### **§ 117-4. Violations; enforcement of Uniform Code.**

A. There is hereby designated in the City of Saratoga Springs a public official known as the Fire Inspector to administer and enforce those portions of the New York State Uniform Fire Prevention and Building Code dealing with fire prevention. The Fire Inspector shall exercise his authority primarily with regard to requirements which apply to existing public and commercial buildings and to residential buildings that contain more than two (2) dwelling units.

B. Upon determination by the Fire Inspector that a violation of the Uniform Code exists in, on or about any building or premises within his responsibility, he shall order, in writing, the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by sending by mail.

C. In addition to and not in limitation of any power otherwise granted by law, the Fire Inspector is hereby authorized pursuant to § 382 of the Executive Law to issue appearance tickets for violations of the Uniform Code.

#### **§ 117-5. Penalties for offenses.**

Penalties for violations of the Uniform Code may be imposed as provided in § 382 of the Executive Law of the State of New York.

#### **§ 117-6. Recordkeeping.**

A. The Fire Inspector shall keep permanent official records of all transactions and activities conducted by him. All such records shall be public information open to public inspection during reasonable business hours.

B. The Fire Inspector shall regularly report to the Commissioner of Public Safety, in writing, regarding business conducted by him.

### **ARTICLE II. Building Construction**

#### **§ 117-7. Uniform Fire Prevention and Building Code.**

Except as specifically provided in this chapter, the provisions of the New York State Uniform Fire Prevention and Building Code shall be the standards for the construction, equipment, alteration,

demolition, use or occupancy, location, repair or removal of buildings and structures in the City of Saratoga Springs, New York, and for the installation and use of materials and equipment therein, and for the location, use and occupancy thereof. All prior standards are hereby repealed.

#### **§ 117-8. Administration.**

The Department of Public Safety is responsible for the administration and enforcement of the provisions of the New York State Fire Prevention and Building Code dealing with building construction.

#### **§ 117-9. Violations; enforcement of Uniform Code.**

A. There is hereby designated in the City of Saratoga Springs a public official known as the "Building Inspector" to administer and enforce those portions of the New York State Fire Prevention and Building Code dealing with Building Construction. The Building Inspector shall exercise his authority primarily with regard to building construction, conversions, alterations, additions and repairs to existing buildings and manufactured housing. The authority conferred upon the Building Inspector in this chapter shall be in addition to and not in limitation of those powers described in Chapter 240, Article XIII (the Zoning Ordinance) and any other powers conferred upon the Building Inspector by law.

B. The Building Inspector, in the discharge of his duties, shall have authority to enter any building, structure or premises at any reasonable time.

C. The Building Inspector may request the assistance of the City Engineer, the City Attorney, the Commissioner of Public Safety, the Police Department and other city officials and employees, so far as such assistance may be necessary in the lawful discharge of his duties. The Building Inspector shall also have the authority to accept reports from inspectors of required inspection services once it has been determined that such inspection services are qualified and reliable and furthermore that any such reports submitted shall be in writing and certified by a responsible officer of said inspection service.

D. Upon determination by the Building Inspector that a violation of the Uniform Code exists in, on or about any building or premises within his responsibility, he shall order, in writing, the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by sending by mail.

E. In addition to and not in limitation of any power otherwise granted by law, the Building Inspector is hereby authorized, pursuant to § 382 of the Executive Law, to issue appearance tickets for violations of the Uniform Code.

#### **§ 117-10. Penalties for offenses.**

Penalties for violations of the Uniform Code may be imposed as provided in § 382 of the Executive Law of the State of New York.

#### **§ 117-11. Recordkeeping.**

A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by him. All such records shall be public information open to public inspection during reasonable business hours.

B. The Building Inspector shall regularly report to the Commissioner of Public Safety, in writing, regarding business conducted by him.

## **ARTICLE III. Housing Maintenance**

**[Amended 4-5-1993]**

### **§ 117-12. Uniform Fire Prevention and Building Code.**

Except as specifically provided in this chapter, the provisions of the New York State Uniform Fire Prevention and Building Code shall be the standards governing the condition and maintenance of dwellings, establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary and fit for human habitation, establishing minimum standards governing the condition of dwellings offered for rent, fixing certain responsibilities and duties of owners and occupants of dwellings, authorizing the inspection of dwellings and the condemnation of dwelling units unfit for human habitation, and declaring emergencies. All prior standards are hereby repealed.

### **§ 117-13. Administration.**

The Department of Public Safety is responsible for the administration and enforcement of the provisions of the New York State Uniform Fire Prevention and Building Code dealing with housing maintenance.

### **§ 117-14. Violations; enforcement of Uniform Code.**

A. There is hereby designated in the City of Saratoga Springs a public official known as the "Code Administrator" to administer and enforce those portions of the New York State Uniform Fire Prevention and Building Code dealing with housing maintenance. The authority conferred upon the Code Administrator in this chapter shall be in addition to and not in limitation of any other powers conferred upon him by law.

B. Upon determination by the Code Administrator that a violation of the Uniform Code exists in, on or about any building or premises within his responsibility, he shall order, in writing, the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by sending by mail.

C. In addition to and not in limitation of any power otherwise granted by law, the Code Administrator is hereby authorized, pursuant to § 382 of the Executive Law, to issue appearance tickets for violations of the Uniform Code.

### **§ 117-15. Penalties for offenses.**

Penalties for violations of the Uniform Code may be imposed as provided in § 382 of the Executive Law of the State of New York.

### **§ 117-16. Recordkeeping.**

A. The Code Administrator shall keep permanent official records of all transactions and activities conducted by him. All such records shall be public information open to public inspection during reasonable business hours.

B. The Code Administrator shall regularly report to the Commissioner of Public Safety, in writing, regarding business conducted by him.

## **CHAPTER 118. BUILDING CODE ADMINISTRATION**

### **ARTICLE I. Inspection and Administration**

#### **§ 118-1. Purpose.**

#### **§ 118-2. Definitions.**

#### **§ 118-3. Code Enforcement Officers; inspectors.**

#### **§ 118-4. Building permits.**

#### **§ 118-5. Construction inspections.**

#### **§ 118-6. Stop-work orders.**

#### **§ 118-7. Certificates of occupancy.**

#### **§ 118-8. Notification regarding fire or explosion.**

#### **§ 118-9. Unsafe buildings and structures.**

#### **§ 118-10. Operating permits.**

#### **§ 118-11. Firesafety and property maintenance inspections.**

#### **§ 118-12. Complaints.**

#### **§ 118-13. Recordkeeping.**

#### **§ 118-14. Program review and reporting.**

#### **§ 118-15. Enforcement; penalties for offenses.**

### **ARTICLE II. Residential Occupancy Permits**

#### **§ 118-16. Purpose; applicability; inspection and certification; penalties; fees.**

#### **§ 118-17. Registration; fees.**

### **ARTICLE III. Miscellaneous**

#### **§ 118-18. Intermunicipal agreements.**

## **CHAPTER 118. BUILDING CODE ADMINISTRATION**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 3-6-2007 by L.L. No. 3-2007; amended in its entirety 11-18-2008. Subsequent amendments noted where applicable.]**

### **GENERAL REFERENCES**

Electrical standards — See Ch. 106.

Fire prevention and building construction — See Ch. 117.

Flood damage prevention — See Ch. 120.

Plumbing — Ch. 171.

Zoning — See Ch. 240.

Subdivision regulations — See Ch. A247.

### **ARTICLE I. Inspection and Administration**

#### **§ 118-1. 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 City. 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.

#### **§ 118-2. Definitions.**

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

#### **BUILDING PERMIT**



A permit issued pursuant to § 118-4 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**

A certificate issued pursuant to § 118-7B of this chapter.

**CITY**

The City of Saratoga Springs.

**CODE ENFORCEMENT OFFICERS**

The Code Enforcement Officers designated pursuant to § 118-3A of this chapter.

**CODE ENFORCEMENT PERSONNEL**

The Code Enforcement Officers and inspectors.

**COMPLIANCE ORDER**

An order issued by a Code Enforcement Officer pursuant to § 118-15A 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 § 118-3E of this chapter.

**OPERATING PERMIT**

A permit issued pursuant to § 118-10 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 § 118-6 of this chapter.

**TEMPORARY CERTIFICATE**

A certificate issued pursuant to § 118-7D of this chapter.

**UNIFORM CODE**

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

**§ 118-3. Code Enforcement Officers; inspectors.**

A. All City officials designated as Fire Inspectors, Building Inspectors and Code Administrators are designated as Code Enforcement Officers as per New York State Law. The Code Enforcement Officers shall administer and enforce the provisions of the Uniform Code, the Energy Code, and this chapter as set forth herein. Code Enforcement Officers shall have powers and duties as set forth below, and, in the event that a Fire Inspector, Building Inspector or Code Administrator shall be assigned powers and duties under other laws or regulations of the City that conflict with the powers and duties assigned under this chapter, the powers and duties assigned under this chapter shall be controlling.

(1) Building Inspectors shall have exclusive authority to administer and enforce § 118-4, Building permits, § 118-5, Construction inspections, and § 118-7, Certificates of occupancy.

(2) Fire Inspectors shall have exclusive authority to administer and enforce § 118-10, Operating permits, and the provisions in § 118-11 so far as they relate to firesafety.

(3) Code Administrators and Fire Inspectors shall have exclusive authority to administer and enforce Article II, Residential Occupancy Permits.

B. All Code Enforcement Officers shall have the power/duty to:

- (1) Issue stop-work orders;
- (2) Review and investigate complaints;
- (3) Issue orders pursuant to § 118-15A, Compliance orders, of this chapter;
- (4) Maintain records;
- (5) Collect fees as set by the City Council of this City;
- (6) Pursue administrative enforcement actions and proceedings;
- (7) In consultation with the City 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
- (8) Exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.

C. All Code Enforcement Officers 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 Officers shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

D. In the event that Code Enforcement Officers are unable to serve as such for any reason, Acting Code Enforcement Officers shall be appointed by the appropriate department head. Acting Code Enforcement Officers shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officers by this chapter.

E. One or more inspectors may be appointed by the appropriate department head to assist Code Enforcement Officers in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officers 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.

#### **§ 118-4. 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 Building Inspector.

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

- (1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage

sheds, playhouses or similar uses, provided the gross floor area is less than 144 square feet (13.38 square meters);

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

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

(4) Installation of fences which are not part of an enclosure surrounding a swimming pool;

(5) Construction of retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids;

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

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

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

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

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

(11) 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

(12) 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 Building Inspector. 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 Building Inspector deems sufficient to permit a determination by the Building Inspector 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;
- (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.
- (6) Any other additional information and/or documentation as may be required by Article XIII of the City's Zoning Ordinance. Editor's Note: See Ch. 240, Zoning.

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 Building Inspector in writing or by stamp. One set of the accepted construction documents shall be retained by the Building Inspector, 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 Building Inspector 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 Building Inspector of any change occurring during the course of the work. The building permit shall contain such a directive. If the Building Inspector 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 24 months following the date of issuance. Building permits shall expire 24 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 Building Inspector.

J. Revocation or suspension of building permits. If the Building Inspector 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 Building Inspector 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 § 240-13.6 of the City's Zoning Ordinance 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.

#### **§ 118-5. Construction inspections.**

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

B. Elements of work to be inspected. All elements of the construction process that the Building Inspector deems appropriate shall be inspected where applicable, including but not limited to footings before concrete, foundation rebar before concrete, foundation before backfill, floor slab before concrete, roof deck before cover, rough frame before insulation, rough plumbing before insulation, HVAC before insulation, insulation before cover, and septic before backfill. A final inspection is required 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 § 240-13.6 of the City's Zoning Ordinance must be paid prior to or at the time of each inspection performed pursuant to this section.

#### **§ 118-6. 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/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/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 § 118-15, 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.

#### **§ 118-7. Certificates of occupancy.**

A. Certificates of occupancy required. A certificate of occupancy 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.

B. Issuance of certificates of occupancy. The Building Inspector shall issue a certificate of occupancy 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 Building Inspector shall inspect the building, structure or work prior to the issuance of a certificate of occupancy. 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 Building Inspector, at the expense of the applicant for the certificate of occupancy, shall be provided to the Building Inspector prior to the issuance of the certificate of occupancy:

- (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. A certificate of occupancy 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 is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy 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;
- (10) The signature of the Building Inspector issuing the certificate of occupancy and the date of issuance; and
- (11) Any other additional information as may be requested by Article XIII of the City's Zoning Ordinance. Editor's Note: See Ch. 240, Zoning.

D. Temporary certificate. The Building Inspector 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 Building Inspector issue a temporary certificate unless the Building Inspector 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 Building Inspector 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 Building Inspector 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 Building Inspector determines that a certificate of occupancy 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 Building Inspector within such period of time as shall be specified by the Code Enforcement Officer, the Building Inspector shall revoke or suspend such certificate.

F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 240-13.6 of the City's Zoning Ordinance must be paid at the time of submission of an application for a certificate of occupancy or for a temporary certificate.

#### **§ 118-8. Notification regarding fire or explosion.**

The Chief of the Saratoga Springs Fire Department shall promptly notify all Code Enforcement Officers of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

#### **§ 118-9. Unsafe buildings and structures.**

Unsafe structures and equipment in the City of Saratoga Springs shall be identified and addressed in accordance with the procedures established by § 240-12.17 of the City Zoning Ordinance, as now in effect or as hereafter amended from time to time.

#### **§ 118-10. 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 City Council of the City.

(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 Fire Inspector. Such application shall include such information as the Fire Inspector deems sufficient to permit a determination by the Fire Inspector that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Fire Inspector 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 Fire Inspector, at the expense of the applicant.

C. Inspections. The Fire Inspector or an authorized inspector 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 Fire Inspector may require a separate operating permit for each such activity, or the Fire Inspector may, in his or her discretion, issue a single operating permit to apply to all such activities.

E. Duration of operating permits. Operating permits shall remain in effect until reissued, renewed, revoked, or suspended.

F. Revocation or suspension of operating permits. If the Fire Inspector 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. A fee of \$30.00 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.

#### **§ 118-11. Firesafety and property maintenance inspections.**

A. Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by the Fire Inspector or an inspector designated by the Fire Inspector 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) or (2), shall be performed at least once every 36 months.

B. Inspections permitted. In addition to the inspections required by Subsection A of this section, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Fire Inspector 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 Fire Inspector of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or receipt by the Fire Inspector of any other information, reasonably believed by the Fire Inspector 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. Office of Fire Prevention and Control 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. Fees. A fee of \$30 must be paid at the time of submission of an application for a firesafety and property maintenance inspection.

#### **§ 118-12. Complaints.**

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

- A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 118-15, 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.

#### **§ 118-13. Recordkeeping.**

A. All Code Enforcement Officers shall keep permanent official records of all transactions and activities conducted by them, 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, 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 §§ 118-4 through 118-12, 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.

#### **§ 118-14. Program review and reporting.**

A. Code Enforcement Officers shall annually prepare for submittal to the City Council a written report and summary of all business conducted by them, including a report and summary of all transactions and activities described in § 118-13, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.

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

C. The City 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 City is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this City in connection with administration and enforcement of the Uniform Code.

#### **§ 118-15. Enforcement; penalties for offenses.**

A. Compliance orders. Code Enforcement Officers are 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 have authority to 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/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/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. Code Enforcement Officers 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, 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 City.

D. Injunctive relief. An action or proceeding may be instituted in the name of this City, 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, 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 City, 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 City Council of this City.

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 § 118-6, 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 § 118-6, 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.

## **ARTICLE II. Residential Occupancy Permits**

### **§ 118-16. Purpose; applicability; inspection and certification; penalties; fees.**

A. Definitions. The following terms shall apply in the interpretation and enforcement of Article II:

#### **AGENT**

Any person who has charge, care or control of a building, or part thereof, in which rental dwelling units or rooming units are let.

#### **DEPARTMENT**

The Saratoga Springs Department of Public Safety and all Code Administrators and Fire Inspectors in that Department who act as Code Enforcement Officers under this article.

#### **MULTI FAMILY DWELLING**

Any building with three or more rental dwelling units or rooming units which is wholly or partly used or is intended to be used as habitable space for human occupants.

#### **OWNER**

Any person or entity who, alone or with others, has legal or equitable title.

#### **RENTAL DWELLING UNIT**

Any room or contiguous group of rooms located within a multifamily dwelling and forming a single, habitable living space for one or more persons and which has cooking and sanitary facilities.

#### **ROOMING UNIT**

Any furnished room for rent located within a multifamily dwelling and forming a single sleeping space and which does not have private cooking facilities.

B. Applicability to other laws. This article is supplementary to applicable provisions of Article I of this chapter.

C. Purpose and scope. The purpose of this article is to establish uniform administration and compliance with the requirements of this chapter applicable to residential occupancy permits and to

establish the responsibilities of parties concerned therewith. This article shall apply to all multifamily dwellings in the City but shall not apply to:

- (1) Buildings designed and used exclusively as hotels, motels, transient homes or establishments of like nature.
- (2) Buildings in which people are cared for or live in a supervised environment, having physical limitations because of health or age.
- (3) Buildings in which people are harbored for medical treatment or other care or treatment.
- (4) Buildings subject to code inspection by state officials, departments, or agencies pursuant to state law, rule or regulation.

D. Inspection and certification of premises; residential occupancy permit.

(1) General.

(a) All rental dwelling units and rooming houses shall be inspected and certified by the Department, which shall determine compliance with, administer and enforce all applicable provisions of this Code and the NYS Fire Prevention and Property Maintenance Code. If the Department has determined that a property is in compliance with said codes and that all requirements under this article have been met, the Department shall issue a residential occupancy permit for that property. On and after January 1, 2009, residential occupancy permits shall be valid for 36 months from the date of issuance.

(b) Except as otherwise provided herein, it shall be unlawful and a violation of this article to rent, lease or otherwise allow the occupancy of any residential rental dwelling unit or rooming house within a multifamily dwelling without inspection, certification, and issuance of a residential occupancy permit as required herein.

(c) If, upon inspection, said premises does not comply with all applicable provisions of this Code, the Fire Code of New York State or the Property Maintenance Code, the specific reasons for noncompliance shall be specified in writing in a notice and order, as provided in Chapter 118. The notice and order shall be served as set forth in Chapter 118 of this Code. Occupants or proposed occupants of dwellings shall have the right to inspect the certificate of occupancy of the rental dwelling unit, or rooming house in which they have an interest at no cost.

(2) On or after January 1, 2009, the Department shall have the right to inspect all or any part of a multifamily dwelling.

(3) The officials charged with conducting the inspection shall schedule such inspection, access and circumstances permitting, within five business days of receipt of a request from the owner, agent or occupant.

(4) An owner, agent or occupant may file a request for such inspection and the issuance of a residential occupancy permit with the Department of Public Safety.

(5) Nothing in this article shall be construed to limit the right of the Department to inspect any property at any time. If, after issuing a residential occupancy permit, the Department receives a complaint alleging a violation of this chapter, other than a violation that creates an imminent hazard to the public health or to the physical or mental health of the occupants of the rental property, the Department shall make a good faith effort to notify the owner or agent of the complaint by either

telephone or regular mail, before conducting an inspection under this article, and shall provide to the owner or agent one working day to explain what steps the owner or agent is taking to correct the violation. The Department may take steps necessary, by inspection or other means, to assure that the violation is corrected.

(6) No residential occupancy permit shall be issued under this article unless and until the fee(s) required under Subsection G of this section is paid in full to the Department of Public Safety.

(7) No residential occupancy permit shall be issued under this article unless the rental dwelling unit or rooming house is an authorized use pursuant to the City Zoning Ordinance, Editor's Note: See Ch. 240, Zoning. and until all other applicable provisions and requirements of the Code of the City of Saratoga Springs are complied with and met.

E. Temporary residential occupancy permit. The Department may cause to be issued at its discretion a temporary occupancy permit following an initial inspection, which temporary occupancy permit shall be subject to review and revocable at the discretion of the Department. No temporary occupancy permit may be issued in cases where firesafety is involved, such as defective electrical wiring, the absence of either an operating smoke detector or, after October 1, 1996, a carbon monoxide detector where required, or improper or inadequate means of egress and other conditions of like nature.

F. Penalties for offenses. Any person who shall knowingly and willfully violate or assist in the violation of this article or who fails to comply with a notice and order issued by the Department of Public Safety under this article shall, upon conviction, be punished as set forth in Chapter 1, Article III, of the City Code.

G. Fees for inspection.

(1) The following schedule of fees shall apply with respect to the inspection and certification of residential dwelling units and rooming units:

(a) There shall be no charge for an initial inspection to determine compliance with the applicable provisions of this Code or for a first reinspection.

(b) Any and all subsequent reinspections necessary to determine compliance with required corrective action or repairs shall be subject to a charge of \$30 per unit inspected.

(c) Failure to appear within 15 minutes of a scheduled inspection ("no show") shall result in a fee of \$20 per unit.

(d) Cancellation of a scheduled inspection less than 24 hours before that scheduled inspection ("late cancellation") shall result in a fee of \$20 per unit to be inspected.

(e) Cancellation of a scheduled inspection for the unit more than once or after a "no show" ("second cancellation") shall result in a fee of \$20 per unit to be inspected.

(2) Fees prescribed under this section for failure to appear at, and cancellation of, a scheduled inspection may be waived at the discretion of the Commissioner of Public Safety or his or her designee for good cause shown.

(3) Unpaid fees shall be subject to the placement and recording of a lien by the City of Saratoga Springs against the inspected property.

#### **§ 118-17. Registration; fees.**

A. Scope. Except as hereinafter provided, this article shall apply to every multifamily dwelling, rental dwelling unit or rooming unit as defined herein, whether it is rented, let, assigned or otherwise classified as a rental property, with or without valuable consideration, by an owner-occupant, an absentee owner or a legal agent on behalf of the owner.

B. Registry of rental dwelling units and rooming units required. Every rental dwelling unit and rooming unit shall be registered with the City by the owner as required herein.

C. Reregistration. All owners shall reregister a certified rental dwelling unit or rooming unit prior to expiration of the residential occupancy permit.

D. Registration of existing and new rental dwelling units.

(1) All rental dwelling units and rooming units existing as of the effective date of this article shall be registered on or before January 1, 2009. The Department may require and order registration prior to that date for any dwelling cited in a notice under the City Code. Failure to comply with such an order is a violation of this article.

(2) The owner of a new rental dwelling unit or rooming unit or any dwelling newly converted to a rental dwelling unit or rooming unit shall register the rental dwelling unit prior to allowing occupancy of any new rental unit.

(3) The owner of any rental dwelling unit or rooming unit already registered with the City shall reregister within 30 days after any change occurs in registration information. A new owner of a registered dwelling unit shall reregister the dwelling unit within 60 days of assuming ownership.

E. Registry of rental dwelling units and rooming units. The City shall maintain a registry of all rental dwelling units and rooming units containing the following information which shall be provided by the owner on forms available from the Saratoga Springs Fire Department:

(1) The name, legal residence address and telephone number of the owner and any agent in control of the rental dwelling unit, and, in the event the owner or agent is not a natural person, then the owner information shall be that of the president, general manager or other chief executive officer of the organization. Where more than one individual has an ownership interest, the required information shall be included for each owner. The information required herein shall also include the address and phone number where the owner(s), agent(s) and/or responsible person(s) may be reached day and night.

(2) The number and type of rental dwelling units or rooming units in the multifamily dwelling.

(3) The address of the multifamily dwelling.

(4) The employer identification number in the event that the rental dwelling unit or rooming unit is owned by a corporation.

(5) If neither the address of the owner or the address of the agent in control of the premises, as provided in Subsection A, are within the City of Saratoga Springs, the name, legal residence or business address within the City of Saratoga Springs, Saratoga County or adjoining counties and telephone number of an individual who shall be an agent for service of notices and orders issued under this article and for service of process in connection with the prosecution of violations of this article in Saratoga Springs City Court or other court of competent jurisdiction.

F. Fees for registration; exemptions.

(1) To offset the administrative costs of preparing and maintaining the registry and conducting the inspections required under this article, the following schedule of fees for the initial and subsequent registration of rental dwelling units and rooming units is hereby imposed:

<b>Rental Dwelling Units</b>	<b>Fee</b>
3 to 5	\$30 per unit
6 to 10	\$50, plus \$20 per unit
11 to 20	\$100, plus \$20 per unit
Over 20	\$250, plus \$15 per unit

<b>Rooming Units</b>	<b>Fee</b>
1 to 10	\$50, plus \$10 per unit
11 to 20	\$100, plus \$10 per unit
Over 20	\$250, plus \$10 per unit

In addition to the base dwelling unit fee, when rooming units are presented, add the following fees:

<b>Rental Dwelling Units Combined With Rooming Units</b>	<b>Fee</b>
1 to 10	\$50, plus \$10
11 to 20	\$100, plus \$10
Over 20	\$250, plus \$100

(2) Payment of the applicable fee under this section shall be due upon filing of registration.

G. Failure to register; inaccurate or incomplete information. It shall be a violation of this article for an owner or a responsible person to provide inaccurate information for the registry of rental dwellings or to fail to provide the information required herein for the registry.

H. Penalties for offenses. An owner who fails to register, reregister or otherwise comply with the provisions of this article shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the City Code.

### **ARTICLE III. Miscellaneous**

#### **§ 118-18. Intermunicipal agreements.**

The City Council of this City may, by resolution, authorize the Mayor to enter into an agreement, in the name of this City, 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 120. FLOOD DAMAGE PREVENTION

### ARTICLE I. Statutory Authorization and Purpose

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## **CHAPTER 120. FLOOD DAMAGE PREVENTION**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 7-5-1995 by L.L. No. 1-1995. Editor's Note: This local law also provided for the repeal of former Ch. 120, Flood Damage Prevention, adopted 5-21-1984 by L.L. No. 1-1984 as Title IXA of the City Charter, as amended. This local law was also enacted simultaneously 7-5-1995 by ordinance. Amendments noted where applicable.]**

### **ARTICLE I. Statutory Authorization and Purpose**

#### **§ 120-1. Findings.**

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

#### **§ 120-2. Purpose.**

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

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

### **§ 120-3. Objectives.**

The objectives of this chapter are to:

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

## **ARTICLE II. Definitions**

### **§ 120-4. Word usage; 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, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD**

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE or V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

**BASE FLOOD**

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

**BASEMENT**

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

**BUILDING**

See "structure."

**CELLAR**

Has the same meaning as "basement."

**DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING**

A nonbasement building built, in the case of a building in Zone A1-A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor or, in the case of a building in Zone V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zone A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zone V1-V30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

The federal agency that administers the National Flood Insurance Program.

**FLOOD OR FLOODING**

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

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

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

**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 water courses studied in detail in the Flood Insurance Study.

**FLOOD ELEVATION STUDY**

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

**FLOOD HAZARD BOUNDARY MAP (FHBM)**

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

**FLOOD INSURANCE RATE MAP (FIRM)**

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

**FLOOD INSURANCE STUDY**

See "flood elevation study."

**FLOODPLAIN OR FLOOD-PRONE AREA**

Any land area susceptible to being inundated by water from any source (see definition of "flooding").

**FLOODPROOFING**

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

**FLOODWAY**

Has the same meaning as "regulatory floodway."

**FUNCTIONALLY DEPENDENT USE**

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

**HIGHEST ADJACENT GRADE**

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

**HISTORIC STRUCTURE**

Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

#### **LOCAL ADMINISTRATOR**

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

#### **LOWEST FLOOR**

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

#### **MANUFACTURED HOME**

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.

#### **MANUFACTURED HOME PARK OR SUBDIVISION**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

#### **MEAN SEA LEVEL**

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

#### **MOBILE HOME**

Has the same meaning as "manufactured home."

#### **NATIONAL GEODETIC VERTICAL DATUM (NGVD)**

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

#### **NEW CONSTRUCTION**

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

#### **NEW MANUFACTURED HOME PARK OR SUBDIVISION**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

#### **ONE-HUNDRED-YEAR FLOOD OR 100-YEAR FLOOD**

Has the same meaning as "base flood."

#### **PRINCIPALLY ABOVE GROUND**

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

#### **RECREATIONAL VEHICLE**

A vehicle which is:

(1) Built on a single chassis;

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

#### **REGULATORY FLOODWAY**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 120-14B of this chapter.

#### **START OF CONSTRUCTION**

Includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers and building materials. For manufactured homes, the "actual start" means affixing of the manufactured home to its permanent site.

#### **STRUCTURE**

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

#### **SUBSTANTIAL DAMAGE**

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

#### **SUBSTANTIAL IMPROVEMENT**

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

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

#### **VARIANCE**

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

### **ARTICLE III. General Provisions**

#### **§ 120-5. Applicability.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Saratoga Springs, Saratoga County, New York.

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

A. The areas of special flood hazard for the City of Saratoga Springs, Community No. 36072S, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) A scientific and engineering report entitled "Flood Insurance Study, Saratoga County, New York (all jurisdictions)," dated August 16, 1995.

(2) Flood Insurance Rate Map for Saratoga County, New York (all jurisdictions), as shown on Index No. 36191C0000 and Panel Nos. 0428, 0429, 0433, 0434, 0436, 0437, 0439, 0441, 0442, 0443, 0451, 0453, 0454, 0461 and 0465, whose effective date is August 16, 1995.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the office of the City Clerk.

#### **§ 120-7. Interpretation; conflict with other provisions.**

A. This chapter includes all revisions to the National Flood Insurance Program through November 1, 1989, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

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

#### **§ 120-8. Severability.**

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

#### **§ 120-9. Penalties for offenses.**

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

#### **§ 120-10. Warning and disclosure of liability.**

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

damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

#### **ARTICLE IV. Administration**

##### **§ 120-11. Designation of local administrator.**

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

##### **§ 120-12. Development permit required; fees.**

A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 120-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to, plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; and existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee of \$50. In addition, the applicant shall be responsible for reimbursing the City of Saratoga Springs for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.

##### **§ 120-13. Application for permit.**

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zone A1-A30, AE or all, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 120-16C, Utilities.

D. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 120-18, Nonresidential structures.

E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the



original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 120-6, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

F. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

G. In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

#### **§ 120-14. Duties and responsibilities of local administrator.**

The duties of the local administrator shall include, but not be limited to, the following:

A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of § 120-13, Application for permit, and for compliance with the provisions and standards of this chapter.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Article V, Construction Standards, and, in particular, § 120-15A, Subdivision proposals.
- (3) Physical damage.
  - (a) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.
  - (b) If the proposed development may result in physical damage to any other property or fails to meet the requirements of Article V, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.
- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.

B. Use of other flood data.

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant

to § 120-13G, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.

(2) When base flood elevation data is not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

C. Alteration of watercourses.

(1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency is required.

(2) It shall be determined that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

D. Construction stage.

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

(2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

E. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

F. Stop-work orders.

(1) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 120-9 of this chapter.

(2) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 120-9 of this chapter.

G. Certificate of compliance.

(1) In areas of special flood hazard, as determined by documents enumerated in § 120-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part

thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.

(2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.

(3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Subsection E, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. Information to be retained. The local administrator shall retain and make available for inspection copies of the following:

(1) Floodplain development permits and certificates of compliance.

(2) Certifications of as-built lowest floor elevations of structures, required pursuant to Subsection D(1) and (2), and whether or not the structures contain a basement.

(3) Floodproofing certificates required pursuant to Subsection D(1) and whether or not the structures contain a basement.

(4) Variances issued pursuant to Article VI, Variance Procedure.

(5) Notices required under Subsection C, Alteration of watercourses.

## **ARTICLE V. Construction Standards**

### **§ 120-15. General standards.**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 120-6.

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

(1) Proposals shall be consistent with the need to minimize flood damage.

(2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.

(3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or

(b) The City of Saratoga Springs agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Saratoga Springs for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Saratoga Springs for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 120-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or

(b) The City of Saratoga Springs agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Saratoga Springs for all fees and costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Saratoga Springs for all costs related to the final map revisions.

#### **§ 120-16. Standards for all structures.**

A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

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

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) Enclosed subgrade areas.

(a) For enclosed areas below the lowest floor of a structure within Zone A1-A30, AE or AH, and Zone A if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

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

[2] The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

(b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

#### C. Utilities.

(1) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot-water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.

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

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.

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

### § 120-17. Residential structures.

A. Elevation. The following standards, in addition to the standards in §§ 120-15A, Subdivision proposals, and 120-15B, Encroachments, and 120-16, Standards for all structures, apply to structures located in areas of special flood hazard as indicated:

(1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the base flood level.

(2) Within Zone A, when no base flood elevation data is available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

(3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 120-6 (at least two feet if no depth number is specified).

(4) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

### § 120-18. Nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in §§ 120-15A, Subdivision proposals, and 120-15B, Encroachments, and 120-16, Standards for all structures.

A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:

- (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or
- (2) Be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:

- (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
- (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(2).

C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

E. Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

#### **§ 120-19. Manufactured homes and recreational vehicles.**

The following standards in addition to the standards in §§ 120-15, General standards, and 120-16, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

A. Recreational vehicles.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AF and AH shall either:
  - (a) Be on site fewer than 180 consecutive days;
  - (b) Be fully licensed and ready for highway use; or

(c) Meet the requirements for manufactured homes in Subsections B, D and E.

(2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH that is on a site either outside of an existing manufactured home park or subdivision as herein defined; in a new manufactured home park or subdivision as herein defined; in an expansion to an existing manufactured home park or subdivision as herein defined; or in an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood shall be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

C. A manufactured home to be placed or substantially improved in Zones A1-A30, AE and AH in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:

(1) Elevated in a manner such as required in Subsection B; or

(2) Elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

D. Within Zone A, when no base flood elevation data is available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

E. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 120-6 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

## **ARTICLE VI. Variance Procedure**

### **§ 120-20. Appeals board.**

A. The Planning Board of the City of Saratoga Springs, New York, as established by the City Council, shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Planning Board 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 Building Inspector 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 Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

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

E. Upon consideration of the factors of Subsection D and the purposes of this chapter, the Planning Board may attach such conditions to granting of variances as it deems necessary to further the purpose of this chapter.

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

#### **§ 120-21. 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 provisions in § 120-20D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:



(1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure.

(2) The variance is the minimum necessary to preserve the historic character and design of the structure.

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

(1) The criteria of Subsections A, D, E and F of this section are met.

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

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

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

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

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing 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 over the signature of a community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

## **CHAPTER 123. GAMES OF CHANCE**

§ 123-1. Title.

§ 123-2. Definitions.

§ 123-3. Authorization for conduct of games.

§ 123-4. Games on Sunday.

§ 123-5. Enforcement.

## **CHAPTER 123. GAMES OF CHANCE**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 8-15-77 as Ch. 49A of the 1970 Code. Amendments noted where applicable.]**

## **GENERAL REFERENCES**

Bingo — See Ch. 79.

### **§ 123-1. Title.**

This chapter shall be known and may be cited as the "Games of Chance Licensing Law of the City of Saratoga Springs, New York."

### **§ 123-2. Definitions.**

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

#### **AUTHORIZED ORGANIZATION**

An authorized organization as defined in Subdivision 4 of § 186 of the General Municipal Law, except that such "authorized organizations" shall be limited to those located within the City of Saratoga Springs and which have their offices and conduct the majority of their business or activity within the City of Saratoga Springs.

#### **CITY**

The City of Saratoga Springs, New York.

#### **GAME OF CHANCE**

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

### **§ 123-3. Authorization for conduct of games.**

Authorized organizations may, upon the obtainment of a license from the Clerk of the City of Saratoga Springs, conduct games of chance within the City of Saratoga Springs 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.

### **§ 123-4. Games on Sunday.**

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.

### **§ 123-5. Enforcement.**

The chief law enforcement officer, the Commissioner of Public Safety of the City of Saratoga Springs, New York, 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 126. GARBAGE, RUBBISH AND REFUSE**

§ 126-1. Definitions.

§ 126-2. Additional rules and regulations.

§ 126-3. Suspension of privileges.

§ 126-4. Transportation of refuse.

§ 126-5. Deposit of refuse.

§ 126-6. Burning of refuse.

§ 126-7. Penalties for offenses.

## **CHAPTER 126. GARBAGE, RUBBISH AND REFUSE**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 12-6-1982 as Ch. 89 of the 1970 Code. Amendments noted where applicable.]**

## **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Brush, grass and weeds — See Ch. 83.

Property maintenance — See Ch. 175.

### **§ 126-1. Definitions.**

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

#### **COMPACTED REFUSE**

Any refuse that is compressed by a mechanical means.

#### **REFUSE**

Applies to all goods, materials and merchandise and any ingredients, parts or by-products thereof. It shall also include discarded animal and vegetable waste, noncombustible waste and other combustible materials, such as but not limited to newspapers, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and trees. Editor's Note: Original §§ 89-2, 89-3 and 89-4, which dealt with landfills and which immediately followed this section, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

### **§ 126-2. Additional rules and regulations.**

The Commissioner of Public Works is hereby authorized to make and adopt such rules and regulations as may be necessary for the proper and orderly maintenance of any landfill maintained and operated by the City of Saratoga Springs.

### **§ 126-3. Suspension of privileges.**

The Commissioner of Public Works is hereby authorized and empowered to hear and determine complaints against anyone using the landfill and to suspend the privilege of using the landfill for violations of the provisions of this chapter or any rules and regulations adopted pursuant to this chapter. No privilege may be suspended by the Commissioner of Public Works for more than ten (10) days. Any privileges granted hereunder may be suspended for a period of up to ninety (90) days or may be revoked by a majority vote of the City Council sitting as a body after a hearing on notice to the party, at which hearing the party affected shall have an opportunity to be heard.

### **§ 126-4. Transportation of refuse.**

A. All refuse carried through the streets and highways of the City of Saratoga Springs must be in enclosed receptacles.

B. No person, firm, partnership or corporation shall use a vehicle for transporting refuse which permits such substance to drop therefrom or sift through upon a highway.

C. All vehicles used to transport refuse in the City of Saratoga Springs, New York, either commercial or private, if not completely enclosed, must be equipped with and make use of a covering that completely covers the material being transported to prevent such material from blowing, falling or dropping from said vehicle. A sturdy and well-fastened tarpaulin shall be acceptable as a covering.

### **§ 126-5. Deposit of refuse.**

**[Amended 1-16-1984; 7-16-1990]**

A. Except as otherwise provided in this section, no person, firm, partnership or corporation shall deposit refuse upon or along any road, curb, sidewalk, alley, street or land in the City of Saratoga Springs without the written permission of the Department of Public Works.

B. Between June 1 and September 16 in any year, a person, firm, partnership or corporation may deposit yard debris such as leaves, grass and other similar natural materials at curbside for pickup by the Department of Public Works. Any such debris shall be placed in suitable containers and shall not be loosely piled. Tree limbs and branches shall not exceed four (4) feet in length.

C. The Commissioner of Public Works, in his discretion, may from time to time establish schedules during which the Department of Public Works shall pick up refuse placed for collection at or near a road, curb, sidewalk, alley or street. The Commissioner shall have the authority to specify the types of refuse that shall be so collected, as well as types of receptacles or containers to be used, and the number of hours prior to scheduled pickup that said refuse may be placed for collection.

D. Any deposit of refuse not in accordance with Subsection B above shall be a violation of this chapter, and the Commissioner of Public Works is hereby authorized and empowered to pay for the correction of said violation, subject to the approval of the City Council of the City of Saratoga Springs.

(1) When the Commissioner of Public Works has effected the correction of the violation or has paid for its removal, the actual cost thereof, plus the accrued legal rate of interest per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to such owner by the city, and such charge shall become due and payable by said owner or person at the time of the payment of such bill.

(2) Where the full amount due the city is not paid by such owner within twenty (20) days after the correction of such violation as provided in Subsections A and B above, then and in that case, the Commissioner of Public Works shall cause to be filed in the office of the City Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was completed and the location of the property by section, lot and block on which said work was done and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus the cost of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty at the legal rate of interest in the event that the same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated and described in the statement and that the same is due and collectible as provided by law.

#### **§ 126-6. Burning of refuse.**

No person, firm, partnership or corporation shall burn or suffer, allow, cause or permit the burning of garbage, rubbish or refuse in an open fire in the City of Saratoga Springs.

#### **§ 126-7. Penalties for offenses.**

**[Amended 4-1-1991]**

A. It shall be the duty of the Police Department of the City of Saratoga Springs to enforce the provisions of this chapter.

B. In addition to and not in limitation of any power otherwise granted by law, officers of the Police Department are hereby authorized to issue appearance tickets for violations of this chapter.

C. Any person, firm, partnership or corporation violating any of the provisions of §§ 126-1 through 126-5 of this chapter shall be liable to a fine not exceeding one hundred dollars (\$100.).

D. Any person, firm, partnership or corporation violating any of the provisions of § 126-6 of this chapter shall be liable to a fine not exceeding twenty-five dollars (\$25.).

## CHAPTER 129. GASOLINE

### ARTICLE I. Installation of Tanks and Pumps

#### § 129-1. Placement restricted.

#### § 129-2. Penalties for offenses.

### ARTICLE II. General Provisions

#### § 129-3. Permit required.

#### § 129-4. Bond.

#### § 129-5. Penalties for offenses.

## **CHAPTER 129. GASOLINE**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs: Art. I, as Ch. 51, Art. I, of the 1970 Code; Art. II, as Ch.51, Art. II, of the 1970 Code. Sections 129-2 and 129-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Fire prevention and building construction — See Ch. 117.

Streets and Sidewalks — See Ch. 203.

Zoning — See Ch. 240.

### **ARTICLE I. Installation of Tanks and Pumps**

**[Adopted as Ch. 51, Art. I, of the 1970 Code]**

#### **§ 129-1. Placement restricted.**

No person shall install or maintain a gasoline tank or pump in a highway.

#### **§ 129-2. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person convicted of a violation of this Article shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code. If after fifteen (15) days such violation has not been remedied, the City of Saratoga Springs shall remove such condition, and the charges involved will become a lien against the property of the owner.

### **ARTICLE II. General Provisions**

**[Adopted as Ch. 51, Art. II, of the 1970 Code]**

### **§ 129-3. Permit required.**

No person shall hereafter install or maintain a gasoline tank or pump in the City of Saratoga Springs without the prior written permit, revocable at any time, of the Commissioner of Public Safety, and then only in accordance with the terms and conditions therein imposed.

### **§ 129-4. Bond.**

As a condition for such permit, the Commissioner of Public Safety may require a bond, to be approved by the City Attorney, indemnifying the city against any claim for damages, direct or consequential, caused by such installation or otherwise.

### **§ 129-5. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person convicted of a violation of this Article shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code. If after fifteen (15) days such violation has not been remedied, the City of Saratoga Springs shall remove such condition, and the charges involved will be charged as a lien against the property owner.

## **CHAPTER 132. HANDBILLS AND POSTERS**

### **§ 132-1. Definitions.**

### **§ 132-2. Distributing of handbills on public property.**

### **§ 132-3. Placing handbills on vehicles.**

### **§ 132-4. Distributing handbills on private property.**

### **§ 132-5. Posting of private property.**

### **§ 132-6. Exemptions.**

### **§ 132-7. Method of distributing handbills.**

### **§ 132-8. Posting of handbills.**

### **§ 132-9. Penalties for offenses.**

### **§ 132-10. Removal of improperly posted handbills.**

## **CHAPTER 132. HANDBILLS AND POSTERS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 55 of the 1970 Code. Section 132-9 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

### **§ 132-1. Definitions.**

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

#### **HANDBILL**

Includes any printed or written advertising matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, paper, booklet or any other printed matter or literature.

#### **PERSON**

Includes any person, firm, partnership, association, corporation, company or organization of any kind.

#### **§ 132-2. Distributing of handbills on public property.**

It shall be unlawful for any person, either directly or indirectly, to deposit, place, throw, scatter or cast any handbill in or on any public thoroughfare, park, ground or other public place within the City of Saratoga Springs. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to any person willing to accept such handbill.

#### **§ 132-3. Placing handbills on vehicles.**

It shall be unlawful for any person, either directly or indirectly, to distribute, deposit, place, throw, scatter or cast any handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept such handbill.

#### **§ 132-4. Distributing handbills on private property.**

It shall be unlawful for any person, either directly or indirectly, to distribute, deposit, place, throw, scatter or cast any handbill in or upon any private yard, grounds, walk, porch, steps, mailbox, vestibule, house, residence, building or any other private property. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to the owner or other occupant of said private yard, grounds, walk, porch, mailbox, vestibule, house, residence, building or other private property who is willing to accept such handbill.

#### **§ 132-5. Posting of private property.**

It shall be lawful for the owner or the occupant of any property to place a sign in a conspicuous place near the entrance thereof indicating that no handbills are desired, and it shall be unlawful for any person to go upon said premises so posted and distribute, deposit, place, throw, scatter or cast any handbill.

#### **§ 132-6. Exemptions.**

The provisions of this chapter shall not be deemed to apply to messenger service nor to the distribution of the United States mail or telegrams nor to the delivery of any handbill to any person who has requested delivery of the same.

#### **§ 132-7. Method of distributing handbills.**

It shall be unlawful for any person to distribute handbills in such a manner as to impede the free flow of traffic upon any street or sidewalk; neither shall any such person distributing handbills molest or annoy any individual, group or gathering.

#### **§ 132-8. Posting of handbills.**

It shall be unlawful to tack, nail, paste, paint or otherwise affix any handbill upon any bridge, fence, sidewalk, building, monument, pole or post, provided that handbills may be affixed upon private buildings or billboards if the consent of the owner shall have first been obtained and provided, further, that this shall not prohibit lawfully posted legal notices.

#### **§ 132-9. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person who shall violate any provision of this chapter shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

## **§ 132-10. Removal of improperly posted handbills.**

**[Added 5-1-89]**

The Commissioner of Public Works shall have the authority to immediately remove or cause to be removed any handbill posted on public property in violation of any of the provisions of this chapter.

## **CHAPTER 136. LODGING AND EATING AND DRINKING ESTABLISHMENTS**

### **ARTICLE I. Lodging Establishments**

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#### **§ 136-35. Revocation of permits.**

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## **CHAPTER 136. LODGING AND EATING AND DRINKING ESTABLISHMENTS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 4-20-2004, Editor's Note: This ordinance also superseded former Ch. 136, Hotels and Food Establishments, adopted as**



follows: Art. I, Hotels, adopted as Ch. 61 of the 1970 Code, as amended; and Art. II, Sidewalk Cafes, adopted 8-4-1975 as Ch. 97B of the 1970 Code, as amended. as amended 9-21-2004. Subsequent amendments noted where applicable.]

## **GENERAL REFERENCES**

Public assemblies — See Ch. 69.

Garbage, rubbish and refuse — See Ch. 126.

Noise — See Ch. 148.

## **ARTICLE I. Lodging Establishments**

### **§ 136-1. Definitions.**

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

#### **BED-AND-BREAKFAST**

A private residential structure, either owner-occupied or under the supervision of a resident manager, in which rooms and meals are made available to lodgers for compensation and incidental to the residential use. Bed-and-breakfast establishments are classified as follows:

A. Level 1: not more than five rooms, not more than 10 lodgers, food served only to lodgers.

B. Level 2: more than five but not more than 10 rooms, not more than 20 lodgers, food served only to lodgers.

#### **HOTEL/MOTEL**

A public building or group of public buildings in which more than six rooms are made available to lodgers for compensation for any rental period, which has a lobby and a register, and that may offer food service for compensation to lodgers or to both lodgers and the public. Food service to the public shall require a food establishment license pursuant to Article II of this chapter.

#### **INN**

A private residential building in which more than 10 but not more than 25 rooms are made available to not more than 50 lodgers for compensation; food served only to lodgers.

#### **ROOMING HOUSE**

A single-family or two-family private residential structure, owner-occupied or under the supervision of a resident manager, in which rooms are made available to lodgers for compensation and in which food may also be provided to lodgers for compensation. Rooming houses shall provide lodging to people for a rental period of no less than 28 consecutive days. A rooming house may have a common kitchen facility available to lodgers but shall have no kitchen or dining facilities in any guestroom. Rooming houses are classified as follows:

A. Neighborhood rooming house, Level I: no more than four rooms.

B. Corridor rooming house, Level II: more than four rooms but not more than 10 rooms.

### **§ 136-2. Lodging establishment permit required.**

No person, corporation, firm or other entity shall engage in the business of operating a bed-and-breakfast, rooming house, inn, hotel or motel in the City of Saratoga Springs unless and until a lodging establishment permit for such an establishment has been obtained pursuant to this article.

### **§ 136-3. Construal of provisions.**

A. Nothing in this article shall be construed so as to supersede or limit any of the provisions of the New York State Building and Fire Codes, the New York Public Health Law and Sanitary Codes, the New York State Workers' Compensation Law, the Zoning Ordinance of the City of Saratoga Springs, or any law which imposes a tax of any kind upon any of the establishments described by this chapter. It shall be the responsibility of each applicant to determine if his or her lodging establishment is in compliance with all applicable laws.

B. No license issued under this article shall be construed as granting authority for any event, celebration or other gathering, whether social or business related, that includes persons who are not lodgers at the lodging establishment, nor for any event defined as a "special event" under the Zoning Ordinance of the City or under Chapter 69 of the City Code.

#### **§ 136-4. Application for permit.**

A. An application for a lodging establishment permit shall be made in writing on forms provided by the Commissioner of Accounts and shall include the following information:

- (1) Name, address, and telephone number of the applicant(s).
- (2) Type of lodging establishment applied for and services provided to lodgers.
- (3) Location of the establishment by street address.
- (4) Name of the owner(s) of the property, address of the owner(s) and telephone number(s).
- (5) Proof of commercial general liability insurance, including personal injury liability insurance, in the amount of \$1,000,000. The City shall be included as an additional insured on said insurance solely for the permit process.
- (6) Proof of statutory workers' compensation and employer's liability insurance for all employees, or a waiver of same as permitted by law.
- (7) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees), arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the negligent act or omission of the applicant, or the applicant's employees, agents or subcontractors.

B. The application shall also include a detailed set of plans which shall show:

- (1) A floor plan indicating the location of all rooms, hallways, doors, windows, reception areas, kitchen facilities, bathroom facilities, and exits.
- (2) The location of the structure relative to the parcel or parcels of land, and relative to adjacent streets, sidewalks, and public ways.
- (3) The location of any on-site parking facilities.
- (4) A narrative summary of all proposed uses on the premises.

#### **§ 136-5. Application to be reviewed.**

The application shall be submitted to the Commissioner of Accounts. Upon receipt, the Commissioner shall refer the application for the lodging establishment to the Building Department and the Department of Public Safety for comments and recommendations. The Building Department and the Department of Public Safety shall have authority to impose such restrictions and/or modifications upon the application that will ensure compliance with New York State Building and Fire Codes and the City Zoning Ordinance.

#### **§ 136-6. Issuance of permit.**

Upon the completion of all reviews by the Building Department and the Department of Public Safety and upon determining that the provisions of this article have been complied with, the Commissioner of Accounts shall have authority to issue a lodging establishment permit. The Commissioner shall also have authority to impose reasonable conditions in the public interest upon any lodging establishment permit issued. Any conditions imposed shall be plainly noted on or attached to the issued lodging establishment permit. Each lodging establishment permit shall indicate the name of the lodging establishment, the name of the applicant, the fee paid, the type of lodging establishment, the location of the lodging establishment, the expiration date of the lodging establishment permit, the date of issue, the signature of the Commissioner of Accounts, the date of fire inspection and the number of the health certificate issued to the lodging establishment.

#### **§ 136-7. Fees.**

Fees for lodging establishment permits under this article shall be as follows:

<b>Lodging Establishments, All Categories</b>	
<b>Number of Rooms</b>	<b>Fee</b>
5 or fewer	\$25
6 to 10	\$50
11 to 25	\$75
26 to 100	\$100
100 or above	\$150

#### **§ 136-8. Record of lodgers.**

Each holder of a lodging establishment permit under Article I of this chapter shall keep an accurate record of the names and addresses of lodgers who occupy rooms in the lodging establishment. This record shall also identify which rooms in the establishment were occupied each day or part thereof and how many persons occupied each room.

#### **§ 136-9. Vested rights; amortization period.**

Any person, firm, corporation or other entity that holds, on April 6, 2004, a valid license for a bed-and-breakfast, rooming house, inn, or hotel/motel, issued under the provisions of this chapter as they existed on April 6, 2004, shall have the right to renew said license according to the definitions of this chapter as they existed on April 6, 2004. This right may be exercised only with respect to said previous definitions and shall not apply to any other previous provision or provisions of this chapter. This right shall vest on

the applicant only and shall not be transferred or assigned. This right may be exercised by a licensee for a time no longer than the next two renewal periods subsequent to April 6, 2004.

## **ARTICLE II. Eating and Drinking Establishments**

### **§ 136-10. Definitions.**

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

#### **EATING AND DRINKING ESTABLISHMENT**

A. Any establishment where food or food ingredients are mixed, combined, cooked or otherwise prepared and then served or made available, for a charge, to persons.

B. Exclusions: The following activities shall be excluded from the definition of "eating and drinking establishment" in Subsection A above:

- (1) Any food service that is not subject to regulation and permit from the State of New York.
- (2) Service of food prepared and served or made available by a caterer pursuant to regulations of the Department of Health.
- (3) Service of food by a church, fraternal or membership organization or other similar not-for-profit organization, provided such food service is done only on an occasional basis.
- (4) Service of food by a school or by an establishment that provides medical care and/or treatment.

### **§ 136-11. Eating and drinking establishment permit required.**

No person, corporation, firm or other entity shall engage in the business of operating an eating and drinking establishment in the City of Saratoga Springs unless and until an eating and drinking establishment permit has been obtained pursuant to this article.

### **§ 136-12. Application for permit.**

A. An application for an eating and drinking establishment permit shall be made in writing on forms provided by the Commissioner of Accounts and shall include the following information:

- (1) Name, address, and telephone number of the applicant(s).
- (2) Description of eating and drinking establishment applied for and types of food served.
- (3) Location of the eating and drinking establishment by street address.
- (4) Name of the owner(s) of the property, address of owners(s) and telephone number(s).
- (5) Proof of commercial general liability insurance, including personal injury liability insurance, in the amount of \$1,000,000. The City shall be included as an additional insured on said insurance solely for the permit process.
- (6) Proof of statutory workers' compensation and employers' liability insurance for all employees, or a waiver of same as permitted by law.

(7) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees), arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the negligent act or omission of the applicant, or the applicant's employees, agents or subcontractors.

B. The application shall also include a detailed set of plans which shall show:

(1) A floor plan indicating the location of all dining areas, seating, hallways, doors, windows, reception areas, kitchen facilities, bathroom facilities, and exits.

(2) The location of the structure relative to the parcel or parcels of land, and relative to adjacent streets, sidewalks, and public ways.

(3) The location of any on-site parking facilities.

(4) A narrative summary of proposed uses.

#### **§ 136-13. Application to be reviewed.**

The application shall be submitted to the Commissioner of Accounts. Upon receipt, the Commissioner shall refer the eating and drinking establishment application to the Building Department and the Department of Public Safety for comments and recommendations. The Building Department and the Department of Public Safety shall have authority to impose such restrictions or modifications upon the eating and drinking establishment application that will ensure compliance with New York State Building and Fire Codes and the City Zoning Ordinance.

#### **§ 136-14. Issuance of permit.**

Upon the completion of all reviews by the Building Department and the Department of Public Safety and upon determining that the provisions of this article have been complied with, the Commissioner of Accounts shall have authority to issue an eating and drinking establishment permit. The Commissioner shall also have authority to impose reasonable conditions in the public interest upon any eating and drinking establishment permit issued. Any conditions imposed shall be plainly noted on or attached to the issued eating and drinking establishment permit. Each eating and drinking establishment permit shall indicate the name of the eating and drinking establishment, the name of the applicant, the fee paid, the type of the eating and drinking establishment, the location of the eating and drinking establishment, the expiration date of the eating and drinking establishment permit, the date of issue, the signature of the Commissioner of Accounts, the date of fire inspection and the number of the health certificate issued to the eating and drinking establishment.

#### **§ 136-15. Fees.**

Fees for permits under this article shall be as follows:

A. Eating and drinking establishment: \$100.

### **ARTICLE III. Cabarets**

#### **§ 136-16. Definitions.**

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

**CABARET**

A. Any room, place or space wherein musical entertainment, singing, dancing or other form of amusement or entertainment is presented.

B. Exclusions. The following activities shall be excluded from the definition of "cabaret" above:

(1) A church, fraternal or membership organization or other similar not-for-profit organization, provided such cabaret is done only on an occasional basis.

(2) An establishment that provides medical care and/or treatment.

**§ 136-17. Cabaret permit required.**

No person, corporation, firm or other entity shall engage in the business of operating a cabaret unless and until a cabaret permit has been obtained pursuant to this article.

**§ 136-18. Application for permit.**

A. An application for a cabaret permit shall be made in writing on forms provided by the Commissioner of Accounts and shall include the following information:

(1) Name, address, and telephone number of the applicant(s).

(2) Type of cabaret applied for and services provided to lodgers.

(3) Location of the establishment by street address.

(4) Name of the owner(s) of the property, address of the owner(s) and telephone number(s).

(5) Proof of commercial general liability insurance, including personal injury liability insurance, in the amount of \$1,000,000. The City shall be included as an additional insured on said insurance solely for the permit process.

(6) Proof of statutory workers' compensation and employer's liability insurance for all employees, or a waiver of same as permitted by law.

(7) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees), arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the negligent act or omission of the applicant, or the applicant's employees, agents or subcontractors.

B. The application shall also include a detailed set of plans which shall show:

(1) A floor plan indicating the location of all rooms, hallways, doors, windows, reception areas, kitchen facilities, bathroom facilities, and exits.

(2) The location of the structure relative to the parcel or parcels of land, and relative to adjacent streets, sidewalks, and public ways.

(3) The location of any on-site parking facilities.

(4) A narrative summary of all proposed uses on the premises.

#### **§ 136-19. Application to be reviewed.**

The application for a cabaret permit shall be submitted to the Commissioner of Accounts. Upon receipt, the Commissioner shall refer the application to the Building Department and the Department of Public Safety for comments and recommendations. The Building Department and the Department of Public Safety shall have authority to impose such restrictions and/or modifications upon the application that will ensure compliance with New York State Building and Fire Codes and the City Zoning Ordinance.

#### **§ 136-20. Issuance of permit.**

Upon the completion of all reviews by the Building Department and the Department of Public Safety and upon determining that the provisions of this article have been complied with, the Commissioner of Accounts shall have authority to issue a cabaret permit. The Commissioner shall also have authority to impose reasonable conditions in the public interest upon any cabaret permit issued. Any conditions imposed shall be plainly noted on or attached to the issued cabaret permit. Each cabaret permit shall indicate: the name of the establishment, the name of the applicant, the fee paid, the type of establishment, the location of the establishment, the expiration date of the permit, the date of issue, the signature of the Commissioner of Accounts, the date of fire inspection, and the number of the health certificate issued to the establishment.

#### **§ 136-21. Fees.**

Fees for permits under this article shall be as follows:

A. Cabaret, all: \$150.

### **ARTICLE IV. Sidewalk Cafes**

#### **§ 136-22. Definitions.**

For purposes of this article, the term "sidewalk cafe" shall include facilities for the sale of food and/or beverages and shall not include facilities for the sale of any other kind or type of goods, wares, merchandise or services.

#### **§ 136-23. Sidewalk cafe permit required.**

Any person, firm or corporation may operate a sidewalk cafe (hereinafter called "cafe") within the City of Saratoga Springs on any sidewalk within the public right-of-way adjacent to the applicant's place of business upon obtaining a sidewalk cafe permit from the Commissioner of Accounts (hereinafter called "Commissioner") of the City of Saratoga Springs.

#### **§ 136-24. Application for permit; fee.**

Each applicant for a sidewalk cafe permit under this article shall submit four copies of the plans for a sidewalk cafe to the Commissioner, together with a nonrefundable fee of \$15. Such plans shall show that the applicant:

A. Has a state liquor license, if applicable, that will allow or can be amended to allow the applicant to serve alcoholic beverages on the sidewalk cafe.

B. Has obtained the approval of the Building Inspector for any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe. No such railing, flooring or other support or enclosure shall be considered an erection of, an addition to, or a structural alteration of a building or structure under § 240-13.4 unless such railing, flooring or other support or enclosure is permanently attached to such building or structure.

C. For sidewalk cafes that did not have a valid sidewalk cafe permit on or before July 1, 1992, beginning on January 1, 1993, has obtained the approval of the Design Review Commission (DRC) if the sidewalk cafe is located in the public right-of-way within any area designated in § 240-7.20 (City landmark or historic districts) or § 240-8.14 (Architectural review districts). The DRC shall use the review criteria for such plans relating to a sidewalk cafe's specific location, size and structure for its compatibility of scale, design and material as set forth in either § 240-7.10 or 240-8.9, whichever is applicable. The DRC shall only have advisory review over colors used for the sidewalk cafe. Any alteration in the plans for a sidewalk cafe requires approval from the DRC. Once approval is granted by the DRC, the approved plans are valid and do not require annual approval. The DRC shall only review applications which have the written approval from the Departments of Public Works and Public Safety and the Building Department as specified in § 136-24. Unless this chapter is amended in the future, all sidewalk cafe structures that have a valid sidewalk cafe permit on or before July 1, 1992, shall not be subject to the approval of the DRC, except that all modifications to such structures shall be subject to the approval of the DRC.

D. Has complied with all rules, regulations and specifications promulgated by the Commissioner pursuant to this article.

#### **§ 136-25. Review of application.**

A. Before any sidewalk cafe permit is issued pursuant to this article, the plans submitted to the Commissioner, pursuant to this article, shall be referred to the Commissioners of Public Safety and Public Works and the Building Department, who shall recommend approval, disapproval or modification of said plans. For sidewalk cafes that did not have a valid sidewalk cafe permit on or before July 1, 1992, beginning on January 1, 1993, a sidewalk cafe in the public right-of-way within the T-6 Zoning District shall be located in such a position that will allow the maintenance of at least eight feet of unobstructed (for a height of seven feet) hard-surfaced sidewalk between the sidewalk cafe and any, tree, bench, pole, post, sign, flower bed, newsrack or other obstacle in the public right-of-way. The sidewalk cafe shall be located only in front of the establishment that is owned or leased by the licensee and shall not extend more than 10 feet from the facade of the building and, in any case, shall not extend on the east side of Broadway more than 35% and on the west side of Broadway not more than 55% of the total width of the sidewalk measured from the property line to the edge of the street pavement. Except for properties fronting on Broadway, the Commissioners of Public Works and Public Safety and the Building Department may, in their sole judgment, reduce the required eight feet of unobstructed sidewalk to five feet, provided that the sidewalk cafe does not extend more than 60% of the total width of the sidewalk measured from the property line to the edge of the street pavement. Unless this article is amended in the future, all cafe structures that have a valid sidewalk cafe permit on or before July 1, 1992, shall not be subject to these siting criteria, except that all modifications to such structures shall be subject to the siting criteria.



B. No signs shall be hung or attached to any portion of the sidewalk cafe, except those signs on an awning that are in compliance with provisions set forth in Chapter 240, Article X.

C. The Commissioners of Public Safety and Public Works and the Building Department may impose any other restriction on the location, size or design of the sidewalk cafe that, in their sole judgment, protects the health, safety and welfare of the public.

#### **§ 136-26. Conditions for issuance of permit; fee.**

Upon approval by the Commissioner of the plans submitted by the applicant pursuant to § 136 24, the Commissioner shall issue a sidewalk cafe permit, valid for a period between April 1 and October 31 of a calendar year, to the applicant upon the payment to the Commissioner by the applicant of an annual license fee of \$50 and upon the applicant furnishing to the City of Saratoga Springs the following:

A. An agreement by the applicant to repair, at the expense of the applicant, any damage caused to the sidewalk in the operation of the sidewalk cafe. The Commissioner may require a bond, in an amount to be fixed by the Commissioner, to be filed by the applicant.

B. A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees), arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the negligent act or omission of the applicant, or the applicant's employees, agents or subcontractors.

C. Proof of commercial general liability insurance, including personal injury liability insurance, in the amount of \$1,000,000. The City shall be included as an additional insured on said insurance solely for the permit process.

D. Proof of statutory workers' compensation and employer's liability insurance for all employees, or a waiver of same as permitted by law.

E. If applicable, proof that the applicant has a state liquor license authorizing the applicant to serve alcoholic beverages in the applicant's sidewalk cafe and has liquor legal liability insurance in the amount of \$500,000 bodily injury per each occurrence and \$500,000 property damage per each occurrence or \$500,000 aggregate. Such insurance policy must contain a provision that requires that the Commissioner of Accounts be notified if the policy is canceled.

F. Written authorization for the location, size or design from the Department of Public Works, Department of Public Safety, the Building Department and the Design Review Commission.

G. Proof that the applicant has been issued an eating and drinking establishment permit by the City of Saratoga Springs under Article II of this chapter.

#### **§ 136-27. Sidewalk cafe regulations.**

A sidewalk cafe authorized and operated pursuant to this article shall:

A. Comply with all plans submitted to and approved by the Commissioner of Accounts under § 136-24 of this article.

B. Serve no alcoholic beverages on or at any sidewalk cafe after 2:00 a.m. or before 8:00 a.m. All service of any kind whatsoever shall cease at 2:30 a.m. and not begin until 8:00 a.m.

C. By no later than 2:30 a.m. all patrons must be vacated from the sidewalk cafe and by no later than the closing of the establishment have all furniture, utensils, containers or any other materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe removed from the sidewalk cafe area, provided that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe may be allowed to remain on the sidewalk area if specifically permitted in the Commissioner's approval of the sidewalk cafe plans under Subsection A above. No sidewalk cafe shall remain open after 2:30 a.m.

D. Remove all sidewalk cafe structures by October 31 and not install prior to April 1 in any year for which a license is granted.

E. No music, from whatever source (acoustical, electric or other), may be played on the premises outdoors between the hours of 12:00 midnight and 8:00 a.m.

F. Comply with all other provisions of the Code of the City of Saratoga Springs.

#### **§ 136-28. Promulgation of rules and regulations and specifications.**

The Commissioner is hereby authorized to regulate the operation of sidewalk cafes through the promulgation of appropriate rules and regulations and specifications.

#### **§ 136-29. Notice of violation; revocation of permit.**

Upon a finding by the Commissioner that an applicant has violated any provisions of this article, the Commissioner shall give notice to the applicant and correct said operational violations within 24 hours of receipt of said notice by the applicant. Upon failure to correct said operational violation within 24 hours, the Commissioner may revoke the applicant's sidewalk cafe permit issued pursuant to this article. The Commissioner shall, in his or her sole judgment, give the violator reasonable time to repair any structure damage or physical violation of any provision of this article.

#### **§ 136-30. Sale and consumption of alcoholic beverages.**

The area encompassed within a sidewalk cafe authorized pursuant to this article shall be considered duly licensed for sale and consumption of alcoholic beverages and shall not be subject to Chapter 61, Alcoholic Beverages, of the Code of the City of Saratoga Springs.

#### **§ 136-31. Penalties for offenses; effect on eligibility for permit.**

A. Any person who violates any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding \$250. Each day that such violation continues shall constitute a separate violation. In addition, the Commissioner of Public Safety may cause any sidewalk cafe existing in violation of this article to be removed without notice. A fee of \$200 shall be charged to the licensee for the cost of such removal. The Department of Public Safety may store the removed sidewalk cafe structure for a period of 30 days; and if unclaimed, the structure may be destroyed or discarded.

B. Any person who violates any of the provisions of this article or at whose premises a violation of Chapter 148 of the City Code of the City of Saratoga Springs, entitled "Noise," occurs two times in one year shall have the sidewalk cafe permit revoked for one full year and shall not be eligible for another sidewalk cafe permit until the expiration of one full year.

C. Any person who fails to remove a sidewalk cafe structure by October 31, as provided for in § 136-27 shall not be eligible for a sidewalk cafe permit in any following year.

## **ARTICLE V. Additional Requirements**

### **§ 136-32. Inspections; fees.**

A. The Commissioner of Public Safety, the Fire Inspector, the Building Inspector, the Code Administrator and the City Health Officer, or their designees, shall have the authority to make lawful inspections of lodging establishments and eating and drinking establishments during reasonable hours for the purpose of determining whether the provisions of this chapter are being observed.

B. The Fire Chief, or such person as the Fire Chief may designate for that purpose, shall inspect lodging establishments and eating and drinking establishments according to the provisions of the New York State Fire Code. No lodging establishment or eating and drinking establishment shall be operated until the Fire Chief or designee has caused inspections to be made and has determined that the establishment is in compliance. A fee of \$50 shall be paid by the permit holder for each fire inspection required to determine compliance.

### **§ 136-33. Expiration of permits.**

Each permit issued under Article I, II, or III of this chapter shall expire one year following the date of issue.

### **§ 136-34. Renewal of permits.**

Any permit issued under Article I, II, or III of this chapter may be renewed upon receipt of a written request to the Commissioner of Accounts and approval of said request by the Commissioner, the Fire Inspector, and by either the New York State Department of Health or the New York State Department of Agriculture. Renewal requests shall also be subject to review by the Building Inspector in situations where the Building Inspector shall deem such review appropriate in the public interest. Fees for renewed permits shall be the same as for original permits. Each renewal request shall include either an affirmation by the applicant that the original floor plan is still an accurate representation of the premises, or an amended floor plan showing all changes since the filing of the original application.

### **§ 136-35. Revocation of permits.**

A. The Commissioner of Accounts shall have authority to suspend or revoke any permit issued under Article I, II, or III upon finding any of the following:

- (1) That the permit holder has made a false representation in the application.
- (2) That the permit holder has violated any provision of this chapter or any provision of New York Public Health Law, New York State Building and Fire Codes, or the Sanitary Code.
- (3) That the permit holder has failed to obey a lawful order or directive of the Building Inspector, Fire Inspector, or Code Administrator.

B. The Commissioner or designee shall give notice to the permit holder of any such suspension or revocation by certified or registered mail or by delivering the notice personally. The notice shall state the reason for the suspension or revocation and shall also state that the permit holder shall have the right to request a hearing to show cause why the permit should not be suspended or revoked.

### **§ 136-36. Penalties for offenses.**

Any person who, by himself or herself or by an agent or employee, shall conduct any activity described in Article I, II, or III without a permit, or who shall violate any of the provisions of Article I, II, or III, or who, having had a permit revoked or suspended, shall continue to conduct any activity described in Article I, II, or III shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the Code.

#### **CHAPTER 138. ILLICIT DISCHARGES TO STORM SEWER SYSTEM**

§ 138-1. Purpose; intent.

§ 138-2. Definitions.

§ 138-3. Applicability.

§ 138-4. Responsibility for administration.

§ 138-5. Severability.

§ 138-6. Discharge prohibitions; exceptions.

§ 138-7. Activities contaminating stormwater prohibited.

§ 138-8. Prevention, control, and reduction of stormwater pollutants by use of best management practices.

§ 138-9. Suspension of access to MS4.

§ 138-10. Industrial or construction activity discharges.

§ 138-11. Applicability; access to facilities; monitoring of discharges.

§ 138-12. Notification of spills.

§ 138-13. Enforcement; penalties for offenses.

§ 138-14. Appeal of notice of violation.

§ 138-15. Corrective measures after appeal.

§ 138-16. Injunctive relief.

§ 138-17. Alternative remedies.

§ 138-18. Violations deemed a public nuisance.

§ 138-19. Remedies not exclusive.

#### **CHAPTER 138. ILLICIT DISCHARGES TO STORM SEWER SYSTEM**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 12-4-2007 by L.L. No. 9-2007. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Fire prevention and building construction — See Ch. 117.

Water and sewers — See Ch. 231.

#### **§ 138-1. Purpose; intent.**

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the City of Saratoga Springs through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this chapter are:

A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02, or as amended or revised;

B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;

C. To prohibit illicit connections, activities and discharges to the MS4;

D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and

E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

## **§ 138-2. Definitions.**

Whenever used in this chapter, unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms will have meanings set forth below:

### **BEST MANAGEMENT PRACTICES (BMPs)**

Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

### **CLEAN WATER ACT**

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

### **CONSTRUCTION ACTIVITY**

Activities requiring authorization under the SPDES Permit for Stormwater Discharges From Construction Activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

### **DEPARTMENT**

The New York State Department of Environmental Conservation.

### **HAZARDOUS MATERIALS**

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

### **ILLICIT CONNECTIONS**

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

A. Any conveyances which allow any nonstormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

### **ILLICIT DISCHARGE**

Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 138-6 of this chapter.

### **INDUSTRIAL ACTIVITY**

Activities requiring the SPDES Permit for Discharges From Industrial Activities Except Construction, GP-98-03, as amended or revised.

**MS4**

Municipal separate storm sewer system.

**MUNICIPALITY**

The City of Saratoga Springs.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the City of Saratoga Springs
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

**NONSTORMWATER DISCHARGE**

Any discharge to the MS4 that is not composed entirely of stormwater.

**PERSON**

Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT**

Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

**PREMISES**

Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

**SPECIAL CONDITIONS**

- A. Discharge compliance with water quality standards: the condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. 303(d) listed waters: the condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
- C. Total maximum daily load (TMDL) strategy: the condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges: Under this condition, the

municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

## **STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT**

A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

## **STORMWATER**

Rainwater, surface runoff, snowmelt and drainage.

## **STORMWATER MANAGEMENT OFFICER (SMO)**

An employee, the municipal engineer or other public official(s) designated by the City of Saratoga Springs to enforce this chapter. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

## **303(d) LIST**

A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

## **TMDL**

Total maximum daily load.

## **TOTAL MAXIMUM DAILY LOAD**

The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water allocated among the sources of that pollutant.

## **WASTEWATER**

Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

## **§ 138-3. Applicability.**

This chapter shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

## **§ 138-4. Responsibility for administration.**

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this chapter. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

## **§ 138-5. Severability.**

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

## **§ 138-6. Discharge prohibitions; exceptions.**

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

**B. Prohibition of illicit connections.**

(1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the municipality's MS4 or allows such a connection to continue.

**§ 138-7. Activities contaminating stormwater prohibited.**

**A. Activities that are subject to the requirements of this section are those types of activities that:**

(1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.

(2) Cause or contribute to the municipality being subject to the special conditions as defined in § 138-2, Definitions, of this chapter.

**B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.**



**§ 138-8. Prevention, control, and reduction of stormwater pollutants by use of best management practices.**

A. Best management practices. Where the SMO has identified illicit discharges as defined in § 138-2 or activities contaminating stormwater as defined in § 138-8, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.

(1) The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.

(2) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in § 138-2 or an activity contaminating stormwater as defined in § 138-8, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.

(3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

**§ 138-9. Suspension of access to MS4.**

A. Illicit discharges in emergency situations. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the SMO.

**§ 138-10. Industrial or construction activity discharges.**

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

**§ 138-11. Applicability; access to facilities; monitoring of discharges.**

A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter.

B. Access to facilities.

(1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.

(2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.

(3) The municipality shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The municipality has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at his or her own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Unreasonable delays in allowing the municipality access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.

(6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

#### **§ 138-12. Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

#### **§ 138-13. Enforcement; penalties for offenses.**

##### **A. Notice of violation.**

(1) When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he/she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (a) The elimination of illicit connections or discharges;
- (b) That violating discharges, practices, or operations shall cease and desist;
- (c) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (d) The performance of monitoring, analyses, and reporting;
- (e) Payment of a fine; and
- (f) The implementation of source control or treatment BMPs.

(2) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

#### **§ 138-14. Appeal of notice of violation.**

Any person receiving a notice of violation may appeal the determination of the SMO to the City of Saratoga Springs within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

#### **§ 138-15. Corrective measures after appeal.**

A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.

B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

#### **§ 138-16. Injunctive relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

#### **§ 138-17. Alternative remedies.**

A. Where a person has violated a provision of this chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:

- (1) The violation was unintentional.
- (2) The violator has no history of previous violations of this chapter.
- (3) Environmental damage was minimal.
- (4) The violator acted quickly to remedy violation.
- (5) The violator cooperated in investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops.
- (2) Storm drain stenciling or storm drain marking.
- (3) River, stream or creek cleanup activities.

#### **§ 138-18. Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

#### **§ 138-19. Remedies not exclusive.**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

### **CHAPTER 140. JUNK DEALERS**

§ 140-1. License required; application; fee; expiration.

§ 140-2. Eligibility for license.

§ 140-3. Statement from sellers.

§ 140-4. Separation of goods.

§ 140-5. Penalties for offenses.

§ 140-6. Suspension or revocation of license.

## **CHAPTER 140. JUNK DEALERS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 65 of the 1970 Code. Sections 140-2 and 140-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Auctions — See Ch. 72.

Pawnbrokers — See Ch. 159.

Peddling and soliciting — See Ch. 165.

#### **§ 140-1. License required; application; fee; expiration.**

No person, association, partnership, firm or corporation shall engage in the business of buying or selling old metal, papers, rags, clothing, magazines, bottles, rubber or junk, which business is herein designated a junk business and which person, association, partnership, firm or corporation so engaged is hereby designated a junk dealer, unless such junk dealer shall have complied with the provision of this chapter and obtained a license so to do from the Commissioner of Accounts of the City of Saratoga Springs, New York, for which license shall be paid to the Commissioner of Accounts the sum of five dollars (\$5.) and which license shall expire on June 30 of each year.

#### **§ 140-2. Eligibility for license.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. No person, association, partnership, firm or corporation shall be entitled to or receive such license who or which, and in case of a partnership, firm or association any member of which, has been convicted of larceny or knowingly receiving stolen property or of a violation of this chapter.

#### **§ 140-3. Statement from sellers.**

On purchasing any pig or pigs of metal, any copper wire, brass car journals or any brass, copper, lead or other metal, every junk dealer shall cause to be subscribed by the person from whom the same is purchased a statement as to when, where and from whom he obtained such article, also his age, residence by city, village or town and the street and number thereof, if any, and otherwise such description as will reasonably locate said seller, his occupation and name of his employer, if any, and the place of employment or business, which statement, to which shall be added a list describing such article or articles, the junk dealer shall forthwith file in the office of the Chief of Police within twenty-four (24) hours after such purchase.

#### **§ 140-4. Separation of goods.**

Every junk dealer shall, on purchasing any of the property described in the last section, place and keep each separate purchase in a separate and distinct pile, bundle or package in the usual place of business of such junk dealer, without removing, melting, cutting or destroying any article thereof, for a period of five (5) days immediately succeeding such purchase, on which package, bundle or pile shall be placed and kept by such junk dealer a tag bearing the name and residence of the seller with the date, hour and place of purchase and the weight thereof.

#### **§ 140-5. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person violating any of the provisions of this chapter shall be subject, upon conviction, to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

#### **§ 140-6. Suspension or revocation of license.**

In addition to the fine, imprisonment or both authorized by this chapter, any licensee shall be subject to the suspension or revocation of his license upon conviction for any violation of this chapter. The County Judge, City Judge or Commissioner of Accounts may, in his discretion, suspend or revoke a license granted under any provision of this chapter, pending or in advance of the criminal prosecution of the licensee.

#### **CHAPTER 145. NEWSRACKS**

§ 145-1. Purpose and intent.

§ 145-2. Definitions.

§ 145-3. Registration required.

§ 145-4. Placement.

§ 145-5. Installation and maintenance.

§ 145-6. Prohibitions.

§ 145-7. Removal; abandonment.

§ 145-8. Enforcement; hearings.

§ 145-9. Penalties for offenses.

#### **CHAPTER 145. NEWSRACKS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 6-18-84 as Ch. 72 of the 1970 Code. Section 145-9B amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Streets and sidewalks — See Ch. 203.

#### **§ 145-1. Purpose and intent.**

A. The uncontrolled placement of newsracks in public rights-of-way presents an inconvenience and danger to the safety and welfare of persons using such rights-of-way, including pedestrians, persons entering and leaving vehicles and buildings and persons performing essential utility, traffic control and emergency services.

B. Newsracks so located as to cause an inconvenience or danger to persons using public rights-of-way constitute public nuisances.

C. The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of promoting the public safety and general welfare of persons in the City of Saratoga Springs in their use of public rights-of-way.

#### **§ 145-2. Definitions.**

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used herein are defined as follows:

**NEWSRACK**

Any type of unmanned device placed upon any public right-of-way for the vending of or free distribution of newspapers or news periodicals.

**PUBLIC RIGHT-OF-WAY**

Any public street, highway, sidewalk, parkway or alley.

**§ 145-3. Registration required.**

Any person who shall place, install or maintain a newsrack in the City of Saratoga Springs shall, within ten (10) days thereof, register its description and location with the Commissioner of Accounts.

**§ 145-4. Placement.**

Subject to the prohibitions set forth in § 145-6 of this chapter:

A. Newsracks in locations along Broadway between Spring Street and Van Dam Street shall be placed adjacent and parallel to the wall of a building and not more than six (6) inches from the wall.

B. Any other newsracks placed adjacent to the wall of a building shall likewise be placed parallel to the wall and not more than six (6) inches from the wall.

C. Newsracks placed near the curb shall be placed parallel to and no less than eighteen (18) inches nor more than twenty-four (24) inches from the edge of the curb and shall face away from the street, highway or alley.

**§ 145-5. Installation and maintenance.**

The following requirements shall govern the installation of newsracks:

A. Stands for newsracks shall be single-pedestal in type or providing equivalent safety, support and resistance to vandalism.

B. Newsracks shall be maintained in good working order at all times.

C. The name, address and telephone number of the owner of the newsrack and of a responsible person who may be contacted at any time concerning the newsrack shall be displayed on the hood of the newsrack in such a manner as to be readily visible and readable.

D. Newsracks shall be bolted in place in accordance with specifications provided by the Department of Public Works and shall not be chained to any trees or signs.

**§ 145-6. Prohibitions.**

A. No newsracks shall be placed, installed, used or maintained:

(1) Within fifteen (15) feet of any marked crosswalk.

(2) Within ten (10) feet of any fire hydrant, fire call box, police call box or other emergency facility.

(3) Within five (5) feet of any driveway.

(4) Within five (5) feet ahead of and fifteen (15) feet to the rear of any sign marking a designated bus stop.

(5) Within five (5) feet of any bus bench or bus-stop shelter.

(6) At any location whereby the clear space for the passageway of pedestrians is reduced to less than six (6) feet.

(7) At any location used, marked or posted for public utility purposes.

(8) In front of any display window or any building abutting the sidewalk or parkway.

(9) Within one hundred fifty (150) feet of another newsrack containing the same newspaper or news periodical, except where separated by a street or corner.

(10) Facing another newsrack, divided only by the width of a sidewalk or pedestrian walk.

(11) Within one hundred fifty (150) feet of any newsroom or any place of business which sells newspapers.

B. Newsracks shall carry no advertising except the name of the newspaper or periodical being dispensed therefrom.

#### **§ 145-7. Removal; abandonment.**

A. In the event that the owner of a newsrack removes that newsrack from its location, the owner shall, upon such removal, restore the public right-of-way to a safe condition, leaving no hole or projection in the pavement.

B. In the event that no publication is in a newsrack for a period of more than fifteen (15) consecutive days, the Commissioner of Public Works may thereafter remove the newsrack from the public right-of-way and impound the same. The Commissioner of Public Works shall then make all reasonable efforts to notify the owner of said newsrack or its authorized agent of the impoundment. Upon the failure of the owner or its authorized agent to claim the impounded newsrack within thirty (30) days after its removal by the Commissioner of Public Works, the newsrack shall be deemed abandoned property and may be disposed of by the city.

#### **§ 145-8. Enforcement; hearings.**

A. Notice of violation.

(1) Whenever, in the opinion of the Commissioner of Public Safety and/or his designee and after proper investigation, there appears to exist a violation of any provision of this chapter, said officer shall serve a written notice of violation upon the appropriate person responsible for such alleged violation by certified United States mail, return receipt requested.

(2) Such notice of violation shall include the following:

(a) The nature and details of the violation.

(b) The recommended action which, if taken, will remedy the situation and effect compliance with the provisions of this chapter.



(c) The compliance date by which the violation must be remedied or removed.

(d) Notification of the right to a hearing before the Commissioner of Public Safety in accordance with the provisions hereinafter recited.

B. Compliance date extension. The specified date of compliance may be extended if, in the opinion of the Commissioner of Public Safety, there is reasonable evidence of intent to comply and extenuating circumstances prevent compliance by said specified date.

C. Complaints of violations. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Commissioner of Public Safety, who shall properly record such complaint and conduct an investigation with respect thereto.

D. Emergency action. If a violation exists, in the opinion of the Commissioner of Public Safety, which requires immediate action to remove a direct hazard or imminent danger to persons, said officer may notify the Commissioner of Public Works of such asserted violation. Upon receipt of such notification, the Commissioner of Public Works shall take whatever steps are reasonably necessary to abate the hazard or danger. Any costs so incurred shall be paid for by the person responsible for such violation. The Department of Public Works shall keep on file an affidavit stating accurately the items of expense, if any, incurred and the date of execution of the action taken and shall be authorized to institute suit, if necessary, against the responsible party for the purpose of recovering such costs.

E. Hearings.

(1) Request for a hearing. Any person served with a notice of violation in accordance with the provisions of this chapter and who denies the alleged violation or is otherwise aggrieved by the required action necessary for compliance may, within ten (10) days after service of such notice, file a written request for a hearing with the Commissioner of Public Safety stating the reasons for his request.

(2) Time of hearing. The Commissioner of Public Safety or his designee shall, within six (6) days after receipt of a request for a hearing, acknowledge said request in writing and set a time and place for the hearing not later than fifteen (15) days after the receipt of said request. Hearings may be postponed by the Commissioner of Public Safety beyond fifteen (15) days from the request for just cause and upon service of a notice for such postponement.

F. Testimony and findings. The person requesting the hearing shall be required to give evidence why he should not be required to remedy the violation or show cause why he is unable to comply with the remedial action set forth in the notice of violation. After consideration of all testimony given at the time of hearing, the Commissioner of Public Safety shall sustain, amend or withdraw the notice of violation as originally served. If the notice is sustained or amended, the Commissioner shall set a new compliance date by which the violation shall be remedied or removed in accordance with the original or amended notice.

#### **§ 145-9. Penalties for offenses.**

A. Legal action for noncompliance. Upon reinspection following the date of compliance as specified in the notice of violation or as extended in accordance with the provisions of § 145-8B or F hereof, if the violation has not been remedied or removed as specified and there is still in existence a violation of this chapter in the opinion of the Commissioner of Public Safety, then said officer shall immediately notify the City Attorney who shall thereupon institute appropriate legal action to restrain, prevent, remedy or remove such violation and to compel compliance with this chapter.

B. Penalties. Any person who shall violate, cause to be violated or assist in the violation of any of the provisions of this chapter shall be subject to conviction by a proper court. He shall also be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code. The issuance of a notice of violation shall signify the existence of a single violation, and every day the violation exists beyond the date of compliance, or extension thereof, shall constitute a separate additional violation. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

## **CHAPTER 148. NOISE**

§ 148-1. Legislative intent.

§ 148-2. Unreasonable noises generally; unreasonable noise defined.

§ 148-3. Standards for unreasonable noise.

§ 148-4. Specific acts deemed unreasonable noise.

§ 148-5. Enforcement.

§ 148-6. Penalties for offenses.

## **CHAPTER 148. NOISE**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 9-20-1993; amended in its entirety 12-20-2005. Subsequent amendments noted where applicable.]**

### **GENERAL REFERENCES**

Dogs and other animals — See Ch. 69.

Demonstrations — See Ch. 98.

Entertainment — See Ch. 109.

Hotels and food establishments — See Ch. 136.

Parades — See Ch. 151.

Peace and good order — See Ch. 162.

Peddling and soliciting — See Ch. 165.

Play vehicles — See Ch. 168.

Special events — See Ch. 199A.

Temporary structures — See Ch. 216.

### **§ 148-1. Legislative intent.**

The Saratoga Springs City Council finds that the public interest is served by the prevention of unreasonable noise. The provisions of this chapter are enacted for the purpose of preserving and protecting the public health, safety and welfare and shall be liberally construed to effectuate that purpose. Nothing in this chapter shall be construed to abridge the emergency powers of any City department or the right of such department to engage in any necessary or proper activity. Furthermore, nothing herein shall abridge or circumvent the powers and responsibilities of any police department or law enforcement agency to enforce the provisions of § 240.20 of the Penal Law of the State of New York or the provisions of any other applicable law.

### **§ 148-2. Unreasonable noises generally; unreasonable noise defined.**

It shall be unlawful for any person to make any unreasonable noise within the boundaries of the City of Saratoga Springs. For purposes of this chapter, "unreasonable noise" shall mean any noise which is of such character that a reasonable person of normal sensitivities would not tolerate it under the circumstances, or is detrimental to the life or welfare of any individual, or causes a risk of public inconvenience or alarm.

### **§ 148-3. Standards for unreasonable noise.**

The standards which may be considered in determining whether a violation of this chapter exists may include but not be limited to the following:

- A. The level or volume of the noise.
- B. The time of day or night the noise occurs.
- C. The duration of the noise.
- D. Whether the noise is recurrent, intermittent or constant.
- E. Whether the making of the noise is reasonably necessary for the protection or preservation of property or of the health, safety and welfare of a person or persons.
- F. Whether the noise is reasonably necessary for temporary building or construction operations.
- G. Whether reasonable methods are available for deadening or muffling the noise.
- H. The proximity of the noise to residential property or property customarily used by persons for sleeping.
- I. The proximity of the noise to hospitals or other types of care-giving facilities.
- J. The proximity of the noise to schools during school hours.

### **§ 148-4. Specific acts deemed unreasonable noise.**

In addition to and not in limitation of the standards enumerated in § 148-3, the following acts are deemed to be in violation of this chapter and to constitute unreasonable noise:

- A. The conducting of any building or construction operations between the hours of 10:00 p.m. and 7:00 a.m., except when necessary in an emergency to protect or preserve property or when necessary in the public interest.
- B. In any residential zoning district, the use of any device or apparatus for the amplification of sound, between the hours of 11:00 p.m. and 7:00 a.m., either outdoors or inside a building or structure so as to allow the amplified sound from such apparatus to be clearly and distinctly heard outside such building or structure.
- C. In any nonresidential zoning district, the amplification of sound from whatever source, acoustical, electric or other, between the hours of 12:00 midnight and 8:00 a.m., Monday through Friday, either outdoors or inside a building or structure so as to allow the sound to be clearly and distinctly heard outside such building or structure.
- D. In any nonresidential zoning district, the amplification of sound from whatever source, acoustical, electric or other, between the hours of 1:00 a.m. and 8:00 a.m., Saturday and Sunday, either outdoors or inside a building or structure so as to allow the sound to be clearly and distinctly heard outside such building or structure.

E. In any nonresidential zoning district within 250 feet adjacent to and/or abutting a residential district, the residential rules and limitations will apply.

F. The operation of any motor vehicle or motorcycle within the T-6 Urban Core Transect Zone, as said zone is defined or may hereafter be defined in the Zoning Ordinance, in such a manner as to cause a sound level meter in good operating condition to register a decibel level of 90 dba or greater at a distance of 50 feet from said meter.

**[Added 9-4-2007]**

**§ 148-5. Enforcement.**

A. It shall be the duty of the Code Administrator and the Police Department of the City of Saratoga Springs to enforce the provisions of this chapter.

B. Persons authorized under this section shall issue a verbal warning in response to the first offense, a written warning in response to the second offense, and an appearance ticket in response to the third or subsequent offense under this chapter. Nothing in this section shall be construed to limit or supersede in any manner the authority of police officers to issue appearance tickets under Article 150 of the Criminal Procedure Law.

C. In addition to and not in limitation of any power otherwise granted by law, the Code Administrator and the Police Department are hereby authorized to issue appearance tickets for violations of this chapter.

D. The sound-producing or amplifying device may be confiscated upon the issuance of an appearance ticket for City Court and held as evidence pending such resolution of the matter in City Court and in compliance with above written multiple warning procedures.

E. Nothing in this section shall be construed as to interfere with the lawful activities related to Police Department, Fire Department, Emergency Medical Services or Public Works.

**§ 148-6. Penalties for offenses.**

A. Any person violating § 148-4A shall be guilty of a violation and, upon conviction, shall be liable for a minimum fine of \$250 to a maximum fine not to exceed \$2,000 per occurrence, and such fine will double for each additional occurrence within a two-year period.

B. Any person violating § 148-2 or 148-4B shall be guilty of a violation and, upon conviction, shall be liable for a minimum fine of \$100 to a fine not to exceed \$500 per occurrence.

C. Any person violating § 148-4C, D or E shall be guilty of a violation and, upon conviction, shall be liable for a minimum fine of \$250 to a maximum fine not to exceed \$2,000 per occurrence, and such fine will double for each additional occurrence.

D. Any person holding a City-issued license will be liable for the suspension or revocation of such license only upon a hearing by the issuing authority to determine if such suspension or revocation is warranted and such penalties to be assessed.

**CHAPTER 151. PARADES**

**ARTICLE I. General Provisions**

§ 151-1. Definitions; compliance with other provisions.  
§ 151-2. Applicability.  
§ 151-3. Prohibited items or activities.  
§ 151-4. Restricted use items or activities.  
ARTICLE II. Permits  
§ 151-5. Application.  
§ 151-6. Fees.  
§ 151-7. Responsibility for cleanup.  
§ 151-8. Insurance.  
§ 151-9. Issuance.  
§ 151-10. Standards for issuance.  
§ 151-11. Interference with parade; parking on route.  
§ 151-12. Change of permit.  
§ 151-13. Notice to officials.  
§ 151-14. Contents of permit.  
§ 151-15. Duties of permit holder.  
§ 151-16. Revocation of permit.  
ARTICLE III. Enforcement; When Effective  
§ 151-17. Penalties for offenses; when effective.

## **CHAPTER 151. PARADES**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 12-20-2005. Editor's Note: This ordinance also superseded former Ch. 151, Parades, adopted 5-15-1995. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Alcoholic beverages — See Ch. 61.  
Demonstrations — See Ch. 98.  
Entertainment — See Ch. 109.  
Peace and good order — See Ch. 162.  
Noise — See Ch. 148.  
Special events — See Ch. 199A.  
Streets and sidewalks — See Ch. 203.  
Vehicles and traffic — See Ch. 225.

### **ARTICLE I. General Provisions**

It shall be lawful, as defined in this chapter, for any person, firm, corporation or other legal entity to hold or cause to be held a parade by first obtaining a parade permit from the Commissioner of Accounts.

#### **§ 151-1. Definitions; compliance with other provisions.**

- A. A "parade" is any procession of any kind in a public place in the City of Saratoga Springs that is intended to attract public attention and that does not comply with normal traffic regulations and control.
- B. Any person, corporation, partnership or other entity applying for a permit under this chapter must comply with Chapter 61 of the City Code entitled "Alcoholic Beverages."
- C. Any person, corporation, partnership or other entity applying for a permit under this chapter must comply with Chapter 148 of the City Code entitled "Noise."

D. The following definitions shall apply to this chapter:

**BANNER**

Any sign, as defined herein, hung above a street, from a building, bridge structure or a vehicle or towed by a vehicle, including but not limited to an aircraft, watercraft or trailer.

**CITY**

The City of Saratoga Springs, New York.

**CITY CLERK**

The City Clerk of the City of Saratoga Springs, New York.

**PERSON**

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

**PUBLIC PLACE**

Any place to which the public has unrestricted access, but "public place" shall not mean the interior floor space of any building or any space covered by part of a building's permanent roof.

**SIGNS**

Any display of words, symbols or other visual images made of cloth, paper, plastic, card board or other material or any combination of such display.

**SPECIAL EVENT**

An event, occasion or celebration open to the public and held in or upon any public right-of-way, public street, public park or other public place or conducted in such a manner as to significantly impede public access to any public right-of-way, public street, public park or other public place.

**§ 151-2. Applicability.**

This chapter shall not apply to:

A. Funeral processions.

B. Wedding processions.

C. Students going to and from school or classes or participating in educational activities, provided that such conduct is under the immediate supervision and direction of the proper school authorities. This exception does not apply to parades organized by a school or anybody thereof more than 24 hours prior to its occurrence.

D. A governmental agency acting within the scope of its functions.

**§ 151-3. Prohibited items or activities.**

A. The following items or activities are prohibited:

(1) Alcoholic beverages. Alcoholic beverages in any open container cannot be carried or possessed by participants of the parade.

(2) Explosives, fireworks or pyrotechnics. No person shall carry or possess any kind or mixture of explosives, fireworks or pyrotechnics.

(3) Facial coverings. Facial coverings, regardless of the material of which they are made, are not permitted to cover the face from the chin area to the forehead.

(4) Fencing material. Materials commonly used for fencing on property, or a safety zone including barricades and which could be used to obstruct governmental administration shall not be carried or possessed during a parade unless placed at a parade site by governmental agencies to control

parade participants and continue to allow free access to sidewalks and other public places as allowed by statute, law, code or ordinance.

(5) Flammable or combustible liquids or gases. Flammable or combustible liquids, compressed gases or gases cannot be carried or possessed.

(6) Gas masks. Gas masks or similar devices designed to filter air breathed and protect the respiratory tract and face against the irritating, noxious or poisonous gases cannot be carried, possessed or worn.

(7) Injury, physical. The conduct of the special event is not reasonably likely to be cause physical injury to persons or property.

(8) Interference with emergency services. The special event will not unduly interfere with property, fire and police protection or emergency services to contiguous areas of such assembly areas.

(9) Obscene material. No person shall display, carry or possess any obscene material as defined by § 235.20 of the NYS Penal Law.

(10) Noxious materials. No person shall use, carry or possess any noxious material of any kind or strength while participating in a parade.

(11) Plastic or metal pipe. It is unlawful to carry or possess any length of plastic pipe more than 1/4 inch thick. Any metal pipe, metal angle iron, box steel, flat steel or similar plastic material is not permitted.

(12) Projectile launchers. Projectile launchers or other devices commonly used for the purpose of launching, hurling, or throwing any object, liquid, material or substance cannot be carried or possessed.

(13) Sidewalks (blocking). No person or group of persons shall block any lawful use of a public sidewalk or any ingress to or egress from any building by standing within 15 feet of said doorway or entrance or any driveway to any building.

(14) Signs. No sign or combination of signs shall render impassable any public way or any ingress to or egress from any public way, or render passage to, from or across a public way unreasonably difficult or hazardous. Posters, plaques or notices mounted on a support or hand held, constructed solely of cloth, paper, plastic or cardboard material no greater than 1/4 inch thick are permitted. Signs must be of such size and construction as to be safely carried and displayed.

(15) Splinter groups. No person or small group is permitted to break off the main group to stage smaller parade or picketing unless a new and separate permit is first obtained.

(16) Strong acid or base chemicals in solid, liquid or gas. No persons shall use, carry or possess any acidic or basic chemical regardless of its physical state.

(17) Traffic (blocking). No person shall block or otherwise interfere with highway, road or rail traffic to include ingress to or egress from a building or onto property.

(18) Wood or wood products. No person shall carry or possess any length of lumber, wood or wood lath unless the wood object is blunted at both ends, is 1/4 inch or less in thickness and two inches or less in width or, if not generally rectangular in shape, does not exceed 3/4 inch at its thickest.

#### **§ 151-4. Restricted use items or activities.**

A. The following items or activities have restricted use:

- (1) Flyovers. Flyovers and aircraft trailing banners are not permitted unless requested for in the permit application in advance. A copy of the FAA authorization permit is required to be filed with the permit application
- (2) Firearms. Firearm use or carry, real or replica, whether for ceremonial use as in a color guard or not, must be approved by the Police Department.
- (3) Sound-producing or amplifying devices. The use of any sound-producing or amplifying devices is permitted if the sound is so as not to be heard at 250 feet and beyond the parade. The use of said equipment must also comply with restrictions and limitations contained in Chapter 148 of the City Code entitled "Noise."
- (4) Electricity. Electrical connections are not publicly available from the City. The use of an electric generator is prohibited. Electrical connections from private property are permitted, provided such connections shall have been inspected by a certified electrical inspector as to safety and compliance with the National Electrical Code. A copy of the inspection shall be filed with the Commissioner of Accounts prior to said use.

#### **ARTICLE II. Permits**

#### **§ 151-5. Application.**

- A. Applications for such permit shall be made to the Commissioner of Accounts on the forms provided by the Commissioner.
- B. Filing period. An application for a parade permit shall be filed with the Commissioner of Accounts not less than 30 days before the date on which it is proposed to conduct the parade.
- C. For any event that will attract 5,000 or more persons the applicant must obtain a permit from the NYS Department of Health and include it with the application. A safety plan, as required by the Department of State, must also be included with the application.

#### **§ 151-6. Fees.**

- A. There shall be no fee for any fraternal, civic, veterans and school organizations, or other organizations or entities that the Commissioner of Accounts determines to be in the public interest.
- B. All other persons: \$50.

#### **§ 151-7. Responsibility for cleanup.**

The Commissioner of Public Works shall have the authority, in situations where he determines that the proposed parade is of such magnitude or character that it will generate an excessive or extraordinary amount of debris upon the public ways, to require an agreement from the applicant stating that the applicant shall be responsible for the costs of cleanup of the public ways after the parade. The Commissioner of Public Works may enter into any agreement with the applicant as may be necessary.

#### **§ 151-8. Insurance.**



The applicant shall provide proof of insurance to the Commissioner of Accounts as follows:

- A. Proof of commercial general liability insurance, including completed products and operations and personal injury liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. The City shall be included as an additional insured on said insurance.
- B. In the event a motorized vehicle shall be utilized in the permitted event, commercial automobile liability in the combined single limit of \$1,000,000 shall be required for all nonowned, hired and/or owned vehicles. The City shall be included as an additional insured on said insurance.
- C. Proof of statutory workers' compensation and employer's liability insurance for all employees participating in the event.
- D. A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act or omission of the applicant, or the applicant's employees, agents, or subcontractors.

#### **§ 151-9. Issuance.**

If the Commissioner of Accounts finds that all applicable provisions of this chapter have been complied with or will be complied with by the applicant, a permit shall be issued to hold a parade conditional upon such reasonable limitations and requirements as may be deemed necessary for the protection of the public health, safety and welfare.

#### **§ 151-10. Standards for issuance.**

The Commissioner of Accounts shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, it is found that:

- A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- B. The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly manage the line of movement and the areas contiguous thereto as to prevent normal police protection to the rest of the City.
- C. The conduct of such parade will not require the diversion of so great a number of emergency services to portions of the City other than that occupied by the proposed line of march and areas contiguous thereto.
- D. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance.
- E. The issuance of a parade permit under this chapter shall not be construed as granting authorization to conduct activities defined as "demonstration" in Chapter 69 or "special events" in Chapter 98 of the Code of the City of Saratoga Springs.

#### **§ 151-11. Interference with parade; parking on route.**

A. Driving through parades. Except in emergencies, no driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade, unless directed to do so by a police officer.

B. Parking on the parade route. The Commissioner of Public Safety shall have the power and authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of a route of a parade. The Commissioner of Public Safety shall have posted signs to the effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

#### **§ 151-12. Change of permit.**

The City shall be empowered to change the date, time or parade route should such a change be in the best interest of the public health, safety or welfare. If the applicant refuses to accept such changes and chooses to cancel the parade, all fees paid by the applicant shall be refunded.

#### **§ 151-13. Notice to officials.**

Immediately upon the application for a parade permit, the Commissioner of Accounts shall send a copy of the parade permit application to the following:

- A. Mayor.
- B. Commissioner of Accounts.
- C. Commissioner of Public Safety.
- D. Fire Chief.
- E. Commissioner of Finance.
- F. Commissioner of Public Works.
- G. Police Chief.
- H. Risk and Safety Manager.

#### **§ 151-14. Contents of permit.**

The parade permit shall state the following information:

- A. The starting and ending times.
- B. The portions of the streets to be traversed that may be occupied by the parade.
- C. The maximum length of the parade in miles or fractions thereof.
- D. The name of the responsible party and telephone number.
- E. Such other information as the Commissioner of Accounts may find necessary to the enforcement of this chapter.

### **§ 151-15. Duties of permit holder.**

A. The permit holder hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

B. Possession of permit. The parade chairperson or the person heading or leading such activity shall carry the parade permit upon his/her person during the conduct of such parade.

### **§ 151-16. Revocation of permit.**

The Commissioner of Accounts shall have the authority to revoke a parade permit for violation of any of the provisions of this chapter. Notice of such revocation and the reason or reasons therefor shall be served upon the person named in the permit application or by mailing the same to the address given on the permit application.

## **ARTICLE III. Enforcement; When Effective**

### **§ 151-17. Penalties for offenses; when effective.**

A. Any person or other legal entity who violates any of the provisions of this chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, General Penalty of this Code. Both the Police Department and Code Administration shall have the authority to enforce the provisions of this chapter and to issue appearance tickets for violations thereof.

B. This chapter shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

## **CHAPTER 155. PARKS AND RECREATION AREAS**

### **ARTICLE I. Loughberry Lake**

#### **§ 155-1. Prohibited acts.**

#### **§ 155-2. Littering and dumping.**

#### **§ 155-3. Penalties for offenses.**

## **CHAPTER 155. PARKS AND RECREATION AREAS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs; Art. I, 1-21-80 as Ch. 46 of the 1970 Code. Section 155-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Recreation Commission — See Ch. 38.

Garbage, rubbish and refuse — See Ch. 126.

Play vehicles — See Ch. 168.

Public property — See Ch. 178.

## **ARTICLE I. Loughberry Lake**

**[Adopted 1-21-80 as Ch. 46 of the 1970 Code]**

### **§ 155-1. Prohibited acts.**

No person shall swim, fish, boat, water-ski or otherwise use the waters of Loughberry Lake. This prohibition shall also apply to the surface of the lake when frozen and shall have the effect of prohibiting walking, skating and the use of cross-country skis, snowmobiles, snowshoes, sleds and all other conveyances, devices or vehicles on the lake other than emergency vehicles actually used in responding to an emergency.

### **§ 155-2. Littering and dumping.**

Any person who dumps, deposits or allows or causes to be dumped or deposited in any manner any trash, glass, bottles, garbage or any other debris in the waters of Loughberry Lake, upon the shoreline adjacent thereto or upon the ice covering the waters of Loughberry Lake or any person who constructs, moves, places or causes or allows to be constructed, moved or placed any structure upon the ice covering the waters of Loughberry Lake shall be guilty of a violation punishable in accordance with the provisions of this Article.

### **§ 155-3. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any violation of this Article shall be punishable as set forth in Chapter 1, General Provisions, Article III, of this Code.

## **CHAPTER 159. PAWNBROKERS**

§ 159-1. License required.

§ 159-2. License fee; expiration date.

§ 159-3. Records.

§ 159-4. Compliance with state standards.

§ 159-5. Penalties for offenses.

## **CHAPTER 159. PAWNBROKERS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 78 of the 1970 Code. Sections 159-2A and 159-5 amended and § 159-4 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## **GENERAL REFERENCES**

Auctions — See Ch. 72.

Junk dealers — See Ch. 140.

### **§ 159-1. License required.**

No person shall carry on the business of pawnbroker without a license from the Commissioner of Accounts.

### **§ 159-2. License fee; expiration date.**

A. The Commissioner of Accounts may grant a yearly license for such business at a particular place for a fee of two hundred fifty dollars (\$250.) per year or fraction thereof. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

B. All licenses shall expire on April 30 following the date of issue.

### **§ 159-3. Records.**

Every pawnbroker shall keep a record of the name and address of the customer, the date of the transaction, the amount loaned and a description of the article, which record shall be open to the inspection of any officer of the city.

### **§ 159-4. Compliance with state standards.**

Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. In addition to the provisions of this chapter, the provisions of Article 5, § 40 et seq., of the General Business Law shall apply to all pawnbrokers in the City of Saratoga Springs, and compliance with such provisions is required.

### **§ 159-5. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine of one hundred dollars (\$100.) per day of continued violation.

## **CHAPTER 162. PEACE AND GOOD ORDER**

### **ARTICLE I. Throwing Snowballs**

#### **§ 162-1. Prohibited acts.**

#### **§ 162-2. Penalties for offenses.**

## **CHAPTER 162. PEACE AND GOOD ORDER**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs: Art. I, as Ch. 117 of the 1970 Code. Section 162-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## **GENERAL REFERENCES**

Amusement devices — See Ch. 65.

Curfew — See Ch. 96.

Noise — See Ch. 148.

### **ARTICLE I. Throwing Snowballs**

**[Adopted as Ch. 117 of the 1970 Code]**

#### **§ 162-1. Prohibited acts.**

No person shall throw or cast any balls of ice or snow in any of the public streets or highways in the City of Saratoga Springs, New York.

#### **§ 162-2. Penalties for offenses.**

**[Amended 3-15-71 Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. ]**

Any person who violates any provision of this Article shall, upon conviction thereof, be subject to the following penalties:

A. For the first offense, a fine of fifteen dollars (\$15.).

B. For the second and subsequent offenses, a fine of twenty-five dollars (\$25.).

#### CHAPTER 165. PEDDLING AND VENDING

§ 165-1. Definitions.

§ 165-2. Exemptions.

§ 165-3. License required.

§ 165-4. Application for license; bond.

§ 165-5. License.

§ 165-6. License fees.

§ 165-7. Revocation of license.

§ 165-8. Restrictions.

§ 165-9. Outdoor vendor displays and other similar devices.

§ 165-10. (Reserved)

§ 165-11. Orders.

§ 165-12. Records.

§ 165-13. Application of Zoning Ordinance.

§ 165-14. Review committee.

§ 165-15. Enforcement.

§ 165-16. Penalties for offenses.

#### **CHAPTER 165. PEDDLING AND VENDING**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 1-21-1992; amended in its entirety 12-21-2004. Subsequent amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Public assemblies — See Ch. 69.

Handbills and posters — See Ch. 132.

Newsracks — See Ch. 145.

Noise — See Ch. 148.

Pawnbrokers — See Ch. 159.

Vehicles and traffic — See Ch. 225.

#### **§ 165-1. Definitions.**

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

##### **OUTDOOR VENDOR DISPLAY**

Shall include racks, shelves, and other similar fixtures used to display goods, wares or merchandise, and shall also include devices of this type commonly known as "vendor carts" or "pushcarts." The terms shall also include booths, structures and motor vehicles used in the outdoor display of merchandise.

##### **PERSON**

Includes individuals, corporations, partnerships, associations, and all other legal entities, whether acting as principal or agent.

##### **PUBLIC PLACE**

A place to which the public or a substantial group of persons has access, but the term shall not mean the interior floor space of any building or store, exclusive of porches, patios, and other similar areas not enclosed by solid walls.

##### **VENDOR**

Includes, except as hereinafter expressly provided, any person, who, in any public street or public place, or by going from place to place, sells or trades in any goods, wares or merchandise, whether or not delivery is made or payment is collected at the time of sale. Persons who solicit orders by telephone shall not be considered vendors for purposes of this section.

#### **§ 165-2. Exemptions.**

Nothing in this chapter shall be held to apply to any of the following:

- A. Sales conducted pursuant to statute or by order of any court.
- B. Any person selling goods, wares or merchandise at wholesale to dealers in such articles.
- C. Farmers and gardeners who sell or dispose of products of their farms and gardens, either from a place located on the property where such products are grown or produced, or from a farmers' market or other place designated by the City of Saratoga Springs for such a purpose.
- D. Persons operating a sale on behalf of any charitable organization or not-for-profit corporation, as that term is defined in the Not-for-Profit Corporations Law, except that such persons shall be required to obtain a vendor license, at no cost and without bond, and shall be subject to all the restrictions set forth in § 165-8. The Commissioner of Accounts may, in his absolute discretion, refuse to issue a license to any such person or persons until they have satisfactorily demonstrated to the Commissioner that they qualify for this exemption. The Commissioner of Accounts may, in appropriate cases, waive the insurance and indemnification requirements of § 165-8G and H for such person or persons.
- E. Any person selling his or her own personal property at a garage sale held at his or her private residence.
- F. Persons who sell milk, newspapers, books, or periodicals.

#### **§ 165-3. License required.**

It shall be unlawful for any person, within the corporate limits of the City of Saratoga Springs, to act as a vendor, as herein defined, without obtaining a license pursuant to this chapter.

#### **§ 165-4. Application for license; bond.**

A. Every person who wishes to obtain a license under this chapter shall make application to the Commissioner of Accounts on forms provided by the Commissioner. Two or more persons who wish to participate in a group vending activity may submit a single unified application. Each application shall state:

- (1) The name, address and phone number of the applicant.
- (2) If the applicant is an agent, the name, address and phone number of the person, firm, corporation or legal entity that he or she represents, and, the names, addresses and phone numbers of all vendors participating in the application.
- (3) A detailed description of the goods, wares or merchandise that the applicant will sell or trade in, along with a description of any vehicles or devices to be used by the applicant.
- (4) The area or areas within the City where the applicant proposes to conduct his or her activities.

(5) Any other information as may be required by the Commissioner of Accounts to properly and adequately review the application.

B. Such application shall be accompanied by a certificate from the Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

C. The Commissioner of Accounts shall have authority to require a bond for any applicant who applies for a license to sell goods, wares or merchandise by accepting payment in advance of delivery.

D. Applications for licenses under this chapter may be made between January 1 and December 31 in each and every year and shall be valid until December 31 of that year, unless a shorter period of validity shall be specified on the license by the Commissioner of Accounts.

E. The Commissioner of Accounts shall have authority to refer any application to the Saratoga Springs Police Department for the making of such investigation of the applicant as the Department deems necessary for the protection of the public good. A report of such investigation shall be made to the Commissioner of Accounts.

F. Each application shall be accompanied by two recent photographs of the applicant, or, if the applicant is not an individual, two photographs of the person who will be conducting the vending activities. In any case if more than one person will be conducting the vending activities, two photographs of each person must be submitted. All photographs must be of passport size and requirements.

#### **§ 165-5. License.**

A. Upon the completion of the foregoing requirements to the satisfaction of the Commissioner of Accounts and the Departments of Public Safety and Public Works, the Commissioner of Accounts shall issue the applicant a license. Except as hereinafter provided, no license shall be refused except for a stated reason as to why the application is not satisfactory.

B. The Commissioner of Accounts may, in the Commissioner's sole discretion, impose conditions upon the use of any license, including but not limited to the times of day, days of the week, and geographical limits within which the licensee may perform the activities permitted by the license.

C. A license shall not be assignable. Any holder of a license who permits it to be used by any other person and any person who uses a license granted to any other person shall each be guilty of a violation of this chapter.

D. Whenever a license shall be lost or destroyed on the part of the licensee or his or her agent or employee, a duplicate license, subject to all the terms and conditions of the original, may be issued by the Commissioner of Accounts upon the filing by the licensee of an affidavit setting forth the circumstances of the loss. The Commissioner of Accounts shall have authority to charge a fee of \$25 for a replacement license.

E. Each license shall be assigned a number and shall indicate the licensee's name and address, the date of issue, the expiration date, the goods, wares or merchandise to be sold or traded in, the amount of the fee paid, and the vehicles or other devices used by the licensee.

F. All licenses shall expire on December 31 in the year issued, unless the Commissioner of Accounts has specified an earlier expiration date.



G. No license shall be issued to a person under 18 years of age.

H. No licensee who has had his or her license revoked shall make another application until a period of at least 12 months shall have elapsed since the revocation, unless he or she can demonstrate to the satisfaction of the Commissioner of Accounts good cause for the earlier submittal of an application.

#### **§ 165-6. License fees.**

A. For all licenses, except those given under written agreement pursuant to § 165-69B, the license fees shall be as follows:

<b>License for</b>	<b>Fee</b>
Vendors, food or nonfood sales from fixed stands or other similar established location	\$250
Vendors, food or nonfood sales from, trailers, or other mobile devices	\$250
Vendors, food or nonfood sales from outdoor vendor displays as per § 165-9	\$65
Vendors, all other	\$250
Veterans licensed by Saratoga County under Article 4 of the General Business Law	No fee

B. A person 70 years of age or older may make application to waive the fee for any license required by this chapter, and the Commissioner of Accounts shall grant such waiver upon the applicant's submitting satisfactory proof of age. Such waiver shall be rescinded if at any time the applicant shall cease to be the sole person engaged in the licensed activity.

#### **§ 165-7. Revocation of license.**

The Commissioner of Accounts may, upon due notice, revoke or suspend any license issued for a violation of any of the provisions of this chapter or for any other act or omission that demonstrates the licensee's inability to safely and properly conduct the licensed activity. When a license shall be revoked or suspended, no refund of any portion of the license fee shall be made. Notice of such revocation or suspension and the reason or reasons therefor in writing shall be served by the Commissioner of Accounts upon the licensee or mailed to the licensee's address as stated on the application.

#### **§ 165-8. Restrictions.**

A licensed vendor shall:

A. Not falsely or fraudulently misrepresent any article or articles offered for sale or offer for sale any unwholesome, tainted or contaminated goods, wares, or merchandise.

B. Permit the City Health Officer to inspect any equipment used or foods offered for sale at any time.

C. Horns and bells.

(1) Not blow a horn, ring a bell or use any other noise-making device to attract public attention, or shout or cry out to attract attention, except under the following circumstances:

(a) When required to do so by the New York State Vehicle and Traffic Law, or by other applicable law.

(b) When actually operating a motor vehicle for the purpose of selling food.

(2) For purposes of this subsection, noise made by such a licensee shall not be continuous and uninterrupted, nor shall it be of a type that a reasonable person, under the circumstances, would not tolerate.

D. Not permit any automobile or other vehicle used by him or her to stop or remain on any crosswalk.

E. Not position himself or herself nor place any object in such a manner so as to obstruct any street, sidewalk or public place and shall keep the area within 10 feet of his or her vending operation clean and free from debris.

F. Not purchase any gold, silver or other precious metals or jewelry or antiques, objects of art, collectibles, or other articles without obtaining the name and address of the seller or sellers and without permitting the City Police Department to inspect the articles purchased and the names and addresses of the seller or sellers at any time.

G. Have in full force and effect a commercial general liability insurance policy, including personal injury liability insurance, and completed products and operations insurance, in the amount of \$1,000,000 per occurrence aggregate. The City shall be included as an additional insured on said insurance solely for the permit process.

H. Provide proof of statutory workers compensation and employers liability insurance for all employees, or a waiver of same as permitted by law.

I. If an automobile is used in the vending activity, have in full force and effect combined single limit automobile insurance for all owned and nonowned vehicles used.

J. Execute a hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorneys fees), arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious act or negligent act or omission of the applicant, or the applicant's employees, agents or subcontractors.

K. Not occupy, obstruct or in any way interfere with the normal public use of any bench or other structure established by the City for public use.

L. Comply with any requirements or regulations promulgated either by the Commissioner of Accounts or the Commissioner of Public Safety. It shall be the responsibility of the licensee to obtain information about any such standards from the Department of Accounts.

M. Display his or her photo license prominently at all times while engaging in the licensed activity.

N. Not sell from a motor vehicle or other vehicle or trailer anywhere in the T-6 Downtown Business District, except as may be allowed under a special event permit issued under Chapter 69 of the City Code.

**§ 165-9. Outdoor vendor displays and other similar devices.**

In addition to and not in limitation of the other provisions of this chapter, it shall be lawful for vendors to operate an outdoor vendor display under the circumstances described in this section, and under no other circumstances. Nothing in this section shall be construed so as to limit the provisions of City Code § 203-5, relative to the placement of goods, wares, and merchandise within 30 inches of a building.

**A. Outdoor vendor displays in the T-6 Downtown Business District.**

(1) Any person, firm, corporation or other legal entity who lawfully operates in the T-6 Central Business District a business at a fixed location for the sale at retail of food, goods, wares and/or merchandise may make application in the manner herein provided for a permit to operate an outdoor vendor display on any sidewalk adjacent to his or her place of business. All requirements established by this subsection shall be in addition to and not in limitation of the other requirements imposed by this chapter.

(2) Each applicant for a permit under this subsection shall submit an application to the Department of Accounts. The application shall contain the following information:

(a) A copy of the applicant's state license or licenses to sell food, goods, wares and/or merchandise at retail, and a copy of the applicant's sales tax certificate.

(b) A detailed drawing or photograph of the proposed display, showing its dimensions, colors, and the materials of which it is to be constructed.

(c) A sketch plan showing the placement of the proposed display relative to the building, and relative to all sidewalks, curbs, awnings and landmarks adjacent to the building. The plan shall also include the location of all trees, flower beds, and plantings on the property.

(d) An inventory list of all items to be sold from the display.

(e) Drawings or examples of all signs, lettering, symbols and logos to be used on the proposed display.

(f) Any other information that the Commissioner of Accounts shall deem necessary in the public interest.

(3) The application submitted to the Department of Accounts shall be referred to the Department of Public Works, the Department of Public Safety and the Design Review Commission for comments and recommendations. The Commissioner of Public Works and the Commissioner of Public Safety shall have authority to impose such restrictions or modifications upon any application that will, in their judgment, be necessary in the interest of public health, safety and welfare.

(4) Upon the completion of all reviews by the Department of Public Works, the Department of Public Safety and the Design Review Commission, the Commissioner of Accounts shall have the authority to issue a permit for the proposed display, together with any restrictions or modifications imposed. Such permit shall be valid until October 31 in the calendar year in which it is issued. Before the issuance of the permit, the applicant shall provide the following to the Commissioner of Accounts:

(a) An agreement by the applicant to repair, at the applicant's expense, any damage caused to the sidewalk or public property by the operation of the display. The Commissioner may require a bond, in an amount to be fixed by the Commissioner, to be filed by the applicant.

(b) Have in full force and effect a commercial general liability insurance policy, including personal injury liability insurance, and completed products and operations insurance, in the amount of \$1,000,000 per occurrence aggregate. The City shall be included as an additional insured on said insurance solely for the permit process.

(c) Provide proof of statutory workers compensation and employers liability insurance for all employees, or a waiver of same as permitted by law.

(d) If an automobile is used in the vending activity, proof that the applicant has in full force and effect combined single limit automobile insurance for all owned and nonowned vehicles used.

(e) Execute a hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorneys fees), arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious act or negligent act or omission of the applicant, or the applicant's employees, agents or subcontractors.

(f) If food is to be sold from the display, proof that the applicant has been issued all applicable licenses.

(5) A vendor authorized to operate a display under this subsection shall:

(a) Comply with all plans, restrictions and modifications imposed by this subsection and by the Commissioner of Public Works, the Commissioner of Public Safety and the Design Review Commission.

(b) Not sell or give away any alcoholic beverages at any display.

(c) Not sell or give away any food, goods, wares or merchandise that has not been specifically listed and described in the inventory list submitted with the application.

(d) Not play music or call out in any manner to attract attention to the display.

(e) Not construct the display sooner than April 1, and shall remove the display no later than October 31, in any year for which a permit is granted.

(f) Comply with all other provisions of this chapter and all other chapters of the City Code.

(6) The Commissioner of Accounts is hereby authorized to further regulate the operation of outdoor vendor displays through the promulgation of appropriate rules, regulations and specifications in the public interest.

(7) Upon a finding by the Commissioner of Accounts that a permit holder under this subsection has violated any of the provisions of this subsection, the Commissioner shall give written notice to correct said violation within 24 hours of the issuance of said notice. Upon failure to correct said violation within 24 hours, the Commissioner may revoke or suspend the permit. The Commissioner shall have the authority to give an applicant reasonable time to correct a violation of this subsection.

B. Outdoor vendor displays outside the T-6 Central Business District. In addition to and not in limitation of the other provisions of this chapter, the City Council shall have the authority to establish, from time to time, designated fixed locations in the City for the operation of outdoor vendor displays, except that this authority shall not extend to anywhere in the T-6 Central Business District, to any area where a special event permitted under Chapter 69 of the City Code is being conducted, to any area designated by the City Council as a farmers' market, or to Congress Park. Outdoor vendor displays on Frank Sullivan Place, Wright Street, Union Avenue, East Avenue, or any street or public way adjacent to the property on which the Saratoga Race Course is located may be established only upon a four-fifths vote of the Council. The Council shall establish any such fixed location or locations as follows:

(1) The Council shall establish, or cause to be established, a specific location for each display, and shall create a map or diagram showing each display's location in relation to buildings, streets, sidewalks, crosswalks, driveways, traffic signals, public utilities and public ways.

(2) The Council shall create, or cause to be created, specifications for the operation of each display. Such specifications shall include but not be limited to:

(a) The design of the display.

(b) The materials of which the display is made.

(c) The size and dimensions of the display.

(d) The signage, graphics and lettering, if any, displayed on the display.

(e) The goods, wares, merchandise and/or services to be sold at the display.

(f) The hours of operation for the display.

(g) The insurance that the vendor shall be required to maintain while operating the display.

(h) The licensing required for the display and/or the vendor, including city, state and federal licenses where applicable.

(i) The approval requirements from City departments and/or agencies, including the Design Review Commission, where applicable.

(j) Any other requirements that the City Council shall deem necessary in the public interest.

(3) Upon the adoption, by resolution, of display locations and specifications, the Council shall advertise for proposals from vendors to operate each display. Advertisements for proposals shall be published in the official newspaper and shall state a time by which proposals shall be opened and made available for public inspection.

(4) The Council shall review all proposals and may designate any officer, employee, or committee to provide advice and recommendations during the review process. Thereafter, the Council may reject all proposals or may award one or more vendor display locations to responsible vendors whose proposals meet the established specifications.

(5) A vendor who has been awarded one or more vendor display locations shall enter into a written agreement with the City. Said agreement shall incorporate all requirements established in the specifications, and shall establish the fee to be paid.

#### **§ 165-10. (Reserved)**

#### **§ 165-11. Orders.**

All orders taken by licensees who accept payment in full or in part prior to delivery shall be in writing, stating the terms of the sale and the amount paid in advance, and one copy shall be given to the purchaser at the time of the order.

#### **§ 165-12. Records.**

A. It shall be the duty of the Commissioner of Accounts to keep a record of all applications and all licenses granted under the provisions of this chapter, giving the number and date of each license, the name and address of the licensee, the amount of the license fee paid and also the date of revocation of all licenses revoked.

B. It shall be the duty of any vendor who deals in any goods, the sale of which shall not be exempt from sales tax, to keep records adequate for the Commissioner of Accounts to determine what sales taxes were incurred and paid.

#### **§ 165-13. Application of Zoning Ordinance.**

Nothing in this chapter shall be construed as granting the Commissioner of Accounts any power to confer rights upon license holders to do or perform any activity in contravention of any duly adopted zoning regulations or ordinance in effect in the City of Saratoga Springs. It shall be the responsibility of the licensee to determine if his or her activity complies with the applicable zoning ordinances.

#### **§ 165-14. Review committee.**

The Commissioner of Accounts shall cause the provisions of this chapter to be reviewed each year, during the month of September, by a committee that shall report its conclusions to the Commissioner. Said committee shall include representatives from the Departments of Accounts, Public Works and Public Safety, and the City Attorney's office. The Commissioner shall also encourage participation on said committee by representatives of business organizations, including but not limited to the Chamber of Commerce, the Downtown Business Association, the Saratoga Convention and Tourism Bureau, and the Downtown Special Assessment District. Nothing in this section shall be construed so as to prohibit the Commissioner from reviewing the provisions of this chapter more frequently, in the Commissioner's discretion.

#### **§ 165-15. Enforcement.**

The Police Department and the Department of Code Administration are hereby authorized to enforce the provisions of this chapter, and are further authorized to issue appearance tickets for violations thereof.

#### **§ 165-16. Penalties for offenses.**

Any person who, by himself or herself or by an agent or employee, shall act as a vendor as herein defined, without a license, or who shall violate any of the provisions of this chapter, or who, having had a license revoked or suspended, shall continue to act as a vendor, shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the Code.

### **CHAPTER 167. PLANNED UNIT DEVELOPMENT**

#### **§ 167-1. Planned Unit Development**

## **CHAPTER 167. PLANNED UNIT DEVELOPMENT**

### **§ 167-1. Planned Unit Development**

[The ordinances pertaining to planned unit development (PUD's) are on file in the office of the City Clerk and may be viewed there during normal business hours. A listing of the planned unit developments and the associated ordinance adoption dates are as follows:

Division Street PUD: 10-17-1983

Interlaken PUD: 8-6-1984

The Water's Edge on Saratoga Lake PUD: 1-21-1992

Weibel Plaza Commercial PUD: 3-16-1992

Woodlawn Oval PUD: 1-4-1993

Saratoga Hospital Medical/Professional PUD: 4-19-1993

Congress Park Centre PUD: 6-22-1993]

## **CHAPTER 168. PLAY VEHICLES**

§ 168-1. Definitions.

§ 168-2. Prohibited acts.

§ 168-3. Traffic infractions; parental responsibility; effect on other provisions.

§ 168-4. Penalties for offenses.

## **CHAPTER 168. PLAY VEHICLES**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 5-18-87 as Ch. 14A of the 1970 Code. Sections 168-2 and 168-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### **GENERAL REFERENCES**

Bicycles — See Ch. 75.

Noise — See Ch. 148.

Parks and recreation areas — See Ch. 155.

Peace and good order — See Ch. 162.

Vehicles and traffic — See Ch. 225.

### **§ 168-1. Definitions.**

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

#### **PLAY VEHICLE**

Any device, not powered by a motor, used for propelling or transporting one (1) or more persons and of a type commonly used for recreation or entertainment purposes. The term "play vehicle" shall not include a bicycle or tricycle as defined in the New York State Vehicle and Traffic Law.

### **§ 168-2. Prohibited acts.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. No person shall ride or propel any play vehicle on any street, highway, sidewalk or public path within the area designated as the C-1 Downtown Business District as shown on the Zoning Map of the City of Saratoga Springs.

**§ 168-3. Traffic infractions; parental responsibility; effect on other provisions.**

- A. It is a traffic infraction for any person to do any act or fail to perform any act required in this chapter.
- B. The parent of any child and the guardian of any ward shall not authorize or knowingly permit such child or ward to violate any of the provisions of this chapter.
- C. No part of this chapter shall be interpreted to alter, amend or exclude in any way the regulations provided in Chapter 75, Bicycles, of this Code.

**§ 168-4. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Every person convicted of a violation of any provision of this chapter shall be subject to the penalties set forth in § 1800 of the Vehicle and Traffic Law.

**CHAPTER 171. PLUMBING**

ARTICLE I. Definitions

§ 171-1. Definitions.

§ 171-2. Applicability of statute.

§ 171-3. Effect on water mains and meters.

§ 171-4. Continuation of existing certificates and registrations.

ARTICLE II. Licensing Provisions

§ 171-5. Metal plate or sign required; fee.

§ 171-6. Registration required.

§ 171-7. Requirements for establishing business.

§ 171-8. Nonresident plumbers.

§ 171-9. Eligibility for examination.

§ 171-10. Examination.

§ 171-11. Reexamination.

§ 171-12. Eligibility for certification.

§ 171-13. Lost certificates.

§ 171-14. Metal plates or signs.

§ 171-15. Renewal.

§ 171-16. Validation.

§ 171-17. Appeals.

§ 171-18. Change of status.

ARTICLE III. Regulations

§ 171-19. Prohibited acts.

§ 171-20. Performance of work.

§ 171-21. Work done outside city.

ARTICLE IV. Administration and Enforcement

§ 171-22. Powers and duties of Examining Board of Plumbers.

§ 171-23. Powers and duties of Plumbing Inspector.

§ 171-24. Investigation; report.

§ 171-25. Notice of violation.

§ 171-26. Cancellation of registration.

§ 171-27. Penalties for offenses.



## **CHAPTER 171. PLUMBING**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 83 of the 1970 Code. Sections 171-2, 171-3, 171-5B, 171-6, 171-8 and 171-27 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Electrical standards — See Ch. 106.

Fire prevention and building construction — See Ch. 117.

Water and sewers — See Ch. 231.

### **ARTICLE I. Definitions**

#### **§ 171-1. Definitions.**

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

##### **MASTER PLUMBER**

A person who holds a master plumber's certificate of competency obtained after having successfully passed an examination given by the Examining Board of Plumbers of this city and who engages in the business of plumbing on his own account or as a bona fide member of a firm or corporation under the provisions of § 45-a of the General City Law and is registered with the Examining Board of Plumbers and has an established place in the City of Saratoga Springs from where he conducts and operates his business and has his name and metal sign conspicuously displayed at said place of business that is easily read by the public.

##### **PERSON**

Not only includes an individual, male or female, but also includes any partnership, corporation or association of individuals holding or applying for a master plumber's certificate.

#### **§ 171-2. Applicability of statute.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Article 4, Plumbing and drainage, of the General City Law, including all amendments and supplements, is hereby enacted and made a part of this chapter.

#### **§ 171-3. Effect on water mains and meters.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Nothing in this code of rules shall be construed to prevent the Utilities Department of the City of Saratoga Springs from making necessary installations, repairs and maintenance of water meters.

#### **§ 171-4. Continuation of existing certificates and registrations.**

All certificates and registrations of master plumbers at present in force are hereby continued and shall be renewable under the provisions of this chapter.

### **ARTICLE II. Licensing Provisions**

#### **§ 171-5. Metal plate or sign required; fee.**

A. No person otherwise qualified shall engage in the trade, business or calling of a plumber or of plumbing in the City of Saratoga Springs as an employing or master plumber until he has first procured

from the Examining Board of Plumbers a metal plate or sign appropriately lettered or marked "Licensed Plumber," such plate or sign to be conspicuously posted in the window or place where such business is conducted. Any person retiring, abandoning or not actually engaged in such trade, business or calling hereinbefore mentioned shall surrender to the Examining Board of Plumbers such metal plate or sign and shall not again engage in such trade, business or calling until he has again procured a metal plate or sign as herein provided.

B. The Examining Board of Plumbers shall prepare metal plates or signs in accordance with the terms and provisions of § 45-b, Subdivision 2, of the General City Law. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

C. Every person now actually engaged or about to engage in the trade, business or calling of a plumber or of plumbing as an employing or master plumber who has otherwise complied with the provisions of law relating to the conduct of such business, upon the payment of five dollars (\$5.) to the Examining Board of Plumbers, shall have issued to him a metal plate or sign as hereinbefore described.

#### **§ 171-6. Registration required.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Registration of plumbers shall be required in accordance with the terms and conditions of § 46 of the General City Law.

#### **§ 171-7. Requirements for establishing business.**

A. It shall be unlawful for any person to engage in the business of plumbing or to install, alter or repair any plumbing system in the City of Saratoga Springs, New York, or to display a sign or to give other notice setting forth or intending to imply that he is engaged in the business of plumbing unless he has obtained a certificate of competency, after examination, and has duly registered said certificate and received a certificate of registry and a metal sign from the Examining Board of Plumbers as provided in § 45-b of the General City Law.

B. Every person who desires to engage in the business of plumbing shall make written application under oath upon a form to be prescribed and supplied by the Examining Board of Plumbers and pay a fee of ten dollars (\$10.) for an examination by said Board.

#### **§ 171-8. Nonresident plumbers.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. The Examining Board of Plumbers shall issue a special permit to any nonresident plumber holding a certificate of competency from another municipality upon the payment of the fee charged for residential plumbers. Nothing in this section shall be construed to give the Examining Board of Plumbers power to issue permits or licenses without the required examination.

#### **§ 171-9. Eligibility for examination.**

No person shall be examined unless he shall have had an experience of at least five (5) years as a journeyman plumber and is able to furnish satisfactory evidence of such fact, and no application shall be received from any person who is not a citizen of the United States.

#### **§ 171-10. Examination.**

A. The examinations of the Board shall be in two (2) parts: practical tests to determine the applicant's skill as a journeyman plumber and a written examination.

B. The written examination shall consist of questions designed to determine the applicant's fitness and qualifications to engage in the business of master or employing plumber.

C. All written examinations shall be answered in the handwriting of the applicant in the English language.

D. The time and place of holding examinations shall be at the discretion of the Board, on notice to the applicants.

E. Persons who pass the tests and the written examinations as prescribed by the Board shall be eligible to receive a certificate of competency as a master or employing plumber.

#### **§ 171-11. Reexamination.**

A. In the event that the applicant fails in his examination, he may apply for reexamination after a lapse of three (3) months and the payment of ten dollars (\$10.); and in the event that the applicant again fails, he may not be given another examination, within the discretion of the Board, until after a period of one (1) year and then upon the payment of an additional fee of ten dollars (\$10.).

B. If the applicant passes the examination, he shall receive a certificate of competency from the Board. Forthwith upon receipt of the certificate of competency, the applicant shall register at the office of the Examining Board of Plumbers, and he shall receive a certificate of registration and a metal sign upon the payment of five dollars (\$5.).

C. Said certificate of registration shall expire on the 31st day of December of the year in which it has been issued and shall be renewed within thirty (30) days preceding such expiration by application to the Examining Board of Plumbers and the payment of a fee of three dollars (\$3.). A master plumber who permits his registration to lapse may apply and receive a certificate of registration on payment of a fee of five dollars (\$5.).

D. Any person retiring, abandoning or not actually engaged in such trade, business or calling hereinbefore mentioned shall surrender to the Examining Board of Plumbers the certificate of registration and metal sign.

E. A lapse of registration for six (6) months shall be considered an abandonment of the business.

F. Every registered master plumber shall give immediate notice of any change of location of his place of business to the Examining Board of Plumbers.

#### **§ 171-12. Eligibility for certification.**

Before issuing a certificate to engage in the business of master plumber, the Board shall inquire into the applicant's fitness and qualifications for conducting such business and may require the applicant to submit, under oath, such evidence, in addition to the examinations and tests hereinbefore provided, as will satisfy the Board that he is a person of good reputation, character and responsibility and otherwise qualified to engage in business as a master or employing plumber.

#### **§ 171-13. Lost certificates.**

In case a certificate of competency is lost by the holder thereof, the Board may issue a duplicate where such original certificate was issued during the term of office of all the members of the Board in office when such duplicate certificate is requested. In other cases, the Board shall issue a certificate of record stating that the records of the office show that a certificate was issued to a specific person.

#### **§ 171-14. Metal plates or signs.**

A. The Board may refuse to issue a metal sign to any person who does not have an established place in the City of Saratoga Springs from where he conducts and operates his business; and such sign, when issued, together with the name of the holder, must be conspicuously displayed at said place of business so as to be easily read by the public, or the license may be revoked and the metal sign taken away from the holder thereof.

B. The Board may refuse to issue a metal sign for a branch shop until it is satisfied that such branch shop is absolutely necessary.

C. The metal sign issued by the Board shall not be transferred to another location without first notifying the Board.

D. The metal sign issued by the Board shall not be transferred to any copartnership or to any corporation of which the holder of such metal sign may become a partner or an officer unless the Board has first been notified.

#### **§ 171-15. Renewal.**

The Plumbing Inspector shall, in November of each year, certify to the Board of Examining Plumbers the master plumbers entitled to renewal of their licenses and shall report those not entitled to renewal.

#### **§ 171-16. Validation.**

A. The Examining Board of Plumbers shall issue with each certificate of registration a slip showing the year for which the license is valid. The slip shall be attached by the metal sign bearing the license number. The slip and method of attaching shall be prescribed and approved by the Board of Examining Plumbers.

B. No renewal license slip shall be issued by the Examining Board of Plumbers to any master plumber who has been convicted of willfully violating any of the provisions of this chapter.

#### **§ 171-17. Appeals.**

When a master plumber has been refused the current year's license, he may appeal to the Examining Board of Plumbers, who shall hear and determine such appeal.

#### **§ 171-18. Change of status.**

Every master plumber shall give immediate notice of any change in his place of business and, upon his retirement from business, shall surrender his certificate of registration to the Examining Board of Plumbers.

### **ARTICLE III. Regulations**

#### **§ 171-19. Prohibited acts.**

No master plumber shall allow his name to be used by any person or persons, directly or indirectly, either to obtain a permit or permits or to do any work under his certificate of competency and registration.

#### **§ 171-20. Performance of work.**

A. It shall be unlawful to do plumbing or drainage work except pursuant to approved drawings and descriptions or approved amendments thereof as provided herein.

B. The owner or agent shall file a plan with the Plumbing Inspector, to scale, showing the system of plumbing to be installed, which drawings and descriptions must be approved by the Plumbing Inspector before work is begun. No modification of the approved drawings and descriptions shall be permitted unless amended or supplemental drawings and descriptions covering the proposed change or changes are filed and approved. All such plans and descriptions shall be submitted in duplicate and one (1) copy, stamped with the approval of the Plumbing Inspector, kept on the premises where the installation is carried on.

C. No work shall be started until the master plumber has filed a notification card prescribed and furnished by the Examining Board of Plumbers with said Board and obtained a permit.

D. Repairs, replacements and alterations of plumbing and drainage may be made without the filing of drawings and descriptions with the Examining Board of Plumbers, but said exemption from filing of drawings and descriptions for repairs, replacements and alterations shall not be construed to include any case where new or replacements and alterations of vertical and/or horizontal lines of soil, waste or vent pipes are proposed. In any event, however, notification cards shall be filed and a permit obtained before the starting of work. Said repairs and alterations shall comply in all respects with the weight, quality, arrangements and venting as provided in this chapter.

E. The provisions of this chapter shall apply to all extensions, alterations and other work to be done in connection with plumbing or house drains in old buildings the same as in new buildings, except minor repairs, which shall be construed as meaning repairs to the existing plumbing system, known to the trade as "jobbing."

F. No plumbing work in connection with the installation or operation of oil burners or incidental thereto shall be performed by other than a plumber duly licensed by the City of Saratoga Springs.

#### **§ 171-21. Work done outside city.**

All plumbing work outside of the city which is connected with or which is intended to be connected with the city water supply and/or sewage system shall come under the provisions of plumbing rules and regulations of the City of Saratoga Springs, except a water district having a plumbing inspector and a code of rules regulating the work of plumbing, drainage and ventilation within such water district.

### **ARTICLE IV. Administration and Enforcement**

#### **§ 171-22. Powers and duties of Examining Board of Plumbers.**

The Examining Board of Plumbers of the City of Saratoga Springs shall exercise the powers and duties vested in and exercised by the Health Officer of the City of Saratoga Springs under and pursuant to the provisions of Article 4 of Chapter 26 of the Laws of 1909, as amended, known as the "General City Law," except Subdivision 3 of § 44 thereof.

#### **§ 171-23. Powers and duties of Plumbing Inspector.**

A. The Plumbing Inspector shall receive and carry with him at all times a suitable badge or other official means of identification for the purpose of inspection and examination of all premises where plumbing is being installed or repairs made. The Inspector of Plumbing shall examine applications for permits and, if the same are found to comply with the provisions of the Plumbing Chapter, shall issue permits for the work specified in such applications. If he finds work that does not conform to the chapter, he shall

endeavor to compel an immediate correction of the condition; failing in this, he shall report the facts and circumstances to the City Attorney for appropriate action. In the discharge of his duties, the Inspector of Plumbing shall have the authority at any reasonable hour to enter any premises or building to inspect the plumbing work. The Inspector of Plumbing shall keep a record of applications filed, permits issued, certificates of approval of completed work and reports of notices and orders issued. The Inspector of Plumbing shall make a monthly report to the Examining Board of Plumbers of permits granted, certificates of approval granted and all other business transactions of his office, including the number of inspections made. The Inspector of Plumbing shall make all inspections and tests as provided for in this chapter, and, upon the satisfactory completion and final test of the plumbing system, a certificate of approval shall be issued by the Inspector to the plumber. The Inspector of Plumbing shall cause the arrest and prosecution of all persons unlicensed to do plumbing work who violate the provisions of this Plumbing Chapter.

B. Where, in the repair, maintenance or alteration of existing plumbing in any structure in the City of Saratoga Springs, practical difficulties would intervene or undue hardship would ensue against the owner or occupant of the structure being repaired, maintained or altered or against the master plumber performing such work by a strict or literal adherence to these rules and regulations, the Plumbing Inspector may, in his discretion, grant a reasonable exception thereto.

(1) In the event that the Plumbing Inspector refuses to grant such exception, the party feeling aggrieved by such refusal may appeal from such refusal to the Examining Board of Plumbers, and such Board shall have the power to overrule the Plumbing Inspector and grant such exceptions as it deems proper.

(2) The appeal provided for in this Subsection B shall be made in writing. The Examining Board of Plumbers shall set a time and place for an open hearing upon such appeal and, upon or after such hearing, shall make its decision thereon in writing. Such decision shall be filed with the records of the Board, and copies thereof shall be delivered to the Plumbing Inspector and to the appellant.

C. The Plumbing Inspector may order the removal of any plumbing work installed contrary to these rules and regulations.

#### **§ 171-24. Investigation; report.**

The Plumbing Inspector shall investigate the registration and license of every master plumber and shall promptly report to the Examining Board of Plumbers any violation of the provisions of law relating to the loaning, renting, selling or transferring of certificates or license plates; and the Plumbing Inspector shall immediately apply to the Examining Board of Plumbers for the forfeiture of the license and certificate of registration of any master plumber who shall have loaned, rented, sold or transferred such certificate, plate or sign in violation of law; and the Plumbing Inspector shall summon and have prosecuted such offender for a misdemeanor as provided by law.

#### **§ 171-25. Notice of violation.**

A. Whenever any inspector or other person reports a violation of any of such rules and regulations for plumbing and drainage or a deviation from any officially approved plan or specification for plumbing and drainage filed with any board or department, the Plumbing Inspector shall first serve a notice of the violation thereof upon the master plumber doing the work, if a registered plumber, and shall advise the Examining Board of Plumbers of such action.

B. Such notice may be served personally or by mail, and, if by mail, it may be addressed to such master plumber at the address registered by him with the Examining Board of Plumbers, but the failure of a master plumber to register will relieve the Examining Board of Plumbers from the requirement of giving notice of violation. Unless the violation is removed within three (3) days after the day of serving

or mailing such notice, exclusive of the day of serving or mailing, the Examining Board of Plumbers may proceed according to law.

#### **§ 171-26. Cancellation of registration.**

Such registration may be canceled by the Examining Board of Plumbers for violation of any of the rules and regulations adopted herein upon conviction thereof after a hearing thereon before the Examining Board of Plumbers. The alleged violator shall be given at least ten (10) days' notice, in writing, of such hearing, which notice shall also state the time, place and grounds of the complaint in sufficient detail to inform the alleged violator of the charge or charges he may be called upon to meet at such hearing.

#### **§ 171-27. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person who omits or refuses to comply with, resists or willfully violates any of the provisions of this chapter or who obstructs or hinders any inspector or officer in the due performance of his duty herein provided shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code. Each day such rules are disregarded or broken after due notice has been served upon the offender, in writing, shall constitute a separate offense and subject the offender to a like penalty, and, if a master plumber, he shall forfeit any certificate or registration which he may hold from the Examining Board of Plumbers.

### **CHAPTER 175. PROPERTY MAINTENANCE**

§ 175-1. Compliance required; findings.

§ 175-2. Effect on other regulations.

§ 175-3. Definitions.

§ 175-4. Exterior and interior maintenance.

§ 175-5. Control of infestation.

§ 175-6. Responsibilities of owners and occupants.

§ 175-7. Enforcement.

§ 175-8. Penalties for offenses.

§ 175-9. Notice of violation; hearing.

§ 175-10. Emergencies.

§ 175-11. Action of city upon noncompliance.

### **CHAPTER 175. PROPERTY MAINTENANCE**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 6-4-84 as Ch. 84A of the 1970 Code. Section 175-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Brush, grass and weeds — See Ch. 83.

Electrical standards — See Ch. 106.

Fire prevention and building construction — See Ch. 117.

Garbage, rubbish and refuse — See Ch. 126.

Handbills and posters — See Ch. 132.

#### **§ 175-1. Compliance required; findings.**

A. In order to prevent blight and the spread thereof, it is hereby declared that all structures, including but not limited to shopping centers, supermarkets, retail stores, discount houses and other business uses, whether occupied or vacant, and accessory structures, located in the City of Saratoga Springs shall be maintained in conformity with the standards set out in this chapter so as to assure that these structures and properties will not adversely affect the neighborhood and the community at large.

B. It is found and declared that, by reason of lack of maintenance and progressive deterioration, certain structures and properties have the further effect of creating blighting conditions and initiating slums and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

#### **§ 175-2. Effect on other regulations.**

The provisions of this chapter shall supplement local laws, codes or regulations existing in the City of Saratoga Springs and the other statutes and regulations of municipal authorities having jurisdiction applicable thereto. Where a provision of this chapter is found to be in conflict with any provision of a local law, ordinance, code or regulation, the provision or requirement which is more restrictive or which establishes the higher standard shall prevail.

#### **§ 175-3. Definitions.**

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

##### **COMMERCIAL PREMISES**

A building, structure or land used for any purpose other than for single-family or multifamily purposes, including premises used for retail purposes, business purposes or industrial purposes.

##### **GARBAGE**

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of food.

##### **INFESTATION**

The presence of insects, rodents, vermin or other pests.

##### **JUNKED MOTOR VEHICLE**

Any motor vehicle which is partially dismantled or wrecked or is no longer intended or in condition for legal use upon the public highways.

**[Added 7-6-87]**

##### **LITTER**

Garbage, refuse and rubbish, as herein defined, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

##### **MULTIFAMILY PREMISES**

Any building which is used as a home or residence, other than a single-family residence, together with any garage or other accessory buildings and the lot upon which such building or buildings are constructed.

##### **PERSON**

Includes the owner, tenant, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, sublessee, agent or any other person, firm or corporation directly or indirectly in control of any premises, building or part thereof.

##### **REFUSE**

All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.



**RUBBISH**

Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, woodpiles, abandoned refrigerators, abandoned stoves, glass, bedding, crockery and materials.

**SINGLE-FAMILY RESIDENCE**

A building which is occupied exclusively as the home or residence of a single family, together with any garage or other accessory buildings and the lot upon which such building or buildings are constructed.

**UNOCCUPIED HAZARD**

Any building or part thereof which remains unoccupied for a period of more than two (2) years, with either doors, windows or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than two (2) years.

**§ 175-4. Exterior and interior maintenance.**

The owner shall keep all and every part of the building and accessory structures in attractive condition and good repair, including but not limited to the following:

A. In the case of multifamily premises and commercial premises, interior floors, walls, ceilings, furnishings and fixtures shall be maintained in a clean, safe and sanitary condition. In the case of multifamily premises and commercial premises, steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.

B. In the case of multifamily premises and commercial premises, all driveways and parking spaces provided shall be covered with broken stone, gravel, concrete or asphalt paving which shall be kept in good repair, and such driveways and parking spaces shall be regularly cleaned to avoid accumulation of dirt, paper and other debris. On commercial premises, all parking areas shall be paved with concrete or asphalt, and all parking spaces shall be clearly marked with painted white or yellow lines.

C. The owner shall keep all and every part of the premises which he owns and the steps, walks, driveways and parking areas located in the front, rear or side of said premises from the building line to the nearest public street line in a clean, sanitary and safe condition and free from litter, debris, paper, dirt and garbage and in good repair.

D. No person, as defined in § 175-3, shall store two (2) or more junked motor vehicles upon premises owned, occupied or controlled by him. No person shall, in any event, store such vehicles in the front yard of any residential property.

**[Added 7-6-87]**

**§ 175-5. Control of infestation.**

All grounds, buildings and structures shall be maintained free of insects, vermin, rodents and other pests. Where the potential for rodents or vermin infestation exists, windows and other openings and basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

**§ 175-6. Responsibilities of owners and occupants.**

A. Owners of premises and other persons, as defined in § 175-3, shall be responsible for compliance with this chapter.

B. Buildings and structures shall be maintained in such a condition so that they shall not become unoccupied hazards. All graffiti and defacing shall be removed and the surface finish restored within a five-day period.

C. In addition, tenants and occupants of multifamily and commercial premises shall be responsible for compliance with the following:

- (1) Keeping exits from that portion of the premises which they occupy clear and free from obstructions.
- (2) Disposing in a clean and sanitary manner all garbage, refuse and debris in the provided facilities.
- (3) Exterminating insects, rodents or other pests within that part of the premises which they occupy.
- (4) Eliminating all prohibitive uses for that part of the premises which they occupy, control or have accessibility thereto.

#### **§ 175-7. Enforcement.**

A. The Building Inspector and other duly appointed law enforcement officers of the City of Saratoga Springs shall be charged with the duty of enforcing this chapter.

B. It shall be the duty of the Building Inspector to issue a notice of violation to any person responsible or to order, in writing, the correction of conditions found to exist in or on any premises which violate the provisions of this chapter.

#### **§ 175-8. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person, upon conviction of a violation of this chapter, shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

#### **§ 175-9. Notice of violation; hearing.**

A. A notice of violation issued by the Building Inspector relative to a premises shall be served either personally upon the person or by posting the violation notice in a conspicuous place upon the premises affected. If a notice of violation is served by posting it upon the premises, a copy thereof shall be mailed to the person to whom it is directed by registered mail.

B. A notice of violation shall state that unless, within ten (10) days from service of the notice, a written request is made for a hearing before the Building Inspector, such notice shall, at the expiration of such ten-day period, be deemed an order to cease and desist from and to abate the described violation. Such notice shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain an outline of remedial action which, if taken, will effect compliance with this chapter.

C. If a hearing is requested, it shall be commenced not later than ten (10) days after the request is made, provided that, for good cause, the Building Inspector may postpone such hearing for a reasonable time. If, after the hearing, the enforcement officer finds that no violation exists or that such unusual, extraordinary or undue hardship shall occur as a result of the physical dimension and proportion of the property, he shall withdraw the notice. If he finds that a violation does exist, he shall forthwith issue an order requiring the abatement of the same within a prescribed reasonable time. The

proceedings at such hearing, which shall be informal in all respects, shall be summarized in a report reduced in writing and entered as a matter of public record in the office of the Building Inspector.

D. Any party aggrieved by the decision of the Building Inspector may, within five (5) days of the decision of the Building Inspector, appeal said decision to the City Council of the City of Saratoga Springs by filing the appropriate form.

E. The provisions of Subsections A and B notwithstanding, it shall not be necessary for the Building Inspector to issue a notice of violation or to order, in writing, the correction of a condition in the instance of a second or any subsequent offense within a twelve-month period, and, in the case of a second or subsequent offense, the person in violation may immediately be served with an appearance ticket or summons.

#### **§ 175-10. Emergencies.**

Whenever the Building Inspector or enforcement official finds that an emergency exists which requires immediate attention to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provision of this chapter, such order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately but, upon petition to the Building Inspector or the local Justice Court, shall be afforded a hearing as soon as possible. After such hearing, the Building Inspector or Court shall continue such order in effect or shall modify or withdraw it.

#### **§ 175-11. Action of city upon noncompliance.**

A. The Building Inspector is hereby authorized and empowered to pay for the correction of such violation, subject to the approval of the City Council of the City of Saratoga Springs.

B. When the city has effected the correction of the violation or has paid for its removal, the actual cost thereof, plus the accrued legal rate of interest per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to such owner by the city, and such charge shall become due and payable by said owner or person at the time of the payment of such bill.

C. Where the full amount due the city is not paid by such owner within twenty (20) days after the correction of such violation as provided in Subsections A and B above, then and in that case the Building Inspector shall cause to be filed in the office of the City Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was completed and the location of the property by section, lot and block on which said work was done and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus the cost of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty at the legal rate of interest in the event that the same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated and described in the statement and that the same is due and collectible as provided by law.

§ 178-1. Trespassing prohibited.  
§ 178-2. Trespassing.  
ARTICLE II. Damage to Public Property  
§ 178-3. Damage to public property prohibited.  
ARTICLE III. Penalties for Offenses  
§ 178-4. Penalties for offenses established.

## **CHAPTER 178. PUBLIC PROPERTY**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 63 of the 1970 Code; amended in its entirety 6-16-1998. Subsequent amendments noted where applicable.]**

### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.  
Parks and recreation areas — See Ch. 155.

### **ARTICLE I. Trespassing**

#### **§ 178-1. Trespassing prohibited.**

It shall be unlawful for any person, firm or corporation to trespass upon any real or personal property owned by the City of Saratoga Springs.

#### **§ 178-2. Trespassing.**

As used in this article, the term "trespass" shall mean either:

- A. Entry in or upon any public property owned by the City of Saratoga Springs, or in or upon any part thereof, in violation of a notice posted or exhibited at the main entrance to said public property or at any other point of approach or entry; or
- B. Failure or refusal to depart from any public property owned by the City of Saratoga Springs following any form of notice or warning given by any official or employee of the City of Saratoga Springs authorized to protect such public property; or
- C. Entry into or upon any vehicle or other object of personal property owned by the City of Saratoga Springs without the consent of the official or employee having the authority to determine the use thereof, or failure or refusal to leave such object of personal property following any form of notice or warning given by such official or employee.

### **ARTICLE II. Damage to Public Property**

#### **§ 178-3. Damage to public property prohibited.**

It shall be unlawful for any person, firm or corporation to damage, injure, deface or destroy any real or personal property owned by the City of Saratoga Springs, except in the course of legitimate repair or restoration procedures when authorized by the city.

### **ARTICLE III. Penalties for Offenses**

#### **§ 178-4. Penalties for offenses established.**

A. Any person, firm or corporation who violates the provisions of Article I of this chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

B. Any person, firm or corporation who violates the provisions of Article II of this chapter shall be subject to a fine of up to \$1,000 for each violation. Nothing in this subsection shall be construed so as to limit or supersede in any way the lawful authority of the City of Saratoga Springs to maintain any claim or legal action or proceeding for damages to public property.

#### CHAPTER 180. PUBLIC RIGHT-OF-WAY USE PERMIT

§ 180-1. Definitions.

§ 180-2. Authority of Code Administrator.

§ 180-3. Permit required.

§ 180-4. Fees.

§ 180-5. Issuance of permits.

§ 180-6. Penalties for offenses; removal.

#### **CHAPTER 180. PUBLIC RIGHT-OF-WAY USE PERMIT**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 5-6-2008. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Public property — See Ch. 178.

Streets and sidewalks — See Ch. 203.

#### **§ 180-1. Definitions.**

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

##### **PUBLIC RIGHT-OF-WAY**

Any real property in which the City of Saratoga Springs holds an easement for the benefit of the public.

#### **§ 180-2. Authority of Code Administrator.**

The Code Administrator is hereby authorized to issue permits for the placement of any equipment, material, or vehicles in a public right-of-way within the City pursuant to this chapter. The Code Administrator shall provide forms for applicants. No permit issued by the Code Administrator pursuant to this chapter shall be construed so as to supersede or limit the lawful authority of any City official or department relative to the public ways.

#### **§ 180-3. Permit required.**

A. Every person, firm, corporation, or legal entity who wishes to place any equipment, material, or vehicles in a public right-of-way within the City at any location within the City of Saratoga Springs shall be required to obtain a permit therefor from the Code Administrator.

B. Obtaining said permit shall be the responsibility of either the person, firm, corporation or legal entity that owns or occupies the premises on which any equipment, material, or vehicles are to be placed, or a person, firm, corporation or legal entity engaged in the business of providing any equipment, material, or vehicles. Each application shall state:

(1) The name, address and phone number of the applicant, and, if the applicant is engaged in the business of providing any equipment, material, or vehicles, the name, address, and phone number of the person, firm, corporation or legal entity to whom any equipment, material, or vehicles will be provided.

(2) If the applicant is an agent, the name, address and phone number of the person, firm, corporation or legal entity that he or she represents.

(3) The proposed location of each item of proposed equipment, material, or vehicles, including a drawing or map showing the location of nearby buildings, sidewalks, streets, alleys, and other public ways.

(4) The period of time any equipment, material, or vehicles shall remain in place.

(5) Any other information as may be required by the Code Administrator to properly and adequately review the application.

C. Each application shall be accompanied by the permit fee.

D. The Code Administrator shall have the authority to reject any application. In rejecting any such application, the Code Administrator shall state the reasons for rejection.

E. Each application shall contain proof that the applicant has in effect commercial general liability insurance in the amount stated in the City's risk management and insurance requirement policy, naming the City of Saratoga Springs as additional insured. Each applicant shall also execute a hold harmless agreement indemnifying the City against loss, including costs and expenses, resulting from injury to person or property as a direct or indirect result of his or her enterprise.

#### **§ 180-4. Fees.**

The following fees shall be required for permits issued under this chapter:

<b>Category</b>	<b>Fee</b>
For items placed from 1 to 7 days	\$30
For items placed from 8 to 30 days	\$60
For items placed for each additional day more than 30 days	\$5 per day

#### **§ 180-5. Issuance of permits.**

A. Upon a finding that all requirements under this chapter have been met, the Code Administrator may issue a permit to the applicant. The Code Administrator shall have the authority to impose reasonable conditions upon the placement and/or use of any equipment, material, or vehicles.

B. Any permit may be amended or renewed upon proper application to the Code Administrator.

#### **§ 180-6. Penalties for offenses; removal.**

A. The Code Administrator may cause any equipment, material, or vehicles placed in violation of this chapter or in violation of the terms of any issued permit to be removed. Such removal may be effected without notice when the Code Administrator determines, in his sole discretion, that the equipment,

material, or vehicles present an imminent danger or hazard to a person or persons or to the public. The Code Administrator shall, to the extent practicable, notify the permitted of the equipment, material, or vehicles to be removed. If the permitted cannot be located despite reasonable efforts, or if the permitted fails or refuses to remove the equipment, material, or vehicles within a reasonable time, the Code Administrator shall have authority to remove the equipment, material, or vehicles, and may cause such removed equipment, material, or vehicles to be discarded or destroyed or sold at public auction.

B. Any person who violates any of the provisions of this chapter shall, upon conviction, be subject to the penalty set down in Chapter 1, General Provisions, Article III, of the Code.

## **CHAPTER 182. RECORDS**

### **ARTICLE I. Public Access to Records**

#### **§ 182-1. Designation of fiscal officer.**

#### **§ 182-2. Designation of records access officers.**

#### **§ 182-3. Location of records.**

#### **§ 182-4. Availability of records.**

#### **§ 182-5. Fees.**

#### **§ 182-6. Denial of access.**

#### **§ 182-7. Subject matter list.**

#### **§ 182-8. Written requests for records.**

### **ARTICLE II. Records Management**

#### **§ 182-9. Definitions.**

#### **§ 182-10. Program established; records management officer.**

#### **§ 182-11. Powers and duties.**

#### **§ 182-12. Records Advisory Board established; duties.**

#### **§ 182-13. Custody of records; removal.**

#### **§ 182-14. Replevin.**

#### **§ 182-15. Disposal of records.**

## **CHAPTER 182. RECORDS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as indicated in article histories. Amendments noted where applicable.]**

### **ARTICLE I. Public Access to Records**

**[Adopted 9-4-1974]**

#### **§ 182-1. Designation of fiscal officer.**

**[Amended 4-4-1994 by L.L. No. 1-1994]**

The City of Saratoga Springs, New York, hereby designates the Commissioner of Finance, who is the officer charged with the duty of preparing payrolls, as the fiscal officer of the City of Saratoga Springs.

#### **§ 182-2. Designation of records access officers.**

A. The City of Saratoga Springs, New York, hereby designates the following to be the records access officers from whom records may be obtained:

**[Amended 4-4-1994 by L.L. No. 1-1994]**

- (1) Mayor's office: the Mayor, City Hall.
- (2) Department of Accounts: the Commissioner of Accounts, City Hall.
- (3) Department of Finance: the Commissioner of Finance, City Hall.
- (4) Department of Public Safety: the Commissioner of Public Safety, City Hall.
- (5) Department of Public Works: the Commissioner of Public Works, City Hall.

B. The above-listed records access officers may designate authorized representatives to act in the event of their absence.

### **§ 182-3. Location of records.**

The records of each department will be available in the office of such department for public inspection and copying.

### **§ 182-4. Availability of records.**

**[Amended 4-4-1994 by L.L. No. 1-1994]**

The records are available for public inspection and copying during reasonable hours when the offices are open for business.

### **§ 182-5. Fees.**

**[Amended 4-4-1994 by L.L. No. 1-1994]**

In the event that any copies of records are required by any applicant, a charge shall be made of \$0.25 per page for photocopies not in excess of 9 inches by 14 inches or the actual cost of reproducing any other record, unless a different fee is otherwise provided by statute.

### **§ 182-6. Denial of access.**

Any individual denied access to a public record in the Mayor's office may appeal such denial to the Mayor and where denied access to a public record in any department may appeal such denial to the Commissioner of that department at City Hall, Saratoga Springs, New York.

### **§ 182-7. Subject matter list.**

The City of Saratoga Springs shall maintain and make available for inspection and copying a current list, reasonably detailed by subject matter, of any record produced, filed or first kept or promulgated after September 1, 1974. The subject matter list shall be in every location designated as a place where records shall be made available for public inspection and copying.

### **§ 182-8. Written requests for records.**

Each department may, by individual rules, require written requests to be completed for certain specified records. The requirement for such written requests shall be incorporated and made a part of these rules and regulations.



## **ARTICLE II. Records Management**

**[Adopted 2-5-1996]**

### **§ 182-9. Definitions.**

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

#### **ARCHIVES**

Those official records which have been determined by the Officer and Advisory Committee to have sufficient historical or other value to warrant their continued preservation by the local government.

#### **RECORDS**

Any documents, books, papers, photographs, sound records, microforms or any other materials, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business of the City of Saratoga Springs.

#### **RECORDS CENTER**

Any establishment maintained by the City of Saratoga Springs primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space.

#### **RECORDS DISPOSITION**

A. The removal by the City of Saratoga Springs, in accordance with approved records control schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:

(1) The disposal of temporary records by destruction or donation.

(2) The transfer of records to the record center/archives for temporary storage of inactive records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation.

B. The transfer of records from one village agency to any other village agency.

#### **RECORDS MANAGEMENT**

The planning, controlling, directing, organizing, training, promotion and other managerial use and records disposition, including records preservation, records disposal and records centers or other storage facilities.

#### **SERVICING**

Making information in records available to any city agency for official use or to the public.

### **§ 182-10. Program established; records management officer.**

There shall be a records management program headed by a records management officer (RMO). The officer will be responsible for administering the noncurrent and archival public records and storage areas for the City of Saratoga Springs in accordance with local, state and federal laws and guidelines.

### **§ 182-11. Powers and duties.**

The records management officer shall have all the necessary powers to carry out the efficient administration and determination of value, use, preservation, storage and disposition of the noncurrent and archival public records kept, filed or received by the offices and departments of the City of Saratoga Springs. The records management officer shall:

A. Continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of archival material:

- (1) Obsolete and unnecessary records, according to New York State records retention and disposition schedules, thereby subject to disposition;
- (2) Information containing administrative, legal, fiscal, research, historical or educational value which warrant their permanent retention; or
- (3) Records not subject to disposition according to state law.

B. Establish guidelines for proper records management in any department or agency of the city in accordance with local, state and federal laws and guidelines.

C. Report annually to the chief executive official and the governing body on the powers and duties herein mentioned, including but not limited to the cost/benefit ratio of programs effectuated by the department.

D. Operate a records management center for the storage, processing and servicing of all noncurrent and archival records for all city departments and agencies.

E. Establish a city archives and perform the following functions:

- (1) Advise and assist city departments in reviewing and selecting material to be transferred to the city archives for preservation.
- (2) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival materials.
- (3) Establish and maintain an adequate repository for the proper storage, conservation, processing and servicing of archival records.
- (4) Promulgate rules governing public access to and use of records in the archives, subject to the approval of the Records Advisory Board.
- (5) Develop a confidentiality policy for archival records designated confidential, provided that such policy does not conflict with any federal or state statutes.
- (6) Provide information services to other city offices.
- (7) Collect archival materials which are not official city records but which have associational value to the city or a close relationship to the existing archival collection. Such collecting shall be subject to archive space, staff and cost limitations and to the potential endangerment of such materials if they are not collected by the archives.
- (8) Develop a procedure whereby historically important records are to be identified at the point of generation.

**§ 182-12. Records Advisory Board established; duties.**

There shall be a Records Advisory Board designated to work closely with and provide advice to the records management officer. The Board shall consist of persons appointed by members of the Saratoga Springs City Council. The Board shall meet periodically and have the following duties:

- A. Provide advice to the records management officer on the development of the records management program.
- B. Review the performance of the program on an ongoing basis and propose changes and improvements.
- C. Review retention periods proposed by the records management officer for records not covered by the state archives' schedules.
- D. Provide advice on the appraisal of records for archival value and be the final sign-off entity as to what is or is not archival.

**§ 182-13. Custody of records; removal.**

- A. The City of Saratoga Springs is the legal custodian of its records and shall retain custody of records deposited in the records center. Records transferred to or acquired by the archives shall be under the custody and control of the archives, rather than the department which created or held them immediately prior to being transferred to the archives.
- B. Records shall be transferred to the archives upon the recommendation of the RMO, with the approval of the head of the department which has custody of the records and the approval of the Records Advisory Board.
- C. Records may be permanently removed from the archives at the request of the RMO or the head of the department which had custody of the records immediately prior to the transfer of those records to the archives, subject to the approval of the Records Advisory Board.

**§ 182-14. Replevin.**

The city may take steps to recover local government records which have been alienated from proper custody and may, when necessary, institute actions of replevin.

**§ 182-15. Disposal of records.**

No records shall be destroyed or otherwise disposed of by a department of the city unless approval has been obtained from the records management officer. No records shall be destroyed or otherwise disposed of by the records management officer without the express written consent of the department head having authority.

**CHAPTER 192. SHOPPING CARTS**

ARTICLE I. Findings and Purpose

§ 192-1. Statement of findings and purpose.

ARTICLE II. Definitions

§ 192-2. Definitions.

ARTICLE III. Abandonment of Shopping Carts

§ 192-3. Abandonment prohibited.

§ 192-4. Penalties for offenses.

ARTICLE IV. Removal and Redemption of Shopping Carts

- § 192-5. Shopping carts to be marked.
- § 192-6. Removal of shopping carts from establishments.
- § 192-7. Carts found in public places.
- § 192-8. Redemption of shopping carts.
- § 192-9. Disposal of unredeemed carts.

## **CHAPTER 192. SHOPPING CARTS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 4-2-1996. Editor's Note: This ordinance also provided for the repeal of former Ch. 192, Shopping Carts, adopted 1-7-1972 as Ch. 97A of the 1970 Code, as amended. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

### **ARTICLE I. Findings and Purpose**

#### **§ 192-1. Statement of findings and purpose.**

The City Council finds that the unrestricted use of shopping carts in this city frequently results in misuse, public nuisance and hazards to public safety. The purpose of this chapter is to provide reasonable regulations in the public interest.

### **ARTICLE II. Definitions**

#### **§ 192-2. Definitions.**

The following definitions are applicable to this chapter:

##### **ABANDONMENT**

The act of leaving, deserting or giving up control and/or possession of a shopping cart in a public place.

##### **PUBLIC PLACE**

Any street, highway, sidewalk or other publicly owned property to which the public or a substantial number of persons has access.

##### **SHOPPING CART**

Any device, vehicle or wheeled container of the kind customarily provided by merchants to customers for the purpose of carrying merchandise.

### **ARTICLE III. Abandonment of Shopping Carts**

#### **§ 192-3. Abandonment prohibited.**

No person shall abandon a shopping cart in or upon any public place within the City of Saratoga Springs.

#### **§ 192-4. Penalties for offenses.**

Any person violating any of the provisions of this chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III of the City Code.

### **ARTICLE IV. Removal and Redemption of Shopping Carts**

#### **§ 192-5. Shopping carts to be marked.**

Every person, firm, corporation or other entity who or which makes a shopping cart available to the public shall mark said cart or cause said cart to be marked and identified conspicuously with the name and address of the owner. Such identification shall be in the form of a metal tag securely fastened to the cart or by a cutting or stamping on the frame of the cart.

#### **§ 192-6. Removal of shopping carts from establishments.**

In addition to and not in limitation of any other provision of this chapter, it shall be unlawful for any person to remove a shopping cart or permit the removal of a shopping cart from the property of the establishment or business that makes said cart available, except that such a cart may be removed to a parking area adjoining the property of said establishment or business.

#### **§ 192-7. Carts found in public places.**

In addition to and not in limitation of any other provision of this chapter, the Commissioner of Public Works shall have the authority to remove, or cause to be removed, any shopping cart found in any public place and to hold said cart in his possession until redeemed or otherwise disposed of in accordance with this article.

#### **§ 192-8. Redemption of shopping carts.**

Whenever the Commissioner of Public Works shall remove and hold a shopping cart as stated in § 192-7, he shall, within a reasonable time thereafter, mail a notice to the owner at the address shown on the shopping cart's identification tag or stamp. Such notice shall state that each held shopping cart may be redeemed by the owner upon payment to the city's Department of Finance of the sum of \$5 per cart and shall set forth the times and places where such cart or carts may be redeemed. Payment for redemption shall be made to the Department of Finance and a receipt shall be given therefor, and said receipt shall entitle the holder to redeem said cart or carts at the place where they are held. The Department of Finance shall have the authority to require reasonable identification to demonstrate any person's proof of ownership or right to possession.

#### **§ 192-9. Disposal of unredeemed carts.**

Any shopping carts which remain unredeemed by their owners after the mailing of a notice as provided in § 192-8, and after the passing of a reasonable time thereafter, may be sold by the city at public auction. Any cart may be redeemed by the owner at any time prior to such public auction. Any unredeemed cart which fails to sell at public auction may be destroyed or otherwise disposed of by the city.

### **CHAPTER 199. SPECIAL ASSESSMENT DISTRICTS**

#### **ARTICLE I. Downtown Special Assessment District**

##### **§ 199-1. Creation; legislative findings and purpose.**

##### **§ 199-2. Definitions.**

##### **§ 199-3. Description of properties; exclusions; changes in boundaries.**

##### **§ 199-4. Enumeration of purposes for special assessments.**

##### **§ 199-5. Assessment procedure.**

##### **§ 199-6. Issuance and sale of bonds for improvements.**

##### **§ 199-7. Board of Directors.**

##### **§ 199-8. Annual budget.**

##### **§ 199-9. Special account; financing of annual costs by city; unexpended funds.**

##### **§ 199-10. Creation of not-for-profit corporation; powers; annual contract with city.**

##### **§ 199-11. Receipt of additional funds for capital improvements or maintenance.**

§ 199-12. Condemnation proceedings.  
§ 199-13. Construal of powers and obligations.  
ARTICLE II. Special Assessment District No. 1 of 1992  
§ 199-14. Title.  
§ 199-15. Definitions.  
§ 199-16. Background; findings of fact.  
§ 199-17. Purpose.  
§ 199-18. Creation.  
§ 199-19. Boundaries.  
§ 199-20. Powers.  
§ 199-21. Assessment formula.  
§ 199-22. Financing.  
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ARTICLE III. Special District No. 1 of 1996  
§ 199-25. Title.  
§ 199-26. Description of properties, exclusions.  
§ 199-27. Enumeration of purposes for special assessments.  
§ 199-28. Creation.  
§ 199-29. Purposes of special district.  
§ 199-30. Board of Directors and officers.  
§ 199-31. Method of assessment; collection.  
§ 199-32. Annual budget and payment of assessments.  
§ 199-33. Receipt of additional funds for replacement/repair of capital equipment and facilities.  
§ 199-34. Construal of powers and obligations.  
ARTICLE IV. Special District No. 1 of 1999  
§ 199-35. Title.  
§ 199-36. Description of properties; exclusions.  
§ 199-37. Enumeration of purposes for special assessments.  
§ 199-38. Creation.  
§ 199-39. Purposes of special district.  
§ 199-40. Board of Directors and officers.  
§ 199-41. Method of assessment; collection.  
§ 199-42. Annual budget and payment of assessments.  
§ 199-43. Receipt of additional funds for replacement or repair of capital equipment and facilities.  
§ 199-44. Construal of powers and obligations.  
ARTICLE V. Special District No. 1 of 2000  
§ 199-45. Title.  
§ 199-46. Definitions.  
§ 199-47. Background; findings of fact.  
§ 199-48. Description of district boundaries.  
§ 199-49. Purposes.  
§ 199-50. Assessment procedure; annual budget formula.  
§ 199-51. Assessment procedure; issuance and sale of bonds for improvements.  
§ 199-52. Adjusted special assessment; existing improvement credit.  
§ 199-53. Limitations on assessments.  
§ 199-54. Board of Directors.  
§ 199-55. Annual budget.  
§ 199-56. Special account; financing of annual costs by city; unexpended funds.  
§ 199-57. Creation of not-for-profit corporation; powers; annual contract with city.  
§ 199-58. Receipt of additional funds for capital improvements or maintenance.  
§ 199-59. Condemnation proceedings.  
§ 199-60. Construal of powers.  
ARTICLE VI. Special District No. 1 of 2001  
§ 199-61. Title.  
§ 199-62. Definitions.

§ 199-63. Background; findings of fact.  
§ 199-64. Purpose.  
§ 199-65. Creation.  
§ 199-66. Boundaries.  
§ 199-67. Powers of City in connection with project.  
§ 199-68. Assessment formula.  
§ 199-69. Financing.  
§ 199-70. Retention of rights and powers.  
§ 199-71. Budget and assessment rolls.  
ARTICLE VII. Special District No. 1 of 2002  
§ 199-72. Title.  
§ 199-73. Description of properties; exclusions.  
§ 199-74. Enumeration of purposes for special assessments.  
§ 199-75. Creation.  
§ 199-76. Purposes.  
§ 199-77. Board of Directors and officers.  
§ 199-78. Method of assessment; collection.  
§ 199-79. Annual budget and payment of assessments.  
§ 199-80. Receipt of additional funds for replacement or repair of capital equipment and facilities.  
§ 199-81. Construal of powers and obligations.  
§ 199-82. Conflict with other laws and regulations.

## **CHAPTER 199. SPECIAL ASSESSMENT DISTRICTS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as indicated in article histories. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Territories and tax and other districts — See Charter, Title II.  
Assessments and taxes — See Charter, Title X.  
Assessor — See Ch. 6.  
Taxation — See Ch. 212.

### **ARTICLE I. Downtown Special Assessment District**

**[Adopted 12-4-1978 as Ch. 112A of the 1970 Code]**

#### **§ 199-1. Creation; legislative findings and purpose.**

**[Amended 5-5-1998 by L.L. No. 4-1998]**

A. Under the authority granted to the City of Saratoga Springs by Chapter 666 of the Laws of 1978 of the State of New York, a special assessment district is created to be known as the "Downtown Special Assessment District."

B. On December 4, 1978, the Saratoga Springs City Council created a special assessment district to preserve and enhance the vitality and integrity of downtown Saratoga Springs and to provide this City's government and downtown property owners with the means to work together to promote safe, efficient and progressive development. The City Council finds that a flourishing downtown business district is an indispensable part of our past, present and future. It is of paramount importance to maintain a framework for the Downtown Special Assessment District that does not seek from downtown property owners additional compensation for routine government services but which still allows for flexibility and common sense in dealing with new challenges and opportunities.

## **§ 199-2. Definitions.**

**[Added 5-5-1998 by L.L. No. 4-1998** Editor's Note: This local law also provided for the renumbering of former §§ 199-2, 199-3 and 199-4 as §§ 199-3, 199-4 and 199-5, respectively; and former §§ 199-5 and 199-6 were combined as § 199-6. ]

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

### **PROPERTY ASSESSMENT**

The assessment of all properties in the city, as charged against those properties by the City of Saratoga Springs, based upon the value of the properties and without regard to any benefits that the properties may receive.

### **SPECIAL ASSESSMENT**

The assessment levied, by reason of the provisions of this article, upon properties included in the Special Assessment District created by this article.

## **§ 199-3. Description of properties; exclusions; changes in boundaries.**

A. The Special Assessment District will be comprised of all properties which front or abut on Broadway from the arterial to Circular Street, all properties which front or abut on Lake Avenue from Broadway to Maple Avenue, all properties which front or abut on Church Street from Broadway to Woodlawn Avenue, all properties which front or abut on Caroline Street from Broadway to Putnam Street and Maple Avenue and all properties which front or abut on Division Street from Broadway to Railroad Place. In addition to and not in limitation of the foregoing, any property that maintains an apparent and reasonable physical connection with any of the aforementioned streets shall be included in the district.

### **[Amended 5-5-1998 by L.L. No. 4-1998]**

B. There shall be specifically excluded from the district all properties with buildings used as single-family residences and all properties owned by eleemosynary institutions or governmental units.

C. Should the City wish to change the boundaries of the district, it must first receive the consent of the Board of Directors of the Special Assessment District.

## **§ 199-4. Enumeration of purposes for special assessments.**

The City of Saratoga Springs may levy special assessments on properties within the district for the following purposes: construction and installation of landscaping, planting and park areas; construction of lighting and heating facilities; construction and operation of facilities such as places of amusement and entertainment, bus-stop shelters, decorative lighting, benches and street furniture, sculptures, paintings, murals and other works of art, booths, signs, news and music facilities, fire hydrants, kiosks, receptacles, canopies, pedestrian shelters, display cases, fountains, public rest rooms, booths for retail stores, information booths, exhibits and such other fixtures, equipment, facilities and appurtenances which might enhance the movement, safety, convenience and enjoyment of the public and be of economic benefit to surrounding properties; construction of pedestrian overpasses and underpasses and connections between buildings; closing or opening and widening or narrowing of existing streets; condemnation of existing structures, where necessary, in order to carry out special district purposes; construction of ramps, sidewalks, curbs, plazas and pedestrian malls; rehabilitation or removal of existing structures, as required, and improvement to facades; removal and relocation of utilities and vaults as required; provision for additional maintenance and/or police personnel, as required, for the enjoyment and protection of the public; granting of permits to newsstands, restaurants, entertainment facilities and other desirable private uses and making appropriate charges for such private uses; providing and coordinating parking lot and parking garage facilities within the special district in order to secure maximum availability of public parking; and such other purposes as may be necessary to carry out the improvement, promotion, maintenance and operation of the special district. The City of Saratoga Springs shall have the power to



carry out the foregoing purposes with respect to any properties located within the Special Assessment District.

**§ 199-5. Assessment procedure.**

**[Amended 5-5-1998 by L.L. No. 4-1998]**

A. A special assessment for properties in the district shall be computed in each year according to the following formula:

Amount of approved annual district budget

-----

= X

Total property assessments for all properties in the district

X times (property assessment of an individual property)  
= that property's special assessment for that year.

B. In no event shall the total of special assessments for all properties in the Special Assessment District exceed the sum of \$100,000 in any year. This limit shall not be subject to amendment by the City unless consent to such amendment has been received from 2/3 or more of the members of the district's Board of Directors.

**§ 199-6. Issuance and sale of bonds for improvements.**

**[Amended 5-5-1998 by L.L. No. 4-1998]**

A. For the purpose of obtaining funds necessary to make improvements within the Special Assessment District, the City of Saratoga Springs may from time to time issue and sell bonds or other municipal obligations as provided by the Local Finance Law of the State of New York, Section 5 of Chapter 666 of the Laws of 1978, and other applicable statutes. Principal and interest payments on such bonds or other municipal obligations may be made from the proceeds of assessments within the Special Assessment District as hereinbefore provided. In no event shall the aggregate amount of such bonds or other municipal obligation, including both principal and interest payments, increase the total of special assessments for all properties in the Special Assessment District above the limit established in § 199-5B, unless that limit is amended as provided in that section.

B. The City of Saratoga Springs shall determine the amount necessary to make principal and interest payments on the bonds or other municipal obligations issued in accordance with this section and shall collect said amount from the property owners within the Special Assessment District in equal installments over the period of the bond.

C. Each parcel within the Special Assessment District shall be assessed to repay bonding, in accordance with this section, in an amount to be determined as follows:

(1) The total taxes paid by the eligible property owners within the Special Assessment District for the year in which bonds or other municipal obligations are issued, excluding water and sewer charges, shall be computed.

(2) The percentage which the total annual bonding cost bears to the total taxes as aforesaid shall then be computed.

(3) The percentage shall then be applied to the total taxes assessed to each parcel for the year in which bonds or other municipal obligations are issued to determine the amount of the special assessment with respect to each parcel.

(4) Said special assessment shall be levied against each parcel annually over the number of years necessary to repay the bond.

#### **§ 199-7. Board of Directors.**

A. In order to ensure the active participation of property owners within the Special Assessment District, there is hereby established a Board of Directors which shall be composed of nine persons, seven of whom shall be property owners within the district or officers, stockholders or employees of corporations which own property within the district.

B. The Board of Directors shall be appointed by the Mayor with the consent of the City Council.

C. All Directors shall initially serve terms of from one to four years as determined by the members of the Board. No more than four Directors shall serve initial terms of the same duration. At the expiration of said initial terms, the terms of the members of the Board of Directors shall be four years. The members of the Board of Directors shall designate one of their number as Chairman. Vacancies in the Board of Directors for unexpired terms shall be filled by the Chairman of the Board of Directors with the advice and consent of the Board of Directors.

D. The Board of Directors is hereby authorized to make recommendations to the City of Saratoga Springs concerning the capital improvements to be constructed within the district, to prepare and recommend to the City an annual special district budget and to make recommendations to the City concerning other matters essential to the successful operation of the district.

E. The Board of Directors of the Special Assessment District shall make periodic reports and recommendations to the city, at least quarterly, concerning construction, operation and maintenance of all special district capital improvements and related special district matters such as transportation and parking.

#### **§ 199-8. Annual budget.**

A. A proposed annual budget for the Special Assessment District shall be submitted by the Board of Directors to the Commissioner of Finance of the City of Saratoga Springs. Such proposed budget shall include:

##### **[Amended 5-5-1998 by L.L. No. 4-1998]**

(1) Recommendations of construction of capital improvements for the ensuing fiscal year.

(2) Estimates of the cost of construction of such capital improvements, which estimates shall be prepared in conjunction with the appropriate City agencies.

(3) Estimates of special district operation and maintenance costs for the ensuing year.

B. Such annual proposed special district budget shall also include recommendations as to funds and other sources of revenue against which the costs set forth in Subsection A of this section should be charged, including but not limited to the following:

(1) Available federal funds and grants.

(2) Available funds and grants from New York State.

(3) Funds to be received from special district revenues.

(4) Funds to be received by reason of special district assessments to be taxed against properties within the Special Assessment District according to the formulas previously established by the city.

C. The City shall receive, consider and approve such proposed annual budget of the Special Assessment District for the ensuing fiscal year in accordance with the budgetary procedures prescribed for City agencies by the applicable Charter or ordinance of the City of Saratoga Springs.

D. When the City shall have approved the proposed annual budget of the Special Assessment District for the ensuing fiscal year, the City Assessor of the City of Saratoga Springs shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the Special Assessment District in accordance with the assessment procedures prescribed by this chapter and the formulas established by the city. The City Assessor shall in all other respects comply with the Charter or ordinance of the City of Saratoga Springs and other applicable statutes of the State of New York in such cases made and provided.

**§ 199-9. Special account; financing of annual costs by city; unexpended funds.**

A. Moneys appropriated and collected on account of annual costs and annual costs of operation and maintenance of the special district shall be credited to a special district account.

B. The City of Saratoga Springs is authorized to incur and finance the annual costs of improving, operating and maintaining a special district during any fiscal year if, in its discretion, it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year, so long as the various amounts to be expended have been approved as part of the annual special district budget and are to be collected during such succeeding fiscal year.

C. Any balances to the credit of a special district account remaining unexpended at the end of the fiscal year shall be conserved and applied toward the financial requirements of the succeeding year.

**§ 199-10. Creation of not-for-profit corporation; powers; annual contract with city.**

A. The Board of Directors of the Special Assessment District is hereby authorized to establish a not-for-profit corporation. The directors of such corporation shall be the members of the Board of Directors of the Special Assessment District. The terms of the directors of the not-for-profit corporation shall coincide with the terms as set forth for members of the Board of Directors of the Special Assessment District.

B. The powers of the corporation may include but shall not be limited to the following:

(1) Supervision of the operation and maintenance of special district capital improvements, whether or not such improvements were constructed under the authorizations contained in this chapter, said supervision to be performed under contractual agreement between the corporation and the City of Saratoga Springs.

(2) Conduct of additional special activities within the special district under contractual agreement between the corporation and the City of Saratoga Springs.

C. The City of Saratoga Springs is hereby empowered to enter into an annual contract with the not-for-profit corporation hereinbefore authorized.

D. Under the provisions of said annual contract, the City may pay over and transfer from the separate special district account to the corporation funds sufficient to defray the annual expenses of the corporation in performing the operation and maintenance functions of the district and such other and additional functions as may have been included in the approved annual budget and in said contract set forth above.

**§ 199-11. Receipt of additional funds for capital improvements or maintenance.**

Nothing contained in this chapter shall prohibit the City of Saratoga Springs or the not-for-profit corporation to be established pursuant to this chapter from spending or receiving funds for capital improvements or maintenance within the Special Assessment District. Such funds may come from the general tax revenues of the City of Saratoga Springs, the capital register, community development or from any other sources, either public or private.

**§ 199-12. Condemnation proceedings.**

The City of Saratoga Springs is authorized to institute condemnation proceedings incidental to the construction of capital improvements within the Special Assessment District, which proceedings shall be taken at the discretion of the City in accordance with the ordinances of the City relating thereto and the other applicable statutes of the State of New York.

**§ 199-13. Construal of powers and obligations.**

The powers and obligations herein granted and imposed are in addition to and not in diminution of all powers and obligations existing under applicable laws of the State of New York and the Charter of the City of Saratoga Springs.

**ARTICLE II. Special Assessment District No. 1 of 1992**

**[Adopted 11-2-1992 as L.L. No. 5-1992]**

**§ 199-14. Title.**

This Article shall be entitled "A Local Law in Relation to the Creation of Special Assessment District No. 1 of 1992 in the City of Saratoga Springs, Saratoga County, New York."

**§ 199-15. Definitions.**

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

**ADJACENT PROPERTIES**

Real property described by separate tax parcel number the public water service for which, now or hereafter, is provided, or will be provided upon proper connection, directly or indirectly, from the City of Saratoga Springs (the "city") Water Transmission Main described as follows: Beginning at a point approximately 100 feet, plus or minus, south of the intersection of Loudon Road and Weibel Avenue and running in a southerly direction on the East side of Weibel Avenue parallel to the edge of pavement to the intersection of Weibel Avenue and the entrance to the City Compost Facility; thence in a southeasterly direction across City property and property reputedly owned by James Hogan to Old Schuylerville Road; thence in an easterly direction along Old Schuylerville Road terminating at a point approximately 100 feet, plus or minus, east of the intersection of South Point Road and Old Schuylerville Road. Notwithstanding the foregoing, City property, the property commonly known as "Weibel Plaza" and the existing residential premises owned by James Hogan shall not be "adjacent properties."

**DISTRICT**

An area of land within the City designated as Special Assessment District No. 1 of 1992. The District shall consist of and include certain properties within the area of the City of Saratoga Springs, New York, commonly known as "Knoll Spring Park" and "Wood Ridge at Knoll Spring Park." A list describing all such properties constituting the District is filed in the office of the City Clerk.

#### **PROJECT**

The acquisition, construction and installation of the project facility.

#### **PROJECT FACILITY**

The water transmission line and related infrastructure to be acquired, constructed and installed in the District. A more detailed description of the project facility is filed in the office of the Department of Public Works.

### **§ 199-16. Background; findings of fact.**

#### **A. Background.**

(1) The City Council of the City of Saratoga Springs (the "city") is concerned about the quality and safety of drinking water available to the residents of the Knoll Spring Park and Wood Ridge at Knoll Spring Park (collectively, the "parks"). Many residents within the parks have well water that is turbid and discolored. The poor quality of the drinking water in the parks has caused many difficulties to the residents. Attempts by the residents to treat their water with filtration and other treatment systems have not been successful.

(2) A mail survey conducted by the city's Department of Public Works of the residents in the parks indicated that a substantial percentage of the residents want the City to extend the city's water system to the parks. Furthermore, the residents have indicated a willingness to pay the cost of the improvements required to extend the city's water system by assessing such costs on those residents of the District benefiting from the improvements.

(3) The City has provided written notice to the residents of the District of the boundaries of the District, a description of the project and a summary of the costs of the project.

#### **B. Findings of fact.**

(1) The City Council of the City does hereby find that appropriate measures must be taken to protect the health, safety, comfort and general welfare of the residents in the parks. Accordingly, the City Council of the City recognizes the necessity for the undertaking by the City of the project. In order to finance the cost of the project, the City Council will create the District. The District is created pursuant to this Article for purposes of assessing the cost of the project to the residents located within the District.

(2) The adjacent properties and the properties within the District will be benefitted by the project facility as the project facility will add to the value of the property within the District and the adjacent properties and will improve water supply and quality and fire protection within the District.

### **§ 199-17. Purpose.**

The purpose of creating the District is to preserve and protect the health, safety, comfort and general welfare of the residents in the District. The project will be undertaken to provide properties within the District with City water. The cost of the project shall be assessed upon those properties benefitted within the District.

### **§ 199-18. Creation.**

The city, as authorized under the provisions of the General City Law, the Municipal Home Rule Law and this Article, hereby creates the District.

**§ 199-19. Boundaries.**

The properties to be included in the District must be accurately described by boundary description or otherwise.

**§ 199-20. Powers.**

The City may exercise the following powers with respect to the District in connection with the project:

- A. Acquisition, construction and installation of water transmission lines and related infrastructure, including the project facility;
- B. Construction of facilities such as: signs; fire hydrants; and such other fixtures, equipment facilities and appurtenances in connection with the project facility;
- C. Closing or opening or widening or narrowing of existing streets;
- D. Rehabilitation or removal of existing structures as required;
- E. Removal and relocation of utilities as required;
- F. Such other powers as may be necessary to carry out the acquisition, construction and improvement of the project facility.

**§ 199-21. Assessment formula.**

- A. Properties in the District shall be subject to assessment for the costs of the project facility to be acquired, constructed and installed within the District. The City will establish, from time to time, the manner in which the cost of the project facility will be assessed against properties within the District. Properties included within the District will be assessed, according to formulas established from time to time by the City Council in its sole judgment, to reflect the benefits accruing to such properties within the District by reason of the project facility.
- B. Notwithstanding anything else to the contrary contained in this Article or in any other law, resolution, regulation or rule of the City and in addition to all other costs or fees provided for by law, resolution, regulation and rule of the city, a tapping fee of no less than \$3,000 each shall be paid by all adjacent properties and all undeveloped properties existing within the District on the date of the enactment hereof.
- C. The City shall establish a reserve fund in connection with the financing of the project. All tapping fees, described in Subsection B above, shall be forthwith deposited in such reserve fund and shall be used by the City to pay principal and/or interest on any bonds or notes issued to finance the project.
- D. Any operation and maintenance expenses of the District will be treated as expenses of the city-wide water system and paid out of the city's water fund.

**§ 199-22. Financing.**

The city, for the purpose of providing funds for the cost of the project facility, may from time to time issue and sell bonds or other municipal obligations as provided in the New York Local Finance Law and other applicable state statutes. Principal and interest payments on such bonds or other municipal obligations may be made in whole or in part from the proceeds of assessments within the District, but in no event may installment payments for such assessments for the project facility be collected over a period of years longer than the period of probable usefulness of the project facility as set forth in the Local Finance Law.

#### **§ 199-23. Rights.**

The City retains all rights and powers which it now has or may have in the future. The creation of the District is not to be interpreted to be an abrogation or diminution of any rights and powers of the city. This Article in no way prevents the City at any time subsequent to the creation of the District from changing the description of the District or the assessment formulas for properties to be assessed within the District or from exercising the other powers granted by this Article or other applicable statutes of the State of New York.

#### **§ 199-24. Budget and assessment rolls.**

A. The City shall prepare a budget describing revenues and expenses relating to the project in connection with the preparation of the city's budget.

B. The City shall also establish procedures to be used by the City Assessor in preparing assessment rolls of benefitted, assessable properties within the District. Such procedures shall include the provision of notice of the completion of the assessment roll and the scheduling of a public hearing to consider the assessment roll. The procedures must be consistent with the powers granted by this Article and in all other respects with the Charter and other ordinances of the City and other applicable statutes of the State of New York.

### **ARTICLE III. Special District No. 1 of 1996**

**[Adopted 4-16-1996 by L.L. No. 4-1996]**

#### **§ 199-25. Title.**

This article shall be entitled "A Local Law in Relation to the Creation of Special District No. 1 of 1996 in the City of Saratoga Springs, Saratoga County, New York, to be known as the Birch Run Special District."

#### **§ 199-26. Description of properties, exclusions.**

A. The special district will be comprised of all municipal-type facilities located on approximately 12 acres of commonly owned land of the Birch Run Homeowners' Association, Inc., a type of not-for-profit corporation under § 201 of the New York State Not-For-Profit Corporation Law. The property is bounded on the north and east by Denton Road, on the west by the Saratoga Golf and Polo Club and on the south by Birch Run Drive. Maps defining the specific boundaries of the property and its roadway, its water, sewer, drainage and lighting facilities are on file with City and County Clerk's and City Planning offices. The incorporation papers along with the Association's governing documents are on file with the State Attorney General's Office (File No. A819227-3).

B. There shall be specifically excluded from the district all maintenance, repair and other services performed on the the 36 privately owned residential lots within the district. These 36 privately owned lots measure approximately six acres of the property's overall total of approximately 12 acres, with no new construction permitted.

C. Also excluded are utilities owned by other entities, including the underground natural gas mains and electric distribution system and pad-mounted transformers owned by Niagara Mohawk Power Corporation and the underground telephone and television cable lines owned by Nynex and Cablevision.

#### **§ 199-27. Enumeration of purposes for special assessments.**

The special district may levy special assessments on privately owned properties within the district to provide municipal-type services exclusively for the purpose of promoting the health, safety and general welfare of the residents of the property as a community and to protect and enhance the overall property values of the community. The following municipal-type services are to be specifically provided by the district in perpetuity:

A. Water system. Maintain and repair 1,650 feet of twelve-inch ductile iron water mains located within the district boundary which provide City water to the 36 metered homes, plus the associated valves and the three fire hydrants located in the district.

B. Sanitary sewer system. Maintain and repair the districts approximately 3,900 feet of sanitary sewer mains, including 1,900 feet of eight-inch PVC sewer-collector mains, 14 pre-cast concrete sewer manholes and collector basins, a concrete duplex sewer pumping station, including two automatic electric pumps and controls, and 2,000 feet of three-inch PVC sewer force main leading from the district's duplex sewer pumping station into the City sewer system.

C. Storm sewer system. Maintain and repair the district's approximately 3,600 feet of open storm drainage gutters, 27 ten-inch culverts, plus 14 pre-cast concrete catch basins and 2,700 feet of concrete storm drains ranging from 12 inches to 24 inches in diameter.

D. Street lighting system. Maintain, repair and replace, as necessary, the street lighting system within the district consisting of 13 cedar light poles, fixtures, sodium vapor lamps, photo-electric controls and relays and approximately 1,500 feet of underground 240-volt cable and conduit.

E. General maintenance. Maintain rights-of-way to water and sewer mains, sewer pump station, fire hydrants, storm sewer system and such other purposes as may be necessary in carrying out the operation and maintenance services of the district to protect the health and safety of residents and the value of property within the district.

#### **§ 199-28. Creation.**

The city, as authorized under the provisions of the General City Law, the Municipal Home Rule Law and New York Real Property Tax Law § 102.16, and this article, hereby creates the district.

#### **§ 199-29. Purposes of special district.**

A. The Birch Run Special District is established for the purpose of carrying on, performing and financing services intended to benefit the health, welfare, safety or convenience of the inhabitants of such district and to provide policies and procedures for emergency situations.

B. In carrying out its enumerated purposes, the district and homeowners within the district shall abide by existing governmental laws and rulings and by the provisions, regulations, duties and powers herein as they pertain to the operation, maintenance, repair and replacement of the district's municipal-type facilities and related services to be performed within the district. These include the establishment of operating budgets, levying the necessary assessments against the property owners within the district, preparing specifications and obtaining bids for required services, awarding contracts, paying taxes and



fees, obtaining insurance and periodic audits of district finances by an independent public accountant, electing a board of directors, conducting annual meetings of property owners, issuing regular reports and other actions as enumerated.

C. The district shall have no power or authority to expand or merge the district or to transfer or dedicate district facilities unless approved by the City Council and the district Board of Directors.

#### **§ 199-30. Board of Directors and officers.**

A. In order to assure the active participation of property owners within the special district, there is hereby established a Board of Directors which shall be composed of seven persons who shall be property owners within the district.

B. The Board of Directors shall be appointed by the Mayor with the consent of the City Council. The Directors also may serve concurrently as directors of the district's not-for-profit corporation, the Birch Run Homeowners' Association, Inc.

C. All Directors shall initially serve terms of from one to three years, as determined by members of the Board. At the expiration of said terms, the terms of the members of the Board of Directors shall be three years. The members of the Board of Directors shall elect one of their number as Chairman, one as Vice Chairman, one as Treasurer and one as Secretary. Vacancies in the Board of Directors for unexpired terms shall be filled by vote of the remaining members of the Board of Directors.

D. The Board of Directors is hereby authorized to prepare and present to the City an annual special district budget, to levy and collect annual assessments on property within the district corresponding to the budget, and to carry out the duties necessary in specifying, contracting for and supervising the services necessary to operate, maintain and repair the district's water and sewer mains, sewer pumps, storm sewers, fire hydrants, streetlights and rights-of-way to these facilities in perpetuity.

#### **§ 199-31. Method of assessment; collection.**

A. "Special assessments" will mean a charge imposed upon benefited real property within the district and shall be levied equally upon the property owners within the district, all of whom benefit equally from the maintenance and repair services to be provided by the district. The real properties involved are those 36 private lots and residences bordering the northern side of Birch Run Drive and those bordering both sides of Collins Terrace to within approximately 100 feet of its western intersection with Birch Run Drive. The assessments shall be liens upon the respective properties.

B. The Board of Directors of the special district shall determine and levy the annual assessments necessary to perform the operating, maintenance and repair functions required within the district and shall assess and collect said amounts from the property owners within the district.

C. No municipal personnel or equipment shall be used for the ordinary maintenance or repair of the district's property, and no special assessments shall be levied by the district for any employment of municipal personnel or equipment for such purpose. Should any emergency cause the City of Saratoga Springs to operate, maintain or repair such facilities within the district in order to protect the health, safety and welfare of the residents, the City Council shall be empowered to levy special assessments against the real property owners within said district in an amount to be determined by the Commissioner of Public Works so as to reimburse the Department of Public Works for all expense incurred for such purpose. Such assessments shall be levied in proportion to the extent the properties are benefited and shall be liens upon the real properties within the district.

#### **§ 199-32. Annual budget and payment of assessments.**

A. A proposed annual budget for the special district shall be submitted by the Board of Directors to the property owners within the district and to the Commissioner of Finance of the City of Saratoga Springs no later than 60 days prior to the beginning of the district's calendar year. Such proposed annual budgets shall include recommendations of municipal-type services to be performed during the coming year and estimates of the costs of these services for the ensuing year. Any surplus of funds at fiscal year-end is to be applied to offset costs in the next fiscal year.

B. Such annual proposed special district budgets shall also include recommendations as to the funds and other sources of revenue against which the costs set forth in Subsection A of this section should be charged, including but not limited to the following:

(1) Funds to be received from assessments levied against properties within the district by the Board of Directors according to the annual budget.

(2) Funds to be received from special district revenues such as earned interest.

(3) Funds to be utilized from capital reserves or operating reserve funds previously allocated to meet unanticipated emergency repairs or replacement of district equipment or facilities.

C. With the approval of the district's Board of Directors, the special district shall deliver an annual budget and a check payable to the Commissioner of Finance of the City of Saratoga Springs and drawn on assessment funds in the district's operating account, in full payment for the maintenance and repair services to be performed by the district for the coming 12 months as specified in the budget. The Commissioner of Finance will then reimburse the special district to carry out the municipal-type services specified, said City check to be deposited to the district's account and utilized for performance of those services as specified in the district budget. This transaction will enable the district to proceed with necessary maintenance and repairs to preserve the described facilities, to protect the health, safety and general welfare of the residents and to preserve the value of properties within the district.

#### **§ 199-33. Receipt of additional funds for replacement/repair of capital equipment and facilities.**

For the purpose of obtaining funds in the event of an unforeseen emergency or natural disaster which requires extensive, nonbudgeted repairs to municipal-type facilities within the district, the special district shall have the power to levy additional one-time assessments on the property owners in the district, applicable to that year only. The Board of Directors shall have the power to levy such additional assessment up to \$500 per homeowner in the district. Should a larger assessment be required to defray, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a municipal-type facility within the district, such an assessment shall require the agent of the majority of the owners of the 36 residential properties, consistent with this article.

#### **§ 199-34. Construal of powers and obligations.**

The powers and obligations herein granted and imposed are in addition to and not in diminution of all powers and obligations existing under applicable laws of the State of New York and the Charter of the City of Saratoga Springs.

#### **ARTICLE IV. Special District No. 1 of 1999**

**[Adopted 7-6-1999 by L.L. No. 1-1999]**

#### **§ 199-35. Title.**

This article shall be entitled "A Local Law in Relation to the Creation of Special District No. 1 of 1999 in the City of Saratoga Springs, Saratoga County, New York, to be known as the 'Morgan Street Birch Run Special District.' "

**§ 199-36. Description of properties; exclusions.**

A. The special district will be comprised of all municipal-type facilities located on approximately eight acres of commonly owned land of the Morgan Street Birch Run Homeowners Association, Phase II, Inc., a Type A not-for-profit corporation under § 201 of the New York State Not-For-Profit Corporation Law. The property is bounded on the north by Birch Run Drive, on the east by Seward Street, on the west by the Saratoga Golf and Polo Club and on the south by lands owned by D. A. Collins, Inc. Maps defining the specific boundaries of the property, its roadways and its water, sewer, drainage and lighting facilities are on file with the City Clerk's, County Clerk's and City Planning offices. Editor's Note: A list of properties inside and outside this special district is also on file in the City offices. The incorporation papers along with the Association's governing documents are on file with the State Attorney General's office.

B. There shall be specifically excluded from the district all maintenance, repair and other services performed on the 36 privately owned residential lots within the district. These 36 privately owned lots measure approximately six acres.

C. Also excluded are utilities owned by other entities, including the underground natural gas mains and electric distribution system and pad-mounted transformers owned by Niagara Mohawk Power Corporation and the underground telephone and television cable lines owned by Bell Atlantic and Time Warner Corporations.

**§ 199-37. Enumeration of purposes for special assessments.**

The special district may levy special assessments on privately owned properties within the district to provide municipal-type services exclusively for the purpose of promoting the health, safety and general welfare of the residents of the property as a community and to protect and enhance the overall property values of the community. The following municipal-type services are to be specifically provided by the district in perpetuity:

A. Water system: maintain and repair the 2,170 feet of twelve-inch ductile iron water mains located within the district boundary which provide City water to the 36 metered homes, plus the associated valves and the four fire hydrants located within the district.

B. Sanitary sewer system: maintain and repair the district's approximately 1,500 feet of sanitary sewer mains, including 14 precast concrete sewer manholes and collector basins, two concrete duplex sewer pumping stations, including four automatic electric pumps and controls, and 900 feet of three-inch PVC sewer force mains leading from the district's duplex sewer pumping stations into the City sewer system.

C. Storm sewer system: maintain and repair the district's approximately 2,700 feet of open storm drainage gutters and 27 ten-inch culverts, plus 17 precast concrete catch basins and 1,200 feet of concrete storm drains ranging from 12 inches to 24 inches in diameter.

D. Streetlighting system: maintain, repair and replace, as necessary, the streetlighting system within the district, consisting of 17 cedar light poles, sodium vapor fixtures and lamps, photo-electric controls and relays and approximately 2,900 feet of underground two-hundred-forty-volt cable and conduit.

E. General maintenance: maintain rights-of-way to the water and sewer mains, sewer pump stations, fire hydrants and storm sewer system, and such other purposes as may be necessary in carrying out the operation and maintenance services of the district to protect the health and safety of residents and the value of the property within the district.

#### **§ 199-38. Creation.**

The city, as authorized under the provisions of the General City Law, the Municipal Home Rule Law, New York Property Tax Law § 102.16 and this article, hereby creates the district.

#### **§ 199-39. Purposes of special district.**

A. The Morgan Street Birch Run Special District is established for the purpose of carrying on, performing and financing services intended to benefit the health, welfare, safety or convenience of the inhabitants of such district and to provide policies and procedures for emergency situations.

B. In carrying out its enumerated purposes, the district and homeowners within the district shall abide by existing governmental laws and rulings and by the provisions, regulations, duties and powers herein as they pertain to the operation, maintenance, repair and replacement of the district's municipal-type facilities and related services to be performed within the district. These include the establishment of operating budgets, levying the necessary assessments against the property owners within the district, preparing specifications and obtaining bids for the required services, awarding contracts, paying taxes and fees, obtaining insurance and periodic audits of district finances by an independent public accountant, electing a board of directors, conducting annual meetings of property owners, issuing regular reports and other actions as enumerated.

C. The district shall have no power or authority to expand or merge the district or to transfer or dedicate district facilities unless approved by the City Council and the district Board of Directors.

#### **§ 199-40. Board of Directors and officers.**

A. In order to assure the active participation of property owners within the special district, there is hereby established a Board of Directors which shall be composed of seven persons who shall be property owners within the district.

B. The Board of Directors shall be appointed by the Mayor with the consent of the City Council. The Directors also may serve concurrently as directors of the district's not-for-profit corporation, the Morgan Street Birch Run Homeowners' Association, Phase II, Inc.

C. All Directors shall initially serve terms of one to three years as determined by members of the Board. At the expiration of said terms, the terms of the members of the Board of Directors shall be three years. The members of the Board of Directors shall elect one of their number as Chairman, one as Vice Chairman, one as Treasurer and one as Secretary. Vacancies in the Board of Directors for unexpired terms shall be filled by vote of the remaining members of the Board of Directors.

D. The Board of Directors is hereby authorized to prepare and present to the City an annual special district budget, to levy and collect annual assessments on property within the district corresponding to the budget, and to carry out the duties necessary in specifying, contracting for and supervising the services necessary to operate, maintain and repair the district's water and sewer mains, sewer pumps, storm sewers, fire hydrants, streetlights and rights-of-way to these facilities in perpetuity.

#### **§ 199-41. Method of assessment; collection.**

A. "Special assessments" will mean a charge imposed upon benefited real property within the district, and shall be levied equally upon the property owners within the district, all of whom benefit equally from the maintenance and repair services to be provided by the district. The real properties involved are those 36 private lots within the boundaries of the proposed Morgan Street Birch Run Special District. The assessments shall be liens upon the respective properties.

B. The Board of Directors of the special district shall determine and levy the annual assessments necessary to perform the operating, maintenance and repair functions required within the district and shall assess and collect said amounts from the property owners within the district.

C. No municipal personnel or equipment shall be used for the ordinary maintenance or repair of the district's property, and no special assessments shall be levied by the district for any employment of municipal personnel or equipment for such purpose. Should any emergency cause the City of Saratoga Springs to operate, maintain or repair such facilities within the district in order to protect the health, safety and welfare of the residents, the City Council shall be empowered to levy special assessments against the real property owners within said district in an amount to be determined by the Commissioner of Public Works so as to reimburse the Department of Public Works for all expense incurred for such purpose. Such assessments shall be levied in proportion to the extent the properties are benefited and shall be liens upon the real properties within the district.

**§ 199-42. Annual budget and payment of assessments.**

A. A proposed annual budget for the special district shall be submitted by the Board of Directors to the property owners within the district and to the Commissioner of Finance of the City of Saratoga Springs no later than 60 days prior to the beginning of the district's calendar year. Such proposed annual budget shall include recommendations of municipal-type services to be performed during the coming year and estimates of the costs of these services for the ensuing year. Any surplus of funds at fiscal year end is to be applied to offset costs in the next fiscal year.

B. Such annual proposed special district budgets shall also include recommendations as to the funds and other sources of revenue against which the costs set forth in Subsection A of this section should be charged, including but not limited to the following:

(1) Funds to be received from assessments levied against properties within the district by the Board of Directors according to the annual budget.

(2) Funds to be received from special district revenues such as earned interest.

(3) Funds to be utilized from capital reserves or operating reserve funds previously allocated to meet unanticipated emergency repairs or replacement of district equipment or facilities.

C. With the approval of the district's Board of Directors, the special district shall deliver an annual budget and a check payable to the Commissioner of Finance of the City of Saratoga Springs and drawn on assessment funds in the district's operating account, in full payment for the maintenance and repair services to be performed by the district for the coming 12 months as specified in the budget. The Commissioner of Finance will then reimburse the special district to carry out the municipal-type services specified, said City check to be deposited to the district's account and utilized for the performance of those services as specified in the district budget. This transaction will enable the district to proceed with the necessary maintenance and repairs to preserve the described facilities, to protect the health, safety and general welfare of the residents and to preserve the value of properties within the district.

**§ 199-43. Receipt of additional funds for replacement or repair of capital equipment and facilities.**

For the purpose of obtaining funds in the event of an unforeseen emergency or natural disaster which requires extensive, nonbudgeted repairs to municipal-type facilities within the district, the special district shall have the power to levy additional one-time assessments on the property owners in the district applicable to that year only. The Board of Directors shall have the power to levy such additional assessment up to \$500 per homeowner in the district. Should a larger assessment be required to defray, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a municipal-type facility within the district, such an assessment shall require the assent of the majority of the owners of the 36 residential properties, consistent with this article.

#### **§ 199-44. Construal of powers and obligations.**

The powers and obligations herein granted and imposed are in addition to and not in diminution of all powers and obligations existing under applicable laws of the State of New York and the Charter of the City of Saratoga Springs.

### **ARTICLE V. Special District No. 1 of 2000**

**[Adopted 2-15-2000 by L.L. No. 1-2000]**

#### **§ 199-45. Title.**

This article shall be entitled "A Local Law in Relation to the Creation of Special District No. 1 of 2000 in the City of Saratoga Springs, Saratoga County, New York to be Known as the West Avenue Special Assessment District."

#### **§ 199-46. Definitions.**

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

##### **ADJUSTED SPECIAL ASSESSMENT**

A property's special assessment, minus the amount of any existing improvement credit.

##### **EXISTING IMPROVEMENT CREDIT**

A credit against the special assessment imposed by this article for specified improvements which have been previously made or paid for by the property owner to the assessed property and which are determined by the City as meeting or exceeding the standards for the improvement upon which the special assessment is based.

##### **PROPERTY ASSESSMENT**

The assessment of all properties in the city, as charged against those properties by the City of Saratoga Springs, based upon the value of the properties and without regard to any benefits that the properties may receive. For purposes of calculating the actual tax levied on a property, property assessment is calculated per \$1,000 of taxable assessed value. For purposes of this article, the term "property assessment" shall include such assessment for land only.

##### **SPECIAL ASSESSMENT**

The assessment levied, by reason, of the provisions of this article, upon properties included in the special assessment district created by this article.

#### **§ 199-47. Background; findings of fact.**

West Avenue and its surrounding areas have long been a tremendously important part of the city. While its primary importance is founded in commerce, transportation and public services, West Avenue remains a key element in every plan and vision for the city's overall improvement and development. The City Council recognizes the necessity of a project to improve the West Avenue area. The Council further finds that it is just and proper to assess portions of the costs of such improvements to owners of properties located within the district herein described, and that the properties so assessed will be appropriately benefited and increased in value by those improvements.

**§ 199-48. Description of district boundaries.**

The district shall consist of certain properties located within the City of Saratoga Springs and described by their section, block and lot numbers as shown on the Assessor's Maps of the Inside and Outside Tax Districts of the City of Saratoga Springs. A list of all the described properties, together with a map showing the district boundaries and a summary of costs estimated for the improvements, is filed in the office of the City Clerk.

**§ 199-49. Purposes.**

A. The City of Saratoga Springs may levy special assessments on properties within the district for such purposes as may be necessary to carry out the improvement, promotion, maintenance and operation of the special assessment district. Such purposes shall include, but shall not be limited to: construction and installation of landscaping, physical facilities, utilities, site amenities, signage, etc.; promotional activities, such as events, advertising; maintenance and operational activities to protect investments; and management activities to promote district programs.

B. The City shall have the power to carry out such purposes with respect to any properties located within the special assessment.

**§ 199-50. Assessment procedure; annual budget formula.**

In each year for which an annual budget is submitted pursuant to § 199-55 and approved by the city, a special assessment for properties in the district shall be computed as follows:

Amount of Approved Annual District Budget

Total Property Assessments for all Properties in the District = X

X times (property assessment of an individual property)

= that property's special assessment under this section

**§ 199-51. Assessment procedure; issuance and sale of bonds for improvements.**

A. For the purpose of obtaining funds necessary to make improvements within the special assessment district, the City of Saratoga Springs may from time to time issue and sell bonds or other municipal obligations as provided by the Local Finance Law of the State of New York and other applicable statutes. Principal and interest payments on such bonds or other municipal obligations may be made from the proceeds of assessments within the special assessment district as hereinbefore provided.

B. The City of Saratoga Springs shall determine the amount necessary to make principal and interest payments on the bonds or other municipal obligations issued in accordance with this section and shall collect said amount from the property owners within the special assessment district in equal installments over the period of the bond.

C. Each parcel within the special assessment district shall be assessed to repay bonding, in accordance with this section, in an amount to be determined as follows:

Total Annual Bonding Cost

Total Property Assessments for All Properties in the District = X

X times (property assessment for an individual property)

= that property's special assessment under this section for each year necessary to repay the bond.

**§ 199-52. Adjusted special assessment; existing improvement credit.**

A. A property's special assessment shall be adjusted downward by the application of existing improvement credits. An adjusted special assessment shall be computed for each property in the district according to the following formula:

Adjusted Special Assessment = Special Assessment x (1.0-Existing Improvement Credit)

B. The amount of a property's existing improvement credit shall be computed as follows, and a property may qualify for any or all of the following credits simultaneously:

(1) Properties with existing connections to the City sewer system as of the effective date of this article shall be allowed a credit of 15%.

(2) Properties with existing connections to the city's water system as of the effective date of this article shall be allowed a credit of 50%.

C. The City of Saratoga Springs reserves the absolute authority to determine whether any property shall qualify for any existing improvement credit under this section. The City shall also have the authority to accept funds from any district property owners for the purpose of making any of the improvements described in Subsections (1) through (2) of Subsection B above, to deposit and hold such funds in escrow accounts as permitted by law and to apply such funds toward that property's existing improvement credit, provided that such funds have been accepted by the City prior to the effective date of this article.

D. Nothing in this article shall prevent the City of Saratoga Springs from giving an improvement credit to a property for improvements other than those specified in Subsection B above. Such other improvement credits may be allowed following a review of the particular improvements made by the property owner and the extent to which such improvements are found to benefit the public.

**§ 199-53. Limitations on assessments.**

**[Amended 11-15-2005 by L.L. No. 6-2005]**

A. If a property located in the district is used exclusively for a residence, as this term is defined in Article I of the City Zoning Ordinance, and such use is in all aspects lawful under said Zoning Ordinance, that property shall not be subject to special assessments under this article for any amount in excess of \$150 per year, for each year in which such special assessment is imposed.

B. If a property owned exclusively by a Veteran's organization and located in the district shall qualify for exemption from taxation under § 452 of the Real Property Tax Law, that property shall not be subject to special assessments under this article for any amount in excess of \$150 per year, for each year in which such special assessment is imposed.



C. The limitation on special assessment described in Subsection A above shall not apply to any property that fails, for any reason, to maintain its exclusive use for a residence throughout the entire year in which the special assessment is imposed.

D. The limitation on special assessment described in Subsection B above shall not apply to any property that fails, for any reason, to be exclusively owned by a veteran's organization throughout the entire year in which the special assessment is imposed.

#### **§ 199-54. Board of Directors.**

A. In order to ensure the active participation of property owners within the special assessment district, there is hereby established a Board of Directors, which shall be composed of nine persons, seven of whom shall be property owners within the district or officers, stockholders or employees of corporations which own property within the district.

B. The Board of Directors shall be appointed by the Mayor with the consent of the City Council. The Directors also may serve concurrently as directors of the district's not-for-profit corporation as described in § 199-57.

C. All Directors shall initially serve terms of one to three years as determined by members of the Board. At the expiration of said terms, the terms of the members of the Board of Directors shall be three years. The members of the Board of Directors shall elect one of their number as Chairman, one as Vice Chairman, one as Treasurer and one as Secretary. Vacancies in the Board of Directors for unexpired terms shall be filled by vote of the remaining members of the Board of Directors.

D. The Board of Directors is hereby authorized to make recommendations to the City of Saratoga Springs concerning the capital improvements to be constructed within the district, to prepare and recommend to the City an annual special district budget and to make recommendations to the City concerning other matters essential to the successful operation of the district.

E. The Board of Directors of the special assessment district shall make periodic reports and recommendations to the city, at least quarterly, concerning construction, operation and maintenance of all special district capital improvements and related special district matters.

#### **§ 199-55. Annual budget.**

A. A proposed annual budget, as authorized by § 199-54D, may be submitted by the Board of Directors to the Commissioner of Finance of the City of Saratoga Springs. Such proposed budget shall include:

(1) Recommendations of construction of capital improvements for the ensuing fiscal year.

(2) Estimates of the cost of construction of such capital improvements, which estimates shall be prepared in conjunction with the appropriate City agencies.

(3) Estimates of special district operation and maintenance costs for the ensuing year.

B. Such annual proposed special district budget shall also include recommendations as to funds and other sources of revenue against which the costs set forth in Subsection A of this section should be charged, including but not limited to the following:

(1) Available federal funds and grants.

(2) Available funds and grants from New York State.

(3) Funds to be received from special district revenues.

(4) Funds to be received by reason of special district assessments to be taxed against properties within the special assessment district according to the formulas previously established by the city.

C. The City shall receive, consider and approve such proposed annual budget of the special assessment district for the ensuing fiscal year in accordance with the budgetary procedures prescribed for City agencies by the applicable Charter or ordinance of the City of Saratoga Springs.

D. When the City shall have approved the proposed annual budget of the Special Assessment District for the ensuing fiscal year, the City Assessor of the City of Saratoga Springs shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the special assessment district in accordance with the assessment procedures prescribed by this chapter and the formulas established by the city. The City Assessor shall in all other respects comply with the Charter or ordinance of the City of Saratoga Springs and other applicable statutes of the State of New York in such cases made and provided.

**§ 199-56. Special account; financing of annual costs by city; unexpended funds.**

A. Moneys appropriated and collected on account of annual costs and annual costs of operation and maintenance of the special district shall be credited to a special district account.

B. The City of Saratoga Springs is authorized to incur and finance the annual costs of improving, operating and maintaining a special district during any fiscal year if, in its discretion, it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year, so long as the various amounts to be expended have been approved as part of the annual special district budget and are to be collected during such succeeding fiscal year.

C. Any balances to the credit of a special district account remaining unexpended at the end of the fiscal year shall be conserved and applied toward the financial requirements of the succeeding year.

**§ 199-57. Creation of not-for-profit corporation; powers; annual contract with city.**

A. The Board of Directors of the special assessment district is hereby authorized to establish a not-for-profit corporation. The directors of such corporation shall be the members of the Board of Directors of the special assessment district. The terms of the directors of the not-for-profit corporation shall coincide with the terms as set forth for members of the Board of Directors of the special assessment district.

B. The powers of the corporation may include but shall not be limited to the following:

(1) Supervision of the operation and maintenance of special district capital improvements, whether or not such improvements were constructed under the authorizations contained in this chapter, said supervision to be performed under contractual agreement between the corporation and the City of Saratoga Springs.

(2) Conduct of additional special activities within the special district under contractual agreement between the corporation and the City of Saratoga Springs.

C. The City of Saratoga Springs is hereby empowered to enter into an annual contract with the not-for-profit corporation hereinbefore authorized.

D. Under the provisions of said annual contract, the City may pay over and transfer from the separate special district account to the corporation funds sufficient to defray the annual expenses of the

corporation in performing the operation and maintenance functions of the district and such other and additional functions as may have been included in the approved annual budget and in said contract set forth above.

**§ 199-58. Receipt of additional funds for capital improvements or maintenance.**

Nothing contained in this chapter shall prohibit the City of Saratoga Springs or the not-for-profit corporation to be established pursuant to this chapter from spending or receiving funds for capital improvements or maintenance within the special assessment district. Such funds may come from the general tax revenues of the City of Saratoga Springs, the capital register, community development or from any other sources, either public or private.

**§ 199-59. Condemnation proceedings.**

The City of Saratoga Springs is authorized to institute condemnation proceedings incidental to the construction of capital improvements within the special assessment district, which proceedings shall be taken at the discretion of the City in accordance with the ordinances of the City relating thereto and the other applicable statutes of the State of New York.

**§ 199-60. Construal of powers.**

A. The powers and obligations herein granted and imposed are in addition to and not in diminution of all powers existing under applicable laws of the State of New York and the Charter of the City of Saratoga Springs.

B. The City retains all rights and powers which it now has or may have in the future. The creation of the district is not to be interpreted to be an abrogation or diminution of any rights and powers of the city. This article in no way prevents the City at any time subsequent to the creation of the district from changing the description of the district or the assessment formulas for properties to be assessed within the district or from exercising the other powers granted by this article or other applicable statutes of the State of New York.

**ARTICLE VI. Special District No. 1 of 2001**

**[Adopted 12-4-2001 by L.L. No. 6-2001]**

**§ 199-61. Title.**

This article shall be entitled "A Local Law to Create a Special District No. 1 of 2001 in the City of Saratoga Springs, Saratoga County, New York to be Known as the Gilbert Road-Meadowbrook Road Special Assessment District."

**§ 199-62. Definitions.**

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

**ADJACENT PROPERTIES**

Real property, adjacent to or near properties in the district, to which public water service shall, now or hereafter, be provided upon proper connection, directly or indirectly, from the City of Saratoga Springs (the "City") water transmission mains.

**DISTRICT**

An area of land within the City designated as "Special Assessment District No. 1 of 2001." The District shall consist of and include certain properties within the area of the City of Saratoga

Springs, New York. A list describing all such properties constituting the District is filed in the office of the City Clerk.

**PROJECT**

The acquisition, construction and installation of the project facility.

**PROJECT FACILITY**

The water transmission line and related infrastructure to be acquired, constructed and installed in the District. A more detailed description of the project facility is filed in the office of the Department of Public Works.

**§ 199-63. Background; findings of fact.**

A. Background.

(1) The City Council of the City of Saratoga Springs (the "City") is concerned about the quality of drinking water available to persons who reside near a portion of Gilbert Road at its intersection with Meadowbrook Road. These residents have complained about difficulties in obtaining drinking water of consistent quality. They indicate that they have received letters from the New York State Department of Health cautioning them to treat or boil their existing water supply before drinking it.

(2) Petitions received by the City's Department of Public Works from residents indicated that a substantial percentage of the residents want the City to extend the City's water system to their properties. Furthermore, the residents have indicated a willingness to pay the cost of the improvements required to extend the City's water system by assessing such costs on those residents of the District benefiting from the improvements.

B. Findings of fact.

(1) The City Council of the City does hereby find that appropriate measures must be taken to protect the health, safety, comfort and general welfare of the residents in the Gilbert Road-Meadowbrook Road area. Accordingly, the City Council of the City recognizes the necessity for the undertaking by the City of the project. In order to finance the cost of the project, the City Council will create the District. The District is created pursuant to this article for purposes of assessing the cost of the project to the residents located within the District.

(2) The adjacent properties and the properties within the District will be benefited by the project facility as the project facility will add to the value of the property within the District and the adjacent properties and will improve water supply and quality and fire protection within the District.

**§ 199-64. Purpose.**

The purpose of creating the District is to preserve and protect the health, safety, comfort and general welfare of the residents in the District. The project will be undertaken to provide properties within the District with City water. The cost of the project shall be assessed upon those properties benefited within the District.

**§ 199-65. Creation.**

The City, as authorized under the provisions of the General City Law, the Municipal Home Rule Law and this article, hereby creates the District.

**§ 199-66. Boundaries.**

The properties to be included in the District shall be accurately described by boundary description or otherwise.

**§ 199-67. Powers of City in connection with project.**

The City may exercise the following powers with respect to the District in connection with the project:

- A. Acquisition, construction and installation of water transmission lines and related infrastructure, including the project facility;
- B. Construction of facilities, such as signs; fire hydrants; and such other fixtures, equipment facilities and appurtenances in connection with the project facility;
- C. Closing or opening or widening or narrowing of existing streets;
- D. Rehabilitation or removal of existing structures as required;
- E. Removal and relocation of utilities as required;
- F. Such other powers as may be necessary to carry out the acquisition, construction and improvement of the project facility.

**§ 199-68. Assessment formula.**

- A. Properties in the District shall be subject to assessment for the costs of the project facility to be acquired, constructed and installed within the District. The City will establish, from time to time, the manner in which the cost of the project facility will be assessed against the properties within the District. Properties included within the District will be assessed according to formulas established from time by the City Council, in its sole judgment, to reflect the benefits accruing to such properties within the District by reason of the project facility.
- B. Notwithstanding anything else to the contrary contained in this article or in any other law, resolution, regulation or rule of the City and in addition to all other costs or fees provided for by law, resolution, regulation and rule of the City, a tapping fee of no less than \$3,000 each shall be paid by all adjacent properties and all undeveloped properties existing within the District on the date of the enactment hereof.
- C. The City shall establish a reserve fund in connection with the financing of the project. All tapping fees described in Subsection B above shall be forthwith deposited in such reserve fund and shall be used by the City to pay principal and/or interest on any bonds or notes issued to finance the project.
- D. Any operation and maintenance expenses of the District will be treated as expenses of the City-wide water system and paid out of the City's water fund.

**§ 199-69. Financing.**

The City, for the purpose of providing funds for the cost of the project facility, may from time to time issue and sell bonds or other municipal obligations as provided in the New York Local Finance Law and other applicable state statutes. Principal and interest payments on such bonds or other municipal obligations may be made in whole or in part from the proceeds of assessments within the District, but in no event may installment payments for such assessments for the project facility be collected over a period of years longer than the period of probable usefulness of the project facility as set forth in the Local Finance Law.

#### **§ 199-70. Retention of rights and powers.**

The City retains all rights and powers which it now has or may have in the future. The creation of the District is not to be interpreted to be an abrogation or diminution of any rights and powers of the City. This article in no way prevents the City at any time subsequent to the creation of the District from changing the description of the District or the assessment formulas for properties to be assessed within the District or from exercising the other powers granted by this article or other applicable statutes of the State of New York.

#### **§ 199-71. Budget and assessment rolls.**

A. The City shall prepare a budget describing revenues and expenses relating to the project in connection with the preparation of the City's budget.

B. The City shall also establish procedures to be used by the City Assessor in preparing assessment rolls of benefited, assessable properties within the District. Such procedures shall include the provision of notice of the completion of the assessment roll and the scheduling of a public hearing to consider the assessment roll. The procedures must be consistent with the powers granted by this article and in all other respects with the Charter and other ordinances of the City and other applicable statutes of the State of New York.

### **ARTICLE VII. Special District No. 1 of 2002**

**[Adopted 5-7-2002 by L.L. No. 2-2002]**

#### **§ 199-72. Title.**

This article shall be entitled "A Local Law in Relation to the Creation of Special District No. 1 of 2002 in the City of Saratoga Springs, Saratoga County, New York, to be known as the 'Interlaken Special Assessment District.'"

#### **§ 199-73. Description of properties; exclusions.**

A. The special district will be comprised of all municipal-type facilities located on approximately 54.74 acres of commonly owned land of the Interlaken Homeowners Association, a Type A not-for-profit corporation under § 201 of the New York State Not-For-Profit Corporation Law. The property is bounded on the east by Crescent Avenue and NYS Route 9P and on the west by Lake Lonely. Maps defining the specific boundaries of the property, its roadways and its water, sewer, drainage and lighting facilities are on file with the City Clerk's, County Clerk's and City Planning offices. The incorporation papers along with the Association's governing documents are on file with the State Attorney General's office.

B. There shall be specifically excluded from the district all maintenance, repair and other services performed on the 125 privately owned residential units within the district. The land occupied by these 125 privately owned units measures approximately 5.2 acres of the total 54.74 acres described in Subsection A above.

C. Also excluded are utilities owned by other entities, including the underground natural gas mains and electric distribution system and pad-mounted transformers owned by Niagara Mohawk Power Corporation and the underground telephone and television cable lines owned by Verizon and Time Warner Corporations.

#### **§ 199-74. Enumeration of purposes for special assessments.**

The special district may levy special assessments on privately owned properties within the district to provide municipal-type services exclusively for the purpose of promoting the health, safety and general welfare of the residents of the property as a community and to protect and enhance the overall property values of the community. The following municipal-type services are to be specifically provided by the district in perpetuity:

A. Sanitary sewer system. Maintain and repair the district's approximately 5,013 feet of sanitary sewer mains, including 28 pre-east concrete manholes, and collector basins. This obligation will continue until the special district reaches agreements with the Saratoga County Sewer District No. 1 about the ownership of the sanitary sewer system.

B. Storm sewer system. Maintain and repair the district's approximately 1,770 feet of concrete storm drains with twelve-inch pipe diameter, and 11 catch basins.

C. Streetlighting system. Maintain, repair and replace as necessary, the streetlighting system of 38 lights, and four entrance lights, and 8,747 feet of underground two-hundred-volt cable and conduit within the district. Maintain, repair cable and wiring for pool lights, 205 feet; pool pump house, picnic pavilion, mail house, community flag pole, pool security lights; and 1,041 feet for an underground sprinkler system.

D. General maintenance. Maintain, repair and replace as necessary the district's 1,584 yards by 10 yards of private asphalt/macadam roadways. Maintain rights-of-way to the sewer mains, the fire hydrants, storm sewer system, and such other purposes as may be necessary in carrying out the operation and maintenance services of the district to protect the health and safety of residents, and the value of the property within the district. Maintain rights-of-way to the water storage tank and pump house owned and operated by the Saratoga County Water Authority.

#### **§ 199-75. Creation.**

The City, as authorized under the provisions of the General City Law, the Municipal Home Rule Law, and NY Real Property Tax Law § 102.16, and this article, hereby creates the district.

#### **§ 199-76. Purposes.**

A. The Interlaken Special Assessment District is established for the purpose of carrying on, performing and financing services intended to benefit the health, welfare, safety or convenience of the inhabitants of such district and to provide policies and procedures for emergency situations.

B. In carrying out its enumerated purposes, the district and homeowners within the district shall abide by existing governmental laws and rulings and by the provisions, regulations, duties and powers herein as they pertain to the operation, maintenance, repair and replacement of the district's municipal-type facilities and related services to be performed within the district. These include the establishment of operating budgets, levying the necessary assessments against the property owners within the district, preparing specifications and obtaining bids for the required services, awarding contracts, paying taxes and fees, obtaining insurance and periodic audits of district finances by an independent public accountant, electing a board of directors, conducting annual meetings of property owners, issuing regular reports and other actions as enumerated.

C. The district shall have no power or authority to expand or merge the district or to transfer or dedicate district facilities unless approved by the City Council and the district Board of Directors.

#### **§ 199-77. Board of Directors and officers.**

A. In order to assure the active participation of property owners within the special district, there is hereby established a Board of Directors which shall be composed of not fewer than three nor more than seven persons who shall be property owners within the district.

B. The Board of Directors shall be appointed by the Mayor with the consent of the City Council. At all times, the Directors shall be the persons then serving as directors of the district's not-for-profit corporation, the Interlaken Homeowners' Association. Each year following the annual election of Directors, the Homeowners Association shall inform the Mayor in writing of the names of the current board members.

C. All Directors shall serve terms as determined by members of the Board. The members of the Board of Directors shall elect one of their number as Chairman, one as Vice Chairman, one as Treasurer and one as Secretary. Vacancies in the Board of Directors for unexpired terms shall be filled by vote of the remaining members of the Board of Directors.

D. The Board of Directors is hereby authorized to prepare and present to the City an annual special district budget, to levy and collect annual assessments on property within the district corresponding to the budget, and to carry out the duties necessary in specifying, contracting for and supervising the services necessary to operate, maintain and repair the district's water and sewer mains, sewer pumps, storm sewers, fire hydrants, streetlights and rights-of-way to these facilities in perpetuity.

#### **§ 199-78. Method of assessment; collection.**

A. "Special assessments" will mean a charge imposed upon benefited real property within the district, and shall be levied equally upon the property owners within the district, all of whom benefit equally from the maintenance and repair services to be provided by the district. The real properties involved are those 125 private units within the boundaries of the proposed Interlaken Special Assessment District. The assessments shall be liens upon the respective properties.

B. The Board of Directors of the special district shall determine and levy the annual assessments necessary to perform the operating, maintenance and repair functions required within the district and shall assess and collect said amounts from the property owners within the district.

C. No municipal personnel or equipment shall be used for the ordinary maintenance or repair of the district's property, and no special assessments shall be levied by the district for any employment of municipal personnel or equipment for such purpose. Should any emergency cause the City of Saratoga Springs to operate, maintain or repair such facilities within the district in order to protect the health, safety and welfare of the residents, the City Council shall be empowered to levy special assessments against the real property owners within said district in an amount to be determined by the Commissioner of Public Works so as to reimburse the Department of Public Works for all expense incurred for such purpose. Such assessments shall be levied in proportion to the extent the properties are benefited and shall be liens upon the real properties within the district.

#### **§ 199-79. Annual budget and payment of assessments.**

A. A proposed annual budget for the special district shall be submitted by the Board of Directors to the property owners within the district and to the Commissioner of Finance of the City of Saratoga Springs no later than 60 days prior to the beginning of the district's fiscal year. Such proposed annual budget shall include recommendations of municipal-type services to be performed during the coming year and estimates of the costs of these services for the ensuing year. Any surplus of funds at fiscal year end is to be applied to offset costs in the next fiscal year.



B. Such annual proposed special district budgets shall also include recommendations as to the funds and other sources of revenue against which the costs set forth in Subsection A of the section should be charged, including, but not limited to the following:

- (1) Funds to be received from assessments levied against properties within the district by the Board of Directors according to the annual budget.
- (2) Funds to be received from special district revenues, such as earned interest.
- (3) Funds to be utilized from capital reserves or operating reserve funds previously allocated to meet unanticipated emergency repairs or replacement of district equipment or facilities.

C. Payment.

(1) With the approval of the district's Board of Directors, the special district shall deliver an annual budget and a check payable to the Commissioner of Finance of the City of Saratoga Springs and drawn on assessment funds in the district's operating account, in full or partial payment for the maintenance and repair services to be performed by the district for the coming 12 months as specified in the budget. By mutual agreement between the Commissioner of Finance and the special district's Board of Directors, the special district may make payment of the aforementioned funds due on an annual, semiannual, or quarterly basis.

(2) The Commissioner of Finance will then simultaneously reimburse the special district to carry out the municipal-type services specified, said City check to be of a sum equal to the sum paid by the special district as per the preceding subsection. Said check shall be immediately deposited to the district's operating account and utilized for the performance of those services as specified in the district budget. This transaction will enable the district to proceed with the necessary maintenance and repairs to preserve the described facilities, to protect the health, safety and general welfare of the residents and to preserve the value of properties within the district.

**§ 199-80. Receipt of additional funds for replacement or repair of capital equipment and facilities.**

For the purpose of obtaining funds in the event of an unforeseen emergency or natural disaster which requires extensive, nonbudgeted repairs to municipal-type facilities within the district, the special district shall have the power to levy additional one-time assessments on the property owners in the district applicable to that year only. The Board of Directors shall have the power to levy such additional assessment up to \$500 per homeowner in the district. Should a larger assessment be required to defray, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a municipal-type facility within the district, such an assessment shall require the assent of a two-thirds majority of the owners of the 125 residential units, consistent with this article.

**§ 199-81. Construal of powers and obligations.**

The powers and obligations herein granted and imposed are in addition to and not in diminution of all powers and obligations existing under applicable laws of the State of New York and the Charter of the City of Saratoga Springs.

**§ 199-82. Conflict with other laws and regulations.**

Nothing in this article is intended to modify, amend or change the Interlaken Governing Documents (declaration of covenants, conditions and restrictions, bylaws, and rules and regulations) or any rights or obligations established by those documents.

## CHAPTER 199A. SPECIAL EVENTS

### ARTICLE I. General Provisions

§ 199A-1. Definitions; compliance with other provisions.

§ 199A-2. Applicability.

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### ARTICLE II. Permits

§ 199A-5. Application.

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§ 199A-7. Responsibility for cleanup.

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§ 199A-9. Issuance; applicability of zoning laws.

§ 199A-10. Standards for issuance.

§ 199A-11. Change of permit.

§ 199A-12. Notice to officials.

§ 199A-13. Contents.

§ 199A-14. Duties of permit holder.

§ 199A-15. Revocation.

### ARTICLE III. Enforcement; When Effective

§ 199A-16. Penalties for offenses.

## **CHAPTER 199A. SPECIAL EVENTS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 12-20-2005. Amendments noted where applicable.]**

## **GENERAL REFERENCES**

Alcoholic beverages — See Ch. 61.

Demonstrations — See Ch. 98.

Firearms — See Ch. 115.

Noise — See Ch. 148.

Parades — See Ch. 151.

Streets and sidewalks — See Ch. 203.

Temporary structures — See Ch. 216.

Zoning — See Ch. 240.

## **ARTICLE I. General Provisions**

It shall be lawful, as defined in this chapter, to hold or cause to be held a special event by first obtaining a special event permit from the Commissioner of Accounts. Persons holding a permit for a parade, as that term is defined in Chapter 151 of the City Code, shall not be required to obtain an additional permit under this chapter for the activity covered by the special event permit.

### **§ 199A-1. Definitions; compliance with other provisions.**

A. A "special event" is any event, occasion or celebration open to the public and held in or upon any public right-of-way, public street, public park or other public place or conducted in such a manner as to significantly impede public access to any public right-of-way, public street, public park or other public place.

B. Any person, corporation, partnership or other entity applying for a permit under this chapter, if installing/erecting a temporary structure, must comply with Chapter 216 of the City Code entitled "Temporary Structures."

C. Any person, corporation, partnership or other entity applying for a permit under this chapter must comply with Chapter 148 of the City Code entitled "Noise."

D. Any person, corporation, partnership or other entity applying for a permit under this chapter must comply with Chapter 61 of the City Code entitled "Alcoholic Beverages."

E. The following definitions shall apply to this chapter:

**AWNING/CANOPY**

A structure resembling a roof.

**BANNER**

Any sign, as defined herein, hung above a street, from a building, bridge structure or a vehicle or towed by a vehicle, including but not limited to an aircraft, watercraft or trailer.

**CITY**

The City of Saratoga Springs, New York.

**CITY CLERK**

The City Clerk of the City of Saratoga Springs, New York.

**PARADE**

Any procession of any kind in a public place in the City of Saratoga Springs that is intended to attract public attention and that does not comply with normal traffic regulations and control.

**PUBLIC PLACE**

Any place to which the public has unrestricted access, but "public place" shall not mean the interior floor space of any building or any space covered by part of a building's permanent roof.

**SIGNS**

Any display of words, symbols or other visual images made of cloth, paper, plastic, cardboard or other material or any combination of such display.

**TEMPORARY STRUCTURE**

A tent, awning, canopy or other device, with or without sides, used to cover an area.

**TENT**

A collapsible shelter, with or without sides, made of fabric, nylon or canvas stretched and sustained by poles and used as a temporary structure.

**§ 199A-2. Applicability.**

The following activities shall not require a permit under this article:

A. Funeral processions.

**§ 199A-3. Prohibited items or activities.**

A. The following items or activities are prohibited:

(1) Banners. Banners, as defined, are prohibited.

(2) Explosives, fireworks or pyrotechnics. No person shall carry or possess any kind or mixture of explosives, fireworks or pyrotechnics.

(3) Flammable or combustible liquids or gases. Flammable or combustible liquids, compressed gases or gases cannot be carried or possessed.

(4) Injury, physical. The conduct of the special event is not reasonably likely to cause physical injury to persons or property

(5) Interference with emergency services. The special event will not unduly interfere with proper fire and police protection or emergency services to contiguous areas of such assembly areas.

(6) Obscene material. No person shall display, carry or possess any obscene material as defined by § 235.20 of the NYS Penal Law.

(7) Noxious materials. No person shall use, carry or possess any noxious material of any kind or strength while participating in a special event.

(8) Projectile launchers. Projectile launchers or other devices commonly used for the purpose of launching, hurling, or throwing any object, liquid, material or substance cannot be carried or possessed.

(9) Sidewalks (blocking). No person or group of persons shall block any lawful use of a public sidewalk or any ingress to or egress from any building by standing within 15 feet of said doorway or entrance or any driveway to any building.

(10) Signs. No sign or combination of signs shall render impassable any public way or any ingress to or egress from any public way, or render passage to, from or across a public way unreasonably difficult or hazardous. Posters, plaques or notices mounted on a support or hand held, constructed solely of cloth, paper, plastic or cardboard material no greater than 1/4 inch thick are permitted. Signs must be of such size and construction as to be safely carried and displayed.

(11) Sirens or air horns. No person shall use, carry or possess any hand-carried or vehicle-mounted siren or air horn.

(12) Strong acid or base chemicals in solid, liquid or gas. No persons shall use, carry or possess any acidic or basic chemical regardless of its physical state.

(13) Traffic (blocking). No person shall block or otherwise interfere with highway, road or rail traffic to include ingress to or egress from a building or onto property.

#### **§ 199A-4. Restricted use items or activities.**

A. The following items or activities have restricted use:

(1) Flyovers. Flyovers and aircraft trailing banners are not permitted unless requested for in the permit application in advance. A copy of the FAA authorization permit is required to be filed with the permit application.

(2) Firearms. Firearm use or carry, real or replica, whether for ceremonial use as in a color guard or not, must be approved in advance by the Police Department.

(3) Sound-producing or amplifying devices. The use of any sound-producing or amplifying devices is permitted if the sound is so as not to be heard at 250 feet and beyond the special event. The use of said equipment must also comply with restrictions and limitations contained in the Noise Ordinance of the City of Saratoga Springs. Editor's Note: See Ch. 148, Noise.

(4) Electricity. Electrical connections are not publicly available from the City. The use of an electric generator is prohibited. Electrical connections from private property are permitted, provided such

connections shall have been inspected by a certified electrical inspector as to safety and compliance with the National Electrical Code. A copy of the inspection shall be filed with the Commissioner of Accounts prior to said use.

## **ARTICLE II. Permits**

### **§ 199A-5. Application.**

A. Applications for such permit shall be made to the Commissioner of Accounts on the forms provided by the Commissioner.

B. Weekly, monthly or yearly permits for recurring special events may be applied for and granted by the Commissioner of Accounts. Such application shall include a schedule for each day of the special event, together with any other information the Commissioner of Accounts may deem necessary. All such permits shall expire at the end of the calendar year in which they are granted.

C. Filing period. An application for a special event shall be filed with the Commissioner of Accounts not fewer than 10 business days before the date on which it is proposed to conduct such special event.

D. For any event that will attract 5,000 or more persons, the applicant must also obtain a permit from the NYS Department of Health and include it with the application. A safety plan, as required by the Department of State must also be included with the application.

### **§ 199A-6. Fees.**

A. Circuses, carnivals and menageries: \$250.

B. All other special events: \$50 per day.

### **§ 199A-7. Responsibility for cleanup.**

The Commissioner of Public Works shall have the authority, in situations where it is determined that the proposed special event is of such magnitude or character that it will generate an excessive or extraordinary amount of debris upon the public ways, to require an agreement from the applicant stating that the applicant shall be responsible for the costs of cleanup of the public ways after the special event. The Commissioner may enter into any agreement with the applicant as may be necessary for this purpose.

### **§ 199A-8. Insurance.**

The applicant shall provide proof of insurance to the Commissioner of Accounts as follows:

A. Proof of commercial general liability insurance, including completed products and operations and personal injury liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. The City shall be included as an additional insured on said insurance.

B. In the event a motorized vehicle shall be utilized in the permitted event, commercial automobile liability in the combined single limit of \$1,000,000 shall be required for all nonowned, hired and/or owned vehicles. The City shall be included as an additional insured on said insurance.

C. Proof of statutory workers' compensation and employer's liability insurance for all employees participating in the event.

D. A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act or omission of the applicant, or the applicant's employees, agents, or subcontractors.

#### **§ 199A-9. Issuance; applicability of zoning laws.**

If the Commissioner of Accounts finds that all applicable provisions of this chapter have been complied with or will be complied with by the applicant, a permit may be issued to hold a special event conditional upon such reasonable limitations and requirements as may be deemed necessary for the protection of the public health, safety and welfare. Nothing in this chapter shall be construed as granting the Commissioner of Accounts any power to confer rights upon permit holders to do any act or conduct any business or activity in contravention of any zoning ordinance or regulation in effect in the City of Saratoga Springs. It shall be the responsibility of the permit holder to determine if the activity complies with the applicable zoning laws.

#### **§ 199A-10. Standards for issuance.**

The Commissioner of Accounts shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, it is found that:

- A. The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- B. The conduct of the special event will not require the diversion of so great a number of police officers of the City to properly manage the line of movement and the areas contiguous thereto as to prevent normal police protection to the rest of the City.
- C. The conduct of such special event will not require the diversion of so great a number of emergency services as to prevent normal emergency service to portions of the City other than that occupied by the proposed line of march and areas contiguous thereto.
- D. The issuance of a special event permit under this chapter shall not be construed as granting authorization to conduct activities defined as "demonstration" in Chapter 98 or "parade" in Chapter 151 of the Code of the City of Saratoga Springs.

#### **§ 199A-11. Change of permit.**

The City shall be empowered to change the date/time of the special event should such a change be in the best interest of the City. If the applicant refuses to accept such changes and chooses to cancel the special event, all fees paid by the applicant shall be refunded.

#### **§ 199A-12. Notice to officials.**

Immediately upon the application for a special event permit, the Commissioner of Accounts shall send a copy of the special event application to the following:

- A. Mayor.
- B. Commissioner of Public Works.

C. Commissioner of Accounts.

D. Police Chief.

E. Commissioner of Finance.

F. Commissioner of Public Safety.

G. Fire Chief.

H. Risk and Safety Manager.

#### **§ 199A-13. Contents.**

Each special event permit shall state the following information:

A. The starting time and ending time.

B. Location of the special event and the portions of the streets to be traversed that may be occupied by the special event.

C. The name of the responsible party and telephone number.

D. Such other information as the Commissioner of Accounts shall find necessary to the enforcement of this chapter.

#### **§ 199A-14. Duties of permit holder.**

A. The permit holder hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

B. Possession of permit. The special event chairperson or the person heading or leading such activity shall carry the special permit upon his/her person during the conduct of such special event.

#### **§ 199A-15. Revocation.**

The Commissioner of Accounts may revoke any permit for violation of any of the provisions of this chapter. Notice of such revocation and the reason or reasons therefor shall be served upon the person named in the permit application or by mailing the same to the address given on the permit application

### **ARTICLE III. Enforcement; When Effective**

#### **§ 199A-16. Penalties for offenses.**

A. Any person or other legal entity who violates any of the provisions of this chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, General Penalty, of this Code. Both the Police Department and Code Administration shall have the authority to enforce the provisions of this chapter and to issue appearance tickets for violations thereof.

B. This chapter shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

## CHAPTER 200. SPECIAL LIVERY VEHICLES

### ARTICLE I. Intent; Definitions; General Operating Requirements

§ 200-1. Legislative intent.

§ 200-2. Definitions.

§ 200-3. General operating requirements.

### ARTICLE II. Equine-Drawn Carriages

§ 200-4. Licenses required.

§ 200-5. Application for owner's license.

§ 200-6. Application for driver's license.

§ 200-7. Issuance of license.

§ 200-8. Operating regulations.

§ 200-9. License fees.

§ 200-10. Suspension or revocation of license.

§ 200-11. Penalties for offenses.

### ARTICLE III. Motorized Vehicles

§ 200-12. Licenses required.

§ 200-13. Application for owner's license.

§ 200-14. Application for driver's license.

§ 200-15. Issuance of license.

§ 200-16. Fees.

§ 200-17. Construal of provisions.

§ 200-18. Suspension or revocation of license.

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### ARTICLE IV. Pedicabs

§ 200-20. License required.

§ 200-21. Application for owner's license.

§ 200-22. Application for driver's license.

§ 200-23. Issuance of license.

§ 200-24. Fees.

§ 200-25. Construal of provisions.

§ 200-26. Suspension or revocation of license.

§ 200-27. Penalties for offenses.

§ 200-28. Operating regulations.

### ARTICLE V. Advertising on Special Livery Vehicles

§ 200-29. Purpose; construal of provisions.

§ 200-30. Regulations.

### ARTICLE VI. Review of Provisions

§ 200-31. Schedule for review.

Attachments:

200a Addendum A

200b Addendum B

## **CHAPTER 200. SPECIAL LIVERY VEHICLES**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 8-5-2003; amended in its entirety 5-17-2005. Subsequent amendments noted where applicable.]**

## **GENERAL REFERENCES**

Demonstrations — See Ch. 98.

Parades — See Ch. 151.

Taxicabs — See Ch. 215.

Streets and sidewalks — See Ch. 203.



Vehicles and traffic — See Ch. 225.

## **ARTICLE I. Intent; Definitions; General Operating Requirements**

### **§ 200-1. Legislative intent.**

The Saratoga Springs City Council finds that the public interest will be served by the reasonable regulation of specialized livery services. Such services can provide a novel and entertaining way to enjoy local attractions and events. However, their frequent use by the public generates a substantial need for licensing, regulation, and supervision. This chapter is intended to create reasonable regulations for special livery vehicles.

### **§ 200-2. Definitions.**

The following terms shall have the meanings indicated:

#### **CARRIAGE**

A special livery vehicle for hire drawn by equine and carrying passengers only.

#### **DRIVER**

Any person who drives a special livery vehicle for hire, whether such person is the owner of said vehicle or an employee of the owner of said vehicle.

#### **EQUINE**

Any member of the family Equidae, including horses, mules, and asses.

#### **HUMANE CARE**

The provision of adequate food, water, shelter and medical care consistent with the normal requirements and feeding habits of the equine's size, species and breed.

#### **LICENSE**

Permission granted by the City of Saratoga Springs to any person, firm, corporation, or other legal entity to engage in activities described in this chapter.

#### **MOTORIZED SPECIAL LIVERY VEHICLE**

Any special livery vehicle powered entirely or in part by a motor or engine. The term shall include all motorized vehicles used as special livery vehicles and not as taxicabs as defined in Chapter 215 of the City Code.

#### **OWNER**

Any person, firm, corporation or legal entity that engages in the business of operating special livery vehicles for hire.

#### **PEDICAB**

A special livery vehicle for hire powered exclusively by human power through a drive train and having three or more wheels.

#### **SPECIAL LIVERY VEHICLE**

Any conveyance, powered by motor, animal or otherwise, hired by persons for entertainment or recreational purposes and not intended or operated as a means of public transportation.

#### **VETERINARIAN**

Any person licensed by the State of New York to practice veterinary medicine and who specializes in equine or large animal medicine.

### **§ 200-3. General operating requirements.**

No person shall own, operate, drive or offer for rental in the City of Saratoga Springs any manner of special livery vehicle unless such special livery vehicle is of a kind or type regulated under this chapter and all required licenses have been obtained.

## **ARTICLE II. Equine-Drawn Carriages**

### **§ 200-4. Licenses required.**

A. No person, firm, corporation or legal entity shall engage in the business for profit of operating any equine-drawn carriage or equine-drawn carriages for hire in the City of Saratoga Springs without first obtaining an owner's license as described in this article.

B. No person shall act as a driver of an equine drawn carriage for hire in the City of Saratoga Springs without first obtaining a valid driver's license as described in this article.

C. No license shall be required for any person, firm, corporation or legal entity who engages in the business for profit of operating any equine-drawn carriage or equine-drawn carriages for hire, or who drives said carriage or carriages, as part of a special event as permitted by Chapter 69 of the City Code, or as part of a parade as permitted by Chapter 151 of the City Code, or in any circumstance where said carriage or carriages are hired for private use upon private property or upon property owned by the State of New York, except that persons, firms, corporations or legal entities who operate carriages under any of the aforementioned circumstances shall comply with operating regulations in § 200-8E, F, H, I, J, K, M, P, Q, S, T, W, X, Z and AA of this article.

#### **§ 200-5. Application for owner's license.**

A. An application for an owner's license under this article shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:

(1) The name, address, and telephone number of the applicant, and, if the applicant is a partnership or operating under an assumed name, a certified copy of the certificate of partnership or assumed name or names, and, if the applicant is a corporation, the names and addresses of all corporate officers and stockholders.

(2) A publicly listed telephone number maintained by the applicant.

(3) The name, home address, telephone number and date of birth of each driver who will drive carriages for the applicant, and a copy of each driver's valid state motor vehicle driver's license.

(4) Insurance.

(a) Proof of commercial general liability insurance, including personal injury liability insurance specific to equine-drawn carriages for hire in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. The City shall be included as an additional insured on said insurance.

(b) Proof of statutory workers' compensation and employer's liability insurance for all employees.

(c) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including, but not limited to, attorney's fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act or omission of the applicant, or the applicant's employees, agents, or subcontractors.

(5) One or more photographs of each carriage to be used by the applicant, and a description of each such carriage, including length, width, passenger capacity and number of equine used.

(6) A sworn affidavit from the owner stating that the applicant has inspected each carriage and is qualified to determine whether such carriage is in safe operating condition, and has determined that the carriage is in safe operating condition.

(7) A New York State tax identification certificate.

(8) Proof of annual health inspection for each equine used, together with proof of good health from a veterinarian, including proof of a negative Coggins test and a rabies vaccination.

(9) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.

(10) Any other information deemed necessary by the Commissioner of Accounts for the reasonable review of the application.

B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.

#### **§ 200-6. Application for driver's license.**

A. An application for a driver's license shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:

(1) Proof that the applicant is at least 18 years old.

(2) Proof that the applicant is the holder of a valid state motor vehicle driver's license.

(3) A copy of the applicant's driving record obtained from the Department of Motor Vehicles.

(4) A statement that the applicant is in good health and not subject to any infirmity of mind or body that might render the applicant incapable or unfit to safely operate an equine-drawn carriage.

(5) A statement that the applicant is able to communicate effectively in English.

(6) A statement that the applicant does not unlawfully use any drug or controlled substance.

(7) A sworn affidavit from the applicant, and, if the applicant is not the owner of the carriage, a sworn affidavit from the owner, stating that the applicant is competent to safely drive an equine-drawn carriage, has knowledge and experience in driving such carriages, and has knowledge of proper equine grooming, care, nutrition, and equipment

(8) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.

B. No driver's license shall be issued to any applicant who fails to meet the standards established in Article 23-A of the Corrections Law of the State of New York. In addition to and not in limitation of the

foregoing, no driver's license shall be issued to any applicant who is at the time of application under indictment for a felony anywhere in the United States, or who has been convicted of a felony anywhere in the United States within the past five years preceding the application, or who has been convicted of two or more misdemeanors within the past two years preceding the application.

C. No license shall be issued to any applicant who has been convicted of any of the following crimes: robbery, rape, sexual abuse, aggravated sexual abuse, or course of sexual conduct against a child, or of the crime of assault with intent to commit any of the aforementioned crimes.

D. No driver's license shall be issued to any applicant who has been convicted of the crime of criminal sale of a controlled substance in any degree as established in the Penal Law.

E. No driver's license shall be issued to any applicant who has been convicted of any offense involving mistreatment, torture or cruelty to animals as provided in Article 26 of the Agriculture and Markets Law.

F. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.

#### **§ 200-7. Issuance of license.**

A. Upon consideration of the factors listed in §§ 200-5 and 200-6 above, the Commissioner of Accounts may issue a license to the applicant. Each license shall expire on December 31 in the year issued. The Commissioner of Accounts shall have authority to impose reasonable conditions upon any license issued. The Commissioner may also refuse to issue a license to an applicant based upon a determination that the applicant fails to satisfactorily meet the requirements stated in those sections, or that the issuance of the license would adversely affect public health, safety and welfare. Denial of an application shall be sent to the applicant in writing at the address indicated on the application. Upon the applicant's written request, a hearing may be conducted at which the applicant may provide evidence that he or she should be issued a license.

B. In the event that the number of applicants exceeds the number of licenses that the Commissioner of Accounts has determined to be the maximum allowable in the interest of public health, safety and welfare, the Commissioner shall have the authority to conduct a lottery or other fair and equitable selection process to determine which applicants shall receive the available licenses.

#### **§ 200-8. Operating regulations.**

Every equine-drawn carriage operated under this article shall comply with the following regulations:

A. All carriages shall follow established schedules as adopted in Addendum A Editor's Note: Addendum A is included at the end of this chapter. and amended from time to time.

B. Carriages shall be driven in the traffic lane closest to the curb, except when necessary in emergencies to make way for vehicular and pedestrian traffic.

C. Carriages shall not operate between the hours of 1:00 a.m. and 7:00 a.m.

D. Carriages shall operate only during the hours as adopted in Addendum A.

- E. No person shall ride on the back of any equine used to draw a carriage.
- F. Two drivers, or one driver and one assistant to the driver shall remain with each carriage at all times while in operation.
- G. Each driver shall display a photo license at all times while the carriage is in operation.
- H. A driver shall not drive a carriage when a passenger is standing in the carriage or is in any way not seated securely and safely within the carriage.
- I. Every driver shall provide humane care to every equine under his or her control.
- J. Every equine that shall draw a carriage shall be in good health and shall be not less than three nor more than 20 years old.
- K. Every equine that shall draw a carriage shall be not more than six months pregnant.
- L. Each owner of an equine or equines shall provide proof each year showing that the equine is in good health. The proof shall identify each equine according to a Coggins test or other test generally accepted in veterinary practice.
- M. No equine shall be left unattended.
- N. No equine shall be worked more than eight hours in a twenty-four-hour period.
- O. No equine shall be worked more than five days within a seven-day period.
- P. No equine shall be worked if the temperature is above 90° F. or below 18° F,
- Q. No equine shall draw more than twice its body weight. For purposes of this regulation, weight drawn shall include carriage, passengers and driver.
- R. Each equine shall be groomed daily prior to starting work..
- S. Each equine shall have hooves properly trimmed and studded shoes correctly fitted.
- T. All carriages shall be equipped with an overcheck rein and shall be in safe mechanical condition.
- U. Each carriage shall be originally constructed as a passenger carriage. A carriage's wheelbase shall not exceed 14 feet. A carriage's overall chassis length, exclusive of shafts and equine, shall not exceed 28 feet. A carriage's overall width shall not exceed 78 inches.
- V. No carriage shall be drawn by more than two equine, except carriages permitted as part of a special event under City Code Chapter 69, or as part of a parade permitted under City Code Chapter 151.
- W. All carriages shall be equipped with electric front and rear lamps as required by § 1223 of the Vehicle and Traffic Law, and shall be equipped with an orange triangle as required for slow-moving vehicles under the Vehicle and Traffic Law. Reflective bands shall be placed on the legs of each equine.
- X. Each carriage shall be equipped with a device of the type commonly known as a "diaper" and used to contain animal waste. Each person operating a carriage shall promptly clean up solid waste spills

produced by equines under his or her control. Each person shall maintain at a readily accessible location a supply of disinfectant agent and shall use said agent to disinfect all animal waste spills produced by equines under his or her control.

Y. Each driver shall have a radio or cellular communication system.

Z. Each carriage shall be equipped with brakes on at least the two rearmost wheels.

AA. Each carriage shall be equipped with a sign, affixed to the rear of the carriage, with the words "Keep Back 25 feet" in letters not less than three inches high.

#### **§ 200-9. License fees.**

The following fees shall be paid for licenses under this article:

<b>License</b>	<b>Fee</b>
Owner's license	\$250.00, plus \$50.00 for each additional carriage
Driver's license	
Initial application	\$10.00
Each renewal	\$35.00

#### **§ 200-10. Suspension or revocation of license.**

The Commissioner of Accounts may, upon due notice, revoke, suspend or refuse to renew any license issued for a violation of any of the provisions of this article or for any other act or omission that demonstrates the licensee's inability to safely and properly conduct the licensed activity. When a license shall be revoked or suspended, no refund of any portion of the license fee shall be made. Notice of such revocation, suspension or refusal to renew and the reason or reasons therefor in writing shall be served by the Commissioner of Accounts upon the licensee or mailed to the licensee's address as stated on the application.

#### **§ 200-11. Penalties for offenses.**

Any person who, by himself or herself or by an agent or employee, shall conduct any activity described in this article, without a license, or who shall violate any of the provisions of this article, or who, having had a license revoked or suspended, shall continue to conduct any activity described in this article, shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the Code.

### **ARTICLE III. Motorized Vehicles**

#### **§ 200-12. Licenses required.**

A. No person, firm, corporation or legal entity shall engage in the business for profit of operating a motorized special livery vehicle for hire in the City of Saratoga Springs, without first obtaining an owner's license as described in this article.

B. No person shall act as a driver of a motorized special livery vehicle without first obtaining a driver's license as described in this article.

C. No license shall be required for any person, firm, corporation or legal entity who engages in the business for profit of operating a motorized special livery vehicle for hire, or who drives said vehicle or vehicles, as part of a special event as permitted by Chapter 69 of the City Code or in any circumstance where said vehicle or vehicles are hired for private use upon private property or upon property owned by the State of New York.

**§ 200-13. Application for owner's license.**

A. An application for an owner's license under this article shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:

- (1) The name, address, and telephone number of the applicant, and, if the applicant is a partnership or operating under an assumed name, a certified copy of the certificate of partnership or assumed name or names, and, if the applicant is a corporation, the names and addresses of all corporate officers and stockholders.
- (2) A publicly listed telephone number maintained by the applicant.
- (3) The name, home address, telephone number and date of birth of each driver who will drive vehicles for the applicant, and a copy of each driver's valid New York State motor vehicle driver's license of Class E.
- (4) Insurance.
  - (a) Proof of commercial general liability insurance, including personal injury liability insurance specific to motorized vehicles for hire in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate, and \$1,000,000 combined single-limit automobile liability insurance for owned, nonowned and hired vehicles. The City shall be included as an additional insured on said insurance.
  - (b) Proof of statutory workers' compensation and employer's liability insurance for all employees.
  - (c) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act or omission of the applicant, or the applicant's employees, agents, or subcontractors.
- (5) One or more photographs of each vehicle to be used by the applicant, and a description of each such vehicle, including length, width, and passenger capacity.
- (6) A New York State tax identification certificate.
- (7) Proof that the applicant is the holder of a valid New York State motor vehicle driver's license of Class E.
- (8) A copy of the applicant's driving record obtained from the Department of Motor Vehicles.
- (9) An affidavit from the applicant stating that each vehicle for which a license is requested complies with all requirements of the New York Motor Vehicle and Traffic Law.

(10) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.

B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.

#### **§ 200-14. Application for driver's license.**

A. An application for a driver's license shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:

(1) Proof that the applicant is at least 18 years old.

(2) Proof that the applicant is the holder of a valid New York State motor vehicle driver's license of Class E.

(3) A copy of the applicant's driving record obtained from the Department of Motor Vehicles.

(4) A statement that the applicant is in good health and not subject to any infirmity of mind or body that might render the applicant incapable or unfit to safely operate a motorized vehicle.

(5) A statement that the applicant is able to communicate effectively in English.

(6) A statement that the applicant does not use unlawfully any drug or controlled substance.

(7) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.

B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.

C. No driver's license shall be issued to any applicant who fails to meet the standards established in Article 23-A of the Corrections Law of the State of New York. In addition to and not in limitation of the foregoing, no driver's license shall be issued to any applicant who is at the time of application under indictment for a felony anywhere in the United States, or who has been convicted of a felony anywhere in the United States within the past five years preceding the application, or who has been convicted of two or more misdemeanors within the past two years preceding the application or who has been convicted of more than one moving violation in the past year.

D. No licenses shall be issued to any applicant who has been convicted of any of the following crimes: robbery, rape, sexual abuse, aggravated sexual abuse, or course of sexual conduct against a child, or of the crime of assault with intent to commit any of the aforementioned crimes.



E. No driver's license shall be issued to any applicant who has been convicted of the crime of criminal sale of a controlled substance in any degree as established in the Penal Law.

#### **§ 200-15. Issuance of license.**

Upon consideration of the factors listed in §§ 200-13 and 200-14 above, the Commissioner of Accounts may issue a license to the applicant. Each license shall expire on December 31 in the year issued. The Commissioner of Accounts shall have authority to impose reasonable conditions upon any license issued. The Commissioner may also refuse to issue a license to an applicant based upon a determination that the applicant fails to satisfactorily meet the requirements stated in those sections. Denial of an application shall be sent to the applicant in writing at the address indicated on the application. Upon the applicant's written request, a hearing may be conducted at which the applicant may provide evidence that he or she should be issued a license.

#### **§ 200-16. Fees.**

The following fees shall be paid for licenses under this article:

<b>License</b>	<b>Fee</b>
Owner's license	\$250.00, plus \$50.00 for each additional vehicle
Driver's license	
Initial application	\$10.00
Each renewal	\$35.00

#### **§ 200-17. Construal of provisions.**

A. Nothing in this article shall be construed so as to supersede any provision of the New York State Vehicle and Traffic Law, and/or any regulation of the New York State Insurance Department, and/or any provision of City Code Chapter 225, entitled "Vehicles and Traffic." No license granted under this article shall be construed so as to give permission to the licensee to do any act or engage in any activity contrary to the aforementioned state and City laws.

#### **§ 200-18. Suspension or revocation of license.**

The Commissioner of Accounts may, upon due notice, revoke, suspend or refuse to renew any license issued for a violation of any of the provisions of this article or for any other act or omission that demonstrates the licensee's inability to safely and properly conduct the licensed activity. When a license shall be revoked or suspended, no refund of any portion of the license fee shall be made. Notice of such revocation, suspension or refusal to renew and the reason or reasons therefor in writing shall be served by the Commissioner of Accounts upon the licensee or mailed to the licensee's address as stated on the application.

#### **§ 200-19. Penalties for offenses.**

Any person who, by himself or herself or by an agent or employee, shall conduct any activity described in this article, without a license, or who shall violate any of the provisions of this article, or who, having had a license revoked or suspended, shall continue to conduct any activity described in this article, shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the Code.

## **ARTICLE IV. Pedicabs**

### **§ 200-20. License required.**

A. No person, firm, corporation or legal entity shall engage in the business for profit of operating a pedicab for hire in the City of Saratoga Springs without first obtaining an owner's license as described in this article.

B. No person shall act as a driver of a pedicab without first obtaining a driver's license as described in this article.

### **§ 200-21. Application for owner's license.**

A. An application for an owner's license under this article shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:

(1) The name, address, and telephone number of the applicant, and, if the applicant is a partnership or operating under an assumed name, a certified copy of the certificate of partnership or assumed name or names, and, if the applicant is a corporation, the names and addresses of all corporate officers and stockholders.

(2) A publicly listed telephone number maintained by the applicant.

(3) The name, home address, telephone number and date of birth of each driver who will drive pedicabs for the applicant, and a copy of each driver's valid New York State motor vehicle driver's license.

(4) Insurance.

(a) Proof of commercial general liability insurance, including personal injury liability insurance specific to pedicabs for hire in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. The City shall be included as an additional insured on said insurance.

(b) Proof of statutory workers' compensation and employer's liability insurance for all employees.

(c) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act or omission of the applicant, or the applicant's employees, agents, or subcontractors.

(5) One or more photographs of each pedicab to be used by the applicant, and a description of each such vehicle, including length, width, and passenger capacity.

(6) A New York State tax identification certificate.

(7) Proof that the applicant is the holder of a valid motor vehicle driver's license.

**[Amended 7-3-2007]**

(8) A copy of the applicant's driving record obtained from the Department of Motor Vehicles.

(9) An affidavit from the applicant stating that each vehicle for which a license is requested complies with all requirements of the New York Vehicle and Traffic Law.

(10) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.

B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.

#### **§ 200-22. Application for driver's license.**

A. An application for a driver's license shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:

(1) Proof that the applicant is at least 18 years old.

(2) Proof that the applicant is the holder of a valid motor vehicle driver's license.

#### **[Amended 7-3-2007]**

(3) A copy of the applicant's driving record obtained from the Department of Motor Vehicles.

(4) A statement that the applicant is in good health and not subject to any infirmity of mind or body that might render the applicant incapable or unfit to safely operate a pedicab.

(5) A statement that the applicant is able to communicate effectively in English.

(6) A statement that the applicant does not unlawfully use any drug or controlled substance.

(7) A set of the applicant's fingerprints, or, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.

B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.

C. No driver's license shall be issued to any applicant who fails to meet the standards established in Article 23-A of the Corrections Law of the State of New York. In addition to and not in limitation of the foregoing, no driver's license shall be issued to any applicant who is at the time of application under indictment for a felony anywhere in the United States, or who has been convicted of a felony anywhere in the United States within the past five years preceding the application, or who has been convicted of two or more misdemeanors within the past two years preceding the application, or who has been convicted of more than one moving violation in the past year.

D. No licenses shall be issued to any applicant who has been convicted of any of the following crimes: robbery, rape, sexual abuse, aggravated sexual abuse, or course of sexual conduct against a child, or of the crime of assault with intent to commit any of the aforementioned crimes.

E. No driver's license shall be issued to any applicant who has been convicted of the crime of criminal sale of a controlled substance, in any degree as established in the Penal Law.

#### **§ 200-23. Issuance of license.**

Upon consideration of the factors listed in §§ 200-21 and 200-22 above, the Commissioner of Accounts may issue a license to the applicant. Each license shall expire on December 31 in the year issued. The Commissioner of Accounts shall have authority to impose reasonable conditions upon any license issued. The Commissioner may also refuse to issue a license to an applicant based upon a determination that the applicant fails to satisfactorily meet the requirements stated in those sections. Denial of an application shall be sent to the applicant in writing at the address indicated on the application. Upon the applicant's written request, a hearing may be conducted at which the applicant may provide evidence that he or she should be issued a license.

#### **§ 200-24. Fees.**

The following fees shall be paid for licenses under this article:

<b>License</b>	<b>Fee</b>
Owner's license	\$250.00, plus \$50.00 for each additional vehicle
Driver's license	
Initial application	\$10.00
Each renewal	\$35.00

#### **§ 200-25. Construal of provisions.**

Nothing in this article shall be construed so as to supersede any provision of the New York State Vehicle and Traffic Law, and/or any regulation of the New York State Insurance Department, and/or any provision of City Code Chapter 225 entitled "Vehicles and Traffic." No license granted under this article shall be construed so as to give permission to the licensee to do any act or engage in any activity contrary to the aforementioned state and City laws.

#### **§ 200-26. Suspension or revocation of license.**

The Commissioner of Accounts may, upon due notice and following a hearing, revoke, suspend or refuse to renew any license issued for a violation of any of the provisions of this article or for any other act or omission that demonstrates the licensee's inability to safely and properly conduct the licensed activity. When a license shall be revoked or suspended, no refund of any portion of the license fee shall be made. Notice of such revocation, suspension or refusal to renew and the reason or reasons therefor in writing shall be served by the Commissioner of Accounts upon the licensee or mailed to the licensee's address as stated on the application.

#### **§ 200-27. Penalties for offenses.**

Any person who, by himself or herself or by an agent or employee, shall conduct any activity described in this article without a license, or who shall violate any of the provisions of this article, or who, having had a license revoked or suspended, shall continue to conduct any activity described in this article, shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the Code.

#### **§ 200-28. Operating regulations.**

Every pedicab operated under this article shall comply with the following regulations:

- A. Each pedicab driver shall be in a physical condition to safely operate and control the pedicab at all times.
- B. Each pedicab shall be equipped with a radio or cellular communication device.
- C. Each pedicab shall be equipped with a battery- or generator-powered white front light visible for at least 500 feet, red taillights visible for at least 300 feet, at least one light on each side visible for at least 200 feet, reflective tires or wheels, brake lights, a horn or other audible signal that can be heard for at least 100 feet, and hydraulic or mechanical brakes capable of causing the vehicle to skid on dry clean pavement.
- D. Pedicabs shall illuminate headlights and taillights when operating after sunset, and when operating in fog or in inclement weather.
- E. No person shall attach any trailer, sidecar, or other auxiliary vehicle to any pedicab.
- F. All pedicabs shall follow established schedules as adopted in Addendum B Editor's Note: Addendum B is included at the end of this chapter. and amended from time to time.
- G. Pedicabs shall be driven in the traffic lane closest to the curb, except when necessary in emergencies to make way for vehicular and pedestrian traffic.
- H. Pedicabs shall not operate between the hours of 1:00 a.m. and 7:00 a.m.
- I. Passengers and drivers shall remain seated at all times while the pedicab is in motion. No person shall stand on any part of a pedicab while the pedicab is in motion. No person shall ride on the back of any pedicab.
- J. Pedicabs shall be equipped with seat belts for all passengers under age five and helmets for all passengers under age 14.
- K. Pedicabs shall be equipped with a reflective orange triangle as required for slow-moving vehicles.
- L. Pedicabs shall be kept clean and in good working order.
- M. Pedicabs shall be of heavy steel-frame construction with wheels not less than 26 inches in diameter. No pedicab shall be operated under this article that is not, in the opinion of the Traffic Safety Division, safe for use upon the public highways.
- N. Each pedicab shall have a sign affixed to the back reading "Keep Back 25 feet" in letters not less than three inches high.
- O. No pedicab shall be left unattended unless locked and with brakes activated.

P. Each pedicab driver shall wear neat and clean attire, including a collared shirt, and shall display his or her photo identification card on his or her person.

Q. Each pedicab driver shall carry a copy of this article while on duty.

R. Each pedicab driver shall notify police in case of accident or injury.

S. Each driver shall post a schedule of fares in the pedicab and shall give a receipt to each passenger upon request.

T. No owner or driver shall allow passengers to smoke or to drink alcoholic beverages. Each pedicab shall feature a sign or logo indicating that smoking and drinking alcoholic beverages is prohibited.

U. The Commissioner of Accounts shall have authority to reject or cause the removal of any banners, noisemakers, pennants, flags, or other devices attached to any pedicab that would, in the Commissioner's judgment, obstruct or distract drivers and/or pedestrians so as to cause a danger or hazard.

V. Each pedicab shall be subject to inspection at all times by the Code Administrator and/or by the Police Department.

W. No pedicab shall be in any manner leased, loaned, given, or transferred for use by any person, firm, corporation, or legal entity, unless and until such person, firm, corporation or legal entity is duly licensed and insured as an owner or driver under this article.

## **ARTICLE V. Advertising on Special Livery Vehicles**

### **§ 200-29. Purpose; construal of provisions.**

A. The purpose of this article is to establish reasonable criteria for the display of advertising and commercial messages on special livery vehicles licensed under this chapter. It is in the public interest that such advertising or commercial messages should not obstruct or distract drivers and/or pedestrians so as to cause a danger or hazard.

B. Nothing in this article shall be construed to prohibit any form of constitutionally protected speech or expression.

### **§ 200-30. Regulations.**

The following regulations shall apply to all advertising on special livery vehicles:

A. Advertising shall be displayed only on a single fixed flat sign or panel, not larger than 20 inches by 28 inches, attached to or painted on the back of the special livery vehicle. No three-dimensional, illuminated or moving displays shall be permitted. In addition, a pedicab owner may display his or her company logo on the sides of each pedicab owned by that company, in a space not larger than two square feet.

B. Letters and numbers shall be not more than 12 inches in height nor more than six inches wide.

C. Advertising shall not be displayed on the top of the roof, canopy or cover of a special livery vehicle.

D. All advertising proposed shall be submitted to the Commissioner of Accounts for review.

E. The Commissioner of Accounts shall have authority to reject or cause the removal of any advertising which is in violation of this article or which, in the Commissioner's judgment, would obstruct or distract drivers and/or pedestrians so as to cause a danger or hazard.

## **ARTICLE VI. Review of Provisions**

### **§ 200-31. Schedule for review.**

The Commissioner of Accounts shall cause the provisions of this chapter to be reviewed and reconsidered in January of every other year. Nothing in this section shall be construed so as to prohibit the Commissioner of Accounts from reviewing said provisions more frequently, at the Commissioner's discretion.

Attachments:

200a Addendum A

200b Addendum B

## **CHAPTER 200A. STORMWATER MANAGEMENT**

§ 200A-1. Findings of fact.

§ 200A-2. Purpose.

§ 200A-3. Statutory authority.

§ 200A-4. Applicability.

§ 200A-5. Exemptions.

§ 200A-6. Construction inspection.

§ 200A-7. Performance guarantee.

§ 200A-8. Enforcement; penalties for offenses.

§ 200A-9. Fees for services.

## **CHAPTER 200A. STORMWATER MANAGEMENT**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 1-2-2008 by L.L. No. 1-2008. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Flood damage prevention — See Ch. 120.

Illicit discharges to storm sewer system — See Ch. 138.

Subdivision regulations — See Ch. A247.

Zoning — See Ch. 240.

### **§ 200A-1. Findings of fact.**

It is hereby determined that:

A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;

B. This stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat for fish and other desirable species;

C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitats;

D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation;

E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;

F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;

G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;

H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety;

I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

#### **§ 200A-2. Purpose.**

The purpose of this chapter and Article VIIIA of the Zoning Ordinance Editor's Note: See Ch. 240, Zoning, is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 200A-1 hereof. This chapter and Article VIIIA of the Zoning Ordinance seeks to meet those purposes by achieving the following objectives:

A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, as amended or revised;

B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, GP-02-01, as amended or revised;

C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;

D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;

E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable;

F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety; and



G. Define the boundaries of the City's municipal separate sewer system (MS4) as the entire City of Saratoga Springs, and all lands within its corporate limits.

### **§ 200A-3. Statutory authority.**

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the City Council of Saratoga Springs has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the City of Saratoga Springs and for the protection and enhancement of its physical environment. The City Council of Saratoga Springs may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

### **§ 200A-4. Applicability.**

A. This chapter and Article VIIIA of the Zoning Ordinance Editor's Note: See Ch. 240, Zoning. shall be applicable to all land development activities as defined in Article VIIIA of the Zoning Ordinance, § 240-8A.1

B. The City designates the City Engineer as its Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:

(1) Review the plans;

(2) Upon approval by the City Council of the City of Saratoga Springs, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or

(3) Accept the certification of a licensed professional that the plans conform to the requirements of this chapter and Article VIIIA of the Zoning Ordinance. Editor's Note: See Ch. 240, Zoning.

C. All land development activities subject to review and approval by the applicable board of the City of Saratoga Springs under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter and Article VIIIA of the Zoning Ordinance. Editor's Note: See Ch. 240, Zoning.

D. All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this chapter and Article VIIIA of the Zoning Ordinance. Editor's Note: See Ch. 240, Zoning.

### **§ 200A-5. Exemptions.**

The following activities may be exempt from review under this chapter and Article VIIIA of the Zoning Ordinance. Editor's Note: See Ch. 240, Zoning.

A. Agricultural activity as defined in this chapter and Article VIIIA of the Zoning Ordinance.

B. Routine maintenance activities that disturb less than one acre and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

C. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.

D. Any part of a subdivision if a plat for the subdivision has received final approval from the Planning Board on or before the effective date of this chapter and Article VIIIA of the Zoning Ordinance.

E. Land development activities for which a building permit has been approved on or before the effective date of this chapter and Article VIIIA of the Zoning Ordinance.

F. Cemetery graves.

G. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

H. Emergency activity immediately necessary to protect life, property or natural resources.

I. Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.

J. Landscaping and horticultural activities in connection with an existing structure.

#### **§ 200A-6. Construction inspection.**

A. Erosion and sediment control inspection.

(1) The City of Saratoga Springs Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and Article VIIIA of the Zoning Ordinance Editor's Note: See Ch. 240, Zoning. and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and Article VIIIA of the Zoning Ordinance and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the City of Saratoga Springs enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

(a) Start of construction.

(b) Installation of sediment and erosion control measures.

(c) Completion of site clearing.

(d) Completion of rough grading.

(e) Completion of final grading.

(f) Close of the construction season.

(g) Completion of final landscaping.

(h) Successful establishment of landscaping in public areas.

(2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater management practice inspections. The City of Saratoga Springs Stormwater Management Officer is responsible for conducting inspections of stormwater management practices

(SMPs). All applicants are required to submit as-built plans for any stormwater management practices located onsite after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

D. Submission of reports. The City of Saratoga Springs Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter and Article VIIIA of the Zoning Ordinance Editor's Note: See Ch. 240, Zoning, as are necessary to determine compliance with this chapter and Article VIIIA of the Zoning Ordinance.

E. Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the City of Saratoga Springs the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C.

#### **§ 200A-7. Performance guarantee.**

A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the City of Saratoga Springs in its approval of the stormwater pollution prevention plan, the City of Saratoga Springs may require the applicant or developer to provide, prior to construction, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the City of Saratoga Springs as the beneficiary. The security shall be in an amount to be determined by the City of Saratoga Springs based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the City of Saratoga Springs, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facilities have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the City of Saratoga Springs. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the City of Saratoga Springs with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the City of Saratoga Springs may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Recordkeeping. The City of Saratoga Springs may require entities subject to this chapter and Article VIIIA of the Zoning Ordinance Editor's Note: See Ch. 240, Zoning. to maintain records demonstrating compliance with this chapter and Article VIIIA of the Zoning Ordinance.

#### **§ 200A-8. Enforcement; penalties for offenses.**

A. Notice of violation. When the City of Saratoga Springs determines that a land development activity is not being carried out in accordance with the requirements of this chapter and Article VIIIA of the Zoning Ordinance, Editor's Note: See Ch. 240, Zoning. it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- (1) The name and address of the landowner, developer or applicant;
- (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and Article VIIIA of the Zoning Ordinance Editor's Note: See Ch. 240, Zoning. and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.

B. Stop-work orders. The City of Saratoga Springs may issue a stop-work order for violations of this chapter and Article VIIIA of the Zoning Ordinance. Editor's Note: See Ch. 240, Zoning. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the City of Saratoga Springs confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter and Article VIIIA of the Zoning Ordinance.

C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter and Article VIIIA of the Zoning Ordinance, Editor's Note: See Ch. 240, Zoning. may be restrained by injunction or otherwise abated in a manner provided by law.

#### **D. Penalties.**

- (1) In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter and Article VIIIA of the Zoning Ordinance Editor's Note: See Ch. 240, Zoning. shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both.

(2) However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter and Article VIIIA of the Zoning Ordinance shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter and Article VIIIA of the Zoning Ordinance Editor's Note: See Ch. 240, Zoning. the Stormwater Management Officer may prevent the occupancy of said building or land.

F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City of Saratoga Springs may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

#### **§ 200A-9. Fees for services.**

The City of Saratoga Springs may require any person undertaking land development activities regulated by this chapter and Article VIIIA of the Zoning Ordinance Editor's Note: See Ch. 240, Zoning. to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the City of Saratoga Springs or performed by a third party for the City of Saratoga Springs.

#### **CHAPTER 201. STREET NAMING AND NUMBERING**

##### **ARTICLE I. Street Names**

##### **§ 201-1. Adoption of street names**

##### **ARTICLE II. Street Address Numbering**

##### **§ 201-2. Authority of City Engineer.**

##### **§ 201-3. Display of assigned numbers.**

##### **§ 201-4. Penalties for offenses.**

##### **§ 201-5. Enforcement.**

Attachments:

201a Official List of Streets

#### **CHAPTER 201. STREET NAMING AND NUMBERING**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 7-18-2006. Editor's Note: This ordinance also repealed former Ch. 201, Street Naming and Numbering, adopted 4-3-1989, as amended. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Streets and sidewalks — See Ch. 203.

#### **ARTICLE I. Street Names**

##### **§ 201-1. Adoption of street names**

The City Council hereby adopts the official list of street names for all streets within the City. The list is set forth in Appendix A at the end of this chapter. The addition of new street names, the deletion of existing street names, and changes in street names may be made by resolution of the City Council. Any such additions, deletions, or changes shall require a public hearing prior to action by the City Council.

#### **ARTICLE II. Street Address Numbering**

### **§ 201-2. Authority of City Engineer.**

A. The City Engineer is hereby designated to establish and assign address numbers for all properties in the City and assign street number ranges for all streets within the City.

B. The City Engineer shall establish and communicate procedures for the assignment of address numbers and street number ranges, procedures for the prompt notification of all property owners affected by the establishment or amendment of any address number or street number ranges, and procedures for the prompt notification of all agencies providing services that require knowledge of address numbers and street number ranges, including but not limited to the Deputy Mayor, Deputy Commissioners, United States Postal Services, and Saratoga County Emergency Services. The notification procedures established by the City Engineer shall be reviewed and approved by the City Council and provided to the Deputy Mayor, Deputy Commissioners, United States Postal Services, and Saratoga County Emergency Services.

C. The City Engineer shall make and keep a current public record of all assigned numbers and street number ranges in the City as well as maintain a record of procedures outlined in Subsections A and B above, which will be available to the public for review.

D. The City Engineer shall review any proposal, application, petition or request for relief which shall involve the creation of any address number or street numbers, or the renumbering of any address number or street number range.

### **§ 201-3. Display of assigned numbers.**

A. It shall be the responsibility of each person, partnership, corporation or legal entity who owns property in the City of Saratoga Springs to display proper address numbers as assigned by the City Engineer. Address numbers shall be displayed on each property where a building or structure exists, and such numbers shall be affixed to the building or structure in a manner so as to be visible and readable from the street and located near the main entry. In addition, if such numbers cannot be read from the street, they shall also be displayed on both sides of a post or mailbox located within 15 feet of the driveway or entrance. Numbers shall be at least four inches square with a minimum stroke width of 0.5 inch and shall be placed not less than four feet above ground. These numbers shall be Arabic numerals.

B. Each property owner described in Subsection A above shall display such numbers, or cause them to be displayed, within 10 days after notification by the City Engineer.

### **§ 201-4. Penalties for offenses.**

A. It shall be unlawful for any property owner to fail to display address numbers in accordance with this chapter.

B. Any property owner, upon conviction of a violation of this chapter, shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III of this Code.

### **§ 201-5. Enforcement.**

A. It shall be the duty of the Code Enforcement Administrators under the direction of the Commissioner of Public Safety of the City of Saratoga Springs to enforce the provisions of this chapter.

B. In addition to and not in limitation of any power otherwise granted by law, Code Enforcement Administrators are hereby authorized to issue appearance tickets for violations of this chapter.

Attachments:

201a Official List of Streets

## **CHAPTER 203. STREETS AND SIDEWALKS**

### ARTICLE I. Awnings

§ 203-1. Height; projection.

§ 203-2. Penalties for offenses.

### ARTICLE II. Obstruction of Streets

§ 203-3. Time limit.

§ 203-4. Penalties for offenses.

### ARTICLE III. Obstruction of Sidewalks

§ 203-5. Placement of merchandise.

§ 203-6. Penalties for offenses.

### ARTICLE IV. Encumbrances in Streets; Signs

§ 203-7. Materials and signs prohibited without permit.

§ 203-8. Conditions of permits.

§ 203-9. Application for permit.

§ 203-10. Sandwich board signs prohibited.

§ 203-11. Penalties for offenses; removal.

### ARTICLE V. Street Excavations

§ 203-12. Permit required.

§ 203-13. Restoration.

§ 203-14. Insurance.

§ 203-15. Penalties for offenses.

### ARTICLE VI. Guarding of Excavations

§ 203-16. Fencing and lights required.

§ 203-17. Penalties for offenses.

### ARTICLE VII. Moving of Buildings

§ 203-18. Permit required.

§ 203-19. Penalties for offenses.

### ARTICLE VIII. General Obstructions

§ 203-20. Prohibitions.

§ 203-21. Penalties for offenses.

### ARTICLE IX. Obstruction of People From Public Ways and Places

§ 203-21.1. Definitions.

§ 203-21.2. Prohibitions.

§ 203-21.3. Penalties for offenses.

### ARTICLE X. Materials Specifications

§ 203-22. Powers of Commissioner of Public Works.

§ 203-23. Sidewalks, curbs and paving.

§ 203-24. Penalties for offenses.

### ARTICLE XI. Care of Sidewalks

§ 203-25. Repair; liability; permit required.

§ 203-26. Snow and ice removal.

§ 203-27. Placement of snow and ice in streets.

§ 203-28. Penalties for offenses.

## **CHAPTER 203. STREETS AND SIDEWALKS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as indicated in article histories. Amendments noted where applicable.]**

## **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.  
Sidewalk cafes — See Ch. 136, Art. II.  
Newsracks — See Ch. 145.  
Parades — See Ch. 151.  
Public property — See Ch. 178.  
Vehicles and traffic — See Ch. 225.  
Subdivision Regulations — See Ch. A247.

## **ARTICLE I. Awnings**

**[Adopted as Ch. 107, Art. I, of the 1970 Code]**

### **§ 203-1. Height; projection.**

No person shall place or maintain an awning, above a sidewalk, of material other than cloth nor place or maintain an awning, including its flaps and fixtures, nearer than seven feet above the sidewalk nor extend the same more than seven feet from the building to which it is attached.

### **§ 203-2. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. The penalty for offenses against this article shall be as set forth in Chapter 1, General Provisions, Article III, of this Code.

## **ARTICLE II. Obstruction of Streets**

**[Adopted as Ch. 107, Art. II, of the 1970 Code]**

### **§ 203-3. Time limit.**

No person shall obstruct the free passage of a highway by any steam or street railway stock for more than two minutes at any one time.

### **§ 203-4. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. The penalty for offenses against this article shall be as set forth in Chapter 1, General Provisions, Article III, of this Code.

## **ARTICLE III. Obstruction of Sidewalks**

**[Adopted as Ch. 107, Art. III, of the 1970 Code]**

### **§ 203-5. Placement of merchandise.**

**[Amended 11-15-1982]**

No person shall suspend or place any merchandise in front of any building so as to obstruct the free use of the sidewalk nor place such merchandise more than 30 inches from the building. There shall be permitted three downtown sidewalk sales each year located in the business district of the city, each of four days' duration. The days of the sale shall be fixed by the Commissioner of Accounts on or before June 15 of each year.

### **§ 203-6. Penalties for offenses.**



Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. The penalty for offenses against this article shall be as set forth in Chapter 1, General Provisions, Article III, of this Code.

#### **ARTICLE IV. Encumbrances in Streets; Signs**

**[Adopted 9-7-1993** Editor's Note: This ordinance repealed former Art. IV, Encumbrances in Streets, adopted as Ch. 107, Art. V, of the 1970 Code. **]**

##### **§ 203-7. Materials and signs prohibited without permit.**

No person shall place or cause to be placed in a highway any building or other material or grass, leaves or rubbish from adjoining premises or place or project into a highway any sign or encumbrance whatever, except merchandise for sale as permitted by Article II of this chapter and except signs permitted in highways by § 240-10.3B(9) of Chapter 240 and by § 203-10 of this article, without the prior written permit, revocable at any time, of the Commissioner of Public Works.

##### **§ 203-8. Conditions of permits.**

No person shall place, project or allow any such material or encumbrance to remain in a highway contrary to the terms or conditions of such permit.

##### **§ 203-9. Application for permit.**

A. Applications for a permit must be in writing, particularly describing the structure and place and such other information as the Commissioner of Public Works may require. The consent shall be in writing and shall state the character of the structure, the place, the manner of securing the same and such other conditions as the Commissioner of Public Works may impose.

B. The Commissioner of Public Works may, upon public notice and hearing, establish fees for permits issued pursuant to this article.

##### **§ 203-10. Sandwich board signs prohibited.**

A. In addition to and not in limitation of the other provisions of this article, no person shall place or cause to be placed in a highway or other public way any sandwich board sign, except as permitted in highways by § 240-10.3B(9) of Chapter 240, and except as specifically permitted by this section. For purposes of this article, the term "sandwich board sign" shall mean any sign or advertising device designed to be portable and intended for temporary, periodic or intermittent use.

B. Sandwich board signs on Broadway. The Commissioner of Public Works shall have the authority to issue, upon application, written permits for sandwich board signs to be located in a public sidewalk, highway or right-of-way on Broadway between Van Dam Street and The Avenue of the Pines. An application for such a sandwich board sign shall be accompanied by a sketch, drawing or photograph of the proposed sandwich board sign and its proposed location. Such sandwich board signs shall not be larger than 30 inches in width and 36 inches in height, and shall be located not more than 30 inches from the exterior building wall of the applicant's business establishment. The Commissioner of Public Works shall have the authority to refuse a permit for any such sandwich board sign which he finds will have or is likely to have an adverse impact upon public health, safety and welfare and shall also have the authority to impose upon a permit reasonable conditions which he may deem necessary to safeguard public health, safety and welfare. All applications for such sandwich board signs shall be accompanied by a fee of \$15. All sandwich board signs permitted shall have attached thereto the permit number and telephone number of the permit holder.

C. Locator signs. The Commissioner of Public Works shall have the authority to establish, from time to time, locator or directional signs on Broadway. Such signs shall be available for business establishments located on streets off Broadway and shall be designed and installed by the Department of Public Works. The Commissioner shall also have authority to establish fees for advertising space on such signs.

#### **§ 203-11. Penalties for offenses; removal.**

A. The Commissioner of Public Works may cause any encumbrance or structure, including sandwich board signs, existing in violation of this article to be removed. Such removal may be effected without notice to any person when the Commissioner of Public Works determines, in his sole discretion, that a danger to the public health, safety and welfare exists. The Commissioner of Public Works shall, to the extent practicable, notify the owner or owners of all encumbrances or structures so removed. If such owner or owners cannot be located despite reasonable efforts, or if such owner or owners fail or refuse to claim the removed encumbrances or structures within a reasonable time, the Commissioner of Public Works may cause such removed encumbrances or structures to be discarded or destroyed or sold at public auction.

B. Any person who violates any of the provisions of this article may, upon conviction, be subject to a fine not exceeding \$250. Each day that such violation continues shall constitute a separate violation.

### **ARTICLE V. Street Excavations**

**[Adopted as Ch. 107, Art. VI, of the 1970 Code]**

#### **§ 203-12. Permit required.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. No person other than an authorized employee shall dig in a right-of-way without the prior written permit, revocable at any time, of the Commissioner of Public Works.

#### **§ 203-13. Restoration.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person, other than an authorized employee, who shall dig in a right-of-way shall restore the same and maintain it for six months thereafter.

#### **§ 203-14. Insurance.**

**[Amended 2-17-87; 5-4-1987]**

As a condition for the permit, the Commissioner of Public Works shall require the applicant to submit proof of liability insurance in the amount of \$500,000 per individual and \$500,000 per occurrence. The applicant shall also be required to execute a hold-harmless agreement indemnifying the city against loss, including costs and expenses, resulting from injury to person or property as a direct or indirect result of the applicant's digging. Said hold-harmless agreement shall be covered by a protective policy of insurance in the amount of \$500,000 and shall be subject to the approval of the City Attorney.

#### **§ 203-15. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. The penalty for violation of this article shall be as set forth in Chapter 1, General Provisions, Article III, of this Code.

## **ARTICLE VI. Guarding of Excavations**

**[Adopted as Ch. 107, Art. VII, of the 1970 Code]**

### **§ 203-16. Fencing and lights required.**

A. A person causing digging in a highway shall between sunset and sunrise keep the same fenced and guarded by a lighted red lantern or lanterns approved by the Commissioner of Public Works.

B. A person making or causing an excavation or having an excavation on his premises within five feet of the line of a highway shall keep the same protected by a fence approved by the Commissioner of Public Works.

### **§ 203-17. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. The penalty for violation of this article shall be as set forth in Chapter 1, General Provisions, Article III, of this Code.

## **ARTICLE VII. Moving of Buildings**

**[Adopted as Ch.107, Art. IX, of the 1970 Code]**

### **§ 203-18. Permit required.**

No person shall move a building or part thereof upon a highway except by written permit of the Commissioner of Public Works and then only upon the terms and conditions therein stated.

### **§ 203-19. Penalties for offenses.**

The penalty for offenses against this article shall be \$50 for each offense.

## **ARTICLE VIII. General Obstructions**

**[Adopted as Ch. 107, Art. X, of the 1970 Code]**

### **§ 203-20. Prohibitions.**

No person shall interfere with or obstruct or use in any way not authorized by law any highway, public park, building or reservoir, sewer, water carrier or watercourse.

### **§ 203-21. Penalties for offenses.**

**[Amended 4-4-1994 by L.L. No. 1-1994]**

The penalty for offenses against this article shall be as set forth in Chapter 1, General Provisions, Article III, of this Code.

## **ARTICLE IX. Obstruction of People From Public Ways and Places**

**[Adopted 3-16-1999]**

### **§ 203-21.1. Definitions.**

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

**INTERFERE WITH**

To restrict a person's freedom of movement.

**PHYSICAL OBSTRUCTION**

Rendering impassable any public way or any ingress to or egress from any public place, or rendering passage to, from or across such a public way or place unreasonably difficult or hazardous.

**PUBLIC PLACE**

Any place to which the public or a substantial number of persons has access.

**PUBLIC WAY**

Any street, sidewalk, highway, park or other way traveled by the public.

### **§ 203-21.2. Prohibitions.**

A. No person shall, by physical obstruction, interfere with any other person's use of any public way or public place.

B. No person shall, by physical obstruction, interfere with any other person's use of a doorway or other ingress to or egress from a public place. Failure to maintain a distance of at least six feet from the threshold of any such doorway, ingress or egress shall be deemed a violation of this subsection.

### **§ 203-21.3. Penalties for offenses.**

The penalty for violations of § 203-21.2 shall be as set forth in Chapter 1, General Provisions, Article III, of this Code.

## **ARTICLE X. Materials Specifications**

**[Adopted as Ch. 107, Arts. XI and XII, of the 1970 Code; amended in its entirety 4-4-1994 by L.L. No. 1-1994]**

### **§ 203-22. Powers of Commissioner of Public Works.**

In the laying, relaying and repair of sidewalks, curbs and gutters and the laying of water and sewer pipes under § C82 of the Charter, the Commissioner of Public Works may specify the character of the material and work required.

### **§ 203-23. Sidewalks, curbs and paving.**

Concrete sidewalks and curbing hereafter laid in any highway shall conform to the following specifications:

A. Sidewalks, driveways, bikeways and paving.

(1) Grade of sidewalk.

(a) On application by any person, the City Engineer will establish the grade of the sidewalks and curbs in front of his premises. All sidewalks and curbs shall be built to grade.

(b) No concrete sidewalk or curb shall be constructed until grades have been established nor otherwise than in accordance with these specifications.

(2) Construction of sidewalk. These guidelines are to be considered minimum. The City of Saratoga Springs reserves the right to make field adjustments for unforeseen or unusual field conditions.

(a) The minimum width shall be 5.0 feet. When the new installation meets the existing sidewalk, the front edge of last five feet of the new sidewalk shall taper to meet the existing sidewalk for width and elevation.

(b) The back of the new sidewalk shall be on the same line as the original sidewalk.

(c) New sidewalk shall be a minimum of four inches thick, 3,000 pounds per square inch portland cement concrete, entrained air 5% to 7%, supported on a six-inch compacted gravel base.

(d) Expansion joints shall be of one-half-inch bituminous joint material of full depth and shall not exceed 20 feet.

(e) New concrete sidewalk shall be sloped toward the street at a minimum of 1/4 inch per foot and a maximum of 1/2 inch per foot.

(f) The finish shall be a fine-broomed texture at right angles to the run of the sidewalk.

(g) Dummy joints shall be made with an acceptable jointing tool at nominal five-foot spacing. Edges shall be tooled with an acceptable edging tool.

(3) Sidewalks, driveways, Class 1 bikeways, brick paving and grouted stone block paving.

(a) Description. This work shall consist of the construction of either a portland cement concrete sidewalk, an asphalt concrete sidewalk, an asphalt concrete driveway, a Class 1 bikeway, brick paving or grouted stone block paving. All work shall be in accordance with these specifications and in reasonably close conformity with the lines and grades shown on the plans or established by the Engineer.

(b) Materials.

[1] Materials shall meet the requirements specified in the following subsections of Section 700, Materials:

[a] Portland cement: 701-01.

[b] Bituminous materials (as specified): 702-00.

[c] Asphalt cement for paving: 702-02 or 03.

[d] Fine aggregates: 703-01.

[e] Coarse aggregates: 703-02.

[f] Cushion sand: 703-06.

[g] Mineral filler: 703-08.

[h] Premolded bituminous joint filler: 705-07.

[i] Mortar for stone curbs: 705-20.

[j] Wire fabric for concrete reinforcement: 709-02.

[k] Water: 712-01.

[2] Portland cement concrete sidewalks and driveways. The material requirements and composition shall comply with the specifications for Class A concrete in Section 501-2 under Portland Cement Concrete - General. Concrete shall be proportioned in accordance with the aggregate weights specified for Class A concrete in Table 501-3, Concrete Proportions.

(4) Construction details.

(a) Concrete sidewalks and driveways.

[1] The general construction details for manufacturing, transporting and placing concrete shall meet the requirements of Section 501, Portland Cement Concrete - General. Curing of concrete shall meet the requirements of Section 502, Portland Cement Concrete Pavement, except that when a membrane curing compound is used it shall be clear unless otherwise permitted by the Engineer.

[2] The concrete shall be placed in one course to the full depth shown on the plans.

[3] Wire fabric for concrete reinforcement, Section 709-02, shall be embedded at mid-depth in the slab.

[4] The wire fabric shall consist of No. 6 gauge wire at six-inch centers transversely and longitudinally.

[5] Transverse construction joints shall extend to the full depth of the slab and be spaced 20 to 25 feet apart. The edges of such joints shall be finished with an edging tool having a one-fourth-inch radius.

[6] The concrete surface shall be scored at intervals of three to five feet so that the finished walk will be marked in squares. The concrete shall be finished to produce a smooth surface and then lightly broomed to a uniform texture.

[7] A premolded bituminous joint filler, Section 705-07, shall be installed at all joints between sidewalk and curb pavement, building, etc.

(b) Asphalt concrete sidewalks, driveways and Class 1 bikeways.

[1] The provisions under Section 401-3, Construction Details for Plant Mix Pavements - General, shall apply.

[2] The sidewalks, driveways and Class 1 bikeways shall be constructed to the depths and dimensions indicated on the plans.

(c) Brick paving.

[1] All brick pavers shall be laid in the pattern shown on the plans or as directed by the Engineer to provide a uniformly even surface. Joints shall be handtight unless otherwise specified. No brick pavers shall be laid or grouted in freezing weather.

[2] A dry mixture of mortar for brick paving shall be swept over the brick pavers until the joints are completely filled and the joints lightly fogged with water. Brick pavers shall be cleaned of excess mortar and joints finished prior to the mortar setting up. All brick paving shall be kept moist for four days after filling the joints with mortar. After the four-day curing period, removal of the remaining mortar film may be accomplished by the use of a light acid wash (10% solution of hydrochloric or muriatic acid) followed by flushing clean with water or as approved by the Engineer. Care shall be taken to avoid the use of acid in areas where runoff could damage trees or other vegetation.

[3] All brick pavers used over tree pits shall be laid in a three-inch bed of cushion sand with sand-filled joints.

[4] Brick paving (sand setting bed). Brick pavers shall be laid in a properly compacted three-inch bed of cushion sand over the specified subgrade.

[5] Brick paving (mortar setting bed). Brick pavers shall be laid in a bed of mortar with a minimum thickness of one inch over the specified concrete or bituminous subgrade.

[6] Brick paving (bituminous setting bed). Brick pavers shall be laid in a three-fourths-inch thick bituminous setting bed over the specified concrete or bituminous subgrade. The setting bed shall consist of asphalt cement meeting the requirements outlined in either Section 702-02 or Section 702-03 mixed with fine aggregate meeting the requirements of Section 703-01. The asphalt cement shall be 7.0% of the total batch weight. The mix shall be heated to approximately 325° F. A coating of neoprene-modified asphalt adhesive shall be applied by mopping, squeegeeing or troweling over the top surface of the setting bed to provide bond under the bricks.

[7] Brick paving (sand-cement setting bed). Brick pavers shall be laid on a two-inch setting bed of sand cement over the specified subgrade. The sand-cement setting bed shall not be placed more than four hours prior to the installing the brick paving.

[8] Brick paving (optional concrete setting bed). The contractor shall have the option of installing brick paving by one of the following methods:

[a] Bricks shall be laid on a bed of cement concrete as specified on the plans. The bricks shall be laid in the cement concrete while it is still fresh, as approved by the Engineer, and they shall be rammed into position to provide a uniformly even surface and a solid bedding under each stone block.

[b] Bricks shall be laid as provided for under Subsection A(4)(c)[5], Brick paving (mortar setting bed), provided that the finished surface shall conform to the lines and grades shown on the plans.

(d) Grouted stone block paving.

[1] All grouted stone block pavers shall be laid in the pattern shown on the plans or as directed by the Engineer to provide a uniformly even surface. Joints between blocks shall be a maximum of one and one-fourth (1 1/4) inches or as specified. No blocks shall be laid or grouted in freezing weather.

[2] Unless otherwise approved by the Engineer, a dry mixture of mortar as specified for brick paving, Section 608-2.03, shall be swept over the stone blocks until the joints are completely filled and the joints lightly fogged with water prior to the mortar setting up. All grouted stone block paving shall be kept moist for four days after filling the joints with mortar. After the four-day curing period, removal of the remaining mortar film may be accomplished by the use of a light acid wash (10% plus or minus solution of hydrochloric acid) followed by flushing clean with water, or as approved by the Engineer. Care shall be taken to avoid the use of acid in areas where runoff could damage trees or other vegetation. All blocks used over tree pits shall be laid as shown on the current tree planting standard sheet or as shown on the plans.

[3] Grouted stone block paving (sand setting bed). Blocks shall be laid in a three-inch bed of cushion sand over the specified subgrade.

[4] Grouted stone block paving (mortar setting bed). Blocks shall be laid in a bed of mortar with a minimum thickness of one inch over the specified concrete or bituminous subgrade.

[5] Grouted stone block paving (sand-cement setting bed). Blocks shall be laid on a two-inch setting bed of sand-cement over the specified subgrade. The sand-cement setting bed shall not be placed more than four hours prior to installing the block paving.

[6] Grouted stone block paving (optional concrete setting bed). The contractor shall have the option of installing grouted stone block paving by one of the following methods:

[a] Blocks shall be laid on a bed of cement concrete as specified on the plans. The blocks shall be laid in the cement concrete while it is still fresh, as approved by the Engineer, and they shall be rammed into position to provide a uniformly even surface and a solid bedding under each stone block.

[b] Blocks shall be laid as provided for under Subsection A(4)(d)[4], Grouted stone block paving (mortar setting bed), provided that the finished surface shall conform to the lines and grades shown on the plans.

#### B. Curbing, gutters and concrete mall.

(1) Description. This work shall consist of the construction of the curb, gutter, concrete mall or combination curb and gutter and resetting of the old curb in accordance with these specifications and the lines and grades shown on the plans or established by the Engineer.

(2) The types of curbing and work covered by these specifications are as follows:

(a) Stone curb (Types A, B, C, D, E, sloped and economy).

(b) Stone curb, granite (Types A, B, C, D and as indicated).

(c) Stone curb, bridge (Types A, F1, G1, M, R1, R2, S, T1 and T2).

(d) Conventionally formed or machine-formed concrete curb (Types AB, AC, BB, BC and as indicated).

(e) Conventionally formed or machine-formed concrete curb and gutter (Types BB, BC, C and as indicated).

(f) Concrete curb, integral (Type A1).



C. Pedestrian ramps. All sidewalks and curbing hereafter constructed or reconstructed shall be designed and constructed to allow reasonable access to pedestrian crosswalks for physically handicapped persons. The design and construction of pedestrian ramps shall conform to the standards of the City Engineer.

#### **§ 203-24. Penalties for offenses.**

The penalty for offenses against this article shall be as set forth in Chapter 1, General Provisions, Article III, of this Code.

### **ARTICLE XI. Care of Sidewalks**

**[Adopted 3-21-1983 as Ch. 97C of the 1970 Code]**

#### **§ 203-25. Repair; liability; permit required.**

**[Amended 4-7-1998 by L.L. No. 2-1998]**

A. All owners or agents of owners with property abutting or fronting upon any plaza, street or alley within the corporate limits of the city are required to and shall have the duty to keep sidewalks, curbs and gutters abutting their property in good order and repair.

B. The owner or the agents of owners with property so abutting shall be liable for any injury or any damage caused to any person or property caused wholly or in part by the failure of said owner or agent to so maintain and repair said sidewalks, curbs and gutters. Each such owner shall be liable to the city for all losses to the city or recoveries from the city for damages to person or property of others caused by his failure or that of his agents to repair and keep in good order and reasonably safe condition all such sidewalks, curbs and gutters abutting or fronting his property.

C. The city may, at its discretion, through the Commissioner of Public Works, notify such owner that repairs are necessary to put such sidewalk, curb or gutter in good order, and such owner shall, within 10 days after such notification, under the supervision of the Commissioner of Public Works, complete such repairs as specified in such notice. If the person fails to make the required repairs, the city may repair the same and the owner shall be liable to the city for the cost of the repairs, and said liability shall be incurred immediately upon completion of the repairs by the city. Where the full amount due the city is not paid by such owner within 90 days after the correction of such violation as provided in Subsections A and B above, the city shall cause to be filed in the office of the City Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was completed and the location of the property by section, lot and block on which said work was done and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus the cost of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty at the legal rate of interest in the event that the same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated and described in the statement and that the same is due and collectible as provided by law.

D. A permit shall be required to make repairs pursuant to this section. However, there will be no charge for such a permit unless it is proposed to make a change in the grade, location or dimensions of the sidewalk, curb or gutter.

## **§ 203-26. Snow and ice removal.**

The owner, occupant or person in charge of an improved or unimproved lot adjoining a city street shall remove the snow from the sidewalks in front of such lot within 12 hours after each snowstorm and shall keep the sidewalks clear of snow and ice and, when slippery, keep the same safe by sanding. The portion of the sidewalk required to be kept free from snow and ice is the portion thereof which is paved, if any, and if no portion thereof is paved, a space at least four feet in width shall be kept free and clear as above stated. A storm ceasing after 7:00 p.m. shall be considered as ceasing at 7:00 a.m. the following morning.

## **§ 203-27. Placement of snow and ice in streets.**

No person shall, in removing snow or ice from the sidewalk or property adjoining a public street, cause the same to be placed in or upon such public street.

## **§ 203-28. Penalties for offenses.**

**[Amended 4-4-1994 by L.L. No. 1-1994]**

Any person, firm or corporation convicted of violating the provisions of this article shall be subject to the penalties as set forth in Chapter 1, General Provisions, Article III, of this Code.

## **CHAPTER 209. SWIMMING POOLS**

§ 209-1. Definitions.

§ 209-2. Public swimming pool requirements.

§ 209-3. Private swimming pools.

§ 209-4. Outdoor swimming pool requirements.

§ 209-5. Loudspeaker and lighting restrictions.

§ 209-6. Permit subject to approval.

§ 209-7. Appeals.

§ 209-8. Construction specifications and requirements.

§ 209-9. Compliance with Sanitary Code.

§ 209-10. Chemical treatment of water.

§ 209-11. Compliance for existing pools.

§ 209-12. Penalties for offenses.

## **CHAPTER 209. SWIMMING POOLS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 5-18-70 as Ch. 108 of the 1970 Code. Sections 209-2, 209-3, 209-4A, 209-8 and 209-12 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Fire prevention and building construction — See Ch. 117.

Parks and recreation areas — See Ch. 155.

Zoning — See Ch. 240.

## **§ 209-1. Definitions.**

For the purpose of this chapter, the terms used herein are defined as follows:

**CLUB SWIMMING POOL**

An artificial facility for swimming, operated for members and their guests.

**COMMERCIAL SWIMMING POOL**

An artificial facility for swimming, operated for gain or in conjunction with any commercial enterprise and open to the public.

**PERMANENTLY INSTALLED POOL**

Any pool which is affixed into the ground or which rests on top of the ground and which has a wall height or maximum water depth exceeding eighteen (18) inches and a surface area exceeding one hundred twenty (120) square feet.

**PRIVATE SWIMMING POOL**

An artificial facility for swimming which is an accessory use to a residential building. Such pool shall be for the exclusive use of the occupants of the principal residential building and their guests.

**SWIMMING POOL**

A body of water in an artificial or semiartificial receptacle located outdoors and having a wall height or maximum water depth, whichever is greater, exceeding eighteen (18) inches and with a surface area exceeding one hundred twenty (120) square feet.

**WADING POOL**

Any pool having a wall height or maximum water depth, whichever is greater, not exceeding eighteen (18) inches and with a surface area not exceeding one hundred twenty (120) square feet.

**§ 209-2. Public swimming pool requirements.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Swimming pools which will be operated for gain or for which an admittance fee or membership will be charged and swimming pools which will be operated for the membership of clubs, lodges and similar organizations shall be permitted only under license of the City of Saratoga Springs and under such safeguards as the City Council may require. They will, in addition, be constructed and operated in accordance with the Uniform Fire Prevention and Building Code of the State of New York and with the Sanitary Code of the State of New York and with the provisions contained in the National Electrical Code.

**§ 209-3. Private swimming pools.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Private swimming pools may be installed only as accessory to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests and only on the conditions provided in this chapter, including compliance with the provisions of the State Uniform Fire Prevention and Building Code, the Sanitary Code and the National Electrical Code, as set forth in § 209-2.

**§ 209-4. Outdoor swimming pool requirements.**

No swimming pool shall be installed or maintained out of doors unless:

A. Such pool is installed in the rear yard of the premises and in compliance with all side and rear yard requirements of the State Uniform Fire Prevention and Building Code and the Zoning Ordinance.

Editor's Note: See Ch. 240, Zoning. Any existing pool which is now located within the rear yard is hereby excepted. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

B. Owners of all proposed permanently installed pools shall submit to the Building Inspector a proposed site plan for installation of such pool prior to construction.

C. Such pool shall be completely surrounded by a substantial nonclimbable fence constructed of natural or artificial materials. Such fence shall be not less than four (4) feet in height and not more than

six (6) feet in height for a private pool, commercial pool or club pool. Such fence shall be supported with posts firmly embedded at intervals of not more than eight (8) feet. If of wire mesh construction, this fencing shall not have openings, holes or gaps larger than two (2) inches in diameter and shall be of a gauge not more than twelve (12). A dwelling, house or accessory building or structure may be used as part of such enclosure. The owners of aboveground pools whose solid walls prevent entrance to the pools, except by an entrance ladder, shall be deemed to comply with the fencing requirements of this chapter.

D. No pool wall or related structure shall be located within eight (8) feet of an adjoining lot line.

E. Where commercial or club pools are installed, said pools shall comply with the area, yard and other requirements of the Zoning Ordinance for those districts.

F. Club swimming pools shall be permitted only as an accessory structure to a membership club in the zoning district where said club is a permitted use and subject to the area and yard requirements of that district.

G. All gates or doors opening through enclosures around the swimming pool shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when the owner or occupant of the premises is not present at the swimming pool, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Such self-latching device shall be placed as high as possible on the gate to ensure it being out of the reach of small children.

H. An open and unobstructed maintenance area of at least three (3) feet in width shall be maintained between the fencing and the side walls of the pool.

#### **§ 209-5. Loudspeaker and lighting restrictions.**

No loudspeaker device, public-address system or other sound device which can be heard beyond the lot lines of the premises in which any outdoor swimming pool is situated may be operated in connection with such swimming pool, nor shall any lighting be installed in connection therewith which directs rays beyond lot lines.

#### **§ 209-6. Permit subject to approval.**

No work shall be commenced on the construction or installation of any swimming pool, including any excavation or removal of sand, gravel, topsoil or other materials, until the plans and specifications therefor have been approved by the City Building Inspector and a building permit has been issued by the City of Saratoga Springs Building Inspector.

#### **§ 209-7. Appeals.**

Any appeal from a decision of the Building Inspector shall be made to the Zoning Board of Appeals.

#### **§ 209-8. Construction specifications and requirements.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. The plans and specifications shall contain a certificate by the installer that if the water for a swimming pool is supplied from a private well, there is no cross-connection with the public water system; that if the water for such pool is supplied from the public water supply, the inlet shall be above the overflow level of the pool; that the drain of such swimming pool is adequate and within the subject premises and will not interfere with the public or private water supply system, with existing sanitary facilities or with the public highway; and

that the construction meets the minimum requirements of the New York State Uniform Fire Prevention and Building Code.

#### **§ 209-9. Compliance with Sanitary Code.**

Every swimming pool shall be used and maintained in accordance with the provisions of the New York State Sanitary Code and the rules and regulations of the City of Saratoga Springs Health Department.

#### **§ 209-10. Chemical treatment of water.**

Every owner of every swimming pool shall chemically treat the water in a manner sufficient to maintain the bacterial standards established by the provisions of the State of New York Sanitary Code relating to public swimming pools.

#### **§ 209-11. Compliance for existing pools.**

The fencing requirements and loudspeaker and lighting restrictions of this chapter shall apply to existing pools within the City of Saratoga Springs, and the owners of said pools shall have forty-five (45) days to comply with these requirements from the effective date of this chapter. In addition, the drains of such existing pools shall be within the subject premises, in accordance with § 209-8 of this chapter, and owners shall comply with this provision within forty-five (45) days of the effective date of this chapter.

#### **§ 209-12. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code. Each week's violation shall constitute a separate and additional violation. Notwithstanding the penalty hereinbefore provided, the City of Saratoga Springs may enforce obedience to this chapter or any part thereof by injunction to restrain such violation.

### **CHAPTER 212. TAXATION**

#### **ARTICLE I. Utility Tax**

##### **§ 212-1. Imposition of tax.**

##### **§ 212-2. Definitions.**

##### **§ 212-3. Retention of records.**

##### **§ 212-4. Filing of returns.**

##### **§ 212-5. Tax payable with return.**

##### **§ 212-6. Insufficient returns.**

##### **§ 212-7. Notice.**

##### **§ 212-8. Penalties for offenses.**

##### **§ 212-9. Refunds.**

##### **§ 212-10. Tax as part of operating costs.**

##### **§ 212-11. Enforcement.**

##### **§ 212-12. Additional rules and regulations.**

##### **§ 212-13. Confidentiality of information; penalties for offenses.**

##### **§ 212-14. Disposition of funds.**

#### **ARTICLE II. Harness Racing Tax**

##### **§ 212-15. Imposition of tax.**

##### **§ 212-16. Definitions.**

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## **CHAPTER 212. TAXATION**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as indicated in article histories. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Territories and tax and other districts — See Charter, Title II.  
Assessments and taxation — See Charter, Title X.  
Assessor — See Ch. 6.  
Special Assessment District — See Ch. 199.

### **ARTICLE I. Utility Tax**

**[Adopted as Ch. 113 of the 1970 Code]**

#### **§ 212-1. Imposition of tax.**

**[Amended 4-4-1994 by L.L. No. 1-1994]**

Pursuant to the authority granted by § 20-b of the General City Law of the State of New York, a tax equal to 1% of its gross income from and after July 1, 1937, is hereby imposed upon every utility doing business in the City of Saratoga Springs which is subject to the supervision of the State Department of Public Service, which has a gross income for the 12 months ending May 31 in excess of \$500, except omnibus corporations subject to such supervision under Article 6 of the Transportation Law, and a tax equal to 1% of its gross operating income is hereby imposed after July 1, 1937, upon every other utility doing business in the City of Saratoga Springs which has a gross operating income for the 12 months ending May 31 in excess of \$500, which taxes shall have application only within the territorial limits of the City of Saratoga Springs and shall be in addition to any and all other taxes and fees imposed by any other provision of law for the same period. Such taxes shall not be imposed on any transaction originating or consummated

outside of the territorial limits of the City of Saratoga Springs, notwithstanding that some act be necessarily performed with respect to such transaction within such limits.

## **§ 212-2. Definitions.**

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

### **GROSS INCOME**

Includes receipts received in or by reason of any sale, except sales hereinafter referred to with respect to which it is provided that profits from the sale shall be included in "gross income," made or service rendered to persons for ultimate consumption or use by them in the City of Saratoga Springs, including cash, credits and property of any kind or nature, whether or not such sale is made or such service is rendered for profit, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or services or other costs, interest or discount paid or any other expense whatsoever; also profits from the sale of securities; also profits from the sale of real property growing out of the ownership or use of or interest in such property; also profit from the sale of personal property, other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the period for which a return is made; also receipts from interest, dividends and royalties derived from sources within the City of Saratoga Springs other than such as are received from a corporation, a majority of whose voting stock is owned by the taxpaying utility, without any deduction therefrom for any expenses whatsoever incurred in connection with the receipt thereof; and also profits from any transaction within the City of Saratoga Springs whatsoever.

### **GROSS OPERATING INCOME**

Includes receipts received in or by reason of any sale made to persons for ultimate consumption or use by them of gas, electricity, steam, water, refrigeration, telephony or telegraphy or in or by reason of the furnishing to persons for such consumption or use of gas, electric, steam, water, refrigerator, telephone or telegraph service in the City of Saratoga Springs, including cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid or any other expenses whatsoever.

### **PERSON**

Includes persons, corporations, companies, associations, joint-stock associations, copartnerships, estates, assignees of rents, any person acting in a fiduciary capacity or any other entity and persons, their assignees, lessees, trustees or receivers, appointed by any court whatsoever or by any other means, except the state, municipalities, political and civil subdivisions of the state or municipality and public districts.

### **UTILITY**

Includes every person subject to the supervision of either division of the State Department of Public Service, except persons engaged in the business of operating or leasing sleeping and parlor railroad cars or of operating railroads other than street-surface, rapid-transit, subway and elevated railroads, and also includes every person, whether or not such person is subject to such supervision, who shall engage in the business of selling gas, electricity, steam, water, refrigeration, telephony or telegraphy delivered through mains, pipes or wires or of furnishing gas, electric, steam, water, refrigerator, telephone or telegraph service by means of mains, pipes or wires.

## **§ 212-3. Retention of records.**

Every utility subject to tax under this Article shall keep such records of its business and in such form as the Commissioner of Finance may require, and such records shall be preserved for a period of three years, except that the Commissioner of Finance may consent to their destruction within that period or may require that they be kept longer.

## **§ 212-4. Filing of returns.**



On or before the 25th day of August 1937, and on or before the 25th day of every month thereafter until the 25th day of July 1938, every utility subject to tax hereunder shall file a return with the Commissioner of Finance on a form to be furnished by her for such purpose. Such return shall state the gross income or gross operating income in the City of Saratoga Springs, as the case may be, of such utility for the preceding calendar month and shall contain any other data, information or matter which the Commissioner of Finance may require to be included therein. The Commissioner of Finance may require at any time a further or supplemental return which shall contain any data that may be specified by the Commissioner of Finance. Every return shall have annexed thereto an affidavit of the head of the utility making the same or of the owner or of a copartner thereof or of a principal officer of the corporation, if such business is conducted by a corporation, to the effect that the statements contained therein are true.

#### **§ 212-5. Tax payable with return.**

At the time of filing a return as required by this Article, each utility shall pay to the Commissioner of Finance the tax imposed by this Article for the period covered by such return. Such tax shall be due and payable at the time of filing the return or, if a return is not filed when due, on the last day on which the return is required to be filed.

#### **§ 212-6. Insufficient returns.**

In case any return filed pursuant to this Article shall be insufficient or unsatisfactory to the Commissioner of Finance and if a corrected or sufficient return is not filed within 20 days after the same is required by notice from the Commissioner of Finance or if no return is made for any period, the Commissioner of Finance shall determine the amount of tax due from such information as she is able to obtain and, if necessary, may estimate the tax on the basis of external indexes or otherwise. The Commissioner of Finance shall give notice of such determination to the person liable for such tax. Such determination shall finally and irrevocably fix such tax, unless the person against whom it is assessed shall, within 30 days after the giving of notice of such determination, apply to the Commissioner of Finance for a hearing or unless the Commissioner of Finance, of her own motion, shall reduce the same. After such hearing, the Commissioner of Finance shall give notice of her decision to the person liable for the tax. The decision of the Commissioner of Finance may be reviewed by certiorari if application therefor is made within 30 days after the giving of notice of such decision. An order of certiorari shall not be granted unless the amount of any tax sought to be reviewed, with the penalties thereon, if any, shall be first deposited with the Commissioner of Finance and an undertaking filed with her, in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that, if such order is dismissed or the tax confirmed, the applicant for the order will pay all costs and charges which may accrue in the prosecution of the certiorari proceeding or, at the option of the applicant, such undertaking may be in a sum sufficient to cover the tax, penalties, costs and charges aforesaid, in which event the applicant shall not be required to pay such tax and penalties as a condition precedent to the granting of such order.

#### **§ 212-7. Notice.**

Any notice authorized or required under the provisions of this Article may be given by mailing the same to the person for whom it is intended, in a postpaid envelope, addressed to such person at the address given by him in the last return filed by him under this Article or, if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Article by the giving of notice shall commence to run from the date of mailing of such notice.

#### **§ 212-8. Penalties for offenses.**

Any person failing to file a return or corrected return or to pay any tax or any portion thereof within the time required by this Article shall be subject to a penalty of 5% of the amount of tax due, plus 1% of such

tax for each month of delay or fraction thereof, excepting the first month, after such return was required to be filed or such tax became due; but the Commissioner of Finance, if satisfied that the delay was excusable, may remit all or any portion of such penalty.

#### **§ 212-9. Refunds.**

If, within one year from the payment of any tax or penalty, the payer thereof shall make application for a refund thereof and the Commissioner of Finance or the Court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the Commissioner of Finance shall refund the amount so determined. For like cause and within the same period, a refund may be so made on the initiative of the Commissioner of Finance. However, no refund shall be made of a tax or penalty paid pursuant to a determination of the Commissioner of Finance as hereinbefore provided unless the Commissioner of Finance, after a hearing as hereinbefore provided or of her own motion, shall have reduced the tax or penalty or it shall have been established as a certiorari proceeding that such determination was erroneous or illegal. All refunds shall be made out of moneys collected under this Article. An application for a refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of, and the Commissioner of Finance may receive additional evidence with respect thereto. After making her determination, the Commissioner of Finance shall give notice thereof to the person interested, and he shall be entitled to a certiorari order to review such determination, subject to the provisions hereinbefore contained relating to the granting of such an order.

#### **§ 212-10. Tax as part of operating costs.**

The tax imposed by this Article shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility.

#### **§ 212-11. Enforcement.**

Whenever any person shall fail to pay any tax or penalty imposed by this Article, the City Attorney shall, upon the request of the Commissioner of Finance, bring an action to enforce payment of the same. The proceeds of any judgment obtained in any such action shall be paid to the Commissioner of Finance. Each such tax and penalty shall be a lien upon the property of the person liable to pay the same, in the same manner and to the same extent that the tax and penalty imposed by § 186-a of the Tax Law is made a lien.

#### **§ 212-12. Additional rules and regulations.**

In the administration of this Article, the Commissioner of Finance shall have power to make such reasonable rules and regulations not inconsistent with law as may be necessary for the exercise of her powers and the performance of her duties and to prescribe the form of blanks, reports and other records relating to the administration and enforcement of the tax, to take testimony and proofs, under oath, with reference to any matter within the line of her official duty under this Article and to subpoena and require the attendance of witnesses and the production of books, papers and documents.

#### **§ 212-13. Confidentiality of information; penalties for offenses.**

A. Except in accordance with the proper judicial order or as otherwise provided by law, it shall be unlawful for the Commissioner of Finance or any agent, clerk or employee of the City of Saratoga Springs to divulge or make known in any manner the amount of gross income or gross operating income or any particulars set forth or disclosed in any return under this Article. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court except on behalf of the City of Saratoga Springs in an action or proceeding under the provisions of this Article or on behalf of the State Tax

Commission in an action or proceeding under the provisions of the Tax Law of the State of New York or on behalf of any party to any action or proceeding under the provisions of this Article when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a person or his duly authorized representative of a copy of any return filed by him nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof or the publication of delinquent lists showing the names of persons who have failed to pay their taxes at the time and in the manner provided for by this Article, together with any relevant information which, in the opinion of the Commissioner of Finance, may assist in the collection of such delinquent taxes or in the inspection by the City Attorney or other legal representatives of the City of Saratoga Springs of the return of any person who shall bring action to set aside or review the tax based thereon or against whom an action has been instituted in accordance with the provisions of this Article.

B. Any offense against the foregoing secrecy provisions shall be punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding six months, or both; and if the offender is an officer, agent, clerk or employee of the City of Saratoga Springs, he shall be dismissed from office and shall be incapable of holding any office or employment in the City of Saratoga Springs for a period of five years thereafter.

C. Notwithstanding any provisions of this Article, the Commissioner of Finance may exchange with the chief fiscal officer of any other City in the State of New York information contained in returns filed under this Article, provided that such other City grants similar privileges to the City of Saratoga Springs, and provided that such information is to be used for tax purposes only, and the Commissioner of Finance shall, upon request, furnish the State Tax Commission with any information contained in such returns.

#### **§ 212-14. Disposition of funds.**

**[Amended 7-20-81]**

All taxes and penalties received by the Commissioner of Finance under this Article shall be used solely for general fund purposes.

### **ARTICLE II. Harness Racing Tax**

**[Adopted as Ch. 111 of the 1970 Code]**

#### **§ 212-15. Imposition of tax.**

Pursuant to Chapter 148 of the Laws of 1952, as last amended, Editor's Note: See now the Racing, Pari-Mutuel Wagering and Breeding Law. a tax is hereby imposed on all admissions to harness horse race meetings conducted at race meeting grounds or enclosures located within the City of Saratoga Springs at the rate of 15% of the admissions price.

#### **§ 212-16. Definitions.**

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

##### **ADMISSIONS**

Admission charge required to be paid by patrons for admission to a harness horse race, including any charge required to be paid by such patrons for admission to the clubhouse or other special facilities within the race meeting grounds or enclosure at which the harness horse race meeting is conducted.

#### **§ 212-17. Collection of tax.**

Every corporation, association or person holding a harness horse race meeting in the City of Saratoga Springs, New York, shall collect, in addition to the admission price of tickets sold or otherwise disposed of for each harness horse race meeting held by such corporation, association or person, a tax equivalent to 15% of each admission price. In case of failure to collect such tax, the same shall be imposed upon the corporation, association or person holding the harness horse race meeting.

#### **§ 212-18. Payment to City.**

The tax hereby imposed shall be paid to the Commissioner of Finance of the City of Saratoga Springs within 10 days after the close of each harness horse race meeting. The amount so collected and paid to the Commissioner of Finance of the City of Saratoga Springs shall be deposited by him in the general fund of the City and shall be available for any lawful City purpose.

#### **§ 212-19. Filing of return.**

Every harness horse racing corporation, association or person shall file with the Commissioner of Finance of the City of Saratoga Springs at such regular intervals as the Commissioner of Finance may require, and upon such forms as shall be prescribed by the Commissioner of Finance, a return showing the taxes collected pursuant to this Article, together with any and all other information which the Commissioner of Finance shall require to be included and reported in such return. The Commissioner of Finance may require, at any time, supplemental or amended returns or such additional information or data as he may specify.

#### **§ 212-20. Examination of records.**

The Commissioner of Finance of the City of Saratoga Springs, or any person duly appointed or authorized by him, shall have the power to examine or cause to be examined the books and records of the corporation, association, person or persons conducting any such harness horse race meeting within the City of Saratoga Springs. The Commissioner of Finance, or any person duly designated and authorized by him, shall have the power to administer oaths, take affidavits, subpoena and require the attendance of witnesses and the production of books and other records to secure information pertinent to the performance of his duties hereunder and the enforcement of this article.

#### **§ 212-21. Penalties and interest.**

A penalty of 5% and interest at the rate of 1% per month from the due date to the date of payment of the tax shall be payable in case any tax imposed by this Article is not paid when due.

#### **§ 212-22. Applicability of article.**

The provisions of this article shall not apply to a harness horse race meeting conducted by any state, county or other agricultural association.

### **ARTICLE III. Senior Citizens Tax Exemption**

**[Adopted as Ch. 109 of the 1970 Code]**

#### **§ 212-23. Grant of exemption.**

**[Amended 3-1-71]**

Real property in the City of Saratoga Springs owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation by the City of Saratoga Springs to the extent of 50% of the assessed valuation thereof; provided, however, that eligibility for such exemption shall be determined in accordance with the provisions of § 467 of Article 4 of the Real Property Tax Law of the State of New York.

**§ 212-24. Income limitations.**

**[Added 3-1-1971; amended 4-2-1973; 4-7-1975; 6-20-1977; 3-19-1979; 12-3-1979; 2-2-1981; 2-1-1982; 3-7-1983; 1-16-1984; 2-3-1986; 2-1-1988; 3-5-1990; 2-21-1995; 4-17-2001; 5-18-2004]**

For the purposes of determining eligibility under § 467 of the Real Property Tax Law, 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 shall be as follows:

<b>Income</b>	<b>Tax Exemption</b>
Up to and including \$24,000	50%
More than \$24,000 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%

**ARTICLE IV. Special Tax Credits and Assessments**

**[Adopted 2-21-78 by L.L. No. 1-1978 as § 88-A of the City Charter]**

**§ 212-25. Authorization.**

**[Amended 4-4-1994 by L.L. No. 1-1994]**

The Commissioner of Accounts shall have the power and be charged with the duty to carry out the purpose and intent of former Article 4-A of the Commerce Law, former § 485 of the Real Property Tax Law and the other applicable laws of the State of New York to grant exemptions to eligible business facility owners or operators, as property included in such facility, and such exemptions shall be continued from year to year during the specified period only if the certificate of eligibility with respect to such business facility is not revoked or modified and is renewed or extended as provided by former § 120 of the Commerce Law.

#### **§ 212-26. Application for exemption.**

Such exemption shall be granted only upon an application by the owner or operator of such facility on a form prescribed by the New York State Job Incentive Board, to which there shall be attached a copy of the certificate of eligibility issued by the New York State Job Incentive Board. Such application shall be filed with the appropriate assessing authorities on or before the appropriate taxable status dates. Copies of such applications shall be filed simultaneously with the New York State Job Incentive Board and the State Board of Equalization and Assessment.

#### **§ 212-27. Grant of exemption.**

The Commissioner of Accounts shall consider the application for such exemption and, if the same is in order, shall determine the assessed value of such exemption in accordance with the above-mentioned certificate of eligibility issued pursuant to § 120 of the Commerce Law of the State of New York and enter such value on the exempt portion of the assessment roll. The eligible business facility shall then be exempt to the extent provided by this article from taxes and special ad valorem levies commencing with the assessment roll prepared on the next following taxable status date.

#### **§ 212-28. Commencement of exemption.**

Any exemption so granted by the Commissioner of Accounts shall commence with the assessment roll prepared on the next following taxable status date of the City of Saratoga Springs.

### **ARTICLE V. Veterans Tax Exemption**

**[Adopted 3-16-81 by L.L. No. 1-1981 as Ch. 110 of the 1970 Code]**

#### **§ 212-29. Purpose.**

**[Amended 4-4-1994 by L.L. No. 1-1994]**

The purpose of this article shall be to provide for the preservation of the veterans exemption in connection with taxation on real property in respect to the ratios thereof in the event of the change in the manner of assessing in accordance with § 458, Subdivision 5(a), of the New York State Real Property Tax Law.

#### **§ 212-30. Intent.**

Pursuant to the provisions of § 458 of the New York State Real Property Tax Law as heretofore adopted and amended by the Legislature of the State of New York, including the amendment by reason of the adoption of Chapter 134 of the Laws of 1979, effective May 24, 1979, the purpose of this article is to preserve the ratio which each veteran's exemption from taxation on real property bears to the total assessed value of real property for which such exemption has been granted whenever such total assessed value increases or decreases due only to a change in the manner of assessing.

#### **§ 212-31. Word usage.**

**[Amended 4-4-1994 by L.L. No. 1-1994]**

The meanings of words and expressions as used in this article shall be identical to their meanings as used in § 458, as amended, of the Real Property Tax Law of the State of New York.

#### **§ 212-32. Change of exemption.**

If the ratio between the exemption granted under § 458, Subdivision 1, of the Real Property Tax Law of the State of New York and the total value of assessed property for which such exemption has been granted increases or decreases due only to change in the manner of assessing in the City of Saratoga Springs, the amount of the exemption heretofore or hereafter granted shall be increased or decreased in such subsequent year in the same proportion as the total assessed value has been increased or decreased. Such adjustment shall be made by the Assessor in a manner provided in Subdivision 1(3) of § 458 of the Real Property Tax Law of the State of New York, and no application therefor need be filed by or on behalf of any owner of any eligible property.

**§ 212-33. Effect on other provisions.**

Insofar as the provisions of this article are inconsistent with the provisions of any other local law or act, the provisions of this Article shall be controlling.

**ARTICLE VI. Collection of Delinquent Taxes**

**[Adopted 9-2-86 by resolution]**

**§ 212-34. Acceptance of statutory provisions.**

A. From and after August 18, 1986, the City of Saratoga Springs elects to adopt the provisions of Title 3, Article 11, of the Real Property Tax Law for the purpose of enforcing the collection of delinquent taxes in such tax district.

B. The City of Saratoga Springs further elects to adopt the provisions of § 1120, Subdivision 2, of the Real Property Tax Law, by which the City shall foreclose all tax liens which have been due and unpaid for a period of no less than two years from the date on which the tax or other legal charges represented thereby became a lien; provided, however, that for the calendar year 1986, a tax lien owned by the City of Saratoga Springs may be foreclosed only if the same has been due and unpaid for a period of at least three years from the date on which the tax or other legal charges represented thereby became a lien.

**ARTICLE VII. Occupancy Tax**

**[Adopted 8-17-1987 by L.L. No. 3-1987 as Title XIA of the City Charter; amended in its entirety 4-15-2003 by L.L. No. 2-2003]**

**§ 212-35. Title.**

This article shall be known as the "Saratoga Springs Room Occupancy Tax Law."

**§ 212-36. Intent.**

The intent of this article shall be to promote tourism and conventions in the City of Saratoga Springs.

**§ 212-37. Definitions.**

When used in this article, the following terms shall mean:

**CITY**

The City of Saratoga Springs.

**COUNTY**

The County of Saratoga.

**COUNTY TREASURER**

The Treasurer of the County of Saratoga.

**OCCUPANCY**

The use or possession or the right to the use or possession of any room in a tourist home; inn, hotel or motel.

**OCCUPANT**

A person who, for a consideration, uses, possesses or has the right to use or possess any room in a tourist home, inn, hotel or motel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

**OPERATOR**

Any person operating a tourist home, inn, motel or hotel with four or more rentable units in the City of Saratoga Springs, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such tourist home, inn, hotel or motel.

**PERMANENT RESIDENT**

Any occupant of any room or rooms in a tourist home, inn, hotel or motel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

**PERSON**

An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

**RENT**

The consideration received for occupancy valued in money, whether received in money or otherwise.

**RETURN**

Any return filed or required to be filed as herein provided.

**ROOM**

Any room or rooms of any kind in any part or portion of a tourist home, inn, hotel or motel which are available for or let out for any purpose other than a place of assembly.

**TOURIST HOME, INN, HOTEL OR MOTEL**

A building or portion of it which is regularly used and kept open as such for the lodging of guests; the terms "tourist home," "inn," "bed and breakfast," "hotel" or "motel," "motor court" or similar hotel- or motel-type of accommodations, by whatever name designated.

**§ 212-38. Imposition of tax.**

A. On and after the first day of October 1987, there is hereby imposed and there shall be paid a tax of 1% upon the rent for every occupancy of a room or rooms in a tourist home, inn, hotel or motel in this City, except that the tax shall not be imposed upon a permanent resident.

B. On and after the first day of August 1991, there is hereby imposed and there shall be paid a tax of 2% upon the rent for every occupancy of a room or rooms in a tourist home, inn, hotel or motel in this City, except that the tax shall not be imposed upon a permanent resident. This tax shall be in addition to and not in limitation of the tax imposed by Subsection A above.

C. On and after the first day of June 2003, there is hereby imposed and there shall be paid a tax of 2% upon the rent for every occupancy of a room or rooms in a tourist home, inn, hotel or motel in this City, except that the tax shall not be imposed upon a permanent resident. This tax shall be in addition to and not in limitation of the tax imposed by Subsections A and B above.

**§ 212-39. Transitional provisions.**

The tax imposed by § 212-38C above shall be paid upon any occupancy on and after the first day of June 2003, although such occupancy is pursuant to a prior contract, lease or other arrangement Where rent is



paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this article to the extent that it covers any period on and after the first day of June 2003.

#### **§ 212-40. Exempt organizations.**

Except as otherwise provided in this article, any use or occupancy by any of the following shall not be subject to the tax imposed by this article:

A. The State of New York or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada), improvement districts or political subdivisions of the state.

B. The United States of America or any of its agencies and instrumentalities, insofar as it is immune from taxation.

C. Any corporation, association, trust or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes or for the prevention of cruelty to children or animals and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation provided, however, that nothing in this subsection shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subsection.

D. Where any organization described in Subsection C of this section carries on its activities in furtherance of the purposes for which it was organized on premises in which, as part of said activities, it operates a tourist home, inn, hotel or motel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

E. A tourist home, inn, hotel or motel having fewer than four rentable units.

#### **§ 212-41. Territorial limitations.**

The tax imposed by this article shall apply only within the territorial limits of the City of Saratoga Springs.

#### **§ 212-42. Registration.**

Within 10 days after the effective date of this article or, in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the County Treasurer a certificate of registration in a form prescribed by the County Treasurer. The County Treasurer shall, within five days after such registration, issue, without charge to each operator, a certificate of authority empowering such operator to collect the tax from the occupant and a duplicate thereof for each additional tourist home, inn, hotel or motel of such operator. Each certificate or duplicate shall state the tourist home, inn, hotel or motel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that they may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the County Treasurer upon the cessation of business at the tourist home, inn, hotel or motel named or upon its sale or transfer.

#### **§ 212-43. Administration and collection.**

A. The tax imposed by this article shall be administered and collected by the County Treasurer of the County of Saratoga or other fiscal officers of the county by such means and in such manner as are other taxes which are now collected and administered or as otherwise are provided by this article.

B. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof at the time when the occupancy is arranged or contracted for and charged for and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the City, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this article, and the operator shall have the same right in respect to collecting the tax from the occupant or in respect to nonpayment of the tax by the occupant as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of nonpayment of rent by the occupant; provided, however, that the County Treasurer or employees or agents duly designated by him shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

C. The County Treasurer may, wherever he deems it necessary for the proper enforcement of this article, provide by regulation that the occupant shall file returns and pay directly to the County Treasurer the tax herein imposed at such times as returns are required to be filed and payment over made by the operator.

D. Transitional provisions. The tax imposed by § 212-38C above shall be paid upon any occupancy on and after the first day of June 2003, although such occupancy is pursuant to a prior contract, lease, or other arrangement. Where rent is paid on a weekly, monthly, or other term basis, the rent shall be subject to the tax imposed by this article to the extent that it covers any period on and after the first day of June 2003.

E. For the purpose of the proper administration of this article and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or occupant. Where an occupant claims exemptions from the tax under the provisions of § 212-40 of this article, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the County Treasurer certifying that the corporation or association therein named is exempt from the tax under § 212-40 of this article, together with a certificate duly executed by the corporation or association named in the certificate of the County Treasurer certifying that the occupant is its agent, representative or employee and that his occupancy is paid or is to be paid by and is necessary or required in the course of or in connection with the affairs of said corporation or association.

#### **§ 212-44. Records.**

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon in such form as the County Treasurer may, by regulation, require. Such records shall be available for inspection and examination at any time upon demand by the County Treasurer or his duly authorized agent or employee and shall be preserved for a period of three years, except that the County Treasurer may consent to their destruction within that period or may require that they be kept longer.

#### **§ 212-45. Returns.**

A. Every operator shall file with the County Treasurer a return of occupancy and of rents and of the taxes payable thereon quarterly. The returns required by this article shall be filed for the quarterly periods ending the last day of February, May, August and November of each year.

B. The form of returns shall be prescribed by the County Treasurer and shall contain such information as he may deem necessary for the proper administration of this article. The County Treasurer may

require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

C. If a return required by this article is not filed or if a return, when filed, is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

#### **§ 212-46. Payment of tax.**

At the time of filing a return of occupancy and of rents, each operator shall pay to the County Treasurer the taxes imposed by this article upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this article, even though it be judicially determined that the tax collected is invalidly required to be filed, that shall be due from the operator and payable to the County Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon. Where the County Treasurer, in his discretion, deems it necessary to protect revenues to be obtained by this article, he may require any operator required to collect the tax imposed by this article to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the County Treasurer determines that an operator is to file such bond, he shall give notice to such operator to that effect, specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless, within such five days, the operator shall request, in writing, a hearing before the County Treasurer at which the necessity, propriety and amount of the bond shall be determined by the County Treasurer. Such determination shall be final and shall be complied with within 15 days after the giving of notices thereof. In lieu of such bond, securities approved by the County Treasurer or cash in such amount as he may prescribe may be deposited, which shall be kept in the custody of the County Treasurer, who may at any time, without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose, the securities may be sold by him at public or private sale without notice to the depositors thereof.

#### **§ 212-47. Determination of tax.**

If a return required by this article is not filed or if a return, when filed, is incorrect or insufficient, the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable, and, if necessary, the tax may be estimated on the basis of external indexes such as the number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after giving notice of such determination, shall apply to the County Treasurer for a hearing or unless the County Treasurer, of his own motion, shall redetermine the same. After such hearing, the County Treasurer shall give notice of his determination to the person against whom the tax is assessed. The determination of the County Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within 30 days after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the County Treasurer and there shall be filed with the County Treasurer an undertaking issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve, to the effect that if such proceedings are dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding or, at the option of the applicant, such undertaking filed with the County Treasurer may be in a sum sufficient to cover the taxes, penalties

and interest thereon stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceedings, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

#### **§ 212-48. Disposition of revenues.**

All revenues resulting from the imposition of the tax under this article shall be paid into the Treasury of the county and shall be credited to and deposited in the general fund of the county. The net collections derived from the tax shall be allocated by the Board of Supervisors of Saratoga County only for the promotion of tourism and conventions; provided, however, that the net collections pursuant to § 212-38A above shall be paid to the general fund of the City of Saratoga Springs, the net collections pursuant to § 212-38B above shall be paid to the Saratoga Convention and Tourism Bureau for use in marketing the City of Saratoga Springs as a destination for conventions and group tours, and the net collections pursuant to § 212-38C above shall be placed in an interest-bearing capital reserve account to fund the expansion and renovation of the City Center until such time as the expansion and renovation has been completed, and thereafter shall be placed in a special account which may be drawn upon to offset any operating deficit maintained by the City Center. The Board of Supervisors of Saratoga County shall appoint an advisory committee of nine persons, four of whom shall be members of the Board of Supervisors and five of whom shall be owners, managers or, if such facility is owned by a corporation or partnership, partners or officers of facilities paying such tax. The advisory committee shall advise and recommend to said Board of Supervisors relative to the purpose of this section.

#### **§ 212-49. Refunds.**

A. In the manner provided in this article, the County Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the County Treasurer, he shall state his reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the County Treasurer, provided that the application is made within one year of the payment by the occupant to the operator, but no actual refund of moneys shall be made to such operator until he shall first establish to the satisfaction of the County Treasurer, under such regulations as the County Treasurer may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The County Treasurer may, in lieu of any refund required to be made, allow credit therefor on payments due from the applicant.

B. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of, and the County Treasurer may receive evidence with respect thereto. After making his determination, the County Treasurer shall give notice thereof to the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within 30 days after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

C. A person shall not be entitled to a revision, refund or credit under this article of a tax, interest or penalty which had been determined to be due pursuant to the provisions of this section where he has a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the County Treasurer made pursuant to § 212-47 of this article unless it is found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing or of his own motion or in a proceeding under Article 78 of the Civil Practice

Law and Rules, pursuant to the provisions of said section, in which event a refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

#### **§ 212-50. Reserves.**

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the county.

#### **§ 212-51. Remedies exclusive.**

The remedies provided by §§ 212-47 and 212-49 shall be exclusive remedies available to any person for the review of tax liability imposed by this article, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by an action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the County Treasurer prior to the institution of such suit and posts a bond for costs as provided in § 212-47.

#### **§ 212-52. Proceedings for recovery of tax.**

A. Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax penalty or interest imposed by this article as therein provided, the County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Saratoga and/or City of Saratoga Springs in any court of the State of New York or of any other state or of the United States. If, however, the County Treasurer, in his discretion, believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

B. As an additional or alternate remedy, the County Treasurer may issue a warrant directed to the Sheriff commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or other person liable for the tax, which may be found within the county for the payment of the amount thereof; with any penalties and interest and the cost of executing the warrant, and to return such warrant to the County Treasurer and to pay to him the money collected by virtue thereof within 60 days after the receipt of such warrant. The Sheriff shall, within five days after the receipt of the warrant, file with the County Clerk a copy thereof; and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon, the amount of such warrant so docketed shall become a lien upon the real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant in the same manner and with like effect as that provided by law in respect to executions issued against property and upon judgments of a court of record, and, for services in executing the warrant, he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the County Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the County Treasurer, and in the execution thereof; such officer or employee shall have all the powers conferred by law upon Sheriffs but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the County Treasurer may from time to time issue new warrants and shall also have the same

remedies to enforce the amount due thereunder as if the county had recovered judgment therefor and execution thereon has been returned unsatisfied.

C. Whenever an operator shall make a sale, transfer or assignment in bulk of any part or the whole of his tourist home, inn, hotel or motel or his lease, license or other agreement or right to possess or operate such facility or of the equipment, furnishings, fixtures, supplies or stock of merchandise of said premises or lease, license or other agreement or right to possess or operate such tourist home, inn, hotel or motel and the equipment, furnishings, fixtures, supplies and stock or merchandise pertaining to the conduct or operation of said tourist home, inn, hotel or motel otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall, at least 10 days before taking possession of the subject of said sale, transfer or assignment or paying therefor, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof, whether or not the seller, transferor or assignor has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this article and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing and whether any such taxes are in fact owing. Whenever the purchaser, transferee or assignee shall fail to give notice to the County Treasurer as required by Subsection B or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action or other consideration which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the county, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the county's claim. For failure to comply with the provisions of this subsection, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of the Uniform Commercial Code, shall be personally liable for the payment to the county of any such taxes theretofore or thereafter determined to be due to the county from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this article.

#### **§ 212-53. General powers of County Treasurer.**

In addition to the powers granted to the County Treasurer by the County Law and this article, he is hereby authorized and empowered to:

A. Make, adopt and amend rules and regulations appropriate to the carrying out of this article and the purposes thereof.

B. Extend, for cause shown, the time of filing any return for a period not exceeding 30 days; and, for cause shown, to remit penalties, but not interest, computed at the rate of 6% per annum; and to compromise disputed claims in connection with the taxes hereby imposed.

C. Request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person and to afford information to such Tax Commission or such Treasury Department relative to any person, any other provision of this article to the contrary notwithstanding.

D. Delegate his functions hereunder to any employee or employees of the County Treasurer.

E. Prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents.

F. Require any operator within the City to keep detailed records of the nature and type of tourist home, inn, hotel or motel maintained, the nature and type of service rendered, the rooms available and rooms

occupied daily, the leases or occupancy contracts or arrangements, the rents received, charged and accrued and the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this article, and to furnish such information upon request to the County Treasurer.

G. Assess, determine, revise and readjust the taxes imposed under this article.

#### **§ 212-54. Administration of oaths; compelling testimony.**

A. The County Treasurer or his employees or agents duly designated and authorized by him shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of his powers and duties under this article. The County Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and the enforcement of this article and to examine them in relation thereto and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.

B. A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Article.

C. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the County Treasurer under this article shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.

D. The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his duly appointed deputies or any officers or employees of the County Treasurer designated to serve such process.

#### **§ 212-55. Reference to tax.**

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of tourist home, inn, hotel or motel rooms," except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

#### **§ 212-56. Penalties and interest.**

A. Any person failing to file a return or to pay or pay over any tax to the County Treasurer within the time required by this article shall be subject to a penalty of 5% of the amount of tax due, plus interest at the rate of 1% of such tax for each month of delay, excepting the first month, after such return was required to be filed or such tax became due, but the County Treasurer, if satisfied that the delay was excusable, may remit all or any part of such penalty, but not interest, at the rate of 6% per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this article. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this article.

B. Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this article, or filing or causing to be filed or making or causing to be made or giving or

causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this article which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to § 212-47 of this article or failing to file a registration certificate and such data in connection therewith as the County Treasurer may, by regulation or otherwise, require or to display or surrender the certificate of authority as required by this article or assigning or transferring such certificate of authority; and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issue or employed by the operator or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this article; and any operator failing to keep the records required by § 212-44 of this article shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this article and subject to the penalties herein above imposed.

C. The certificate of the County Treasurer to the effect that a tax has not been paid or that a return, bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this article shall be presumptive evidence thereof.

#### **§ 212-57. Confidentiality of returns; penalties for offenses.**

A. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the County Treasurer or any employee of the County Treasurer to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this article. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court except on behalf of the County Treasurer in any action or proceeding under the provisions of this article or on behalf of any party to any action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and items thereof or the inspection by the County Attorney or other legal representatives of the county or by the District Attorney of any county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the County Treasurer permits them to be destroyed.

B. Any violation of Subsection A of this section shall be punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender is an officer or employee of the county, he shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

#### **§ 212-58. Notices and time limits.**

A. Any notice authorized or required under the provisions of this article may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this article or in any application made by him or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the



provisions of this article by the giving of notice shall commence to run from the date of mailing of such notice.

B. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this article. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

C. Where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents, in writing, made before the expiration of the extended period.

#### **§ 212-59. Effectiveness of article.**

This article shall remain in full force and effect only as long as the Board of Supervisors of Saratoga County shall continue to expend for industrial and tourist promotion at least \$50,000 per annum of funds other than those revenues collected pursuant to this article and, further, only for so long as there is in effect a written agreement between the City and the Saratoga Springs Convention and Tourism Bureau concerning the expenditure of funds raised by the tax imposed by this article and otherwise.

#### **ARTICLE VIII. Business Investment Exemption**

**[Adopted 4-7-1998 by L.L. No. 3-1998** Editor's Note: This local law also repealed former Art. VIII, Business Investment Exemption, adopted 12-3-1990 by L.L. No. 4-1990. **]**

#### **§ 212-60. Findings and purpose.**

The City Council of the City of Saratoga Springs hereby finds it necessary and proper to encourage, stimulate and support certain types of commercial (wholesale, retail, service, office, etc.) and industrial businesses in the City's downtown business district. The central core and downtown district of the City of Saratoga Springs should continue to be the economic, social and civic center of the City of Saratoga Springs. The above-referenced area is adequately serviced by investments of municipal infrastructure. As a method of encouragement and in an effort to maintain the fabric of this historic community of Saratoga Springs, new commercial investments that will provide new jobs and a broader tax base for our community need to be focused and directed to the downtown central business district. It shall be the purpose of this article to promote the general interests of the citizens of Saratoga Springs by encouraging and promoting economic investment within this important and significant geographical area.

#### **§ 212-61. Eligible properties.**

The business investment exemption established in this article shall be available for those properties within a geographic district to be defined by the Industrial and Commercial Incentive Board to be appointed by this article and after resolution of an acceptance of the recommendation of the Industrial and Commercial Incentive Board by the City Council of the City of Saratoga Springs.

#### **§ 212-62. Eligible investments.**

The business investment exemption established in this article shall be available to properties within the geographic area defined by the Industrial and Commercial Incentive Board and accepted by resolution of the City Council of the City of Saratoga Springs which meets the following requirements:

A. The proposed property within the district shall demonstrate a need for construction, alteration, installation or improvement for the specific purpose of commercial (wholesale, retail, service, office, etc.) and industrial businesses in the City's downtown business district. The cost of such construction, alteration, installation or improvement must exceed \$50,000. Such construction, alteration, installation or improvement may not include ordinary maintenance or repairs to existing buildings or the purchase of equipment to be affixed or a pertinent to any existing building. Only construction, alteration, installation or improvement commenced after the eligible date of this article shall be eligible for the partial business investment exemption countenance by this article.

B. The property shall demonstrate in its inclusion one or more of the following groups or divisions as defined in the Standard Industrial Classification (SIC) Manual published by the United States Government:

<b>Group/Division</b>	<b>SIC Category</b>
Building materials	52, with the exception of 527 (mobile home dealers)
General merchandise	53
Food Stores	54
Apparel	56
Furniture	57
Restaurants	58
Miscellaneous retail	59, with the exception of 598 (fuel dealers)
Hotels	70, with the exception of 703 (trailer parks) and 704 (membership hotels)
Personal services	72
Business services	73
Miscellaneous repairs	76
Motion pictures	78
Amusement	79
Health services	80
Legal	81
Education	82

<b>Group/Division</b>	<b>SIC Category</b>
Social services	83
Museums	84
Organizations	86
Miscellaneous services	87
Public administration	91-97

C. This article shall apply to such construction, alteration, installation or improvement commenced on or after the filing of this article with the Secretary of State of the State of New York.

D. Such construction, alteration, installation or improvement shall be considered to be completed as of the date of the issuance of a certificate of occupancy by the Building Department of the City of Saratoga Springs.

**§ 212-63. Percent of exemption; computation.**

Properties that meet all standards of eligibility under this article shall, upon application and approval as required under § 485-b of the Real Property Tax Law of the State of New York, be exempt from taxation and ad valorem levies of the increased and assessed values thereof attributable to the construction, alteration, installation or improvement for the purpose of commercial (wholesale, retail, service, etc.) and industrial businesses in the City's downtown business district activity as allowed in this article pursuant to the following strategic exemption schedule:

<b>Year of Exemption</b>	<b>Percentage of Exemption</b>
1	50%
2	45%
3	40%
4	35%
5	30%
6	25%
7	20%
8	15%
9	10%
10	5%

**§ 212-64. Commencement of exemption; inception.**

Notwithstanding any other provision under this article, an approved project shall begin to receive the appropriate exemption pursuant to this article in the first year that the improved project or parcel is fully assessed on the City tax roll.

**§ 212-65. Ineligibility due to benefit from other incentive programs.**

In addition to and not in limitation of the disqualifications specified in § 485-b, Subdivision 2(d), of the Real Property Tax Law, a property shall not be eligible for the business investment exemption established by this article if said property is the subject of or the recipient of benefits, payments, credits, exemptions or other valuable allowances or considerations under any other incentive program or improvement program which has been established or may be established from time to time by the Federal Government of the United States of America, the State Government of the State of New York, the County Government of the County of Saratoga, the City Government of the City of Saratoga Springs and any and all other government agencies and private or public foundations, except the following programs:

A. (Reserved)

**§ 212-66. Determination of eligibility thresholds.**

Notwithstanding § 212-61 of this article wherein eligible properties and/or projects shall be identified and designated by the recommendation of the Industrial and Commercial Incentive Board for final acceptance by the City Council of the City of Saratoga Springs, it is hereby established that the City Engineer shall provide a written opinion to the Industrial and Commercial Incentive Board and the City Council that any project in question involved the expenditure of a minimum of \$50,000. For the purpose of this article, the construction, alteration, installation and/or improvement of any property shall not include administrative fees, legal fees, surveying fees, architectural fees, design fees or any and all other "soft" costs. It is the intention that the \$50,000 minimum herein established shall be for direct labor and materials only.

**§ 212-67. Submission of certificate of occupancy; completion to Accounts Department.**

Within 30 days of a project's completion, as evidenced by the issuance of a certificate of occupancy issued by the City Building Inspector for a new project or a certificate of completion issued by the City Engineer for any alteration, installation or improvement type of project, the builder or developer of the project shall submit to the Accounts Department precise evidence of expenditure by the developer and/or builder as approved and agreed to by the office of the City Engineer.

**§ 212-68. Filing of proof of expenditure.**

Notwithstanding any other provision of this article, the aforementioned proof of expenditure must be filed prior to May 25 in any calendar year so that the Accounts Department and Assessment Office have the ability to make the appropriate adjustments and/or exemption prior to June 1.

**§ 212-69. Establishment of Industrial and Commercial Incentive Board.**

A. An Industrial and Commercial Incentive Board is hereby established for the City of Saratoga Springs.

B. The Industrial and Commercial Incentive Board shall have five members who shall each be appointed for a five-year term by the Mayor of the City of Saratoga Springs.

C. The Industrial and Commercial Incentive Board shall present a plan to the City Council of the City of Saratoga Springs concerning the various types of business real property which should be granted eligibility for an exemption pursuant to Subdivision 1 of § 485-b of the Real Property Tax Law. Such

plan shall make recommendations concerning the applicability of the exemption to specific divisions and major groups as defined in the Standard Industrial Classification manual published by the United States Government. Such plan shall also make a recommendation as to whether the exemption be computed as provided in Subdivision 2 or 12 of § 485-b of the Real Property Tax Law of the State of New York. In addition, such plan shall identify specific geographic areas where such exemptions should be offered.

D. When pursuant to Subdivision 9 of § 485-b of the Real Property Tax Law the Industrial and Commercial Incentive Board makes a recommendation to the City Council of the City of Saratoga Springs, the City Council may by resolution restrict real property eligible to receive the exemption to real property constructed, altered, installed or improved for those purposes identified in the plan presented by the Board. Said resolution shall also restrict the availability of such exemption to the specific geographic areas identified in the plan presented by the Board and approved by the City Council of the City of Saratoga Springs.

## **ARTICLE IX. Property Tax**

Editor's Note: Due to the adoption of L.L. No. 3-1998 (Article VIII of this chapter), former § § 212-61 and 212-62 were renumbered as § § 212-70 and 212-71, respectively, in order to maintain the numerical order of the chapter.

**[Adopted 6-20-1994 by L.L. No. 2-1994]**

### **§ 212-70. Collection.**

Pursuant to Section 6 of Chapter 602 of the Laws of 1993, as signed into law by Governor Mario Cuomo on August 4, 1993, the City of Saratoga Springs hereby acts by local law, not subject to referendum, to provide that the collection of property taxes shall continue to be enforced pursuant to the provisions of the City Charter and the City Code of the City of Saratoga Springs, as may from time to time be amended.

### **§ 212-71. Copy on file.**

A copy of this article shall be filed with the New York State Board of Equalization and Assessment no later than August 1, 1994.

## **ARTICLE X. Alternative Veterans Exemption; Cold War Veterans Exemption**

**[Adopted 12-2-1997 by L.L. No. 5-1997; amended in its entirety 11-1-2005]**

### **§ 212-72. Maximum exemptions allowable.**

**[Amended 6-17-2008 by L.L. No. 2-2008]**

A. As authorized by § 458-a, Subdivision 2, Paragraph (d)(ii) of the Real Property Tax Law, the maximum exemptions allowable from this City's real property taxation pursuant to Paragraphs (a), (b) and (c) of Subdivision 2 of § 458-a shall be \$36,000, \$24,000 and \$120,000 respectively.

B. As authorized by § 458-b of the Real Property Tax Law, the City hereby establishes an exemption from taxation for Cold War veterans to the maximum extent allowed by that section.

### **§ 212-73. When effective.**

This article shall take effect immediately. It shall be filed in the office of the Secretary of the State of New York.

## **ARTICLE XI. Historic Investment Exemption**

**[Adopted 2-15-2000 by L.L. No. 2-2000]**

### **§ 212-74. Purpose and intent.**

The City Council of the City of Saratoga Springs hereby finds it is necessary and proper to provide a real property tax incentive to encourage investment in the rehabilitation of historic properties.

### **§ 212-75. Eligible properties.**

The historic investment exemption established in this article shall be available for those structures on properties within either of the following geographic districts:

- A. All structures on properties that have been designated as a contributing or noncontributing structure within the State or National Register of Historic Places and which are located in the City of Saratoga Springs.
- B. All structures on properties that have been designated as a City landmark or in an historic district in Article VII of the Zoning Ordinance of the City of Saratoga Springs.

### **§ 212-76. Eligible investments.**

No historic investment exemption established in this article shall be granted for the alteration or rehabilitation of an existing structure, or for an addition thereto, unless each of the following criteria are met:

- A. Eligibility for the historic investment exemption is limited to improvements that involve the alteration or rehabilitation of an existing structure, or an addition thereto, that increase the assessed valuation of the improvements on the property as determined by the Assessment Office of the City of Saratoga Springs. New construction on a vacant lot is not an eligible investment.
- B. All eligible improvements on the property must have commenced construction subsequent to the filing of this article with the Secretary of State of the State of New York.
- C. All eligible improvements on the property in either of the geographic areas identified in § 212-75 must have the approval of the City of Saratoga Springs Design Review Commission pursuant to the review criteria established in Article VII of the Zoning Ordinance of the City of Saratoga Springs, prior to the commencement of any construction.
- D. All eligible improvements must have appropriate construction permits and certificate of completion or occupancy issued by the Building Department of the City of Saratoga Springs.
- E. Real property tax payments on the property must be current.

### **§ 212-77. Percent of exemption; computation.**

- A. Eligible property shall be exempt from taxation to the extent of any increase in assessed value attributable to the alteration, rehabilitation or addition pursuant to the following exemption schedule:

Year of Exemption	Percentage of Exemption
1 through 5	100%
6	80%
7	60%
8	40%
9	20%
10	0%

B. The historic investment exemptions as set forth in the article are only applicable to the general tax rate of the City of Saratoga Springs and any of its ad valorem tax rates. The exemptions are not applicable to the property taxes collected for the Saratoga Springs City School District or the County of Saratoga, unless those entities enact legislation granting similar exemptions.

**§ 212-78. Commencement of exemption; inception.**

Notwithstanding any other provision under this article, an approved project shall begin to receive the appropriate exemption pursuant to this article in the first year that the improved project or parcel is fully assessed on the City assessment roll.

**§ 212-79. Application.**

The historic investment exemption shall be granted only by application of the owner or owners of eligible properties on a form prescribed by the New York State Board of Real Property Services. The application shall be filed with the Assessor of the City of Saratoga Springs on or before the appropriate taxable status date (June 1) of the City of Saratoga Springs.

**§ 212-80. Procedure.**

The historic investment exemption shall be granted where the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this article. The Assessor shall approve such application and such property shall thereafter be exempt from taxation and special ad valorem levies as hereby provided commencing with the assessment roll prepared on the basis of the taxable status date referred to above. The assessed value of any exemptions granted pursuant to this article shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

**§ 212-81. Ineligibility due to benefits from other incentive programs.**

The historic investment exemption shall not be eligible to a property that is the subject of or the recipient of benefits, payments, credits, exemptions or other valuable allowances or consideration under any other incentive programs or improvement program which has been established or may be established from time to time by the federal government of the United States of America, the state government of New York, the county government of the County of Saratoga, the City government of the City of Saratoga Springs and any and all other governmental agencies and private or public foundations which provide a reduction or abatement of City of Saratoga Springs real property taxes.

## **§ 212-82. Enactment.**

This article shall take effect immediately upon filing with the Secretary of State in accordance with Municipal Home Rule Law § 27.

## **ARTICLE XII. Disabled Persons Tax Exemption**

**[Adopted 4-17-2001 by L.L. No. 2-2001]**

### **§ 212-83. Grant of exemption.**

Real property in the City of Saratoga Springs 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 hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the City of Saratoga Springs to the extent of 50% of the assessed valuation thereof; provided, however, that eligibility for such exemption shall be determined in accordance with the provisions of § 459-c of the New York Real Property Tax Law.

### **§ 212-84. Income limitations.**

**[Amended 2-28-2007 by L.L. No. 2-2007]**

For the purpose of determining eligibility under § 459-c of the Real Property Tax Law, 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 shall be as follows:

<b>Income</b>	<b>Tax Exemption</b>
Up to and including \$24,000	50%
More than \$24,000 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%

## **ARTICLE XIII. Parent or Grandparent Living Quarters Exemption**

**[Adopted 2-15-2005 by L.L. No. 2-2005]**

### **§ 212-85. Grant of exemption.**



Pursuant to § 469 of the Real Property Tax Law, the City of Saratoga Springs hereby provides for an exemption from taxation to the extent of any increase in assessed value of residential property resulting from the construction or reconstruction of such property for the purpose of providing living quarters for a parent or grandparent, who is 62 years of age or older. Such exemption shall not exceed the increase in assessed value resulting from construction or reconstruction of such property, or 20% of the total assessed value of such property as improved, or 20% of the median sale price of residential property as reported in the most recent sales statistical summary published by the state board for the county in which the property is located, whichever is less.

#### **§ 212-86. Limitations.**

The exemption from taxation provided in § 212-85 shall be subject to all limitations, restrictions, definitions, and procedures as provided in § 469 of the Real Property Tax Law.

### **CHAPTER 215. TAXICABS**

#### **ARTICLE I. General Regulations**

##### **§ 215-1. Definitions.**

##### **§ 215-2. Licenses required.**

##### **§ 215-3. Application for driver's license.**

##### **§ 215-4. Suspension or revocation of driver's license.**

##### **§ 215-5. Application for owner's license.**

##### **§ 215-6. Suspension or revocation of owner's license**

##### **§ 215-7. Examination of drivers.**

##### **§ 215-8. Form and terms of licenses.**

##### **§ 215-9. Temporary permits.**

##### **§ 215-10. Renewal of licenses.**

##### **§ 215-11. Records.**

##### **§ 215-12. Rates of fare; posting of rates.**

##### **§ 215-13. Operation of taxicabs; regulations.**

##### **§ 215-14. License fees.**

##### **§ 215-15. Marking taxicabs.**

##### **§ 215-16. Penalties for offenses.**

#### **ARTICLE II. Taxicab Stands**

##### **§ 215-17. Designation.**

##### **§ 215-18. Regulations.**

### **CHAPTER 215. TAXICABS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 4-18-88 as Ch. 115 of the 1970 Code; amended in its entirety 8-4-2004. Subsequent amendments noted where applicable.]**

### **GENERAL REGULATIONS**

Traffic Violations Bureau — See Ch. 45.

Buses — See Ch. 89.

Vehicles and traffic — See Ch. 225.

### **ARTICLE I. General Regulations**

#### **§ 215-1. Definitions.**

Unless otherwise expressly stated, whenever used in this article, the following words shall have the meanings given to them by this section:

**DRIVER**

Any person who engages in the business of driving a taxicab, whether such person is the owner or employed by a taxicab owner.

**LICENSE**

Includes permission granted by the City of Saratoga Springs to any persons to engage in activities specified in this chapter.

**OWNER**

Includes any person owning or having control of the use of one or more taxicabs used for hire upon the streets of the City of Saratoga Springs or engaged in the business of operating a taxicab.

**PARCEL**

Any single item of baggage or luggage; or a suitcase, trunk, bundle, or similar package of property.

**PERSON**

Includes one or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other legal entities.

**TAXICAB**

Any motor vehicle which is engaged in the business of carrying persons for hire, except:

- A. Vehicles subject to the Transportation Corporation Law;
- B. Vehicles used by undertakers and funeral directors in the course of their business;
- C. Vehicles used exclusively by or under agreement with a hotel, hospital, club or other entity for the purpose of transporting members, guests, patients or clients;
- D. Vehicles that carry persons by appointment only and subject to previously agreed terms and conditions.

**TAXICAB STAND**

Any part of a street, highway, public place or public way which has been reserved for the use of the public to hire taxicabs as provided in this chapter.

**§ 215-2. Licenses required.**

- A. No person shall engage in the business of driving a taxicab within the limits of the City of Saratoga Springs without such driver having in force and effect a driver's license under the provisions of this article.
- B. No person shall own or have control of the use of one or more taxicabs used for hire upon the streets of the City of Saratoga Springs or engage in the business of operating a taxicab or permit anyone to engage in the business of driving a taxicab owned or controlled by him or her without having in force and effect an owner's license under the provisions of this article.

**§ 215-3. Application for driver's license.**

- A. Each applicant for a driver's license must comply with the following to the satisfaction of the Commissioner of Accounts. The applicant shall:

- (1) Be the holder of a duly valid New York State driver's license of Class A, B, C, or E.

(2) Be of sound mind and body and not subject to epilepsy, vertigo, heart disease or any other infirmity of mind or body which might render the applicant incapable or unfit to safely operate a motor vehicle.

(3) Be able to read and write the English language.

(4) Be clean in dress and person and not addicted to the use of intoxicating liquor.

(5) Not use unlawfully any drug or controlled substance.

(6) Meet the standards as embodied in Article 23-A of the Correction Law of the State of New York.

(7) Not have been convicted within five years preceding the date of application of a felony in any state of the United States and shall not, at the time of his/her application, be under an indictment for a felony in any state of the United States.

(8) Not have been convicted of two misdemeanors within two years preceding the date of application

(9) No driver's license shall be issued at any time to any applicant who has been convicted of any of the following crimes: rape, sodomy, or of the crime of assault with intent to commit the crime of rape, sodomy, sexual abuse, aggravated sexual abuse, or course of sexual conduct against a child.

B. The application shall be submitted to the Commissioner of Accounts on a form or forms as shall be required by the Commissioner, and the information provided by the applicant shall be signed and sworn to. Any of these restrictions can be waived at the discretion of the Commissioner of Accounts.

(1) The application shall also include:

(a) A statement from the applicant giving his or her full name, residence, places of residence for five years prior to moving to his or her present address, age, color, height, color of eyes and hair, place of birth, length of time he or she has resided in the City, whether a citizen of the United States, places of previous employment, whether married or single, whether he or she has ever been arrested or convicted of a felony or misdemeanor, whether he or she has been summoned to court, whether he or she has been previously licensed as a driver or chauffeur and, if so, whether his or her license has ever been revoked, or suspended for what cause and the number of the license issued by the state. The Commissioner of Accounts is hereby authorized and empowered to require such additional information as the Commissioner may deem necessary. The applicant's statement shall be filed with the Commissioner of Accounts as a permanent record. Any false statements made by the applicant for a driver's license shall result in denial of the application, and shall be promptly reported by the Commissioner of Accounts to the District Attorney of Saratoga County.

(b) Three recent unretouched photographs of such size as shall be prescribed by the Commissioner of Accounts.

(c) A certified copy of the applicant's driving record obtained by the applicant from the Department of Motor Vehicles.

(d) A set of the applicant's fingerprints, to be taken by the Saratoga Springs Police Department.

(2) The Commissioner of Accounts may, in the exercise of discretion, require the applicant to submit a certificate from a duly licensed physician certifying that the physician has examined the applicant

within 30 days prior to the filing date of the application and, in the physician's opinion, the applicant does not have a physical or mental condition which would affect the ability of the applicant to safely operate a motor vehicle.

C. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background, including a fingerprint search through the Division of Criminal Justice Services, and the results of that investigation shall be kept on file with the Saratoga Springs Police Department as a permanent record. The applicant shall be responsible for any fees due to the Division of Criminal Justice Services for the fingerprint search.

D. Upon consideration of the factors listed above, the Commissioner of Accounts may refuse to issue a driver's license to an applicant. Notification of such denial shall be sent to the applicant at the address indicated on the application. Upon the applicant's written request, a hearing shall be conducted at which the applicant may provide evidence that he or she should be issued a license.

#### **§ 215-4. Suspension or revocation of driver's license.**

A. A driver's license may be revoked or suspended at any time after a hearing, upon due notice by the Commissioner of Accounts, for the following reasons:

- (1) The licensee fails to meet the criteria embodied in Article 23-A of the Correction Law of the State of New York.
- (2) Violation of any provision of this chapter or any rule or regulation established by the Commissioner of Accounts pursuant to this chapter.
- (3) A license shall be suspended or revoked automatically during any period in which the driver's New York State driver's license is suspended or revoked.
- (4) A license shall automatically be suspended for the remainder of its term upon the driver's conviction or violation of any provision of § 1192 of the Vehicle and Traffic Law.
- (5) Any other conduct which evidences the inability of the driver to safely operate a motor vehicle or which evidences a disregard for public safety.

B. Any such suspension shall be noted on the license, together with a statement of the reasons therefor, and the driver shall be deprived of his or her license by the official suspending or revoking such license. When the license is suspended or revoked, the driver's license and a note of the revocation or suspension shall be forthwith sent to the Commissioner of Accounts, the license to be returned at the expiration of the period for which the license was suspended. A second suspension for the same reason or, in any case, a third suspension of a driver's license shall revoke the license. No driver whose license has been revoked shall be again licensed as a taxicab driver in the City unless upon the presentation of reasons satisfactory to the Commissioner of Accounts.

#### **§ 215-5. Application for owner's license.**

A. An application for an owner's license shall be filed in the Office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:

- (1) The name and address of the applicant and, in the event that the applicant is a partnership or operating under an assumed name, a certified copy of the certificate of partnership or assumed

name and, in the event that the applicant is a corporation, the names and addresses of all corporate officers and stockholders.

(2) The number of taxicabs for which the application is made, stating the make, type, year of manufacture, vehicle identification number, passenger seating capacity, a valid automobile insurance card for each taxicab and verification of registration for use as a taxicab by the New York State Department of Motor Vehicles.

(3) Whether the applicant is or has been previously licensed as a taxicab operator and, if so, in what jurisdictions.

(4) Whether the applicant currently holds a taxicab owner's license, which has been suspended and, if so, for what reason.

(5) Whether the applicant was the former holder of a taxicab owner's license which has been revoked or suspended and, if so, for what reason.

(6) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department

B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background, including a fingerprint search through the Division of Criminal Justice Services, and the results of that investigation shall be kept on file with the Saratoga Springs Police Department as a permanent record. The applicant shall be responsible for any fees due to the Division of Criminal Justice Service for the fingerprint search.

C. Upon consideration of the factors listed above, the Commissioner of Accounts may refuse to issue an owner's license to an applicant. Notification of such denial shall be sent to the applicant at the address indicated on the application. Upon the applicant's written request, a hearing shall be conducted at which the applicant may provide evidence that he or she should be issued a license.

#### **§ 215-6. Suspension or revocation of owner's license**

A. An owner's license may be revoked or suspended at any time after a hearing, upon due notice, by the Commissioner of Accounts for the following reasons:

(1) The licensee fails to meet the criteria embodied in Article 23-A of the Correction Law of the State of New York.

(2) The licensee permits the operation of a taxicab by a person not licensed under the provisions of this article.

(3) Violation of any provision of this chapter or any rule or regulation established by the Commissioner of Accounts pursuant to this chapter.

(4) The licensee engages in any other conduct which evidences his or her inability to safely engage in the business of operating a taxicab or which evidences a disregard for public safety.

(5) Failure to maintain appropriate insurances.

B. Any such suspension shall be noted on the license, together with a statement of the reasons therefor. When the license is suspended or revoked, the license and a note of the revocation or

suspension shall be forthwith sent to the Commissioner of Accounts, the license to be returned at the expiration of the period for which the license was suspended. A second suspension for the same reason or, in any case, a third suspension shall revoke the license. No owner whose license has been revoked shall be again licensed as a taxicab owner in the City unless upon the presentation of reasons satisfactory to the Commissioner of Accounts.

#### **§ 215-7. Examination of drivers.**

Each applicant for a driver's license shall be examined by the Commissioner of Accounts or some person designated by the Commissioner as to the applicant's knowledge of the provisions of this article, the traffic regulations of the City, the motor vehicle and general highway traffic laws of the state and the geography of the City, and, if the results of the examination are unsatisfactory, the applicant shall be refused a license. Each such applicant must, if required by the Commissioner of Accounts, demonstrate his or her skill and ability to safely handle his or her vehicle by driving it through a crowded section of the City, accompanied by the Commissioner of Accounts or some person designated by the Commissioner.

#### **§ 215-8. Form and terms of licenses.**

Upon satisfactory fulfillment of the foregoing requirements, there shall be issued to the applicant a license. Each license shall be stamped with the Seal of the City and shall have attached to it a photograph of the licensee. All licenses shall be numbered in the order in which they are issued and shall contain the name and the place of residence of the licensee and the dates of issuance and expiration of the license. Any licensee who defaces removes or obliterates any official entry made upon his or her license shall be punishable by the revocation of his or her license. Both driver's and owner's licenses may be issued on any day of the year and shall be valid for one year from the date of issue unless previously suspended or revoked. A driver's license shall be carried by the licensee at all times when operating or in charge of any taxicab and shall be displayed prominently inside the taxicab. All applicants for licenses shall, upon application, be provided with a copy of this chapter.

#### **§ 215-9. Temporary permits.**

No temporary permit shall be issued except when an extraordinary public emergency arises affecting transportation of the public upon the streets within the City. Such temporary permits, when issued, shall be upon such terms and conditions as the Commissioner of Accounts, the Mayor of the City and the City Council shall provide, but such temporary permits shall in no event be granted for a longer period than 20 days and may be renewable for similar periods, from time to time as may be necessary, only upon the written recommendation of the Commissioner of Accounts made to the City Council and approved by the Council.

#### **§ 215-10. Renewal of licenses.**

The Commissioner of Accounts may renew a license for an additional term upon receipt of an appropriate application. Such application shall be processed in the same manner as the original application. Upon a renewal, an application shall be processed in the same manner as the original application.

#### **§ 215-11. Records.**

There shall be kept in the Office of the Commissioner of Accounts a complete record of each license or permit issued and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original application for a license.

#### **§ 215-12. Rates of fare; posting of rates.**

A. Rates.

(1) It shall be unlawful, and result in the suspension or revocation of a license, for any taxicab owner or operator or for any taxicab driver to charge any passenger or passengers fares in excess of those established in the following schedule:

(a) Zones.

<b>Zone</b>	<b>Fare per Person</b>	<b>Location</b>
Zone One	\$3.00	Within the area bounded on the north by the City's north boundary line north of Skidmore College; on the east by Glen Mitchell Road, North Broadway, Church Street and Nelson Avenue; on the west by Clinton Street, Church Street, Beekman Street, West Circular Street and Union Street; and on the south by Lincoln Avenue
Zone Two	\$3.50	Within the area bounded on the north by the City's north boundary line; on the east by Clinton Street, Church Street, Beekman Street, West Circular Street, Union Street and Broadway; on the west by Kirby Road and Pine Road; and on the south by the Avenue of Pines
Zone Three	\$5.00	Within the area bounded on the north by the City's north boundary line; on the east by Kirby Road, Pine Road, the Avenue of Pines, and Broadway; on the west by Locust Grove Road, Brook Road, and Slade Road; and on the south by the East-West Road
Zone Four	\$6.00	Within the area bounded on the north by the City's north boundary line; on the east by Locust Grove Road, Brook Road, Slade Road, the East-West Road, and Broadway; on the west by the City's west boundary line; and on the south by the City's south boundary line
Zone Five	\$3.50	Within the area bounded on the north by the City's north boundary line; on the east by Interstate Route 87; on the west by North Broadway, Church Street, Nelson Avenue, Union Avenue, and Broadway; and on the south by Crescent Avenue
Zone Six	\$5.00	Within the area bounded on the north by the City's north boundary line; on the east by Bog Meadow Brook; on the west by Interstate Route 87, Crescent Avenue, and Broadway; and on the south by Lake Lonely, Crescent Avenue, and Kaydeross Avenue East and West
Zone Seven	\$6.00	Within the area bounded on the north by the City's north boundary line; on the east by the City's east boundary line; on the west by Bog Meadow Brook, Lake Lonely, Crescent Avenue, Kaydeross Avenue East and West, and Broadway; and on the south by the City's south boundary line

(b) If a fare shall begin and end in different zones, the rate shall be determined as per the following table:

<b>Zones</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
1	\$3.00	\$3.50	\$5.00	\$6.00	\$3.50	\$5.00	\$6.00
2	\$3.50	\$3.50	\$5.00	\$6.00	\$5.00	\$6.50	\$7.50
3	\$5.00	\$5.00	\$5.00	\$6.00	\$6.50	\$6.50	\$8.25
4	\$6.00	\$6.00	\$6.00	\$6.00	\$7.50	\$8.25	\$9.25
5	\$3.50	\$5.00	\$6.50	\$7.50	\$3.50	\$5.00	\$6.00
6	\$5.00	\$6.50	\$6.50	\$8.25	\$5.00	\$5.00	\$6.00
7	\$6.00	\$7.50	\$8.25	\$9.25	\$6.00	\$6.00	\$6.00

(c) Notwithstanding the aforementioned rates, taxicab owners and drivers may, in the absence of previous contract, charge an hourly rate not to exceed \$23 per hour per taxicab.

(d) When a passenger requests a taxicab driver to wait, \$1 for the first five minutes and \$2 for each subsequent five-minute period of time, or part thereof.

(e) Each passenger may carry into a taxicab up to two parcels at no additional charge, except that if a passenger's parcels consist only of paper or plastic bags filled with groceries, then that passenger may carry three such parcels at no additional charge. Each parcel in excess of the above stated limits may be charged for at the rate of \$0.35 per parcel.

(f) When a taxicab driver accepts a fare for more than one passenger, \$2 for each additional passenger, except that there shall be no charge for additional passengers under the age of five years.

(g) For all taxicab passengers over 65 years of age, there shall be a special rate of \$0.50 less than the rates set forth above.

(2) All zones or places referred to herein are as designated on a map filed in the Office of the City Clerk, which is adopted concurrently with this chapter and made a part thereof.

B. Every taxicab owner, operator or driver shall at all times conspicuously display on the inside of each taxicab operated by him or her a schedule of the above-mentioned rates in such a manner so that it shall be plainly seen by all persons inside the taxicab.

C. Gasoline surcharge.

(1) In addition to the fares established in Subsection A above, it shall be lawful for any taxicab owner who purchases gasoline for use in taxicabs under his or her control to charge a surcharge not in excess of 10% of the lawful fare for every increase of \$0.25 in the average price per gallon of regular unleaded gasoline in the City of Saratoga Springs in excess of \$1.75, provided that such price increase has continued for a minimum of 30 days, and further provided that such surcharge has been approved by the City Council. Any surcharge established pursuant to this subsection shall



be lawful only for so long as the average price per gallon of regular unleaded gasoline in the City of Saratoga Springs remains at the level for which the surcharge has been established. This surcharge may be initiated by the Council's own motion or by petition.

(2) For purposes of this subsection, the Commissioner of Accounts shall have the authority to determine the average price per gallon of gasoline from any reasonable method.

**D. Evening, Sunday and holiday surcharge.**

(1) In addition to the fares established in Subsection A above, it shall be lawful for any taxicab owner or driver to charge a surcharge of \$1 per fare during the following hours:

(a) Evenings, 12:00 midnight to 6:00 a.m. the following morning.

(b) Any hour of a day which is a Sunday.

(c) Any hour of a day which is a holiday.

(2) For the purposes of this subsection, the following days of the year are designated as holidays: New Year's Day (January 1), Independence Day (July 4), Christmas Day (December 25), New Year's Eve (December 31), Easter Sunday, and the days observed as Memorial Day, Labor Day, and Thanksgiving Day.

E. Review of fees. The Commissioner of Accounts shall cause the aforementioned fares to be reviewed and reconsidered two years from the effective date of this subsection, and in every second year after that. Said review and recommendation shall be completed by June 1 in each reviewing year. Nothing in this subsection shall be constructed so as to prohibit the Commissioner of Accounts from reviewing and reconsidering said fares more frequently, in the Commissioner's discretion.

**§ 215-13. Operation of taxicabs; regulations.**

Every taxicab operated under this chapter shall comply with the following regulations:

A. Every taxicab shall have installed between its front and rear seats a protective shield or screen of a type approved by the Commissioner of Accounts, and secured in such a manner as to reasonably prevent persons in the rear seat area from interfering with the taxicab driver by physical contact. This regulation shall take effect immediately for all taxicabs placed in service on or after the effective date of this subsection. For taxicabs placed in service prior to the effective date of this subsection, this regulation shall take effect 24 months after said effective date. The Commissioner of Accounts shall have authority to grant exemptions from this regulation to licensed drivers who demonstrate satisfactory proof of a medical condition, disability or physical limitation that would make compliance with this regulation unduly harsh. The Commissioner may impose appropriate conditions upon any such exemption.

B. No person shall smoke in a taxicab, and every taxicab shall contain a sign reading "NO SMOKING" in letters not less than one inch high, and posted in a location where it shall be plainly seen by all persons in the taxicab.

C. Every taxicab shall follow the shortest reasonable route when carrying passengers to destinations.

D. No person under 12 years of age shall ride as a passenger in the front seat of any taxicab.

E. Every person who owns and operates three or more taxicabs shall dispatch his or her taxicabs through a central dispatcher or similar system in which passengers make calls for taxicabs to a centralized office and not directly to the taxicabs.

F. Every taxicab driver shall, when so requested by a passenger, provide a written receipt showing the date, driver's name, the taxicab owner's name, the number of the taxicab, the places and times where the fare began and ended and the amount of the fare collected.

G. Every taxicab shall follow the NYS Vehicle and Traffic Law in connection with seatbelts, and a sign must be posted in the taxicab stating: "Seatbelts are available for your use, please buckle up."

H. No taxicab owner or driver shall refuse to carry, within the City of Saratoga Springs, any orderly person as a passenger unless:

- (1) The owner or driver reasonably determines that such person has no intention or ability to pay; or
- (2) Such person cannot be transported safely under the circumstances.

I. Every owner shall, at least once every six months, cause every taxicab which is owned by him or her or which is under his or her control to be inspected pursuant to Article 5 of the New York State Vehicle and Traffic Law.

#### **§ 215-14. License fees.**

The following fees shall be paid for licenses under this chapter:

A. For a driver's license: \$5 initially; renewal fee \$37.50.

B. For an owner's license or renewal thereof: \$25 per year for each taxicab owned or controlled by the licensee.

C. In addition to the fees specified above, a fee of \$10 shall be paid to the Department of Public Safety for each set of fingerprints taken pursuant to this chapter.

D. A money order for payment to the Division of Criminal Justice Services must be submitted with the application for taxi owner and/or taxi driver. This is a nonrefundable fee for fingerprint background searches which is mandated by the Division of Criminal Justice Services for which the applicant is responsible. (The fee is \$75 but may change without prior notice.)

#### **§ 215-15. Marking taxicabs.**

A. No taxicab shall be operated within the City of Saratoga Springs unless there shall be displayed by letters and figures not less than three inches high and in distinct contrast with the color of the body on both sides of the cowl of the taxicab or on both front doors thereof or by a sign attached to the top thereof, which sign shall be at least eight inches high and illuminated so as to be visible at all times, the owner's name and telephone number and the word "taxi," except that taxicabs which are permanently marked with waterproof paint, giving the owner's name and telephone number and the word "taxi," may be so marked in figures and letters not less than one inch high.

B. Taxicabs shall display distinctive numbers, emblems and other devices in such a manner as to reasonably provide prospective passengers with a means to differentiate between taxicabs owned by different persons or entities as well as between individual taxicabs owned by the same person or entity.

C. The Commissioner of Accounts shall have the authority to require any taxicab to display a particular number, emblem or other device when the Commissioner determines, in the Commissioner's discretion, that such requirement is reasonably necessary in the public interest to avoid confusion in differentiating between taxicabs.

#### **§ 215-16. Penalties for offenses.**

Any owner or driver who fails to obtain a license as required by this chapter, or who continues any of the activities described in this chapter, while his or her license is suspended or revoked, or who violates any provision of this chapter or any rule or regulation of the Commissioner of Accounts made pursuant to this chapter shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

### **ARTICLE II. Taxicab Stands**

#### **§ 215-17. Designation.**

The Commissioner of Public Safety is hereby authorized to establish taxicab stands as deemed necessary. The Commissioner shall further designate the number of such taxicabs that shall be allowed to stand at any taxicab stand. Owners of any property may apply to the Commissioner of Public Safety for the establishment of taxicab stands adjacent to their premises, stating in such application the number of taxicabs they desire to occupy such stand. Such application shall be granted solely in the discretion of the Commissioner of Public Safety and may be revoked by the Commissioner at any time.

#### **§ 215-18. Regulations.**

A. Only taxicabs in such numbers as are designated by the Commissioner of Public Safety may remain at the stand while waiting for employment and only in single file, pointed in accordance with the traffic regulations.

B. No taxicab standing at the head of any such line shall refuse to carry any orderly person applying for a taxicab who agrees to pay the proper rate of fare; but this shall not prevent any person from selecting any taxicab he may desire on the stand, whether it be at the head of the line or not.

C. As the taxicabs leave the line with passengers, those behind shall move up, and any taxicab seeking a space on the stand shall approach the same only from the rear of the stand and shall stop as near as possible to the last taxicab on the stand.

D. No taxicab shall stand within five feet of any crosswalk.

E. No taxicab shall occupy a stand unless a license for the taxicab has been issued by the Commissioner of Accounts.

## **CHAPTER 216. TEMPORARY STRUCTURES**

### **ARTICLE I. General Provisions**

#### **§ 216-1. Definitions; construal of provisions; compliance with other provisions.**

#### **§ 216-2. Classifications of temporary structures.**

#### **§ 216-3. Exemptions from permit requirements.**

### **ARTICLE II. Permits**

#### **§ 216-4. Application for installers permit.**

#### **§ 216-5. Application for all other permits.**

§ 216-6. Fees.  
§ 216-7. Inspection by Fire Department.  
§ 216-8. Insurance.  
§ 216-9. Issuance of permit; applicability of zoning laws.  
§ 216-10. Standards for issuance.  
§ 216-11. Contents.  
§ 216-12. Duties of permit holder.  
§ 216-13. Revocation.  
ARTICLE III. Enforcement; When Effective  
§ 216-14. Penalties for offenses; when effective.

## **CHAPTER 216. TEMPORARY STRUCTURES**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 12-20-2005. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Demonstrations — See Ch. 98.  
Fire prevention and building construction — See Ch. 117.  
Noise — See Ch. 148.  
Parades — See Ch. 151.  
Special events — See Ch. 199A.  
Streets and sidewalks — See Ch. 203.

### **ARTICLE I. General Provisions**

It shall be unlawful for any person, firm, corporation or other legal entity to install/erect or cause to be installed/erected any temporary structure, tent, canopy, awning or other similar structure in the City of Saratoga Springs without first obtaining a permit where required by this chapter.

#### **§ 216-1. Definitions; construal of provisions; compliance with other provisions.**

- A. A "temporary structure" is a tent, awning, canopy or other device, with or without sides, erected for a period of 180 days or less within a period of 365 consecutive days.
- B. Nothing in this chapter shall be construed to supersede any provision(s) of the New York State Building and Fire Codes.
- C. Any person, corporation, partnership or other entity applying for a permit under this chapter, must comply with Chapter 98 of the Code of the City of Saratoga Springs entitled "Demonstration."
- D. Any person, corporation, partnership or other entity applying for a permit under this chapter must comply with Chapter 199A of the Code of the City of Saratoga Springs entitled "Special Events."
- E. Any person, corporation, partnership or other entity applying for a permit under this chapter must comply with Chapter 148 of the Code of the City of Saratoga Springs entitled "Noise."
- F. Any person, corporation, partnership or other entity applying for a permit under this chapter must comply with Chapter 61 of the Code of the City of Saratoga Springs entitled "Alcoholic Beverages."

G. The following definitions shall apply to this chapter:

**AWNING/CANOPY**

A temporary structure used to cover an area.

**CITY**

The City of Saratoga Springs, New York.

**CITY CLERK**

The City Clerk of the City of Saratoga Springs, New York.

**INSTALLATION - COMMERCIAL**

Any person, firm, corporation or other legal entity that is in the business of installing/erecting temporary structures.

**INSTALLATION - NONCOMMERCIAL**

Any person not in the business of installing/erecting temporary structures.

**PUBLIC PLACE**

Any place to which the public has unrestricted access, but "public place" shall not mean the interior floor space of any building or any space covered by part of a building's permanent roof.

**SIGNS**

Any display of words, symbols or other visual images made of cloth, paper, plastic, cardboard or other material or any combination of such display.

**SPECIAL EVENT**

Any event, occasion or celebration open to the public and held in or upon any public right-of-way, public street, public park or other public place or conducted in such a manner as to significantly impede public access to any public right-of-way, public street, public park or other public place.

**TENT**

A collapsible shelter, with or without sides, made of fabric, nylon or canvas stretched and sustained by poles and used as a temporary structure.

**§ 216-2. Classifications of temporary structures.**

The following classifications shall apply to temporary structures under this chapter:

A. Level 1. This classification shall include the following temporary structures:

- (1) Tents used exclusively for recreational camping purposes; or
- (2) Canopies and/or awnings open on all sides and which comply with all of the following:
  - (a) Individual canopies shall have a maximum size of 700 square feet.
  - (b) The aggregate area of multiple canopies that are placed side by side without a fire break clearance of at least 12 feet shall not exceed 700 square feet total.
  - (c) There shall be a minimum of 12 feet of distance to all other temporary structures.

B. Level 2. This classification shall include all temporary structures which are not exempt from permit as Level 1 structures and which shall remain standing for not more than 45 days per calendar year. Level 2 structures shall require a permit under this chapter; however, the applicant may apply either for a single permit for 45 days of use, or for any number of permits of lesser duration not to exceed 45 days of use per calendar year.

C. Level 3. This classification shall include all temporary structures which are not exempt from permit as Level 1 structures and which shall remain standing for more than 45 days per calendar year. Level 3

structures shall require a permit under this chapter and shall be subject to further review and approval as structures as provided by the City Zoning Ordinance.

### **§ 216-3. Exemptions from permit requirements.**

Level 1 temporary structures shall be exempt from acquiring a permit under this chapter.

## **ARTICLE II. Permits**

### **§ 216-4. Application for installers permit.**

A. A person, firm, corporation or other legal entity that is in the business of constructing temporary structures may apply for a temporary structure installers permit from the Department of Accounts. Application for such permit shall be made on forms provided by the Commissioner of Accounts. Such permit will enable the installer to install/erect temporary structures of all levels throughout the City of Saratoga Springs without additional permits from the City of Saratoga Springs. However, the permit holder shall notify the Commissioner of Accounts, in writing, of the location of each temporary structure installed/erected by the permit holder at least five days in advance of installation.

B. All temporary structures installed/erected by such permit holder shall remain subject to lawful inspections by the Fire Department pursuant to § 216-7. Level 3 structures shall remain subject to review and approval under the City's Zoning Ordinance.

C. Filing period. An application for a temporary structure shall be filed with the Commissioner of Accounts not fewer than five business days before the date on which it is proposed to install/erect the temporary structure.

D. For any event that will attract 5,000 or more persons, the applicant must obtain a permit from the NYS Department of Health. A copy of that permit must be attached to the application submitted to the City. A safety plan, as required by the Department of State, must also be included with the application.

E. The application shall be accompanied by a set of plans which shall indicate the following:

(1) Type of construction.

(2) Seating arrangements.

(3) Aisles.

(4) Structural details and calculations of the seats and support.

(5) Location of all temporary electrical wiring which must be in compliance with National Fire Protection 7.

(6) Location of all ingress/egress.

(7) Location and specifications of all fire equipment within the structure which shall be marked according to State code.

(8) Location, insofar as practical, of adjacent structures and obstructions which might hinder the free egress of persons from the exits.

**§ 216-5. Application for all other permits.**

- A. Any person not in the business of installing/erecting temporary structures may erect a Level 1 temporary structure without a permit or fee being imposed.
- B. Any person not in the business of install/erecting temporary structures erecting a Level 2 or 3 temporary structure must comply with all requirements under § 216-4, Application for installers permit.

**§ 216-6. Fees.**

- A. Temporary installers permit: \$50. The permit shall be valid for one year from issue date.
- B. All others:
  - (1) Level 1: no fee.
  - (2) Level 2 or 3: \$100.
- C. Fire Department inspection fee: \$50.

**§ 216-7. Inspection by Fire Department.**

- A. The Fire Chief, or designee, shall review and inspect temporary structures according to the provisions of the New York Building and Fire Codes.
- B. Prior to the issuance of any permit under this chapter, the Commissioner of Accounts shall submit the application and plans to the Fire Chief or designee for review. If the Fire Chief or designee determines that the temporary structure conforms to NYS Building and Fire Codes, the Fire Chief or designee shall notify the Commissioner of Accounts, who may then issue a permit, conditioned upon such reasonable limitations and requirements as the Commissioner of Accounts may deem necessary in the interest of public health, safety and welfare.
- C. No temporary structure shall be used until the Fire Chief or designee has completed an inspection and has determined that the temporary structure is compliant with NYS Building and Fire Codes.

**§ 216-8. Insurance.**

- A. The applicant, as defined in Levels 2 and 3 shall provide proof of insurance to the Commissioner of Accounts as follows:
  - (1) Proof of commercial general liability insurance including completed products and operations and personal injury liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. The City shall be named as an additional insured on said insurance.
  - (2) A fully executed hold harmless agreement in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees) arising out of or resulting from the permitted activity, sustained by any person or person, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious act or negligent act or omission of the applicant, or the applicant's employees, or agents of subcontractors.

(3) New York State statutory workers' compensation and disability insurance.

**§ 216-9. Issuance of permit; applicability of zoning laws.**

A. If the Commissioner of Accounts finds that all applicable provisions of this chapter have been complied with or will be complied with by the applicant, a permit may be issued to install or erect a temporary structure conditional upon such reasonable limitations and requirements as may be deemed necessary for the protection of the public health, safety and welfare. Nothing in this chapter shall be construed as granting the Commissioner of Accounts any power to confer rights upon permit holders to do any act or conduct any business or activity in contravention of any zoning ordinance or regulation in effect in the City of Saratoga Springs. Editor's Note: See Ch. 240, Zoning. It shall be the responsibility of the permit holder to determine if the activity complies with the applicable zoning laws.

**§ 216-10. Standards for issuance.**

The Commissioner of Accounts shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, it is found that:

A. Use of the temporary structure will not require the diversion of so great a number of police officers of the City to properly manage the areas contiguous thereto as to prevent normal police protection to the rest of the City.

B. Use of the temporary structure will not require the diversion of so great a number of emergency vehicles as to prevent normal emergency service to portions of the City other than that occupied by the proposed areas contiguous to the temporary structure.

**§ 216-11. Contents.**

Each temporary structure permit shall state the following information:

A. Date of installation of the temporary structure and date of the event.

B. Location of the temporary structure.

C. The name of the responsible party with telephone number.

D. Such other information as the Commissioner of Accounts shall find necessary to the enforcement of this chapter.

**§ 216-12. Duties of permit holder.**

The permit holder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

**§ 216-13. Revocation.**

A temporary structure installation permit may be revoked or suspended by the Commissioner of Accounts upon the notice and after a hearing for any of the following reasons:

A. The permit holder violates any of the provisions of this chapter.

B. The permit holder violates any of the provisions of the New York State Building and Fire Codes.



- C. The permit holder fails to provide and/or maintain required proof of insurance at any time.
- D. Any other conduct which evidences the inability of the permittee to safely construct temporary structures within the City of Saratoga Springs.

### **ARTICLE III. Enforcement; When Effective**

#### **§ 216-14. Penalties for offenses; when effective.**

- A. Any person or other legal entity who violates any of the provisions of this chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, General Penalty, of this Code. Both the Police Department and Code Administration are permitted to enforce this chapter.
- B. This chapter shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

### **CHAPTER 217. STORAGE CONTAINERS**

- § 217-1. Definitions.
- § 217-2. Authority of Code Administrator.
- § 217-3. License required; application.
- § 217-4. Placement on public property.
- § 217-5. License fees.
- § 217-6. Restrictions.
- § 217-7. Issuance of licenses; contents.
- § 217-8. Removal; penalties for offenses.

### **CHAPTER 217. STORAGE CONTAINERS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 9-18-2007. Editor's Note: This ordinance also repealed former Ch. 217, Temporary Storage Containers, adopted 4-19-2005, as amended. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Garbage, rubbish and refuse — See Ch. 126.  
Property maintenance — See Ch. 175.  
Streets and sidewalks — See Ch. 203.

#### **§ 217-1. Definitions.**

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

##### **STORAGE CONTAINER**

Any portable container, receptacle, or device of a type commonly used for the temporary storage of personal property, garbage, rubbish, refuse, construction debris, or other materials. The term shall include, but not be limited to, trailers, shipping containers, and dumpsters.

#### **§ 217-2. Authority of Code Administrator.**

The Code Administrator is hereby authorized to issue licenses for storage containers pursuant to this chapter. The Code Administrator shall provide forms for applicants and shall have the authority to revise or amend said forms at any time.

**§ 217-3. License required; application.**

A. Every person, firm, corporation, or legal entity who wishes to place a storage container at any location within the City of Saratoga Springs shall be required to obtain a license therefor from the Code Administrator in any of the following circumstances:

- (1) When the container is manufactured and designed to be transported, serviced, and/or manipulated by motorized or mechanical apparatus, except when such container is designed exclusively for frequent curbside pickup as part of a residential use.
- (2) When the container is placed in whole or in part on public property.
- (3) When the container is placed on private property for more than three months. (Containers placed at locations for less than three months must be reported and registered with the Office of Code Administration.)

B. Obtaining said license shall be the responsibility of the person, firm, corporation or legal entity that owns or occupies the premises on which the container is to be placed, or any person, firm, corporation or legal entity engaged in the business of providing storage containers.

C. Application for such license shall be made on forms provided by the Code Administrator. Each application shall state:

- (1) The name, address and phone number of the applicant, and, if the applicant is engaged in the business of providing storage containers, the name, address, and phone number of the person, firm, corporation or legal entity to whom each container will be provided.
- (2) If the applicant is an agent, the name, address and phone number of the person, firm, corporation or legal entity that he or she represents.
- (3) The area or areas within the City where the applicant wishes to place one or more storage containers.
- (4) A detailed description of each storage container applied for, including each container's height, weight, square footage, length, and width.
- (5) The location of each proposed storage container, including a drawing or map showing the location of nearby buildings, sidewalks, streets, alleys, and other public ways.
- (6) The period of time each storage container shall remain in place.
- (7) Any other information as may be required by the Code Administrator to properly and adequately review the application.

D. Each application shall be accompanied by the required license fee.

E. The Code Administrator shall have the authority to reject any application that presents, in his or her judgment, a dangerous or hazardous situation to any person or persons or to the public. In rejecting any such application, the Code Administrator shall state the reasons for rejection.

F. Any person, firm, corporation or legal entity engaged in the business of providing storage containers shall contain proof that the applicant has in effect commercial general liability insurance in the amount

of \$1,000,000 per occurrence and \$2,000,000 aggregate, naming the City of Saratoga Springs as additional insured. Each applicant shall also execute a hold harmless agreement indemnifying the City against loss, including costs and expenses, resulting from injury to person or property as a direct or indirect result of his or her enterprise.

G. Every person, firm, corporation or legal entity engaged in the business of providing storage containers shall file a letter in the Office of Code Administration indicating its business office and telephone number, and shall inform the Office of Code Administration of the locations of all storage containers he or she provides that are subject to permit under this chapter.

#### **§ 217-4. Placement on public property.**

Any application to place a storage container in any public street, sidewalk, highway, public place, or public way, or on any property owned by the City of Saratoga Springs may be referred to the Department of Public Works for comments and recommendations. The Commissioner of Public Safety shall have authority to impose such restrictions and/or modifications on the application that will, in his or her judgment, reasonably protect the said public street, sidewalk, highway, public place, public way or property. The Commissioner of Public Safety shall state reasons for any such restriction and/or modification.

#### **§ 217-5. License fees.**

The following fees shall be required for licenses issued under this chapter:

<b>Category</b>	<b>Fee</b>
Containers placed no longer than 3 months	None
Each container placed 3 months or more	\$5 per month
Each container placed annually	\$60
Surcharge for each storage container placed on public property	\$25

#### **§ 217-6. Restrictions.**

The delivery, removal and servicing of storage containers shall only be conducted between the hours of 7:00 a.m. and 10:00 p.m. in all residential and commercial areas.

#### **§ 217-7. Issuance of licenses; contents.**

A. Upon a finding that all requirements under this chapter have been met, the Code Administrator may issue a license to the applicant. The Code Administrator shall have the authority to impose reasonable conditions upon the placement and/or use of any storage container.

B. Each license shall contain a statement that the licensee shall authorize the City of Saratoga Springs, and/or its officials, representatives, and employees, to remove the licensed storage container or containers, without notice to the licensee, in any event of public emergency.

C. Any license may be amended or renewed upon proper application to the Code Administrator.

#### **§ 217-8. Removal; penalties for offenses.**

A. The Code Administrator may cause any storage container placed in violation of this chapter or in violation of the terms of any issued license to be removed. Such removal may be effected without notice when the Code Administrator determines, in his or her sole discretion, that the container presents an imminent danger or hazard to a person or persons or to the public. The Code Administrator shall, to the extent practicable, notify the licensee of the container to be removed. If the licensee cannot be located despite reasonable efforts, or if the licensee fails or refuses to remove the container within a reasonable time, the Code Administrator shall have authority to remove the container, and may cause such removed container to be discarded or destroyed or sold at public auction.

B. Any person who violates any of the provisions of this chapter shall, upon conviction, be subject to the penalty set down in Chapter 1, General Provisions, Article III of the Code.

## **CHAPTER 218. TRAILER PARKS**

### **ARTICLE I. Coach Parks**

§ 218-1. Definitions.

§ 218-2. Enforcement.

§ 218-3. License required; application; fees.

§ 218-4. Park plan.

§ 218-5. Water supply.

§ 218-6. Wastewater disposal.

§ 218-7. Rubbish disposal.

§ 218-8. Sanitary facilities.

§ 218-9. Records; inspections.

§ 218-10. Revocation of license.

§ 218-11. Penalties for offenses.

### **ARTICLE II. Placement Within Tax Districts**

§ 218-12. Approval required.

§ 218-13. Definitions.

§ 218-14. Foundations.

§ 218-15. Exemptions.

§ 218-16. Construal of provisions.

§ 218-17. Enforcement; penalties for offenses.

## **CHAPTER 218. TRAILER PARKS**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs: Art. I, as Ch. 121, Art. I, of the 1970 Code; Art. II, as Ch. 121, Art. II, of the 1970 Code. Sections 218-3, 218-11 and 218-17B amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Fire prevention and building construction — See Ch. 117.

Zoning — See Ch. 240.

### **ARTICLE I. Coach Parks**

**[Adopted as Ch. 121, Art. I, of the 1970 Code]**

**§ 218-1. Definitions.**

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

**COACH PARK**

Any site, lot, field or tract of ground upon which five (5) or more trailer coaches are placed, except for sale, and shall include any building, tent, vehicle or enclosure used or intended to be used as part of the equipment of such park.

**PARK UNIT**

A lot or plot of ground in any coach park of definite size and clearly indicated by the corner markers which shall be assigned to one (1) trailer coach or tow car.

**TRAILER COACH**

Any vehicle designed for use or capable of being used as a dwelling or sleeping quarters for one (1) or more persons, whether propelled by its own power or the power of another vehicle to which it may be attached.

**§ 218-2. Enforcement.**

It shall be the duty of the Department of Public Safety to enforce all of the provisions of this Article, and, for the purpose of securing enforcement thereof, the Health Officer or any of his duly authorized representatives shall have the right and is hereby empowered to enter upon the premises of any coach park now operating or which may hereafter be operated within the City of Saratoga Springs, New York, to inspect the same and all accommodations connected therewith.

**§ 218-3. License required; application; fees.**

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

A. No person, firm or corporation, being the owner or occupant of any land in the City of Saratoga Springs, shall use or permit the use of said land as a coach park without a license therefor as hereinafter provided.

B. The application for each park license shall be in writing and signed by the applicant. It shall state:

(1) The name and address of the applicant.

(2) The name and address of the owner of the property.

(3) The description of the premises, including a drawing or sketch showing the layout and location of all units, buildings, boundaries, landmarks and lot numbers.

C. The application shall be filed with the Commissioner of Accounts, who will transmit it to the Department of Public Safety for action.

D. It shall be the duty of the Department of Public Safety to act promptly on all applications and return the same to the Commissioner of Accounts, who will issue a license if approved or notify the applicant if disapproved and the reason therefor.

E. The applicant for a coach park license shall, at the time of issuance of such license, pay to the Commissioner of Accounts an annual fee of ten dollars (\$10.) plus an additional ten dollars (\$10.) per unit/lot fee.

F. All applications for renewal of a license will contain all the information outlined above.

**§ 218-4. Park plan.**

A. The coach park shall be laid out so that no unit will be more than three hundred (300) feet from the toilets and service buildings provided for herein.

B. Each park will be subdivided into rectangular-shaped units at least sixty by eighty (60 x 80) feet, clearly marked and numbered and so arranged that they are accessible to a well kept roadway.

C. Each coach unit shall be furnished with an electric service outlet conveniently located and equipped with an externally operated switch or fuse block of capacity ample to meet the demands of the electrical equipment used in the coach. Aerial service lines shall be at least twelve (12) feet off the ground. Lead lines shall be at least seven (7) feet off the ground or buried.

**§ 218-5. Water supply.**

A. An adequate year-round supply of pure water approved by the State Department of Health shall be provided in convenient locations in the park.

B. No common drinking vessel shall be provided.

**§ 218-6. Wastewater disposal.**

A. Wastes from showers, toilets and laundries shall be wasted into a municipal sewage system where available; where not available, into a private disposal plant or septic tank system approved by the State Department of Health.

B. All coach kitchen sinks, washbasins, lavatories, baths or shower drains located in any coach park shall empty into an approved receptacle or disposal system. It shall be the duty of the park operator to keep such systems in good operating condition at all times so that they create neither a nuisance nor menace to health. Sewer connections in unoccupied units will be closed to prevent odors. No water or waste will be allowed to fall on the ground from a trailer coach.

**§ 218-7. Rubbish disposal.**

Each coach park shall be provided with substantial flytight metal garbage containers from which the contents shall be removed at least once each week by the park operators. Containers shall be kept in a sanitary condition and covers kept on at all times.

**§ 218-8. Sanitary facilities.**

A. There shall be provided separate toilet rooms for each sex. Flush toilets provided with an adequate water supply shall be enclosed in separate compartments and be of standard construction and design and shall be provided for each sex in the ratio of one (1) toilet for each ten (10) units or fraction thereof. As an alternate, each male toilet room may have one (1) flush urinal and one (1) flush toilet for each twenty (20) park units or fraction thereof.

B. Toilet rooms shall contain lavatories in the ratio of one (1) lavatory to every two (2) or less water closets.

**§ 218-9. Records; inspections.**

A. Each operator of a coach park shall keep a record of all guests noting:

(1) The name and address of each occupant.

(2) The license numbers of all units.

(3) The state issuing such license.

(4) The date of departure of guests.

B. The park shall keep the registry available for inspection at any time by any authorized person and shall not destroy such a registry before the expiration of twelve (12) months from the date of registration.

#### **§ 218-10. Revocation of license.**

If, upon inspection by the Department of Public Safety, the Health Officer or his representative, it is found that the park is not being maintained in a clean and sanitary condition or is not being conducted in accordance with the provisions of this Article, the Department of Public Safety may revoke the license subject to a hearing before the Health Officer.

#### **§ 218-11. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Every agent, engineer, builder, contractor, owner, tenant or other person who commences, takes part in or assists in any violation hereof or who constructs, maintains or uses any building, structure or premises by which any provision of this Article is violated shall be guilty of a misdemeanor and shall be punishable as set forth in Chapter 1, General Provisions, Article III, of this Code for each violation thereof. Each day that a violation of this Article is committed or is permitted to exist shall constitute a separate offense.

### **ARTICLE II. Placement Within Tax Districts**

**[Adopted as Ch. 121, Art. II, of the 1970 Code]**

#### **§ 218-12. Approval required.**

**[Amended 7-27-81]**

No person, firm or corporation shall occupy as a place or residence or business any automobile trailer or other type of mobile home in the Inside Tax District and that portion of the Outside Tax District for a period longer than two (2) hours unless such automobile trailer or mobile home is located in a coach park approved by the Department of Public Safety.

#### **§ 218-13. Definitions.**

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

##### **AUTOMOBILE TRAILER OR MOBILE HOME**

Any vehicle used or designed to be used for business, residence or sleeping quarters, arranged to be movable and propelled either by its own power or the power of another power-driven source or vehicle to which it may be attached.

##### **COACH PARK**

Any site, lot, field or tract of ground upon which five (5) or more automobile trailers or mobile homes may be placed, except for sale, and shall include any building, tent, vehicle or enclosure used or intended to be used as part of the equipment of such park.

#### **§ 218-14. Foundations.**

Any automobile trailer or mobile home now located in this city and being used for business, residence or sleeping quarters must have its wheels removed and be placed on a permanent foundation and connected to the city sewer and water systems or connected with the sewer system or a septic tank and an approved water supply and comply in all respects with the requirements of the Building and Plumbing Codes of the City of Saratoga Springs Editor's Note: See Ch. 117, Fire Prevention and Building Construction. within sixty (60) days from the adoption of this Article or must be removed from the premises where they are now located.

#### **§ 218-15. Exemptions.**

The provisions of §§ 218-12 and 218-14 of this Article shall not apply to a trailer used exclusively as a contractor's office, placed upon premises during the period of actual consideration on said premises.

#### **§ 218-16. Construal of provisions.**

Nothing in this Article contained shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred or any cause or causes of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this Article.

#### **§ 218-17. Enforcement; penalties for offenses.**

##### **[Amended 7-27-81]**

A. It shall be the duty of the Department of Public Safety to enforce the provisions of this Article.

B. Any person found guilty of violating any provision of this Article shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code. Every such violation shall constitute a separate offense and be punishable as such hereunder. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

#### **CHAPTER 220. TREES**

§ 220-1. Jurisdiction of Department of Public Works.

§ 220-2. Permit required.

§ 220-3. Prohibited acts.

§ 220-4. Trimming.

§ 220-5. Planting permits.

§ 220-6. Preservation and removal.

§ 220-7. Interference with city employees.

§ 220-8. Penalties for offenses.

#### **CHAPTER 220. TREES**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as Ch. 125 of the 1970 Code. Section 220-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### **GENERAL REFERENCES**

General penalty — See Ch. 1, Art. III.

Brush, grass and weeds — See Ch. 83.



### **§ 220-1. Jurisdiction of Department of Public Works.**

The Department of Public Works shall have exclusive jurisdiction, authority, control and supervision of all trees, plants and shrubs planted or growing in or upon the public highways and public places of the City of Saratoga Springs and the planting, removal, care, maintenance and protection thereof.

### **§ 220-2. Permit required.**

A. Except upon order of the Department of Public Works, it shall be unlawful for any person, firm or corporation or the officer or employee of a corporation without a written permit from the Department of Public Works to remove, destroy, cut, break, climb or injure any tree, plant or shrub or portion thereof that is planted or growing in or upon any public highway or public place within the City of Saratoga Springs or cause, authorize or procure any person to remove, destroy, cut, break, climb or injure any such tree or shrub or portion thereof or to injure, misuse or remove or cause, authorize or procure any person to injure, misuse or remove any device set for the protection of any tree, plant or shrub in or upon any public highway or public place.

B. Any person, firm or corporation or officer or employee of a corporation desiring for any lawful purpose to remove, destroy, cut, prune, treat with a view to its preservation from disease or insects or trim any tree, plant or shrub in or upon any public highway or public place shall make application to the Commissioner of Public Works at the Department of Public Works. Such application must state the number and condition of the nearest trees to be trimmed, removed or treated and the kind and condition of the nearest trees upon the adjoining property. If, in the judgment of the Commissioner of Public Works and/or the City Forester, the desired removing, cutting, pruning, treatment or trimming shall appear necessary and the proposed method and workmanship thereof shall be such as such Commissioner of Public Works and/or the City Forester may approve, the Department of Public Works may thereupon issue a written permit for such work. Any work done under such written permit must be performed in strict accordance with the terms thereof and the provisions of this chapter.

### **§ 220-3. Prohibited acts.**

A. It shall be unlawful for any person, firm or corporation owning or using or having control or charge of gas or other substances deleterious to tree life to allow such gas or other deleterious substance to come in contact with the soil surrounding the roots of any tree, shrub or plant in any public highway or public place in such manner as shall kill or destroy or may injure such tree, shrub or plant, either by dripping or seeping or any other manner whatsoever.

B. It shall be unlawful for any person, firm or corporation to attach or keep attached to any tree, plant or shrub in or upon any public highway or public place or to the guard or stake intended for the protection of such tree any rope, wires, chains, signs or other device whatsoever, except for the purpose of protecting it or the public.

### **§ 220-4. Trimming.**

Trees standing in or upon any public highway or public place and on any lot or land adjacent to any public highway or public place and having branches projecting into the public highway or place shall, under the supervision of the Department of Public Works, be kept trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing. The Department of Public Works may, however, allow newly planted trees to remain untrimmed, provided that they do not interfere with persons using the sidewalk or cause any obstruction. In case the owner or owners, occupant or occupants shall neglect or refuse to trim such tree or trees on being notified in writing so to do, it shall be the duty of the Department of Public Works so to do.

### **§ 220-5. Planting permits.**

A. It shall be unlawful for any person, firm or corporation to plant or set out any tree or cause or authorize or procure any person to plant or set out any tree in or upon any part of any public highway or public place without first obtaining from the Department of Public Works a written permit so to do and without complying in all respects with the conditions set forth in such written permit and with the provisions of this chapter.

B. All applications for such permit shall describe the work to be done and the variety, size and precise location of each tree.

#### **§ 220-6. Preservation and removal.**

A. The Department of Public Works shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure safety or to preserve the symmetry and beauty of such public grounds. The Department of Public Works, under the power here given, may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers or other public improvements or is affected with any injurious fungus, insect or other pest.

B. The Commissioner of Public Works shall also have the power to order and require property owners in the city to spray or otherwise treat any tree, shrub or plant located on private grounds or property which has become infected or infested by any parasite or insect pest when it shall be necessary, in his opinion, to do so to prevent the breeding or scattering of any parasite or animal pests and to prevent danger therefrom to trees or shrubs planted in the public streets or other public places. The Commissioner of Public Works shall also have the power to order property owners to trim, treat or remove any tree, plant or shrub located on private grounds or property whenever it shall be deemed wise to do so for the protection of other trees, plants or shrubs planted in the public streets or other public places.

C. Notice of an order of the Commissioner of Public Works, as provided for herein, shall be given by publication twice in the official newspaper of the city or by registered mail directed to the owner of property at his last known place of residence.

D. Upon failure of the property owner to spray or otherwise treat any tree or shrub located on private ground which has become infected or infested by any parasite or insect pest, in compliance with an order of the Commissioner of Public Works promulgated in accordance with Subsection B of this section, the Department of Public Works shall enter upon the private ground and spray or otherwise treat or cause or order to be sprayed or otherwise treated any tree or shrub or plant infected or infested by any parasite or insect pest and shall assess the cost of doing said work against the property benefited.

#### **§ 220-7. Interference with city employees.**

It shall be unlawful for any person or persons or firm or corporation to prevent, delay or interfere or cause or authorize or procure any interference of delay with the Commissioner of Public Works or any of his employees, agents or servants or the City Forester while he is engaged in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees, plants or shrubs in or upon any public highway or public place or upon any private ground as authorized in the previous section.

#### **§ 220-8. Penalties for offenses.**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Any person, firm or association, partnership or corporation who himself or itself or by his agent or employee shall

violate any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

## CHAPTER 225. VEHICLES AND TRAFFIC

### ARTICLE I. General Provisions

- § 225-1. Definitions.
- § 225-2. Authority to install traffic control devices and make regulations.
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## **CHAPTER 225. VEHICLES AND TRAFFIC**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 4-4-1994 by L.L. No. 1-1994. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Traffic Violations Bureau — See Ch. 45.

Bicycles — See Ch. 75.

Buses — See Ch. 89.

Parades — See Ch. 151.

Play vehicles — See Ch. 168.

Taxicabs — See Ch. 215.

### **ARTICLE I. General Provisions**

#### **§ 225-1. Definitions.**

A. The words and phrases used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.

B. The following additional definitions shall have the meanings respectively ascribed to them in this section:

##### **CONGESTED DISTRICT**

The territory bounded and described as follows: beginning at the center line of Broadway at its intersection with Van Dam Street and running thence easterly along the center of Van Dam Street to the center of Maple Avenue; thence southerly along the center of Maple Avenue to the center of Lake Avenue; thence easterly along the center line of Lake Avenue to the center of Henry Street; thence southerly along the center line of Henry Street to the center line of Spring Street; thence easterly along the center line of Spring Street to the center line of Circular Street; thence southerly along the center line of Circular Street and westerly along the center line of West Circular Street to the center line of Hamilton Street; thence northerly along the center line of Hamilton Street to the center line of Congress Street; thence westerly along the center line of West Congress Street to Franklin Street; thence northerly along the center line of Franklin Street; through Franklin Square to the center line of Clinton Street; thence northerly along the center line of Clinton Street to the center line of Van Dam Street; thence easterly along the center line of Van Dam Street to the center line of Broadway, at or about the place of beginning.

##### **CURBLINE**

The prolongation of the lateral line of a curb or, in the absence of a curb, the lateral boundary line of the roadway.

##### **HOLIDAYS**

New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

##### **OFFICIAL TIME STANDARD**

Whenever certain hours are named herein or on traffic control devices, they shall mean the time standard which is in current use in this state.

#### **§ 225-2. Authority to install traffic control devices and make regulations.**

A. The Commissioner of Public Safety shall install and maintain traffic control devices when and as required under the provisions of this chapter, to make effective the provisions of this chapter, and may install and maintain such additional traffic control devices as he may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York, subject to the provisions of §§ 1682 and 1684 of that law.

B. The Commissioner of Public Safety is hereby empowered to make and enforce regulations necessary to make effective the various provisions of this chapter and to make temporary regulations to cover emergencies or special conditions, provided that such regulations are not inconsistent with laws of the State of New York and this chapter.

C. The Commissioner of Public Safety is also authorized to permit a right-hand turn on a red signal at any intersection where, in his judgment, it would aid or assist traffic.

D. The hours of parking and all-night parking may be changed and regulated from time to time or from season to season, in accordance with Subsection G of this section, by the Commissioner of Public Safety.

E. The Commissioner of Public Safety may designate such streets as he deems necessary as one-way streets.

F. Pursuant to the authority conferred by Article 39, § 1640, of the Vehicle and Traffic Law of the State of New York, authority is hereby delegated to the City Council to exercise the powers granted to the legislative body of this City by § 1640(a)1 to designate through highways and order stop signs, flashing signals or yield signs erected at specified entrances thereto or designate any intersection as a stop or yield intersection and order like signs or signals at one or more entrances to such intersection by official order.

G. Hours for parking and time limits can be changed from time to time or from season to season by the Commissioner of Public Safety, as his discretion may dictate, upon proper posting in conformity with the provisions of Subsections A through E hereof.

H. The Commissioner of Public Safety is authorized to designate public on-street parking spaces as handicapped parking spaces in accordance with §§ 1203-a and 1203-b of the Vehicle and Traffic Law. The Commissioner shall exercise this authority pursuant to written policies and regulations, and said policies and regulations shall not be inconsistent with the laws of the State of New York or this chapter.

**[Added 5-6-2008]**

### **§ 225-3. Unofficial signs prohibited.**

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal or device which purports to be or is an imitation of or resembles any official traffic sign or signal or which attempts to direct movement of traffic or which conceals or hides an official sign or signal. Every such prohibited sign, signal or device is hereby declared to be a public nuisance, and the Commissioner of Public Safety is hereby empowered to remove the same or cause it to be removed without notice.

### **§ 225-4. Unnecessary smoke and gas prohibited.**

No motor vehicle shall be operated in the City in such a way as to emit unnecessary smoke or offensive gases.

### **§ 225-5. Restrictions on audible warning devices.**

No motor vehicle shall be equipped with any bell, gong, horn, siren or such other sounding or warning device as is used by the police cars and motorcycles or ambulances, except as allowed under § 375, Subdivision 26, of the New York State Vehicle and Traffic Law.

### **§ 225-6. Traffic control near fires.**

A. Distance from emergency vehicles. No person shall ride, drive or propel any vehicle upon any street or alley of the City within 600 feet of any apparatus of the Fire or Police Department when the same is responding to an alarm or call; nor shall the driver of any vehicle follow any such apparatus when so responding within 600 feet thereof; nor shall any vehicle approach or park within 600 feet of any fire apparatus after said apparatus shall have come to a stop in responding to an alarm or call;

and the driver or owner of any vehicle parked in any street or alley of the City within 600 feet of the place where a fire occurs shall immediately remove or cause to be removed such vehicle to a place at least 600 feet from the scene of the fire.

B. Driving on fire hose. No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

#### **§ 225-7. Applicability.**

A. Every person propelling any pushcart or riding any bicycle or an animal upon a street or highway and every person driving any animal shall be subject to the provisions of this chapter.

B. Exemption for emergency vehicles.

(1) Exemption is hereby granted to authorized vehicles, as defined in the definition of "authorized emergency vehicles" set forth in Article 1 of the New York State Vehicle and Traffic Law, as to the movement, parking or standing of such vehicles while in the performance of duty.

(2) This exemption shall not, however, protect the driver of any emergency vehicle from the consequences of a reckless disregard of the safety of others.

#### **§ 225-8. Schedules; adoption of regulations.**

A. For the purpose of maintaining an accurate record of all regulations adopted under the provisions of this chapter, there is hereby established a system of schedules, appearing as Article IX of this chapter, in which shall be entered all regulations after adoption. Such schedules shall be deemed a part of the section to which they refer. All regulations shall be adopted with reference to the appropriate schedule as indicated in the various sections of this chapter.

B. Regulations shall be adopted by the Common Council in accordance with provisions of the Charter, the General City Law and the Vehicle and Traffic Law, or by an officer or agency authorized by the Common Council to adopt regulations pursuant to § 1603 of the Vehicle and Traffic Law.

### **ARTICLE II. Traffic Regulations**

#### **§ 225-9. Racing prohibited.**

Racing of animals or vehicles on highways in the City is prohibited as set forth in §§ 1182 and 1182-a of the New York State Vehicle and Traffic Law.

#### **§ 225-10. Wheel lugs prohibited.**

No owner of a steam engine or of any gasoline- or kerosene-driven traction engine, or his servant or agent, shall allow, permit or use the same to pass over, through or upon any of the public streets or highways of either the Inside or Outside Tax District of the City without road bands or other suitable contrivances upon the wheels thereof, so that the outsides of said wheels shall present a smooth and even surface to the road or street over which they pass.

#### **§ 225-11. Traffic control signals.**

A. Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule I (§ 225-66), attached to and made a part of this chapter.

B. Whenever traffic at an intersection is alternately directed to proceed and to stop by the use of signals exhibiting colored lights, said lights shall indicate as set forth in § 1111 of the New York State Vehicle and Traffic Law.

C. Flashing signals. Whenever traffic at an intersection is controlled by a flashing signal showing red or yellow color, said lights shall indicate as set forth in § 1113 of the New York State Vehicle and Traffic Law. Flashing signals shall be installed and operated at the intersection of those streets described in Schedule II (§ 225-67), attached to and made a part of this chapter.

D. No person shall, without lawful authority, directly or indirectly interfere with or change or alter or attempt to interfere with, change or alter the operation cycle and/or timing of any traffic control devices or signals in the City of Saratoga Springs, New York, by means of any mechanical or electronic devices or otherwise.

#### **§ 225-12. Speed limits.**

A. Inside Tax District. The maximum speed at which vehicles may proceed on or along any streets or highways within the Inside Tax District is hereby established at 30 miles per hour, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule III (§ 225-68) shall be as indicated in said schedule.

B. Outside Tax District. The maximum speed at which vehicles may proceed on or along any streets or highways within the Outside Tax District is hereby established at forth (40) miles per hour, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule IV (§ 225-69) shall be as indicated in said schedule.

#### **§ 225-13. School speed limits.**

A. In the Inside Tax District, no person shall drive a vehicle at a speed in excess of that indicated in Schedule V (§ 225-70), in the areas described in said Schedule V, during school days between the hours of 7:00 a.m. and 6:00 p.m.

B. In the Outside Tax District, no person shall drive a vehicle at a speed in excess of that indicated in Schedule VI (§ 225-71), in the areas described in said Schedule VI, during school days between the hours of 7:00 a.m. and 6:00 p.m.

#### **§ 225-14. One-way streets.**

The streets or parts of streets described in Schedule VII (§ 225-72), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated.

#### **§ 225-15. U-turns.**

No person shall make a U-turn on any of the streets or parts of streets described in Schedule VIII (§ 225-73), attached to and made a part of this chapter.

#### **§ 225-16. Prohibited turns at intersections.**

No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule IX (§ 225-74), attached to and made a part of this chapter.

#### **§ 225-17. Prohibited right turns on red signal.**

No person shall make a right turn when facing a steady red signal (stop indication) at any of the locations described in Schedule X (§ 225-75), attached to and made a part of this chapter.

#### **§ 225-18. Required turns at intersections.**

No person shall fail to make a turn of the kind designated (left, right, etc.) at any of the locations described in Schedule XI (§ 225-76), attached to and made a part of this chapter.



#### **§ 225-19. Transportation of explosives.**

A. No person shall operate a motor vehicle or tractor-trailer combination within the limits of the City of Saratoga Springs while transporting Class A or Class B explosives as defined by 49 CFR 173.50C in a quantity in excess of 25 pounds unless a written plan of the route is approved by and filed with the Department of Public Safety, with approved copies forwarded to the Police Department and Fire Department and one copy carried on the vehicle, and the Police and Fire Departments will be notified by telephone prior to each trip.

B. Any person who violates any provision of this section shall, upon conviction thereof, be punished as follows:

(1) For the first offense, a fine of \$100.

(2) For the second offense, a fine of \$250.

(3) For the third and subsequent offenses, a fine of \$500.

#### **§ 225-20. Stop intersections.**

A. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the provision of § 1142 of the New York State Vehicle and Traffic Law.

B. The intersections described in Schedule XII (§ 225-77), attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

#### **§ 225-21. Yield intersections.**

A. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop at a clearly marked stop line, but if none, then he shall stop before entering the crosswalk on the near side of the intersection or, in the event that there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the provisions of § 1142 of the New York State Vehicle and Traffic Law.

B. The intersections described in Schedule XIII (§ 225-78), attached to and made a part of this chapter, are hereby designated as yield intersections. Yield signs shall be installed as provided therein.

#### **§ 225-22. Vehicle restrictions.**

**[Added 4-2-1996** Editor's Note: This ordinance also repealed former § 225-22, Trucks over certain weights excluded. ]

A. Trucks in excess of the weights indicated are hereby excluded from the streets or parts of streets described in Schedule XIV (§ 225-79), except for the pickup and delivery of materials on such streets.

B. The Commissioner of Public Safety is hereby authorized to designate vehicle size and class restrictions on any street in the City of Saratoga Springs and to place and maintain official traffic control devices to indicate such restrictions.

C. The Commissioner of Public Safety is hereby authorized to determine for all bridges and elevated structures within the City of Saratoga Springs the capacity, in tons of 2,000 pounds, which the bridge or structure will safely carry. At bridges or structures of insufficient strength to carry safely the legal loads permissible by the Vehicle and Traffic Law of the State of New York, the Commissioner of

Public Safety shall have the authority to cause official traffic control devices to be erected to inform persons of the safe capacity.

D. The Commissioner of Public Safety is hereby authorized to cause official traffic control devices to be erected to inform persons of the legal overhead clearance for all bridges and structures on highways within the City of Saratoga Springs. The legal clearance shall be one foot less than the measured clearance. The measured clearance shall be the minimum height to the bridge or structure measured vertically from the traveled portion of the roadway. On bridges or structures having 14 feet or more of measured clearance, no such signs shall be required.

E. Condition of vehicles.

(1) It is required that all vehicles operated within the City of Saratoga Springs be in good and safe operating condition, and each shall be operated only:

(a) While having a valid New York State certificate of inspection or the equivalent thereof for any vehicle registered outside the State of New York affixed on the vehicle on the proper location.

(b) While in full compliance with Article 9 of the Vehicle and Traffic Law of the State of New York, as amended, which article is fully incorporated herein by reference.

(c) While in full compliance with Article 10 of the Vehicle and Traffic Law of the State of New York, as amended, which article is fully incorporated herein by reference.

(d) While in full compliance with Article 6 of the Transportation Law of the State of New York, as amended, which article is fully incorporated herein by reference.

(e) While in full compliance with Article 21 of the Tax Law of the State of New York, as amended, which article is fully incorporated herein by reference.

(f) While properly registered in accordance with Article 14 of the Vehicle and Traffic Law of the State of New York, as amended, which article is fully incorporated herein by reference.

(g) While in full compliance with Article 49 of the Code of Federal Regulations (CFR), as amended, which article is fully incorporated herein by reference. In addition to and not in limitation of the previous sentence, all vehicles operated in the City of Saratoga Springs shall be operated while in full compliance with the following specific referenced sections of the CFR:

**[Amended 9-4-2001]**

[1] All definitions incorporated into CFR Part 383 shall be incorporated into the City Code.

[2] All commercial vehicle operators shall be qualified to operate the vehicle they are driving (391.11 CFR).

[3] All commercial vehicle operators shall use the vehicle occupant restraint system (seat belts) (392.16 CFR).

[4] All commercial vehicle operators shall obey all applicable local and state laws.

[5] All commercial vehicle operators shall obey the regulations for stopped and unattended vehicles (CFR 391.21 and 392.22).

- [6] All commercial vehicle operators shall make sure their vehicle is loaded safely (CFR 392.9).
- [7] All commercial vehicle operators shall perform a proper pre-trip inspection (CFR 392.7).
- [8] All commercial vehicles shall have properly operating lights (CFR 393.9).
- [9] All commercial vehicles shall have properly installed batteries (CFR 393.30).
- [10] All commercial vehicles shall have the required brake systems (CFR 393.40).
- [11] All commercial vehicles shall have the required parking brake systems (CFR 393.41).
- [12] All commercial vehicles shall have the required breakaway and emergency braking (CFR 393.43).
- [13] All commercial vehicles shall have front brake line protection (CFR 393.44).
- [14] All commercial vehicles shall have adequate hoses and tubing (CFR 393.45).
- [15] All commercial vehicles shall have proper connections (CFR 393.46).
- [16] All commercial vehicles shall have adequate brake lining (CFR 393.47).
- [17] All commercial vehicles shall have operative brakes (CFR 393.48).
- [18] All commercial vehicles shall have warning devices (CFR 393.51).
- [19] All commercial vehicles shall have brakes meeting the standards of CFR 393.52.
- [20] All commercial vehicles shall have properly installed fuel systems (CFR 393.65).
- [21] All commercial vehicles shall have proper fuel tanks (CFR 393.67).
- [22] All commercial vehicles shall have properly operating coupling devices (CFR 393.70, 393.71).
- [23] All commercial vehicles shall meet the requirements of CFR 393, Subpart G, Miscellaneous Parts and Accessories.
- [24] All commercial vehicles shall have emergency equipment (CFR 393.95).
- [25] All commercial vehicles shall have proper securement systems and protection against shifting or falling cargo (CFR 393.100, 393.102, 393.104 and 393.106).
- [26] All commercial vehicles shall have frames and cabs in proper condition (CFR 393.201 and 393.203).
- [27] All commercial vehicles shall have wheels in the proper condition (CFR 393.205).

[28] All commercial vehicles shall have suspension systems in the proper condition (CFR 393.207).

[29] All commercial vehicles shall have steering systems in the proper condition (CFR 393.209).

[30] All commercial vehicle operators shall obey the hours of service regulations in CFR 395.

[31] All commercial vehicles shall have a proper annual inspection and be maintained correctly (CFR 396.17 and 396.3).

[32] All commercial vehicles and operators shall obey the regulations in regard to the transportation of hazardous or regulated materials (CFR 100 through 199).

(2) No vehicle may operate within the City of Saratoga Springs if that vehicle has been determined to be in an unsafe condition by a certified New York State inspector or a certified United States Department of Transportation, North American Standard Commercial Vehicle Safety Alliance Inspector.

(3) No vehicle may operate within the City of Saratoga Springs if it has been determined that the vehicle should be put out of service, said determination having been made by a certified New York State Department of Transportation Inspector or a certified United States Department of Transportation, North American Standard Commercial Vehicle Safety Alliance Inspector.

(4) All vehicles operated on highways within the City of Saratoga Springs shall conform to the weight requirements of the Federal Bridge Gross Weight Formula (Section 127 United States Code, Title 23), except that vehicles may exceed such requirements when lawfully permitted to do so under a valid overweight permit issued by the New York State Department of Transportation. This subsection shall not apply to state highways in the City's outside tax districts.

**[Added 6-6-2000]**

#### **§ 225-23. Temporary street closings.**

A. The streets or parts of streets described in Schedule XV (§ 225-80), attached to and made a part of this chapter, shall be closed to vehicular traffic on the days and during the hours indicated in said Schedule XV.

B. Nothing in this section shall prohibit the temporary closing of a street during an emergency, for public safety or road maintenance or repair.

C. No person, corporation or other legal entity shall close any City street or part thereof without having first obtained a temporary street closing permit. Applications for such a permit shall be made in writing to the Department of Public Works, and shall be reviewed and approved by the Department of Public Works, the Department of Public Safety, and the Department of Accounts.

**[Amended 2-19-2008]**

### **ARTICLE III. Parking, Standing and Stopping**

#### **§ 225-24. General provisions.**

A. Storing prohibited. No person shall use a highway for the storage of vehicles or parts thereof.

B. Parking near fire hydrants. Vehicles shall not be parked within 10 feet of either side of a fire hydrant.

C. Parking in relation to curb. All vehicles shall be parked parallel with the curbline. In streets where parking spaces are marked by painted lines, it shall be unlawful and a violation of the provisions of this chapter to leave a vehicle standing unless it is placed wholly within the area so designated by such painted lines or markings. Any vehicle when left standing parallel to the curb shall be placed as near the curb as practicable, with both front and rear wheels not more than six inches from the curb.

D. Parking on crosswalks and in safety zones prohibited. No vehicle shall be parked on any crosswalk or within any safety zone.

E. Truck parking.

(1) No tractor, trailer, semitrailer or truck exceeding five tons registered gross weight or 35 feet in length shall be parked in front of any place of business except long enough to load or unload merchandise.

(2) No tractor, trailer, semitrailer or truck exceeding five tons registered gross weight or 35 feet in length shall be parked on the streets of any residential district, as defined by the Zoning Ordinance, Editor's Note: See Ch. 240, Zoning. except to pick up or deliver merchandise.

(3) No trailer, semitrailer, dumpster, refuse container or other like container which is transported by any truck or vehicle of any size shall be left on any street, road or public way without written permission from the Department of Public Safety. The Commissioner of Public Safety shall have the power to require such barricades, lighting and other safety measures as he deems necessary.

F. Tree belt/tree lawn. No vehicle shall be parked between the curbline and the lateral boundary line of the City right-of-way or sidewalk without written permission from the Commissioner of Public Works and a copy filed at the police station.

#### **§ 225-25. Applicability of article.**

The provisions of this article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

#### **§ 225-26. Parking prohibited at all times.**

##### **[Amended 10-15-2002]**

A. No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule XVI (§ 225-81), attached to and made a part of this chapter.

B. Pursuant to § 1640-a of the New York Vehicle and Traffic Law, no person shall park a vehicle at any time in the areas or parts thereof described in Schedule XXX (§ 225-95), attached to and made part of this chapter.

#### **§ 225-27. No stopping.**

No person shall stop a vehicle upon any of the streets or parts of streets described in Schedule XVII (§ 225-82), attached to and made a part of this chapter.

#### **§ 225-28. No standing.**

No person shall stand a vehicle upon any of the streets or parts of streets described in Schedule XVIII (§ 225-83), attached to and made a part of this chapter.

#### **§ 225-29. Parking prohibited certain hours.**

##### **[Amended 6-20-2006]**

A. No person shall park a vehicle between the hours specified in Schedule XIX (§ 225-84) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XIX, attached hereto and made part of this chapter.

B. No person shall park, or cause to be parked, any vehicle between the hours specified in Schedule XXXI (§ 225-96), either on a sidewalk or within three feet of the streets or pavements described in Schedule XXXI. The Commissioner of Public Safety shall have the authority to designate, by appropriate signage and/or pavement and ground markings, the area in which said parking is prohibited.

#### **§ 225-30. No stopping certain hours.**

No person shall stop a vehicle during the times specified in Schedule XX (§ 225-85) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XX, attached to and made a part of this chapter.

#### **§ 225-31. No standing certain hours.**

No person shall stand a vehicle during the times specified in Schedule XXI (§ 225-86) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XXI, attached to and made a part of this chapter.

#### **§ 225-32. Time-limit parking.**

No person shall park a vehicle for longer than the time limit shown in Schedule XXII (§ 225-87) at any time between the hours listed in said Schedule XXII of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XXII, attached to and made a part of this chapter.

#### **§ 225-33. Angle parking.**

No person shall park a vehicle upon any of the streets or parts thereof described in Schedule XXIII (§ 225-88) except at the angle designated and only within the painted stall lines. On all streets or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.

#### **§ 225-34. Loading zones.**

##### **[Amended 5-20-2008]**

No person shall park or stand a vehicle in any area designated as a loading zone, except that a person may so park or stand a vehicle temporarily to load or unload goods, wares, or merchandise, provided that the vehicle displays a plate, sign, logo or other device indicating that such temporary loading or unloading is taking place. The locations described in Schedule XXIV (§ 225-89) attached hereto and made part of this chapter are hereby designated as loading zones.

#### **§ 225-35. Taxi stands.**

The locations described in Schedule XXV (§ 225-90), attached to and made a part of this chapter, are hereby designated as taxi stands.

#### **§ 225-36. Bus stops.**

The locations described in Schedule XXVI (§ 225-91), attached to and made a part of this chapter, are hereby designated as bus stops.

### **§ 225-37. Double parking prohibited.**

Double parking is prohibited on the streets or parts of streets described in Schedule XXVII (§ 225-92), attached to and made a part of this chapter.

### **§ 225-38. Handicapped parking.**

A. No vehicle shall be parked in any parking spot or location marked "Handicapped Parking" where such spot has been either lawfully designated and posted by a person, firm or corporation as part of his private parking area. This subsection shall not apply to any vehicle which displays a parking permit issued pursuant to New York State Vehicle and Traffic Law § 1203-a.

B. The Commissioner of the Department of Public Safety is hereby appointed issuing agent for parking permits under § 1203-a of the New York State Vehicle and Traffic Law.

C. The Commissioner of Public Safety shall have the power to issue time restrictions for specific handicapped parking areas so as to regulate the amount of time a vehicle may remain parked under this section.

D. Handicapped parking areas are described in Schedule XXVIII (§ 225-93), attached to and made a part of this chapter.

### **§ 225-39. Alternate-side-of-street parking.**

A. For any street where parking or standing of vehicles is permitted on both sides of the street, parking or standing shall be prohibited on one side of each individual street from 8:00 a.m. on Mondays, Wednesdays, Fridays and Sundays to 8:00 a.m. the following day, and on the opposite side of each individual street from 8:00 a.m. on Tuesdays, Thursdays and Saturdays to 8:00 a.m. the following day, except that when signs are installed to indicate that parking or standing shall be prohibited on one side of each individual street from 8:00 a.m. on Mondays Wednesdays and Fridays to 8:00 a.m. the following day, and on the opposite side of each individual street from 8:00 a.m. on Tuesday, Thursdays, Saturdays and Sundays to 8:00 a.m. the following day, then parking or standing shall be prohibited as indicated by such signs.

#### **[Amended 12-17-2002]**

B. Such parking or standing prohibitions shall be effective upon an individual and separate street when so ordered by the Department of Public Safety and after posting of notices upon said street.

C. Alternate-side-of-street parking regulations are in effect on the streets or parts of streets described in Schedule XXIX (§ 225-94), attached to and made a part of this chapter.

D. This section does not apply to locations where parking meters are in operation.

E. The word "vehicle," when used in this section, shall have the following meaning:

#### **VEHICLE**

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

### **§ 225-40. Removal of vehicles.**

#### **[Amended 5-20-2008]**

A. The Police Department shall have the authority to provide for the removal and storage of vehicles left parked or unattended in violation of any statute, ordinance, rule or regulation and of vehicles on which there are outstanding fines for parking violations.

B. Such vehicles may be removed and stored by or under the direction of any member of the Police Department by means of a towing service as provided in § 225-59, or by other means of removal and storage, at a lot or facility as may be established by the City for that purpose. Such removal or storage shall be at the expense of the owner of the vehicle.

C. Any vehicle removed or stored as herein provided shall be released to its owner upon payment of charges incurred for towing and storage. Any vehicle which has accumulated \$500 or more in unpaid

finest for parking violations shall not be released until all outstanding fines for parking violators have been paid or adjudicated.

#### **ARTICLE IV. Use of Streets by Pedestrians**

##### **§ 225-41. Drivers' responsibility.**

A roadway or street, except as otherwise provided in this article, is primarily intended for the use of vehicles, but drivers of vehicles must exercise reasonable diligence and care to operate their vehicles so as not to injure pedestrians.

##### **§ 225-42. Use of crosswalks.**

Pedestrians crossing any roadway or street at the intersection thereof with another street shall pass over such portion of the street as is included within the lines of the sidewalk projected, marked or unmarked, and not otherwise, except to address the police officer who is directing traffic.

##### **§ 225-43. Crossing streets; right-of-way.**

Pedestrians shall have the right of crossing a street at any point, but in the congested districts they shall do so at their own risk, except at street intersections or at other points specifically designated. Pedestrians crossing a street in conformity with the provisions of this article shall have the right-of-way over vehicles unless otherwise directed by the warnings or signals of the police officer.

##### **§ 225-44. Safety regulations.**

A person shall:

- A. Not step from the sidewalk or curb to the street without first looking to see what is approaching.
- B. Not stand in the street or roadway, except within a safety zone or when waiting for an approaching bus at a street intersection or otherwise designated bus stop. Pedestrians standing in the roadway while waiting for an approaching bus shall not stand further than six feet from the curb.
- C. Pass approaching pedestrians to the right and not stop or stand so as to obstruct a sidewalk or crosswalk or an entrance to a building.
- D. In using streets with narrow sidewalks, use so far as practicable the sidewalk on their right.

##### **§ 225-45. Pedestrians and movement of traffic.**

Pedestrians shall observe the general movement of traffic at street intersections and the signals of policemen stationed at street intersections or other crossings and shall cross the street with due regard to the general movement of such traffic.

##### **§ 225-46. Interference with passage of vehicles.**

Pedestrians, when crossing a roadway or street, shall not carelessly or willfully interfere with the passage therein or the reasonable use thereof by vehicles.

#### **ARTICLE V. Parking at Privately Owned Shopping Centers**

##### **§ 225-47. Statutory authority.**

This Article is enacted pursuant to § 1640-a of the New York State Vehicle and Traffic Law.



#### **§ 225-48. Parking in certain areas prohibited.**

In any privately owned shopping center parking lot within the City of Saratoga Springs, no person shall park any vehicle:

A. In any location marked or designated as a fire lane.

#### **§ 225-49. Removal of vehicles.**

Any vehicle left parked or unattended in violation of this article may be removed and stored by any policeman or by any towing agency that the City contracts with for that purpose. Charges for such removal and storage shall be paid by the owner of the vehicle or by any person lawfully entitled to possession of the vehicle in accordance with § 1204 of the New York State Vehicle and Traffic Law.

### **ARTICLE VI. Traffic in Congress Park Restricted**

#### **§ 225-50. Authorization.**

Pursuant to the authority conferred by § 1603 of the Vehicle and Traffic Law of the State of New York, authority is hereby delegated to the City Council to exercise the powers granted to the legislative body of the City to regulate traffic in and upon City streets and property.

#### **§ 225-51. Traffic restricted.**

Pursuant to the authority conferred by this article, the City Council hereby excludes from all the pathways, walks, roadways, lanes and streets located and situated in and within the confines and boundaries of Congress Park all motorbikes, motorcycles, motor scooters and motor vehicles, except traffic upon that road or street known as "East Congress Street" which runs from the east side of Broadway to the most easterly portion of said East Congress Street in said park.

#### **§ 225-52. Exception.**

This Article shall not apply to City-owned vehicles or authorized emergency vehicles while carrying out the duties of their departments.

### **ARTICLE VII. Removal and Storage of Vehicles**

#### **§ 225-53. Definitions.**

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

##### **ABANDONED**

As defined and set forth in § 1224 of the Vehicle and Traffic Law of the State of New York.

##### **STREET**

Includes any alley, lane, highway or other way publicly maintained for vehicular traffic.

#### **§ 225-54. Abandoned or stored vehicles prohibited.**

No person shall abandon a vehicle or any part of a vehicle on any street or public place within the City of Saratoga Springs. No person shall store a vehicle or any part of a vehicle on any street or public place within the City of Saratoga Springs. For purposes of this article, a vehicle or part thereof shall be deemed stored when it has been left unattended on any street or public place for more than 96 hours. If any vehicle or part thereof is so found, it may be removed by the Police Department.

#### **§ 225-54.1. Conversion of abandoned vehicles.**

Pursuant to the authority of § 1224 of the Vehicle and Traffic Law, the City of Saratoga Springs is hereby authorized to convert abandoned vehicles to its own use as provided in said § 1224 and to do any lawful and proper act necessary to carry out such authority.

#### **§ 225-55. Illegally parked vehicles.**

No vehicle shall be parked, left unattended or abandoned on any street within the City of Saratoga Springs where stopping, standing or parking is prohibited. If any vehicle is so found, it may be removed by the City Police Department.

#### **§ 225-56. Vacation of vehicles during public emergency; removal.**

No vehicle shall be parked, left unattended or abandoned on any street within the City of Saratoga Springs during a snowstorm, snow-removal operations, flood, fire or other public emergency in such a manner that it creates a hazard or obstruction to traffic. If any vehicle is so found, it may be removed by the City Police Department.

#### **§ 225-57. Snow and other emergencies.**

A. All streets in the City of Saratoga Springs, except those streets posted for alternate side parking, are hereby designated and declared to be emergency snow routes for the purpose of this section. Whenever the Commissioner of Public Works finds, on the basis of observation or on the basis of weather service forecasts, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City streets be prohibited or restricted for snow plowing and other purposes, he shall have the authority to put into effect a parking prohibition on all emergency snow routes. The Commissioner of Public Works shall publicly announce his declaration of a parking prohibition in a reasonable manner whenever feasible. While such a parking prohibition is in effect, no persons shall park or stand or allow to remain parked or standing any vehicle on any portion of an emergency snow route for any period of time in excess of 12 hours.

B. All those streets posted for alternate side parking will be strictly enforced as posted.

C. The Commissioner of Public Works shall have the authority to post streets, including those designated for alternate parking, to prohibit parking, for snow removal purposes. Signs will be placed between 4:00 p.m. and 8:00 p.m. on the day prior to the commencement of the snow removal. Snow removal will commence at approximately 4:00 a.m. the day after the posting.

D. All vehicles parked on City streets shall be moved within 12 hours after the abatement of any snow storm which results in an accumulation of three inches or more of snow or ice, whether or not a snow emergency has been declared by the Commissioner of Public Works. The Department of Public Works shall notify the Police Department when such twelve-hour period has commenced.

E. When any vehicle is parked upon any street in violation of any of the provisions of this article and after the Police Department has made a reasonable attempt to give notice to the owner or other person in charge of said vehicle, said vehicle may be ticketed and removed, without further notice, by any police officer.

F. After removal of any vehicle as provided in this section, it shall be the duty of the Police Department to ascertain to the extent possible the owner of the vehicle or person having charge of same and notify said person of the removal and disposition of such vehicle.

#### **§ 225-58. Hazards or obstructions.**

No vehicle shall be parked, left unattended or abandoned on any street in the City of Saratoga Springs in such a manner as to constitute a hazard or obstruction to traffic. If any vehicle is so found, it may be removed by the City Police Department.

## **§ 225-59. Redemption of seized vehicles.**

**[Amended 11-16-2004; 11-18-2008]**

A. Any vehicles removed pursuant to this article may be stored by the City Police Department or by such persons or towing services as may be engaged by the City for such purpose. Any such vehicle shall be stored in a suitable place at the expense of the owner or operator. Such owner or operator may redeem the vehicle upon proof of payment to the City or to any authorized person or towing service of the amount of removal expenses and storage fees incurred. Such expenses and fees shall not exceed any maximum amount or amounts established pursuant to contract between the City and the persons or towing services so authorized, except that the City shall have authority to establish a surcharge, payable to the City, for each vehicle towed by an authorized towing service.

B. Said contract shall name the City as an additional insured in an amount not less than \$1,000,000 in garage legal liability insurance and \$60,000 in garage keepers legal liability coverage. The required insurance shall be provided by insurance carriers licensed & admitted to do business in the State of New York and must be rated "A-:VII" or better by A.M. Best (Current Rate Guide). The certificate of insurance naming the City as Additional Insured must provide a thirty-day notification of cancellation or material change in condition or coverage. Every required policy, including any required endorsements and any umbrella/excess policy, shall be primary insurance. Insurance carried by the City, its officers, or its employees, if any, shall be excess and not contributory insurance to that provided by the towing operator.

C. Each such person or towing service shall also execute a hold harmless agreement, in a form satisfactory to the City, by which the person or towing service shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees), arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious act or negligent act or omission of the person or towing service, or by the persons or towing services' employees, agents or subcontractors.

D. For purposes of this section, the Commissioner of Public Safety shall have the authority to establish a rotation list or other fair and equitable selection method to establish the order of calling authorized persons or towing services to the scene of traffic accidents or for the removal of illegally parked or abandoned vehicles. The Commissioner of Public Safety shall also have the authority to establish standards, rules and regulations, in the interest of the public health, safety and welfare, for persons or towing services who participate in such rotation list or other selection method.

## **§ 225-60. Exceptions for emergency vehicles.**

This article shall not apply to any authorized emergency vehicle.

## **ARTICLE VIII. Miscellaneous Provisions**

### **§ 225-61. Enforcement.**

A. Enforcement of provisions. It shall be the duty of the Police Department of this City to enforce the provisions of this chapter.

B. Direction of traffic. Officers of the Police Department are hereby authorized to direct all traffic, either in person or by means of visible or audible signal, in conformance with the provisions of the laws of the State of New York and of this chapter and their various divisions and subdivisions.

C. Compliance with police orders. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer.

### **§ 225-62. Penalties for offenses.**

**[Amended 6-6-2000]**

A. Except as provided in Subsections B, C and D, every person convicted of a traffic infraction for a violation of any provision of this chapter which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of not more than \$50 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than \$100 or by imprisonment for not more than 45 days, or by both such fine and imprisonment; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than \$250 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

B. The registered owner, its agent or lessee of a tractor, trailer, semitrailer, or truck exceeding five tons gross weight or 35 feet in length used in the violation of any provision of § 225-22 or 225-24E of this chapter shall, upon conviction, be punished for the first offense by a fine not less than \$100 nor more than \$200, and for the second offense within three years by a fine not less than \$500 nor more than \$1,000. The third or any subsequent offense within three years shall be punishable by a fine not less than \$3,000 nor more than \$5,000 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

**[Amended 4-3-2007 by L.L. No. 5-2007]**

C. Where articles of law are incorporated by reference in § 225-22E(1)(b) through (g) and (2) and (3), penalties and fines established in those articles shall be in effect as fully as if set forth in this section.

D. In addition to any fine imposed as specified in Subsection B above, the registered owner, its agent or lessee of a vehicle used in the violation of the provisions of § 225-22E(4) of this chapter shall, upon conviction, be punished by a fine calculated under the Federal Bridge Gross Weight Formula, in accordance with the schedules set forth hereunder. Within any three-year period, the amount of fine for a second offense of § 225-22E(4) shall be doubled, and the amount of fine for a third offense of § 225-E(4) shall be tripled:

**[Amended 4-3-2007 by L.L. No. 5-2007]**

**Excess Total Weight  
(pounds)**

<b>Greater Than</b>	<b>Less than or Equal To</b>	<b>Amount of Fine</b>
0	2,000	\$50
2,000	3,000	\$75
3,000	4,000	\$100
4,000	5,000	\$200
5,000	6,000	\$300
6,000	7,000	\$400
7,000	8,000	\$500
8,000	9,000	\$600
9,000	10,000	\$700
10,000	15,000	\$1,200
15,000	20,000	\$1,700

<b>Excess Total Weight (pounds)</b>		
<b>Greater Than</b>	<b>Less than or Equal To</b>	<b>Amount of Fine</b>
20,000	25,000	\$2,200
25,000	30,000	\$2,700
30,000		\$0.06 for each pound in excess of 30,000

NOTE: Where the excess total weight is greater than 10,000 pounds in excess of the limits specified by a permit, the permit shall be deemed voided, and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.

<b>Excess Total Weight (pounds)</b>		
<b>Greater Than</b>	<b>Less than or Equal To</b>	<b>Amount of Fine</b>
0%	5%	\$100
5%	10%	\$200
10%	15%	\$350
15%	20%	\$600
20%	25%	\$1,000
25%	30%	\$1,600
30%		\$2,450

NOTE: Where the excess axle or axles weight is greater than 10% in excess of the limits specified by a permit, the permit shall be deemed voided, and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.)

#### **§ 225-63. When effective.**

A. Except those parts, if any, which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York, this chapter and any regulations adopted hereunder shall take effect as provided by law.

B. Any part or parts of this chapter and any regulations adopted hereunder which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Department of Transportation.

#### **§ 225-64. Severability.**

If any article, section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **§ 225-65. Repealer.**

All prior ordinances, regulations and rules, or parts thereof, of this City regulating traffic and parking are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance, regulation or rule hereby repealed prior to the taking effect of this chapter.

### **ARTICLE IX. Schedules**

#### **§ 225-66. Schedule I: Traffic Control Signals.**

**[Amended 11-7-2007]**

In accordance with the provisions of § 225-11A, traffic control signals shall be installed at the following described intersections:

##### **Schedule I**

##### **Intersection**

Ballston Avenue and East-West Road

Ballston Avenue, Geyser Road and Avenue of the Pines

Ballston Avenue and Hamilton Street

Ballston Avenue, New Street and West Fenlon Street

Ballston Avenue and Price Chopper Plaza

Ballston Avenue and Saratoga Performing Arts Center main entrance

Broadway and Avenue of the Pines

Broadway, Ballston Avenue, Circular Street and West Circular Street

Broadway and Caroline Street

Broadway and Church Street and Lake Avenue

Broadway, Congress Street and East Congress Street

Broadway and Division Street

Broadway and Ellsworth Jones Place

## **Schedule I**

### **Intersection**

Broadway and Fenlon Street

Broadway and Lincoln Avenue

Broadway, South Broadway and Crescent Avenue

Broadway and Spring Street

Broadway, Van Dam Street and Route 50 Arterial

Broadway and Washington Street

Broadway at YMCA Building

Church Street and Clinton Street

Church Street, Locust Grove Road and Brooks Road

Church Street and Myrtle Street

Church Street and West Avenue

Circular Street and Caroline Street

Circular Street and Spring Street

Circular Street and Union Avenue

Congress Street, Grand Avenue and Franklin Street

Congress Street and Hamilton Street

Division Street and Railroad Place

East Avenue and Excelsior Avenue

Geyser Road and Cady Hill Road

Grand Avenue and West Avenue

Lake Avenue and Circular Street

Lake Avenue and East Avenue

Lake Avenue at Fire Station Building

Lake Avenue and Henning Road

Lake Avenue and Maple Avenue

## **Schedule I**

### **Intersection**

Lake Avenue and Nelson Avenue

Lake Avenue and Weibel Avenue

Lincoln Avenue, Jefferson Street, Clark Street and Park Place

Lincoln Avenue and Nelson Avenue

Route 50 Arterial and East Avenue

Route 50 Arterial and Exit 15 I-87 (Northway)

Route 50 Arterial and Marion Avenue

Route 50 Arterial and Rock Street

Route 50 Arterial, Veterans Way, and Gick Road (Jones Road)

South Broadway and East-West Road

Union Avenue and Crescent Avenue

Union Avenue and East Avenue

Union Avenue and Henning Road

Union Avenue and Nelson Avenue

Van Dam Street, Church Street and Van Dorn Street

Van Dam Street and Clinton Street

Washington Street and Beekman Street

Washington Street and Franklin Street

Washington Street, Kirby Road and Pine Road

Washington Street, Railroad Place and Federal Street

Washington Street and West Avenue

Weibel Avenue and Hannaford Plaza

Weibel Avenue and Loudon Road

West Avenue and Congress Avenue

West Avenue at Fire Station Building



## **Schedule I**

### **Intersection**

West Avenue and Saratoga Springs High School

West Avenue and West Circular Street

### **§ 225-67. Schedule II: Flashing Signals.**

**[Amended 11-7-2007]**

In accordance with the provisions of § 225-11C, the following intersections shall be controlled by flashing signals:

### **Intersection**

Saratoga Springs Senior High School driveway and West Circular Street: Saratoga Springs Senior High School driveway must stop headed north.

West Circular Street and Saratoga Springs Senior High School driveway: must proceed with caution east and west.

West Circular Street and West Circular Court: West Circular Court must stop headed south.

### **§ 225-68. Schedule III: Speed Limits: Inside Tax District.**

In accordance with the provisions of § 225-12A, speed limits other than 30 miles per hour are established as indicated upon the following streets or parts of streets:

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Henning Road	40	From Lake Avenue to the southerly Inside Tax District line
Route 50 Arterial	45	Entire length

**[Amended 12-17-2002]**

### **§ 225-69. Schedule IV: Speed Limits: Outside Tax District.**

In accordance with the provisions of § 225-12B, speed limits other than 40 miles per hour are established as indicated upon the following streets or parts of streets:

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Adams Road	30	From Cady Hill Boulevard to Rip Van Lane
Albany Street	30	Entire length

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Allen Drive	30	Entire length
Alydar Court	30	From its most northerly intersection with Tompion Lane to its most southerly intersection with Tompion Lane
Arapaho Path	30	Entire length
Aspen Lane	30	Entire length
Ballston Avenue	55	From Inside Tax District line to City line
Bensonhurst Avenue	30	From Inside Tax District line to Church Street
Blueberry Way	30	Entire length
Briarwood Drive	30	Entire length
Broadway	30	From Inside Tax District line to Avenue of the Pines
Brookview Terrace	30	Entire length
<b>[Added 12-17-2002]</b>		
Brookwood Road	30	Entire length
Buff Road	30	Entire length
Candy Court	30	Entire length
Casino Drive	30	Entire length
Church Street	30	From Inside Tax District line to West Avenue
Cleveland Avenue	30	Entire length
Clubhouse Drive	30	Entire length
Coesa Drive	30	Entire length
Columbia Avenue	30	Entire length
Conver Drive	30	Entire length
Curt Boulevard	30	Entire length
Deerleap Place	30	Entire length

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Division Street	30	From Inside Tax District line to Newton Avenue
Doten Avenue	30	From Inside Tax District line to East Broadway
Dunham Road	30	Entire length
Dutchess Court	30	Entire length
Dyer Switch Road	30	Entire length
<b>[Added 7-2-2002]</b>		
East Avenue	30	From Inside Tax District line to Union Avenue
East Broadway	30	Entire length
Eastman Lane	30	Entire length
Eureka Drive	30	Entire length
Excelsior Avenue	30	From Inside Tax District line to
Excelsior Springs Avenue	30	From Inside Tax District line to Excelsior Avenue
Fern Drive	30	Entire length
Ferndell Springs Drive	30	Entire length
Garfield Avenue	30	Entire length
Geyser Road		
<b>[Added 8-19-2008]</b>	35	From NY Route 50 to City line
Gilbert Road	30	Entire length
Glen Drive	30	Entire length
Glenham Road	30	Entire length
Glenmore Avenue	30	From Inside Tax District line to Glenham Avenue
Glenwood Drive	30	Entire length
Grand Avenue	30	From Inside Tax District line to City line

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Gray Birch Court	30	Entire length
Harris Road	30	Entire length
Hathorn Boulevard	30	Entire length
Hayes Drive	30	Entire length
Heather Lane	30	Entire length
Henning Road	30	From Inside Tax District line to Union Avenue
Holly Drive	30	Entire length
Hutchins Road	30	From Ballston Avenue (Route 50) to City line
Ingersoll Road	30	Entire length
<b>[Added 7-5-2000]</b>		
Inlander Road	30	Entire length
Jaipur Lane	30	From Church Street (Route 9N) to Tompion Lane
Jones Road	30	From Ballston Avenue (Route 50) to City line
Jordon Drive North	30	Entire length
Jordon Drive South	30	Entire length
Joshua Road	30	Entire length
Karista Spring Drive	30	Entire length
Karner Drive	30	Entire length
<b>[Added 12-18- 2007]</b>		
Kaydeross Avenue East	30	From Crescent Avenue to Nelson Avenue
Kaydeross Avenue West	30	From Nelson Avenue to South Broadway
Kaydeross Park Road	30	Entire length

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
King Arthur Court	30	Entire length
King Arthur Court South	30	Entire length
Kirby Road	30	Entire length
Knight Way	30	Entire length
Lake Avenue	55	From Inside Tax District line to City line
Lamplighter Lane	30	Entire length
Larkspur Drive	30	Entire length
<b>[Added 12-18-2007]</b>		
Leeward Way	30	Entire length
Leonard Street	30	Entire length
Lincoln Court	30	Entire length
Locust Grove Road	30	Entire length
Louden Road	40	Entire length
Loughberry Road North	30	From Jones Road to City line
Loughberry Road South	30	Entire length
Madeline Drive	30	Entire length
Mallard Landing	30	Entire length
Marjorie Drive	30	Entire length
McGee Lane	30	Entire length
Meadow Lane	30	Entire length
Meadowbrook Road	30	Entire length
Mitchell Street	30	From Inside Tax District line to East Avenue

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Mohegan Court	30	Entire length
Moore Avenue	30	Entire length
Morton Place East	30	From Inside Tax District line to East Avenue
Nelson Avenue Extension	30	Entire length
Newark Street	30	Entire length
Newton Avenue	30	Entire length
Northway Court	30	Entire length
Old Ballston Avenue North	30	Entire length
Old Ballston Avenue South	30	Entire length
Old Schuylerville Road	30	Entire length
Orenda Spring Drive	30	Entire length
Outlook Avenue	30	Entire length
Petrified Garden Road	30	Entire length
Pheasant Run	30	Entire length
<b>[Added 8-23- 2002]</b>		
Pine Road	30	Entire length
Pinehurst Drive	30	Entire length
Piping Rock Circle	30	Entire length
Quevic Drive	30	Entire length
Red Oak Trail	30	Entire length
Reservation Avenue	30	Entire length

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Reservation Road	30	From Inside Tax District line to East Broadway
Richard Avenue	30	From Inside Tax District line to Taylor Street
Rip Van Lane	30	Entire length
Roosevelt Court	30	Entire length
Roundtable Road	30	Entire length
Ruggles Road	30	Entire length
Saint Jude Court	30	Entire length
Sandspring Drive North	30	Entire length
Sandspring Drive	30	Entire length
South Sarazen Street	30	Entire length
Schallen Road	30	Entire length
Sherri Drive	30	Entire length
Sicada Street	30	Entire length
Skidmore Drive	30	Entire length
Slade Road	30	Entire length
Southpoint Road	30	Entire length
<b>[Added 8-23-2002]</b>		
Station Lane	30	Entire length
Stockholm Road	30	Entire length
Sultana Street	30	Entire length
Summerfield Lane	30	Entire length
<b>[Added 8-23-2002]</b>		
Sunset Drive	30	Entire length

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Tait Lane	30	Entire length
Tamarack Road	30	Entire length
Tamarack Trail	30	Entire length
Taylor Street	30	Entire length
Tiffany Place		
<b>[Added 9-16-2008]</b>	30	From Geyser Road to Geyser Road
Timber Lane	30	Entire length
Tommy Luther Drive	30	Entire length
<b>[Added 12-18-2007]</b>		
Tompion Lane	30	From Church Street (Route 9N) to Jaipur Lane
Trottingham Court	30	Entire length
Trottingham Road	30	Entire length
Union Avenue	30	From Inside line to Henning Road
<b>[Amended 12-17-2002]</b>		
Vallera Road	30	Entire length
Veterans Way	30	Entire length
Vichy Drive	30	Entire length
Walter Drive	30	Entire length
Wampum Drive	30	Entire length
Washington Street	30	From Inside Tax District line to West Avenue
West Avenue	30	Entire length
Wheatstone Court	30	Entire length
<b>[Added 8-23-</b>		



<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
<b>2002]</b>		
White Birch Path	30	Entire length
White Farm Road	30	Entire length
Wilshire Boulevard		
<b>[Added 9-16-2008]</b>	30	From Tiffany Place to end
Worden Drive	30	Entire length

**§ 225-70. Schedule V: School Speed Limits: Inside Tax District.**

In accordance with § 225-13A, no person shall drive a vehicle in excess of the speeds indicated below, in the areas designated below, during school days between the hours of 7:00 a.m. and 6:00 p.m.:

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Bensonhurst Avenue	15	From a point 300 feet south of the south building line to a point 300 feet north of the north building line of the Division Street School
Caroline Street	15	From a point 300 feet west of the west building line of the Caroline Street School to Schuyler Drive
Court Street	15	From a point 300 feet south of the south building line to a point 300 feet north of the north building line of School No. 4
Division Street	15	From North Van Rensselaer Street to Bensonhurst Avenue
Hamilton Street	15	From West Circular Street to a point 300 feet north of the north building line of Catholic Central High School
Henning Road	25	From Lake Avenue to 300 feet south of the south building line of the Board of Cooperative Educational Services
<b>[Amended 1-3-1995]</b>		
Lake Avenue	15	From a point 300 feet west of the west building line to a point 300 feet east of the east building line of the Lake Avenue School
Lake Avenue	15	From Ritchie Place to a point 300 feet east of the east

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
		building line of Saint Clement's School
Marion Place	15	From Lake Avenue to 300 feet north of the Lake Avenue School
Myrtle Street	15	From a point 300 feet north of the north building line of the Division Street School to Division Street
Regent Street	15	From a point 300 feet south of the south building line of the Lake Avenue School to Lake Avenue
Spring Street	15	From a point 300 feet west of the west building line to a point 300 feet east of the east building line of School No. 4
Walnut Street	15	From a point 300 feet south of the south building line of the Division Street School to Division Street
West Avenue [Amended 1-3-1995]	25	From a point 300 feet north of the north building line to a point 300 feet south of the south building line of the Senior and Junior High Schools located on West Avenue
West Circular Street	15	From a point 300 feet east of the east building line to a point 300 feet west of the west building line of the Senior and Junior High Schools located on West Circular Street

**§ 225-71. Schedule VI: School Speed Limits: Outside Tax District.**

In accordance with § 225-13B, no person shall drive a vehicle in excess of the speeds indicated below, in the areas designated below, during school days between the hours of 7:00 a.m. and 6:00 p.m.:

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Geyser Road	25	From a point 400 feet east of the east building line to a point 400 feet west of the west building line of the Geyser Crest School

**§ 225-72. Schedule VII: One-Way Streets.**

In accordance with the provisions of § 225-14, the following described streets or parts of streets are hereby designated as one-way streets in the direction indicated:

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Limits</b>
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<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Limits</b>
Ash Street	West	From South Franklin Street to Birch Street
Beekman Street	South	From Grand Avenue to Washington Street
<b>[Amended 6-7-2005]</b>		
Caroline Street	East	From Broadway to Circular Street
Caroline Street	East	From Granger Avenue to Schuyler Drive, from 7:00 a.m. to 5:00 p.m., Monday through Friday
Circular Lane	South	From Whitney Place to Whitney Place
Gardners Lane	East	From Broadway to the rear of the Starbuck Building
Granite Street	North	From Alger Street to Greenfield Avenue
<b>[Added 6-19-2007]</b>		
Henning Road	North	From Oklahoma Track rear entrance to Lake Avenue, from 5:00 p.m. to 8:00 p.m., Wednesday through Monday, only during Saratoga Racetrack meet
Long Alley	North	From Church Street to Division Street
McDonald Alley	South	From Ballston Avenue to Lincoln Avenue
McNeary Alley	West	From Van Rensselaer Street to Myrtle Street
Medical Way	West	From Seward Street to Medical Arts Lane
Nelson Avenue	South	From Wright Street to Crescent Avenue from 5:30 p.m. to 8:00 p.m., Wednesday through Monday, only during Saratoga Racetrack meet
Oak Street	East	From Birch Street to South Franklin Street
Phila Street	East	From Broadway to Circular Street
Van Dorn Street	North	From Church Street to Waterbury Street

**§ 225-73. Schedule VIII: U-Turn Prohibitions.**

In accordance with the provisions of § 225-15, no person shall make a U-turn at any of the following locations:

<b>Name of Street</b>	<b>Location</b>
Broadway	From Avenue of the Pines to Van Dam Street

**§ 225-74. Schedule IX: Prohibited Turns at Intersections.**

In accordance with the provisions of § 225-16, no person shall make a turn of the kind designated below at any of the following locations:

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Prohibited Turn</b>	<b>Hours</b>	<b>At Intersection of</b>
Driveway of No. 231 Broadway	East	Left	All	Broadway
Broadway	North and south	Left	All	Circular Street, West Circular Street and Ballston Avenue
Broadway	South	Left	All	Route 50 Arterial/ Van Dam Street
Exit Driveway of City municipal parking lot just north of No. 408 Broadway, commonly known as "Lillians lot"	West	Left	All	Broadway
Grove Street	West	Left	8:00 a.m. to 10:00 a.m. and 4:00 p.m. to 6:00 p.m.	Broadway
Driveway of Holiday Inn which is southern-most on Broadway near Circular Street	West	Left	All	Broadway
Route 50 Arterial	Southwest	Right	All	Broadway/ Van Dam Street

**§ 225-75. Schedule X: Prohibited Right Turns on Red Signal.**

In accordance with the provisions of § 225-17, no person shall make a right turn when facing a steady red signal (stop indication) at any of the following locations:

Name of Street	Direction of Travel	Prohibited Right Turn on Red Signal Onto
Ballston Avenue	Northeast	Broadway
Broadway	North	Lake Avenue
<b>[Amended 12-19-1994]</b>		
Broadway	South	Church Street
<b>[Amended 12-19-1994]</b>		
Church Street	East	Broadway
<b>[Added 12-19-1994]</b>		
Circular Street	West	Broadway
Clark Street	South	Park Place
Division Street	East	Broadway
<b>[Amended 12-19-1994]</b>		
Jefferson Street	North	Lincoln Avenue
Lake Avenue	West	Broadway
<b>[Amended 12-19-1994]</b>		
Lincoln Avenue	East	Jefferson Street
Lincoln Avenue	West	Clark Street
Park Place	Southeast	Lincoln Avenue
West Circular Street		
<b>[Repealed 12-19-1994]</b>		

**§ 225-76. Schedule Schedule XI: Required Turns at Intersections.**

In accordance with the provisions of § 225-18, the following described lanes shall be used only for the turns indicated:

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Restriction</b>
Ballston Avenue	Both	Left turn lanes must turn left into Saratoga Performing Arts Center parking lot
Ballston Avenue	North	Left turn lane must turn left onto Geyser Road
Ballston Avenue	North	Left turn lane must turn left onto White Farms Road
Ballston Avenue	North	Right lane must turn right onto West Fenlon Street
Ballston Avenue	South	Left turn lane must turn left onto Avenue of the Pines
Ballston Avenue	South	Left turn lane must turn left onto East-West Road
Ballston Avenue	South	Right lane must turn right onto New Street
Broadway	South	Left lane must turn left onto Lincoln Avenue
Broadway	South	Right lane must turn right onto Congress Street
Broadway	South	Right lane must turn right onto West Circular Street or Ballston Avenue
Church Street	East	Left lane must turn left onto Broadway
Church Street	West	Left lane must turn left at West Avenue
Lake Avenue	East	Right lane must turn right onto East Avenue
Lake Avenue	West	Left lane must turn left onto Broadway
Route 50 Arterial	Both	Left turn lanes must turn left onto East Avenue
Route 50 Arterial	Both	Left turn lanes must turn left onto I-87 (Northway)
Route 50 Arterial	Both	Left turn lanes must turn left onto Marion Avenue
Route 50 Arterial	Both	Left turn lanes must turn left onto Rock Street
Route 50 Arterial	East	Left turn lanes must turn left onto Gick Road (to be renamed Jones Road)

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Restriction</b>
Route 50 Arterial	East	Right lane must turn right onto I-87 (Northway) southbound
Route 50 Arterial	Southwest	2 left lanes must turn left onto Broadway
Route 50 Arterial	Southwest	Right lane must continue straight onto Van Dam Street
Route 50 Arterial	West	Left turn lanes must turn left onto Veterans Way
Union Avenue	East	Left lane must turn left onto East Avenue
Union Avenue (Route 9P)	East	Left turn lane must turn left onto Henning Road

**§ 225-77. Schedule XII: Stop Intersections.**

In accordance with the provisions of § 225-20B, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

<b>Stop Sign on</b>	<b>Direction of Travel</b>	<b>At Intersection of</b>
Abie Drive	South	Diamond Street
Abie Drive	West	Marion Place
Adams Road	East	Cady Hill Boulevard
Adams Street	Both	Crescent Street
Adams Street	Both	Webster Street
Adams Street	North	Lincoln Avenue
Adams Street	South	Gridley Avenue
Adelphi Street	East	Broadway
Albany Street	East	West Avenue
Aletta Street	North	West Circular Street
Alfred Court	Northeast	Bog Meadow Run
<b>[Added 2-19-2008]</b>		

Stop Sign on	Direction of Travel	At Intersection of
Allen Drive	North	Church Street
Allen Drive	West	Kirby Road
America Way (north end)	Northwest	Dyer Switch Road
<b>[Added 2-19-2008]</b>		
America Way (south end)	Northwest	Dyer Switch Road
<b>[Added 2-19-2008]</b>		
Arapaho Path	East	Quevic Drive
Arrowhead Road	Both	Vista Drive
<b>[Added 9-6-2005]</b>		
Arrowhead Road	North	Crescent Avenue
Audrey Lane	East	Elizabeth Lane
Audrey Lane	West	Excelsior Spring Avenue
Aurora Avenue	Southeast	Dyer Switch Road
<b>[Added 2-19-2008]</b>		
Aurora Avenue	West	Jenna Jo Avenue
<b>[Added 2-19-2008]</b>		
Avenue A	West	Avenue C
Avenue A	East	Marion Avenue
Avenue C	East	Marion Avenue
Avenue C	West	Maple Avenue North
Avery Street	East	East Avenue
Avery Street	West	Warren Street
Azalea Drive	North	Magnolia Drive
<b>[Added 2-19-2008]</b>		
Azalea Drive	West	Ingersoll Road



Stop Sign on	Direction of Travel	At Intersection of
<b>[Added 2-19-2008]</b>		
Baker Road	East	Geyser Road
Balman Court	North	America Way
<b>[Added 2-19-2008]</b>		
Bank Alley	East	Circular Street
Bank Alley	North	Spring Lane
Bank Alley	West	Henry Street
Beacon Hill Drive	East	Meadow Brook Road
<b>[Added 2-19-2008]</b>		
Beacon Hill Drive	South	Meadow Brook Road
<b>[Added 2-19-2008]</b>		
Beekman Street	Both	Ash Street
Beekman Street	Both	Division Street
Beekman Street	Both	Grand Avenue
Beekman Street	Both	Oak Street
Beekman Street	North	Church Street
Beekman Street	South	West Circular Street
Benedict Avenue	North	Grand Avenue
Benedict Street	South	West Circular Street
Bensonhurst Avenue	Both	Division Street
Bensonhurst Avenue	North	Church Street
Bensonhurst Avenue	South	Washington Street
Benton Drive	North	Lake Avenue
Benton Drive	South	Caroline Street
Biffer Alley	North	Cherry Street

Stop Sign on	Direction of Travel	At Intersection of
Biffer Alley	South	Washington Street
Bingham Street	East	East Avenue
Birch Run Drive	East	Seward Street
Birch Street	Both	Ash Street
Birch Street	Both	Grand Avenue
Birch Street	Both	Oak Street
Birch Street	North	Washington Street
Birch Street	South	West Circular Street
Blodget Road	West	West Harrison Street
Blueberry Way	North	Timber Lane
Bluebird Court	North	Grand Avenue
Bog Meadow Run	North	Bog Meadow Run
<b>[Added 2-19-2008]</b>		
Bowman Street	North	Crescent Street
Bowman Street	South	Gridley Avenue
Briarwood Drive	Northeast	Heather Lane
Briarwood Drive	South	Trottingham Road
Brighton Way	North	Ash Street
Brighton Way	South	West Circular Street
Britton Place	North	Lake Avenue
Broadway (Skidmore entrance road)	East	North Broadway
Brook Road		
<b>[Repealed 2-19-2008]</b>		
Brook Road	South	Washington Street
Brookview Terrace	East	Stafford Bridge Road

Stop Sign on	Direction of Travel	At Intersection of
<b>[Added 2-19-2008]</b>		
Brookview Terrace	North	Lake Avenue
<b>[Added 2-19-2008]</b>		
Brookwood Drive	East	Kirby Road
Bryan Street	Both	East Avenue
Bryan Street	Both	Second Street
Bryan Street	South	First Street
Buff Road	North	Church Street
Buff Road	South	Washington Street
Bunker Hill Road	East	Lexington Road
Bunker Hill Road	West	Concord Drive
Butler Place	West	Clinton Street
Cady Hill Boulevard		
<b>[Repealed 2-19-2008]</b>		
Campion Lane	South	Waterview Drive
<b>[Added 2-19-2008]</b>		
Canfield Street	East	Broadway
Canfield Street	West	Union Street
Caroline Street	Both	Court Street
Caroline Street	Both	East Avenue
Caroline Street	Both	Granger Avenue
Caroline Street	East	Henry Street
<b>[Added 2-4-1997]</b>		
Caroline Street	Both	Ludlow Street
Caroline Street	Both	Nelson Avenue

Stop Sign on	Direction of Travel	At Intersection of
Caroline Street	Both	Schuyler Drive
Caroline Street	East	Fifth Avenue
Caroline Street	East	Putnam Street
Carriage House Lane	South	Clement Avenue
Case Street	North	George Street
Case Street	South	Mitchell Street
Cassidy Drive	Northwest	Waterview Drive
<b>[Added 2-19-2008]</b>		
Cassidy Drive	Southwest	Crescent Avenue
<b>[Added 2-19-2008]</b>		
Casino Drive	North	Geyser Road
Catherine Street	Both	North Circular Street
Catherine Street	Both	Third Street
Catherine Street	North	East Avenue
Cedar Alley	East	Walnut Street
Cedar Alley	West	Birch Street
Central Avenue	North	Church Street
Cherry Street	Both	Walworth Street
Cherry Street	East	Franklin Street
Cherry Street	West	Beekman Street
Cherry Tree Lane	South	Old Schuylerville Road
<b>[Added 2-19-2008]</b>		
Circular Lane	East	Whitney Place
Circular Street	East	Whitney Place
Clark Street	Both	White Street

Stop Sign on	Direction of Travel	At Intersection of
Clark Street	North	Union Avenue
Clement Avenue	West	Seward Street
<b>[Added 6-4-2002]</b>		
Clinton Place	South	Thomas Street
Clinton Street	Both	Clement Avenue
Clinton Street	South	Division Street
Clubhouse Drive	East	Jefferson Street
Cobb Alley	East	South Franklin Street
Cobb Alley	West	Beekman Street
Coesa Drive	South	Vichy Drive
Columbia Avenue	East	South Broadway
Concord Drive	East	Lexington Road
Congress Avenue		
<b>[Repealed 2-19-2008]</b>		
Congress Place	North	Congress Street
Congress Street		
<b>[Repealed 2-19-2008]</b>		
Conver Drive	East	Gilbert Road
Clinton Street	Both	Vermont Street
<b>[Added 5-16-2006]</b>		
Court Street	Both	Phila Street
Court Street	Both	Spring Street
Court Street	North	Caroline Street
Court Street	South	Union Avenue
Covell Avenue	Both	East Avenue

Stop Sign on	Direction of Travel	At Intersection of
Covell Avenue	Southwest	Maple Avenue North
Crescent Avenue	Both	Nelson Avenue
Crescent Avenue		
<b>[Repealed 2-19-2008]</b>		
Crescent Street	Both	Jefferson Street
<b>[Added 11-17-1998]</b>		
Crescent Street	East	Nelson Avenue
Crescent Street	West	Broadway
Crommelin Drive	North	Roberts Lane
Crommelin Drive	South	Lake Avenue
Crommelin Place	East	Patricia Lane
Crommelin Place	West	Elizabeth Lane
Cummings Place	East	Walworth Street
Cummings Place	West	Beekman Street
Curt Boulevard	Both	Hathorn Drive
Curt Boulevard	East	Quevic Drive
Curt Boulevard	South	Heather Lane
Daniel Street	North	Clement Avenue
Deerleap Place	North	Wagon Wheel Path
Deerleap Place	South	Wagon Wheel Path
Denton Road	West	Locust Grove Road
Division Street	Both	Beekman Street
Division Street	Both	Bensonhurst Avenue
Division Street	West	Newton Avenue
Doggett's Coat Place	South	Regatta View Drive

Stop Sign on	Direction of Travel	At Intersection of
<b>[Added 2-19-2008]</b>		
Doten Avenue	North	Crescent Street
Doten Avenue	South	East Broadway
Driscoll Road	East	South Broadway
Dunham Road	East	Petrified Sea Garden
Dyer Switch Road	North	Meadowbrook Road
Dyer Switch Road	South	Union Avenue
East Avenue		
<b>[Repealed 2-19-2008]</b>		
East Avenue	West	Broadway
East Beekman Street	North	Washington Street
East Beekman Street	South	Congress Street
East Broadway	East	Jefferson Street
East Fenlon Street	East	Jefferson Street
East Fenlon Street	West	Vanderbilt Avenue
East Harrison Street	Both	York Avenue
East Harrison Street	North	North Street
East Harrison Street	South	Lake Avenue
Eastman Lane	North	Washington Street
East Ridge (north end)		
	West	Julians Way
<b>[Added 2-19-2008]</b>		
East Ridge (south end)		
	West	Julians Way
<b>[Added 2-19-2008]</b>		
East-West Road		
<b>[Repealed 2-19-2008]</b>		

Stop Sign on	Direction of Travel	At Intersection of
Edie Road_	South	Ruggles Road
Elizabeth Lane	South	Lake Avenue
Ellis Avenue	Northwest	Ballston Avenue
<b>[Added 2-19-2008]</b>		
Elm Alley	East	Elm Street
Elm Alley	West	Walnut Street
Elm Street	Both	Grand Avenue
Elm Street	Both	Oak Street
Elm Street	Both	West Circular Street
Elm Street	North	Washington Street
Embury Drive	East	Clinton Street
Emerald Lane	East	Evergreen Drive
<b>[Added 2-19-2008]</b>		
Empire Avenue	South	Congress Avenue
Ensor Street	West	Broadway
Eton Court (north end)	Southwest	Regatta View Drive
<b>[Added 2-19-2008]</b>		
Eton Court (south end)	Southwest	Regatta View Drive
<b>[Added 2-19-2008]</b>		
Eureka Avenue	Both	Roberts Lane
Eureka Avenue		
<b>[Repealed 2-19-2008]</b>		
Evergreen Drive (north end)	West	Buff Road
<b>[Added 2-19-2008]</b>		
Evergreen Drive (south end)	West	Buff Road



Stop Sign on	Direction of Travel	At Intersection of
[Added 2-19-2008]		
Excelsior Avenue		
[Repealed 2-19-2008]		
Excelsior Avenue	Both	High Rock Avenue
[Added 10-6-1998]		
Excelsior Avenue	Both	Marion Avenue
[Added 10-6-1998]		
Excelsior Avenue	Both	Veterans Way
[Added 9-2-2008]		
Excelsior Spring Avenue	North	Audry Lane
[Added 9-2-2008]		
Excelsior Spring Avenue	North	Excelsior Avenue
Excelsior Spring Avenue	South	Lake Avenue
Excelsior Spring Avenue	South	Victoria Lane
[Added 9-2-2008]		
Exchange Street	East	Oak Alley
Exchange Street	West	Clinton Street
Fasig Lane	Both	Ludlow Street
Fasig Lane	West	Nelson Avenue
Federal Street	North	Washington Street
Federal Street	South	Congress Street
Fifth Avenue	Both	East Avenue
Fifth Avenue	Both	Schuyler Drive
Fifth Avenue	East	Henning Road

Stop Sign on	Direction of Travel	At Intersection of
Fifth Avenue	West	Nelson Avenue
Finley Street	West	Ballston Avenue
Flying Dutchman Way	South	Regatta View Drive
<b>[Added 2-19-2008]</b>		
Forest Avenue	South	Lake Avenue
Fourth Street	Both	North Broadway
Fourth Street	East	Bryan Street
Foxhall Drive	Both	Caroline Street
Foxhall Drive	North	Lake Avenue
Foxhall Drive	South	Fifth Avenue
Franklin Street	North	Franklin Square
Frederick Drive	South	Grand Avenue
Frederick Drive	West	Lee Drive
Friar Tuck Way	South	Grand Avenue
Friar Tuck Way	South	Sherwood Trail
<b>[Added 2-19-2008]</b>		
Furlong Street	East	Vanderbilt Avenue
<b>[Added 2-19-2008]</b>		
Furlong Street	West	Thoroughbred Drive
<b>[Added 2-19-2008]</b>		
Gardner Lane	East	Putnam Street
Gardner Lane	West	Broadway
Garfield Avenue	Both	East Broadway
Gatewood Drive	East	Longwood Drive
Gatewood Drive	West	Eureka Drive

Stop Sign on	Direction of Travel	At Intersection of
George Street	Both	Ludlow Street
George Street	Both	Nelson Avenue
George Street	East	East Avenue
George Street	West	Court Street
Geyser Road		
<b>[Repealed 2-19-2008]</b>		
Gilbert Road	North	Lake Avenue
Gilbert Road	South	Union Avenue
Gilman Avenue	North	Congress Street
Glenham Road	North	Grand Avenue
Glenmore Avenue	North	Grand Avenue
Glenmore Avenue	West	Glenham Road
Grand Avenue	Both	Beekman Street
<b>[Added 6-7-2005]</b>		
Granger Avenue	Both	Jumel Place
Granger Avenue	Both	Caroline Street
Granger Avenue	North	Lake Avenue
Granger Avenue	South	Fifth Avenue
Greenfield Avenue	Both	State Street
Greenfield Avenue	Both	Woodlawn Avenue
<b>[Added 8-21-2007]</b>		
Greenfield Avenue	Southeast	North Broadway
Greenfield Avenue	Northwest	Clement Avenue
Greenridge Place	North	Lincoln Avenue
Green Street	East	Maple Avenue North

Stop Sign on	Direction of Travel	At Intersection of
Green Street	West	Catherine Street
Grey Birch	East	Lamplighter Lane
Gridley Avenue	East	Nelson Avenue
Gridley Avenue	West	Jefferson Street
Grove Alley	East	Walnut Street
Grove Street	East	Maple Avenue South
Grove Street		
<b>[Repealed 2-19-2008]</b>		
Gurtler Lane	North	Lincoln Avenue
Hale Lane	South	Nelson Avenue
Hall Place	Both	Martin Avenue
Hall Place	East	East Avenue
Hall Place	West	Warren Street
Hamilton Street		
<b>[Repealed 2-19-2008]</b>		
Hamilton Street	Both	Lincoln Avenue
Hamilton Street	Both	West Circular Street
Hamilton Street	South	Canfield Street
Harris Road	Southeast	Ruggles Road
Harris Road	West	Sandspring Drive
Harry Drive	North	Duplainville Road
Hathorn Boulevard	Both	Ferndell Spring Road
Hathorn Boulevard	Both	Fern Drive
<b>[Added 6-4-2002]</b>		
Hathorn Boulevard	Both	Lamplighter Lane

Stop Sign on	Direction of Travel	At Intersection of
Hathorn Boulevard	Both	Orenda Spring Drive
Hathorn Boulevard	Both	Quevic Drive
Hathorn Boulevard	Both	Tamarack Trail
Hathorn Boulevard	Both	Trottingham Road
Hathorn Boulevard	North	Geyser Road
Hathorn Boulevard	South	Hutchins Road
Hathorn Street	North	East Fenlon Street
Hathorn Street	South	Crescent Street
Hayes Drive	North	Geyser Road
Hayes Drive	South	Vichy Drive
Heather Lane	Northwest	Tamarack Trail
Heather Lane	Southeast	Trottingham Road
Henning Road		
<b>[Repealed 2-19-2008]</b>		
Henry Street	Both	Caroline Street
Henry Street	Both	Lake Avenue
Henry Street	Both	Phila Street
Henry Street	East	Circular Street
Henry Street	South	Spring Street
Heutis Court	West	Broadway
Hickock Road	East	Church Street
Hickock Road	West	Petrified Sea Garden
High Rock Avenue	South	Lake Avenue
High School Driveway	North	West Circular Street
High School Driveway		

Stop Sign on	Direction of Travel	At Intersection of
<b>[Repealed 2-19-2008]</b>		
Hodgman Place	South	Caroline Street
Hodgman Street	North	Lake Avenue
Holly Drive	North	Trottingham Road
Holly Drive	South	Sunset Drive
Horseshoe Drive	North	Furlong Street
<b>[Added 2-19-2008]</b>		
Horseshoe Drive	West	Thoroughbred Drive
<b>[Added 2-19-2008]</b>		
Hutchins Road	East	Ballston Avenue
Hutchins Street	East	Forest Avenue
Hutchins Street	West	Pinewood Avenue
Hyde Street	Both	Ash Street
Hyde Street	North	Grand Avenue
Hyde Street	South	West Circular Street
Ingersoll Road	South	Old Schuylerville Road
Inlander Road	North	Sarazen Street
Inlander Road	Southeast	Crescent Avenue
Iris Drive	East	Ruggles Road
<b>[Added 2-19-2008]</b>		
Iris Drive	North	Edie Road
<b>[Added 2-19-2008]</b>		
Iroquois Drive	North	Lake Avenue
Iroquois Drive	South	Caroline Street
Ironwood Drive	West	Ruggles Road

Stop Sign on	Direction of Travel	At Intersection of
<b>[Added 2-19-2008]</b>		
Jackson Street	Both	Crescent Street
Jackson Street	Both	Wright Street
Jackson Street	North	Lincoln Avenue
Jackson Street	South	Gridley Avenue
Jaipur Lane	Both	Church Street
Jaipur Lane	Northwest	Tompion Lane
James Drive	East	Michael Drive
James Drive	West	Lee Drive
James Street Lane	Both	James Street
James Street Lane	East	East Avenue
Jefferson Street	Both	Crescent Street
Jefferson Street	South	Crescent Avenue
Jefferson Terrace	East	Jefferson Street
Jefferson Terrace	North	Worth Street
Jenee Way	South	Grand Avenue
<b>[Added 2-19-2008]</b>		
Jenee Way	West	Sherwood Trail
<b>[Added 2-19-2008]</b>		
Jenna Jo Avenue	North	Aurora Avenue
<b>[Added 2-19-2008]</b>		
Jordan Drive North	West	Gick Road
Jordan Drive South	West	Gick Road
Joseph Street	North	West Circular Street
Joshua Road	North	Crescent Street

Stop Sign on	Direction of Travel	At Intersection of
Julians Way	North	Crescent Avenue
<b>[Added 2-19-2008]</b>		
Jumel Place	Both	East Avenue
Jumel Place	East	Granger Avenue
Jumel Place	West	Ludlow Street
Karen Drive	East	Lee Drive
Karen Drive	West	Michael Drive
Karista Spring Drive	North	Hathorn Boulevard
Karista Spring Drive	South	Orenda Spring Drive
Karner Drive	East	Larkspur Drive
<b>[Added 4-17-2007]</b>		
Karner Drive [Added 2-19-2008]	West	Tommy Luther Drive
Kaydeross Avenue East	North	Crescent Avenue
Kaydeross Avenue East	Southwest	Nelson Avenue Extension
Kandeross Avenue West	West	South Broadway
Kaydeross Park Road	North	Crescent Avenue
Knapp Place	Southwest	Park Street
Knight Way	North	Grand Avenue
La Belle Lane	West	Ludlow Street
Lady Slipper Court [Added 2-19-2008]	Northwest	Bog Meadow Run
Lafayette Street	East	Circular Street
Lafayette Street	West	Henry Street
Lakewood Drive	North	Roberts Lane
Lakewood Drive	South	Lake Avenue



<b>Stop Sign on</b>	<b>Direction of Travel</b>	<b>At Intersection of</b>
Lamplighter Lane	East	Hathorn Boulevard
Lamplighter Lane	Northeast	Hathorn Boulevard
Larkspur Drive [Added 2-19-2008]	North	Adams Road
Larkspur Drive [Added 2-19-2008]	South	Karner Drive
Lathrop Avenue	East	Clinton Street
Lawrence Avenue	East	Eureka Drive
Lawrence Avenue	West	Crommelin Drive
Lawrence Street	Both	Van Dam Street
Lawrence Street	Both	Waterbury Street
Lawrence Street	South	Church Street
Leaward Way	South	Timber Lane
Lee Drive	North	Michael Drive
Lee Drive	South	Grand Avenue
Lefferts Street	West	East Avenue
Lena Lane	South	Phila Street
Leonard Street	North- west	Ballston Avenue
Lexington Road	North	Lake Avenue
Lilac Lane [Added 2-19-2008]	West	Ingersoll Road
Lincoln Avenue	West	Ballston Avenue
Lincoln Court	East	Karista Spring Drive
Livingston Street [Added 6-17-2008]	East	Spa Drive
Livingston Street	West	Ballston Avenue
Livingston Street [Added 6-17-2008]	West	Spa Drive

Stop Sign on	Direction of Travel	At Intersection of
Liz Ann Drive [Added 2-19-2008]	South	Old Schuylerville Road
Locust Grove Road		
<b>[Repealed 2-19-2008]</b>		
Locust Lane	East	Walnut Street
Locust Lane	West	Birch Street
Long Alley	North	Walton Street
Long Alley Extension	South	Van Dam Street
Long Alley Extension	West	Woodlawn Avenue
Longwood Drive	North	Roberts Lane
Longwood Drive	South	Lake Avenue
Loughberry Road North	East	Gick Road
Loughberry Road South	South	Excelsior Avenue
Ludlow Street	Both	Caroline Street
Ludlow Street	Both	Fifth Avenue
Ludlow Street	Both	Madison Avenue
Ludlow Street	North	Lake Avenue
Ludlow Street	South	Union Avenue
Madison Street	Both	Steele Street
Madison Street	Both	Webster Street
Madison Street	North	Lincoln Avenue
Madison Street	South	Crescent Street
Magnolia Drive		
	South	Azalea Drive
<b>[Added 2-19-2008]</b>		
Mallard Landing		
	East	Pheasant Run
<b>[Added 2-19-2008]</b>		

Stop Sign on	Direction of Travel	At Intersection of
Mallory Lane	East	Park Street
Mallory Lane	West	Walworth Street
Maple Avenue	Both	Caroline Street
[Added 10-6-1998]		
Maple Avenue North	Both	East Avenue
Maple Avenue South	South	Grove Street
Marigold Court	North	Azalea Drive
[Added 2-19-2008]		
Marigold Court	South	Lilac Lane
[Added 2-19-2008]		
Marion Place	North	Lake Avenue
Marion Place	South	Caroline Street
Marjorie Drive	East	Madeline Drive
Marjorie Drive	West	Kirby Road
Martin Avenue	South	Avery Street
Marvin Alley	Both	Cherry Street
Marvin Alley	North	Division Street
Marvin Alley	South	Washington Street
Marvin Place	North	Marvin Street
Marvin Place	South	Andrew Street
Marvin Street	Both	Van Rensselaer Street
Marvin Street	East	Beekman Street
Marvin Street	West	Myrtle Street
McAllister Drive	West	Schuyler Drive
McArthur Drive	North	Lake Avenue

Stop Sign on	Direction of Travel	At Intersection of
McArther Drive	South	Caroline Street
McDonald Alley	South	Lincoln Avenue
McGee Lane	North	Church Street
McKinley Lane	South	Wright Street
McLaren Street	West	East Avenue
McNeary Alley	West	Myrtle Street
McNulty Way	Both	Van Rensselaer Street
McNulty Way	East	Marvin Place
McNulty Way	West	Myrtle Street
Meadow Lane	East	Kirby Road
Meadowbrook Road	East	Staffords Bridge Road
Meadowbrook Road	West	Union Avenue
Michael Drive	East	Lee Drive
Michael Drive	South	Frederick Drive
Middle Avenue	Both	Nelson Avenue
Middle Avenue	Both	Warren Street
Middle Avenue	East	East Avenue
Middle Avenue	West	East Harrison Street
Milliman Way	North	Perry Street
Mitchell Street	Both	Ludlow Street
Mitchell Street	East	East Avenue
Mohaska Square	North	Pinehurst Drive
Monroe Street	Both	Webster Street
<b>[Added 9-19-2006]</b>		
Monroe Street	Both	Wright Street
Monroe Street	North	Lincoln Avenue

Stop Sign on	Direction of Travel	At Intersection of
Monroe Street	South	Crescent Street
Moon Drive	North	Lake Avenue
Moore Avenue	East	Kirby Road
Moore Avenue	West	Buff Road
Morgan Street	East	Seward Street
Morton Place	East	Ludlow Street
Morton Place	West	Nelson Avenue
Morton Place East	East	East Avenue
Morton Place East	North	Mitchell Street
Myrtle Street	South	Division Street
Mystic Lane	North	Conver Drive
Nelson Avenue	Both	Caroline Street
Nelson Avenue		
<b>[Repealed 2-19-2008]</b>		
Nelson Avenue		
<b>[Repealed 2-19-2008]</b>		
Nelson Avenue		
<b>[Repealed 2-19-2008]</b>		
Nelson Avenue	Both	York Avenue
Nelson Avenue	North	High Rock Avenue
Nelson Avenue Extension	West	Kaydeross Avenue West
Newark Street	East	West Avenue
Newton Avenue		
	Both	Division Street
<b>[Added 12-2-2008]</b>		
Newton Avenue	North	Church Street

Stop Sign on	Direction of Travel	At Intersection of
Newton Avenue	South	Washington Street
North Circular Street	West	North Broadway
North Lane	Both	Clark Street
North Lane	East	Nelson Avenue
North Lane	West	Regent Street
North Street	Both	Warren Street
North Street	East	East Avenue
North Street	West	Circular Street
North Van Rensselaar Street	South	Church Street
Northway Court (east end)	South	Crescent Avenue
Northway Court (west end)	South	Crescent Avenue
Oak Alley	Both	Alger Street
Oak Alley	Both	Van Dam Street
Oak Alley	Both	Vermont Street
Oak Alley	South	Walton Street
Oak Brook Boulevard [Added 2-19-2008]	Northwest	Saddle Brook Drive
Oak Brook Boulevard [Added 2-19-2008]	Southeast	Meadow Brook Road
Oakland Drive	North	Audry Lane
Oakland Drive	South	Lake Avenue
Oak Ridge Boulevard [Added 2-19-2008]	Both	Jenna Jo Avenue
Oak Ridge Boulevard (split) [Added 2-19-2008]	North and South	Aurora Avenue

Stop Sign on	Direction of Travel	At Intersection of
Oak Ridge Boulevard <b>[Added 2-19-2008]</b>	North	Meadow Brook Road
Oak Ridge Boulevard <b>[Added 2-19-2008]</b>	South	Dyer Switch Road
Oak Ridge Boulevard <b>[Added 2-19-2008]</b>	South	Oak Ridge Boulevard
Old Ballston Avenue North	North	Geyser Road
Old Ballston Avenue South	South	Gray's Crossing Road
Old Country Road	West	Cady Hill Boulevard
Old Henning Road	Northwest	Henning Road
Old Schuylerville Road	East	Ruggles Road
Old Schuylerville Road	South	Lake Avenue
Old Schuylerville Road Extension	East	Old Schuylerville Road
Orenda Spring Drive	East	Hathorn Boulevard
Orenda Spring Drive	West	Wagon Wheel Path
Outlook Avenue	North	Church Street
Outlook Avenue	South	Washington Street
Overlook Court (east end) <b>[Added 2-19-2008]</b>	Southeast	Regatta View Drive
Overlook Court (west end) <b>[Added 2-19-2008]</b>	South	Regatta View Drive
Park Alley	East	Granite Street
Park Alley	South	Vermont Street
Park Place <b>[Added 7-5-2005]</b>	Both	Regent Street

Stop Sign on	Direction of Travel	At Intersection of
Park Place	West	Circular Street
Park Street	North	Church Street
Park Street	South	Division Street
Patricia Lane	South	Lake Avenue
Pavilion Place	North	Lake Avenue
Pavilion Place	South	Caroline Street
P.D. Harris Road	Southeast	Ruggles Road
<b>[Added 2-19-2008]</b>		
P.D. Harris Road	West	Sandspring Drive
<b>[Added 2-19-2008]</b>		
Peck Avenue	West	Ballston Avenue
Peppers Alley	North	East Avenue
Peppers Alley	South	Second Avenue
Perry Street	Southeast	Ballston Avenue
Perry Street	West	Aletta Street
Petit Way	East	Marion Place
Petit Way	West	Regent Street
Pheasant Run	South	Summerfield Lane
<b>[Added 2-19-2008]</b>		
Phila Street	Both	Circular Street
Phila Street	Both	Henry Street
<b>[Added 10-6-1998]</b>		
Phila Street	East	Nelson Avenue
Phila Street	East	Putnam Street
Pine Alley	Both	Clinton Street



Stop Sign on	Direction of Travel	At Intersection of
Pine Alley	Both	Lawrence Street
Pine Alley	Both	Russell Street
Pine Alley	North	Alger Street
Pine Alley	West	Wills Street
Pine Alley Extension	Both	Vermont Street
Pine Alley Extension	North	Greenfield Avenue
Pinehurst Drive	West	Pine Road
Pineridge Lane	East	Wedgewood Drive
Pineridge Lane	West	Lakewood Drive
Pine Road		
<b>[Repealed 2-19-2008]</b>		
Pine Road	South	Grand Avenue
Pinewood Avenue	Both	Lefferts Street
Pinewood Avenue	Both	York Avenue
<b>[Added 12-19-2006]</b>		
Pinewood Avenue	North	McLaren Street
Pinewood Avenue	South	Lake Avenue
Piping Rock Circle	East	Gilbert Road
Piping Rock Circle	South	Piping Rock Circle
Plant Service Road	East	North Broadway
Pleasant Avenue	North	Livingston Street
Pleasant Avenue	South	West Fenlon Street
Pleasant Street	South	Washington Street
Prospect Avenue	North	Livingston Street
Prospect Avenue	South	West Fenlon Street

Stop Sign on	Direction of Travel	At Intersection of
Putnam Street	Both	Phila Street
Putnam Street	South	Spring Street
Quevic Drive	Both	Hathorn Boulevard
Quevic Drive	West	Skidmore Drive
Quiet Harbor Drive (north end)	East	Buff Road
Quiet Harbor Drive (south end)	East	Buff Road
Railroad Place	North	Church Street
Railroad Place	South	Washington Street
Red Oak Trail	Northwest	Tamarack Trail
Red Oak Trail	Southeast	Curt Boulevard
Regatta View Drive	Northwest	Dyer Switch Road
<b>[Added 2-19-2008]</b>		
Regatta View Drive	Southwest	Union Avenue
<b>[Added 2-19-2008]</b>		
Regent Street	Both	Caroline Street
Regent Street	Both	Park Place
Regent Street	Both	Phila Street
Regent Street	Both	Spring Street
Regent Street	Both	Union Avenue
Regent Street	North	Lake Avenue
Regent Street	South	Lincoln Avenue
Reservation Road	North	Crescent Street
Reservation Road	South	Crescent Avenue
Rip Van Lane	North	Adams Road
Ritchie Place	South	Lake Avenue

Stop Sign on	Direction of Travel	At Intersection of
Roberts Lane	West	Underwood Drive
Robinhood Court	North	Grand Avenue
Rock Alley	South	Rock Street
Rock Street	East	Maple Avenue South
Rock Street	West	North Broadway
Rolling Brook Drive	North	Saddle Brook Drive
<b>[Added 2-19-2008]</b>		
Rolling Brook Drive	West	Winding Brook Drive
<b>[Added 2-19-2008]</b>		
Rose Ridge Court	Southwest	East Ridge
<b>[Added 2-19-2008]</b>		
Round Table Road	North	Grand Avenue
Royal Henley Court	Southeast	Regatta View Drive
<b>[Added 2-19-2008]</b>		
Ruggles Road	Both	Old Schuylerville Road
<b>[Added 9-20-2005]</b>		
Russell Street	Both	Waterbury Street
Russell Street	South	Van Dam Street
Saddle Brook Drive	North	Stony Brook Drive
<b>[Added 2-19-2008]</b>		
Saddle Brook Drive	West	Winding Brook Drive
<b>[Added 2-19-2008]</b>		
Saint Charles Place	South	Grand Avenue
Saint Charles Place	West	West Avenue
Saint Lea Court	South	Grand Avenue

Stop Sign on	Direction of Travel	At Intersection of
Saint Raymond Court	South	Grand Avenue
Saint Rose Court	North	Saint Charles Place
Salem Drive	North	Lake Avenue
Salem Drive	South	Caroline Street
Sandspring Drive	North	Timber Lane
Sarazen Street	North	Vallera Road
Schallen Road	Southwest	Lake Avenue
Schrade Lane	Northwest	Aletta Street
Schrade Lane	Southeast	Perry Street
Schuyler Drive	Both	Caroline Street
Schuyler Drive	North	Lake Avenue
Schuyler Drive	South	Fifth Avenue
Second Alley	East	South Franklin Street
Second Alley	West	Beekman Street
Second Street	Both	Broadway
Second Street	East	Maple Avenue North
Seward Street	Both	Clement Avenue
[Added 6-4-2002]		
Seward Street	Both	Pearl Street
Seward Street	South	Church Street
Shadow Brook Drive	North	Rollling Brook Drive
[Added 2-19-2008]		
Shadow Brook Drive	South	Beacon Hill Drive
[Added 2-19-2008]		
Shadwick Way	South	North Circular Street

Stop Sign on	Direction of Travel	At Intersection of
Sherri Drive	North	Jordan Drive North
Sherri Drive	South	Jordan Drive South
Sherwood Trail (east end)	South	Grand Avenue
Sherwood Trail (west end)	South	Grand Avenue
Short Alley	East	Hodgeman Street
Short Alley	West	Henry Street
Sicada Street	South	Vallera Road
Skidmore College Road	West	Clinton Street
Skidmore Drive	Both	Vichy Drive
Skidmore Drive	South	Tamarack Trail
Slade Road	North	Washington Street
Slade Road	South	Grand Avenue
South Alley	Both	Clark Street
South Alley	Both	Stratton Street
South Alley	South	Lincoln Avenue
South Alley	West	Cottage Street
South East Street	North	Park Place
South East Street	South	Lincoln Avenue
Southern Place	East	Maple Avenue
South Point Road	North	Summerfield Lane
<b>[Added 2-19-2008]</b>		
South Point Road	South	Old Schuylerville Road
South Street	East	Ballston Avenue
Spa Circle	North	West Fenlon Street
Spa Drive	North	Finley Street
Spa Drive	North	Livingston Street

Stop Sign on	Direction of Travel	At Intersection of
<b>[Added 6-17-2008]</b>		
Spa Drive	South	Livingston Street
<b>[Added 6-17-2008]</b>		
Spa Drive	South	West Fenlon Street
Spring Lane	East	Circular Street
Spring Lane	West	Henry Street
Spring Place	East	Circular Street
Spring Place	West	Henry Street
Spring Street		
<b>[Repealed 2-19-2008]</b>		
Spring Street	Both	Court Street
Spring Street	Both	Putnam Street
<b>[Added 6-18-2002]</b>		
Spring Street	East	Nelson Avenue
Spring Street		
<b>[Repealed 2-19-2008]</b>		
Springwood Drive	North	Audry Lane
Springwood Drive	South	Lake Avenue
Spruce Alley	West	Henry Street
Spruce Alley Extension	East	East Harrison Street
Spruce Alley Extension	West	Circular Street
Spruce Alley Extension	West	York Avenue
Staffords Bridge Road	North	Lake Avenue
Starbuck Lane	West	Nelson Avenue
State Street	Both	Clement Avenue

Stop Sign on	Direction of Travel	At Intersection of
State Street	East	First Street
State Street	South	Van Dam Street
Station Lane	East	West Avenue
Steele Street	Both	Adams Street
Steele Street	Both	Madison Street
Steele Street	Both	Monroe Street
Steele Street	East	Jackson Street
Steele Street	West	Jefferson Street
Stonewood Drive	East	Lakewood Drive
Stonewood Drive	West	Longwood Drive
Stony Brook Drive	South	Stony Brook Drive
<b>[Added 2-19-2008]</b>		
Stony Brook Drive	West	Winding Brook Drive
<b>[Added 2-19-2008]</b>		
Stratton Street	North	White Street
Stratton Street	South	Lincoln Avenue
Sultana Street	East	Sarazen Street
Sundance Drive	East	Waterview Drive
<b>[Added 2-19-2008]</b>		
Sundance Drive	West	Cassidy Drive
<b>[Added 2-19-2008]</b>		
Sunrise Drive	North	Caroline Street
Sunrise Drive	South	Fifth Avenue
Sunset Drive	East	Karista Spring Drive
Sunset Drive	West	Wagon Wheel Path

Stop Sign on	Direction of Travel	At Intersection of
Sweeney Way	East	Nelson Avenue
Tait Lane	West	Allen Drive
Talford Place	East	Nelson Avenue
Talford Place	West	Court Street
Tamarack Road	Northwest	Vichy Drive
Tamarack Road	Southeast	Tamarack Trail
Tamarack Trail	South	Trottingham Road
Tarquin Place	East	Ludlow Street
Taylor Street	East	Jefferson Street
<b>[Added 5-20-2008]</b>		
Taylor Street	West	Doten Avenue
Thames Way	North	Regatta View Drive
<b>[Added 2-19-2008]</b>		
Third Alley	Northeast	Ash Street
Third Alley	Southwest	Beekman Street
Third Street	East	North Broadway
Thompson Place	East	Court Street
Thoroughbred Drive	South	Crescent Street
<b>[Added 2-19-2008]</b>		
Thoroughbred Drive	South	Furlong Street
<b>[Added 2-19-2008]</b>		
Tiffany Place (east end)	North	Geyser Road
<b>[Added 2-19-2008]</b>		
Tiffany Place (west end)	North	Geyser Road
<b>[Added 2-19-2008]</b>		



Stop Sign on	Direction of Travel	At Intersection of
Timber Brook Drive <b>[Added 2-19-2008]</b>	North	Winding Brook Drive
Timber Brook Drive <b>[Added 2-19-2008]</b>	South	Stony Brook Drive
Tipton Lane	Both	Ludlow Street
Tipton Lane	East	East Avenue
Tipton Lane	West	Nelson Avenue
Tommy Luther Drive <b>[Added 2-19-2008]</b>	North	Geyser Road
Tommy Luther Drive <b>[Added 4-17-2007]</b>	North	Karner Drive
Tompion Lane	Both	Church Street
Tompion Lane	Southwest	Jaipur Lane
Trailer Court	West	Broadway
Tremont Street	North	Lincoln Avenue
Tressle Lane	North	Van Dam Street
Tressle Lane	South	Railroad Alley
Truman Lane	North	Webster Street
Truman Lane	South	Wright Street
Tyler Drive <b>[Added 2-19-2008]</b>	North	Tyler Drive
Tyler Drive <b>[Added 2-19-2008]</b>	Southeast	Arrowhead Road
Underwood Drive	South	Lake Avenue

Stop Sign on	Direction of Travel	At Intersection of
Union Avenue		
<b>[Repealed 2-19-2008]</b>		
Union Street	Both	Ballston Avenue
Union Street	Both	Lincoln Avenue
Union Street	North	Route 9P
Union Street	North	West Circular Street
Union Street	South	Adelphi Street
Vallera Road	East	Union Avenue
Vallera Road	West	Sicada Street
Vanderbilt Avenue	North	Lincoln Avenue
Vanderbilt Avenue	South	Crescent Street
Van Rensselaer Street	North	Church Street
Van Rensselaer Street	South	Division Street
Vichy Drive	Both	Eureka Drive
<b>[Added 12-17-2002]</b>		
Vichy Drive	Both	Hayes Drive
<b>[Added 12-7-2004]</b>		
Vichy Drive	Both	Skidmore Drive
Vichy Drive	East	Hathorn Boulevard
Victoria Lane	East	Excelsior Springs Avenue
Vista Drive	Both	Arrowhead Road
<b>[Added 9-6-2005]</b>		
Wagner Drive	North	Lake Avenue
Wagner Drive	South	Caroline Street
Wagon Wheel Path	Northwest	Trottingham Road

Stop Sign on	Direction of Travel	At Intersection of
Wagon Wheel Path	Southwest	Fendell Spring Drive
Walden Lane	West	Nelson Avenue
Walnut Street	Both	Grand Avenue
Walnut Street	Both	Washington Street
Walnut Street	North	Division Street
Walnut Street	South	West Circular Street
Walter Drive	East	Kirby Road
Walter Drive	West	Buff Road
Walton Street	Both	Clinton Street
Walton Street	East	Broadway
Walton Street	West	Lawrence Street
Walton Street	Both	Woodlawn Avenue
<b>[Added 2-4-1997]</b>		
Walworth Street	Both	Division Street
Walworth Street	North	Church Street
Walworth Street	South	Washington Street
Wampum Drive	East	Karista Spring Drive
Wampum Drive	West	Wagon Wheel Path
Ward Street	North	Crescent Street
Ward Street	South	Gridley Avenue
Warren Street	Both	North Street
Warren Street	Both	York Street
Warren Street	North	High Rock Avenue
Warren Street	South	Lake Avenue
Waterbury Street	Both	Lawrence Street
Waterbury Street	Both	Russell Street

Stop Sign on	Direction of Travel	At Intersection of
Waterbury Street	East	Clinton Street
Waterbury Street	West	Van Dorn Street
Waterview Drive (west end)	South	Crescent Avenue
<b>[Added 2-19-2008]</b>		
Waterview Drive (east end)	Southeast	Crescent Avenue
<b>[Added 2-19-2008]</b>		
Webster Street	Both	Jackson Street
Webster Street	Both	Monroe Street
Webster Street	Both	Jefferson Street
Webster Street	East	Nelson Avenue
Wedgewood Drive	South	Lake Avenue
Wells Street	Both	Waterbury Street
Wells Street	South	Van Dam Street
West Avenue	South	Ballston Avenue
Westbury Drive	East	Buff Road
<b>[Added 2-19-2008]</b>		
West Circular Court	South	West Circular Street
West Circular Street	Both	Hamilton Street
West Circular Street		
<b>[Repealed 2-19-2008]</b>		
West Circular Street	West	Glenmore Avenue
Western Alley	Both	Ash Street
Western Alley	Both	Oak Street
Western Alley	North	Grand Avenue
Western Alley	South	West Circular Street

Stop Sign on	Direction of Travel	At Intersection of
West Fenlon Street		
<b>[Repealed 2-19-2008]</b>		
West Harrison Street	North	Church Street
West Harrison Street	South	Division Street
Wheatstone Court		
	West	Pheasant Run
<b>[Added 2-19-2008]</b>		
White Birch Path	North	Curt Boulevard
White Birch Path	South	Trottingham Road
White Farms Road	East	Ballston Avenue
White Street	Both	Clark Street
Whitney Place	North	Circular Street
Whitney Place	South	Lincoln Avenue
Williams Street	East	Hamilton Street
Wilshire Boulevard		
	East	Tiffany Place
<b>[Added 2-19-2008; 9-16-2008]</b>		
Winding Brook Drive		
	Both	Rolling Brook Drive
<b>[Added 2-19-2008]</b>		
Winding Brook Drive		
	East	Stony Brook Drive
<b>[Added 2-19-2008]</b>		
Winding Brook Drive		
	South	Beacon Hill Drive
<b>[Added 2-19-2008]</b>		
Winners Circle Road	East	White Farms Road
Woodbridge Court		
	East	Buff Road
<b>[Added 2-19-2008]</b>		
Woodbridge Court	South	Westbury Drive

Stop Sign on	Direction of Travel	At Intersection of
<b>[Added 2-19-2008]</b>		
Woodlawn Avenue	Both	Church Street
Woodlawn Avenue	Both	First Street
Woodlawn Avenue	Both	Greenfield Avenue
Woodlawn Avenue	Both	Third Street
Woodlawn Avenue	Both	Van Dam Street
Woodlawn Avenue	Both	Walton Street
Woodlawn Avenue	South	Division Street
Worden Lane	West	Kirby Road
Worth Street	East	Jefferson Street
Worth Street	West	Vanderbilt Avenue
Wright Street	Both	Adams Street
Wright Street	Both	Madison Street
Wright Street	Both	Nelson Avenue
Wright Street	West	Jefferson Street
York Avenue	Both	East Avenue
York Avenue	Both	Pinewood Avenue
York Avenue	Both	Warren Street
York Avenue	East	Nelson Avenue
York Avenue	East	Ritchie Place
York Avenue	West	Circular Street
York Street	Both	High Rock Avenue
York Street	East	Henry Street

**§ 225-78. Schedule XIII: Yield Intersections.**

In accordance with the provisions of § 225-21B, the following described intersections are hereby designated as yield intersections, and yield signs shall be installed as follows:

<b>Yield Sign on</b>	<b>Direction of Travel</b>	<b>At Intersection of</b>
Mallard Landing	East	Pheasant Run
Mitchell Street	West	George Street
Pheasant Run	East	Blueberry Way
South Franklin Street	South	Beekman Street
Wheatstone Court	West	Pheasant Run
Worth Street	West	Vanderbilt Avenue

**§ 225-79. Schedule XIV: Trucks Over Certain Weights Excluded.**

In accordance with the provisions of § 225-22, trucks in excess of the weights indicated are hereby excluded from the following streets or parts of streets, except for the pickup and delivery of materials on such streets:

<b>Name of Street</b>	<b>Weight Limit (tons)</b>	<b>Location</b>
Buff Road	5	Between Church Street and Washington Street
Circular Street	5	Between Broadway and High Rock Avenue
Circular Street	5	Between Spring Street and Broadway
Congress Avenue	5	Between West Avenue and New Street
Congress Street	5	Between Franklin Street and Federal Street
Denton Road	5	Between Seward Street and Locust Grove Road
Empire Avenue	5	Between Congress Avenue and Joseph Street
Excelsior Springs Avenue	5	Between Lake Avenue and Excelsior Avenue
Gilbert Road	5	Between Lake Avenue and Union Avenue
Glenmore Avenue	5	Between West Circular Street and Grand Avenue
Grand Avenue	5	Between Franklin Street and City Line
Grand Avenue	5	Between West Avenue and Franklin Street

<b>Name of Street</b>	<b>Weight Limit (tons)</b>	<b>Location</b>
Joseph Street	5	Between West Circular Street and Empire Avenue
Kirby Road	5	Between Church Street and Washington Street
Lake Avenue	5	Broadway to Weibel Avenue

**[Added 10-18-1993]**

Lincoln Avenue	5	Between Broadway and Ballston Avenue
Lincoln Avenue	5	Between Broadway and Nelson Avenue
Locust Grove Road	5	Between Church Street and City line
Pine Road	5	Between Washington Street and Grand Avenue
Seward Street	5	Between Church Street and City line on Seward Street
Slade Road	5	Between Washington Street and Grand Avenue
Spring Street	5	Between Circular Street and Broadway
Union Avenue	5	Between Henning Road and Circular Street
West Circular Street	5	Between Broadway and Glenmore Avenue

**§ 225-80. Schedule XV: Temporary Street Closings.**

In accordance with the provisions of § 225-23, the following streets or parts of streets shall be closed to vehicular traffic during the days and hours indicated:

<b>Name of Street</b>	<b>Hours/Days</b>	<b>Limits</b>
Caroline Street	6:00 p.m. to 6:00 a.m./All during July and August	From Broadway to Maple Avenue and Putnam Street
George Street	Various times during Fasig- Tipton horse sales, during July and August Avenue	From Case Street to East

**§ 225-81. Schedule XVI: Parking Prohibited at All Times.**



In accordance with the provisions of § 225-26, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Caroline Street	Both	Between Broadway and Putnam Street
Caroline Street	North	Between Henry Street and Circular Street
Church Street	Both	Between Van Dorn Street and West Avenue
Church Street	North	Between Broadway and Railroad Place
County Road 43	Both	From Geyser Road to its end
Congress Street	Both	Between Federal Street and Broadway
Geyser Road	Both	Between Route 50 and the first railroad overpass west of Route 50, during August
Granite Street		
<b>[Added 12-16-2008]</b>	East	Between Greenfield Avenue and Vermont Street
Greenfield Avenue		
<b>[Added 12-16-2008]</b>	North	Between Broadway and Clement Street
Grove Street	North	Between Maple Avenue South and Broadway
Hodgman Street	Both	Between Lake Avenue and Caroline Street
Julian Way	East	Between East Ridge and Crescent Avenue
<b>[Added 8-21-2007]</b>		
Julian Way	West	Between Crescent Avenue and East Ridge
<b>[Added 8-21-2007]</b>		
Lake Avenue	North	Between Broadway and Henry Street
Lake Avenue	North	Between Maple Avenue and Broadway, except for City of Saratoga Springs Police Department vehicles and authorized emergency vehicles
Maple Avenue	Both	Between Lake Avenue and Caroline Street
Maple Avenue	West	Between Rock Street and Grove Street

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
South		
Myrtle Street	Both	Between Church Street and Marvin Street
Myrtle Street	Both	Between Church Street and Woodland Court
Old Ballston Avenue North	Both	Between Geyser Road and the end
Phila Street	Both	Between Circular Street and Regent Street
Phila Street, 1 space	North	Between Broadway and Putnam Street
Putnam Street	East	Between, and within 30 feet of, driveways to the public library
<b>[Added 12-20-2005]</b>		
Putnam Street	West	Between Caroline Street and Spring Street
Rock Street	North	Between Maple Avenue South and Route 50 Arterial
Rose Ridge Court		Inside Rim of Circle
<b>[Added 8-21-2007]</b>		
South Franklin Street	East	Between Grand Avenue and Beekman Street
<b>[Added 6-19-2007]</b>		
Spring Street	Both	Between Circular Street and Regent Street
Spring Street	North	Between Circular Street and Henry Street
Spring Street	North	Between Putnam Street and Broadway
Spring Street	South	Between Circular Street and Broadway
Van Rensselaer Street	Both	Between Church Street and Marvin Street
Walnut Street	Both	Between Division Street and
West Circular Street	Both	Between Benedict Street and West Avenue

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
White Farms Road	Both	Between Ballston Avenue and the end
Woodlawn Avenue	East	Between Division Street and Church Street
Woodlawn Avenue	West	Between Walton Street and Church Street

**§ 225-82. Schedule XVII: No Stopping.**

In accordance with the provisions of § 225-27, no person shall stop a vehicle upon any of the following described streets or parts of streets:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
(Reserved)		

**§ 225-83. Schedule XVIII: No Standing.**

In accordance with the provisions of § 225-28, no person shall stand a vehicle upon any of the following described streets or parts of streets:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Excelsior Avenue	East	Between Maple Avenue and High Rock Avenue

**[Added 8-17-2004]**

Maple Avenue	West	Between Grove Street and Excelsior Avenue
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**[Added 8-17-2004]**

**§ 225-84. Schedule XIX: Parking Prohibited Certain Hours.**

In accordance with the provisions of § 225-29, no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:

<b>Name of Street</b>	<b>Side</b>	<b>Hours/Days</b>	<b>Location</b>
Broadway	East	3:00 a.m. to 7:00 a.m./All, from 11/1 to 4/1	Municipal parking lot between Lake Avenue and Grove Street (165.52-4-39)
<b>[Added 1-20-2004]</b>			
Broadway	East	3:00 a.m. to 7:00 a.m./All, from 11/1 to 4/1	Municipal parking lot between Phila Street and Caroline Street (165-59-3-4, 5, 6.1, 7.1)
<b>[Added 1-20-2004]</b>			

Name of Street	Side	Hours/Days	Location
Corner of Caroline and Henry Street	South/West	3:00 a.m. to 7:00 a.m./All, from 11/1 to 4/1	Municipal Parking Lot (165.60-1-35)
<b>[Added 11-16-2004]</b>			
Spring Street	North	3:00 a.m. to 7:00 a.m./All, from 11/1 to 4/1	Municipal parking structure (upper level) (165.67-2-3, 4)
<b>[Added 1-20-2004]</b>			
Washington Street	North	Monday through Friday	Between Federal Street and Broadway
<b>[Added 10-17-2006]</b>			

**§ 225-85. Schedule XX: No Stopping Certain Hours.**

In accordance with the provisions of § 225-30, no person shall stop a vehicle between the times specified upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
(Reserved)			

**§ 225-86. Schedule XXI: No Standing Certain Hours.**

In accordance with the provisions of § 225-31, no person shall stand a vehicle between the times specified upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
(Reserved)			

**§ 225-87. Schedule XXII: Time-Limit Parking.**

In accordance with the provisions of § 225-32, no person shall park a vehicle for longer than the time limit shown upon any of the following described streets or parts of streets:

Name of Street	Side	Time Limit; Hours/Days	Location
Beekman Street	East	10 minutes	Between Cobb Alley and Oak Street
Beekman Street	West	10 minutes	Between Ash Street and Oak Street

<b>Name of Street</b>	<b>Side</b>	<b>Time Limit; Hours/Days</b>	<b>Location</b>
Broadway	Both	2 hours	Between Heustis Court and Grove Street
Broadway	East	15 minutes	At YMCA
Broadway	East	15 minutes	Between East Congress Street and Spring Street
Broadway	East	15 minutes	Between Spring Street and Phila Street
Broadway	East	15 minutes	Between Phila Street and Caroline Street
Broadway	East	15 minutes	Between Caroline Street and Lake Avenue
Broadway	East	15 minutes	Between Lake Avenue and Grove Street
Broadway	East	2 hours	Municipal Lot between Lake Avenue and Grove Street
Broadway	East	2 hours	Municipal Lot between Phila Street and Caroline Street
Corner of Church Street and Woodlawn Avenue  <b>[Added 8-23-2005; amended 9-20-2005]</b>	North	First floor: portion north of entrance, no limit; portion south of entrance, 3 hours Second floor: No limit	Municipal Parking Lot (165.51-3-9)
Church Street	South	15 minutes	Between Broadway and Woodlawn Avenue
Clinton Street	West	10 minutes	Between Waterbury Street and Pine Alley
Congress Street  <b>[Added 8-17-2004]</b>	South	15 minutes	272 feet west of Hamilton Street
Congress Street  <b>[Added 5-2-2006]</b>	South	2 hours	Between Congress Place and Hamilton Street

<b>Name of Street</b>	<b>Side</b>	<b>Time Limit; Hours/Days</b>	<b>Location</b>
Division Street	North	10 minutes	Between Broadway and Railroad Alley
Lake Avenue <b>[Added 5-18-2004]</b>	North	2 hours	Southernmost portion of municipal parking lot between Maple Avenue and High Rock Avenue (165.52-4-45)
Lake Avenue	South	15 minutes	Between Maple Avenue and Broadway
Ludlow Street	West	10 minutes	Between George Street and Mitchell Street
Putnam Street <b>[Added 1-15-2008]</b>	East	3 hours, 9:00 a.m. to 6:00 p.m.	Public library parking lot
Spring Street	North	2 hours	Between Henry Street and Putnam Street
Spring Street <b>[Added 5-18-2004]</b>	North	2 hours	Municipal parking structure (lower level) (165.67-2-3, 4)
Washington Street <b>[Added 10-17-2006]</b>	South	2 hours	From its intersection with Federal Street to a distance of 430 feet
Waterbury Street	North	10 minutes	Between Clinton Street and Lawrence Street
Between Woodlawn Avenue and Long Alley <b>[Added 9-20-2005]</b>	Entire lot	3 hours	Municipal Parking Lot (165.59-1-22)
Woodlawn Avenue	West	2 hours	Municipal Lot between Church Street and Division Street

**§ 225-88. Schedule XXIII: Angle Parking.**

In accordance with the provisions of § 225-33, no person shall park a vehicle upon any of the streets or parts thereof described below, except at the angle designated:

<b>Name of Street</b>	<b>Side</b>	<b>Angle (degrees)</b>	<b>Location</b>
Division Street (Franklin Square)	North	As marked	From Clinton Street to a point 166 feet, plus or minus, east thereof

**§ 225-89. Schedule XXIV: Loading Zones.**

In accordance with the provisions of § 225-34, the following described locations are hereby designated as loading zones:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Broadway	East	Between Caroline Street and Lake Avenue (20 minutes)
Broadway	East	Between Phila Street and Caroline Street (20 minutes)
Broadway	West	Between Division Street and Washington Street (20 minutes)
Putnam Street	East	Between Caroline Street and Phila Street
Washington Street	North	Between Broadway and Railroad Place

**§ 225-90. Schedule XXV: Taxi Stands.**

In accordance with the provisions of § 225-35, the following described locations are hereby designated as taxi stands:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Broadway	East	Between Grove Street and Route 50 Arterial
East Avenue	West	Between George Street and Madison Avenue

**§ 225-91. Schedule XXVI: Bus Stops.**

In accordance with the provisions of § 225-36, the following described locations are hereby designated as bus stops:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Broadway	East	Between East Congress Street and Spring Street
Broadway	West	Between Washington Street and Congress Street
Lake Avenue	South	Between Marion Place and Regent Street

**§ 225-92. Schedule XXVII: Double Parking Prohibited.**

In accordance with the provisions of § 225-37, double parking is prohibited on the following streets or parts thereof:

<b>Name of Street</b>	<b>Side</b>	<b>Hours/Days</b>	<b>Limits</b>
Broadway	Both	All	From South Broadway at the Inside Tax District line to Van Dam Street

**§ 225-93. Schedule XXVIII: Handicapped Parking Zones.**

In accordance with the provisions of § 225-38D, the following described areas are hereby designated as handicapped parking zones:

A. Two-hour time limit.

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Broadway	East	Between East Congress Street and Spring Street
Broadway	East	Between Lake Avenue and Grove Street
Broadway	East	Municipal parking lot between Lake Avenue and Grove Street
Broadway	East	Municipal parking lot between Phila Street and Caroline Street; 2 spaces
Broadway	East	Between Spring Street and Phila Street
Broadway	East	At YMCA
Broadway	West	Between Congress Street and West Circular Street

B. Unlimited time.

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Church Street	North	Municipal parking lot between Woodlawn Avenue and Railroad Alley; 2 spaces
Grove Street	South	Between Broadway and Maple Avenue South
Lake Avenue	South	Between Broadway and Maple Avenue South
Phila Street	South	Between Putnam Street and Broadway
Putnam Street	West	Municipal parking lot between Phila Street and Spring Street
Railroad Place	West	Between Washington Street and Division Street



Name of Street	Side	Location
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**[Added 2-7-2006]**

Spring Street	North	Municipal parking lot between Henry Street and Putnam Street
Woodlawn Avenue	East	Municipal parking lot between Division Street and Church Street; 4 spaces

**§ 225-94. Schedule XXIX: Alternate-Side-of-Street Parking.**

**[Amended 7-20-2004; 10-18-2005; 11-15-2005; 12-20-2005; 3-6-2007]**

In accordance with the provisions of § 225-39C, the following described areas are hereby established as alternate-side-of-street parking areas:

A. Alternate parking prohibited at all times.

Name of Street	From	To	Tuesday, Thursday, Saturday Parking on (side)
Alger Street	State Street	Clinton Street	South
Alydar Court	Tompion Lane	Tompion Lane	North
Andrew Street	Beekman Street	Van Rensselear Street	South
Aqueduct Drive	Belmont Drive	End	South (except cul-de-sac)
Ash Street	Benedict Street	Hyde Street	South
Ash Street	South Franklin Street	Walnut Street	South
Avery Street	East Avenue	Warren Street	South
Beekman Street	Church Street	Washington Street	West
Beekman Street	Grand Avenue	West Circular Street	West
Belmont Drive	Winners Circle	Aqueduct Drive	West
Caroline Street	Circular Street	Granger Avenue	South

<b>Name of Street</b>	<b>From</b>	<b>To</b>	<b>Tuesday, Thursday, Saturday Parking on (side)</b>
Catherine Street	East Avenue	North Circular Street	East
Church Street	Van Dorn Street	Clinton Street	South
Circular Street	York Avenue	Phila Street	East
Clark Street	Park Place	Union Avenue	East
Cliffside Drive	Kaydeross Road	Vista Drive	West
Clinton Street	Alger Street	Church Street	West
Cottage Place	Caroline Street	Regent Street	West
Cottage Street	White Street	Park Place	West
Court Street	Caroline Street	Spring Street	East
Derby Drive	Winners Circle	End	South (except cul-de- sac)
East Beekman Street	Washington Street	Congress Street	West
East Harrison Street	Lake Avenue	North Street	East
Elm Street	Grand Avenue	West Joseph Street	East
First Street	North Broadway	Catherine Street	South
Furlong Street	Thorough- bred Drive	Thorough- bred Drive	South
George Street	Court Street	Nelson Avenue	North
Granite Street	Alger Street	Greenfield Street	West

**[Amended 6-  
19-2007]**

Greenfield Avenue

**[Added 6-19-2007; repealed 12-16-2008]**

<b>Name of Street</b>	<b>From</b>	<b>To</b>	<b>Tuesday, Thursday, Saturday Parking on (side)</b>
Greenridge Place  <b>[Added 4-12-2007]</b>	Lincoln Avenue	End	West
Henry Street	Lake Avenue	Spring Street	West
Hyde Street	West Circular Street	Ash Street	East
Jaipur Lane	Church Street	Tompion Lane	East
James Street	North Street	York Avenue	West
Jefferson Street	Lincoln Avenue	Crescent Street	West
Joseph Street	West Circular Street	High School	West
Jumel Place	Ludlow Street	Granger Avenue	South
Kaydeross Road	Lakeview Road	End	East
Lakeview Road	Kaydeross Road	Kaydeross Road	North
Lawrence Street	Waterbury Street	Church Street	West
Lawrence Street	Waterbury	Embury Apt.	East
Ludlow Street	Lake Avenue	Madison Avenue	West
Madison Street	Wright Street	Lincoln Avenue	West
Marion Place	Lake Avenue	Caroline Street	East
Marvin Street	Beekman Street	Myrtle Street	North
Middle Avenue	East Avenue	Nelson Avenue	North
Myrtle Street	Division Street	Church Street	West
Nelson Avenue	High Rock Avenue	Union Avenue	West
North Circular	Catherine	North Broadway	South

Name of Street	From	To	Tuesday, Thursday, Saturday Parking on (side)
Street	Street		
North Street	Cicular Street	East Avenue	North
Oak Street	Walnut Street	South Franklin Street	South
Park Place	Circular Street	Clark Street	South
Park Street	Division Street	Church Street	West
Pearl Street	Seward Street	Van Dorn Street	North
Perry Street	Aletta Street	Ballson Avenue	South
Phila Street	Court Street	Nelson Avenue	South
Regent Street	Lake Avenue	Lincoln Avenue	West
Russell Street	Van Dam Street	end	West
Seward Street	Pearl Street	Corey Lane	West
Spring Street	Court Street	Nelson Avenue	South
State Street	Van Dam Street	Greenfield Avenue	West
Stratton Street	White Street	Lincoln Avenue	East
Thorough- bred Drive	Furlong Street	Mid-Thorough- bred Drive	East
Tompion Lane	Church Street	Jaipur Lane	East
Tyler Drvie	Arrowhead Road	Tyler Drive(loop)	South
Union Street	West Circular Street	Perry Street	West
Van Dam Street	Church Street	Woodlawn Avenue	North
Van Dorn Street	Church street	end	East
Vista Drive	Horizon Drive	Laura Lane	South
Vista Drive	Arrowhead	Kaydeross Road	South

Name of Street	From	To	Tuesday, Thursday, Saturday Parking on (side)
	Road		
Walnut Street	Ash Street	Division Street	West
Walton Street	Lawrence Street	Woodlawn Avenue	South
Warren Street	Middle Avenue	High Rock Avenue	East
Washington Street	Birch Street	Franklin Street	South
Waterbury Street	Clinton Street	Van Dorn Street	South
Wells Street	Van Dam Street	Waterbury Street	West
White Street	Nelson Avenue	Regent Street	North
Winners Circle	Derby Road	End	North
Woodlawn Avenue	Walton Street	Greenfield Avenue	East

B. Seasonal alternate side parking.

(1) From November 1 to April 1:

Name of Street	From	To	Tuesday, Thursday, Saturday Parking on (side)
Circular Street	High Rock Avenue	York Avenue	East
Clinton Street	Church Street	Division Street	West
Elm Street	Washington Street	Grand Avenue	East
Franklin Street	Washington Street	Division Street	West
Green Street	Catherine Street	Maple Avenue	South

<b>Name of Street</b>	<b>From</b>	<b>To</b>	<b>Tuesday, Thursday, Saturday Parking on (side)</b>
Lafayette Street	Circular Street	Henry Street	South
Lincoln Avenue	Nelson Avenue	Whitney Place	South
Second Street	Broadway	Catherine Street	South
Vermont Street	Woodlawn Avenue	Clinton Street	South
West Harrison Street	Division Street	Church Street	West
York Avenue	East Avenue	Circular Street	South

(2) Every day during Saratoga Thoroughbred Racing Meet in any year:

<b>Name of Street</b>	<b>From</b>	<b>To</b>	<b>Tuesday, Thursday, Saturday Parking on (side)</b>
Madison Street	Steel Street	Wright Street	West

**§ 225-95. Schedule XXX: Parking Prohibited in other Areas and Driveways.**

**[Added 10-15-2002]**

In accordance with § 1640-a of the New York Vehicle and Traffic Law, and § 225-26B of this chapter, no person shall park a vehicle at any time upon any of the following described areas or parts thereof:

A. Any driveway, loading area, sidewalk or other area that provides access to the building commonly known as the "Stonequist Apartments."

**§ 225-96. Schedule XXXI: Parking Prohibited Certain Hours Within Designated Areas.**

**[Added 6-20-2006]**

In accordance with the provisions of § 225-29B, no person shall park, or cause to be parked, any vehicle between the hours specified either on a sidewalk or within three feet of the street or pavement:

<b>Name of Street</b>	<b>Side</b>	<b>Hours/Days</b>
All streets or parts thereof east	Both	8:00 a.m. to 6:00 p.m./all days except

<b>Name of Street</b>	<b>Side</b>	<b>Hours/Days</b>
of Broadway, except those designated as "Lane" or "Alley"		Tuesdays, during the Saratoga Thoroughbred Racing Meet each year

## **CHAPTER 228. VESSELS AND WATERS**

### **ARTICLE I. Speed and Operation of Vessels**

**§ 228-1. Intent.**

**§ 228-2. Definitions.**

**§ 228-3. Speed and operation.**

**§ 228-4. Exceptions.**

**§ 228-5. Enforcement.**

**§ 228-6. Penalties for offenses.**

### **ARTICLE II. Public Launching Facilities**

**§ 228-7. Intent.**

**§ 228-8. Definitions.**

**§ 228-9. License required; application.**

**§ 228-10. Issuance of license.**

**§ 228-11. Regulations for use.**

**§ 228-12. Fees.**

**§ 228-13. Penalties for offenses.**

Attachments:

**228a Addendum A**

## **CHAPTER 228. VESSELS AND WATERS**

Editor's Note: Minutes of the 3-1-1993 City Council meeting referred to the Saratoga Lake speed ordinance that was adopted in 1992 to establish a five-mile-per-hour no-wake speed zone in an area north and south of the Route 9P bridge. This has been approved by the state, and the ordinance will become effective with the 1993 boating season. An evaluation will be made at the end of the season to see if further amendments to the ordinance are necessary.

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 5-18-1992. Amendments noted where applicable.]**

### **ARTICLE I. Speed and Operation of Vessels**

#### **§ 228-1. Intent.**

The provisions of this chapter are intended to regulate the speed and operation of vessels while being operated or driven upon any waters within the City of Saratoga Springs. This chapter is enacted in accordance with the provisions of § 46-a of the Navigation Law of the State of New York.

#### **§ 228-2. Definitions.**

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

#### **VESSEL**

Includes every description of a floating craft or other contrivance used on or capable of being used as a means of transportation in the water.

#### **§ 228-3. Speed and operation.**

**[Amended 7-21-1998]**

No vessel shall be operated on any part of the following described waterways located within the City of Saratoga Springs: beginning at a point on the western shore of Saratoga Lake, said point being more specifically described as North 1,113,157, East 661,414; thence northeasterly along the western shore of Saratoga Lake and Fish Creek to a point, said point being more specifically defined as North 1,114,630, East 663,580; thence southeasterly along an azimuth of 54 degrees, 09 minutes, to a point, said point being more specifically defined as North 1,114,235, East 664,115; thence southwesterly along the center line of Saratoga Lake and Fish Creek to a point more specifically described as North 1,112,937, East 662,178; thence easterly along an azimuth of 73 degrees, 54 minutes, to the point or place of beginning (all coordinates refer to the New York State Plane Coordinate System, East Zone), in a manner or at a speed that causes a wake that unreasonably interferes with or endangers a dock, pier, raft, float, vessel or other property or endangers the health, safety and welfare of any person, but in no event at a speed exceeding five miles per hour.

**§ 228-4. Exceptions.**

The provisions of § 228-3 above shall not apply to any of the following:

A. An authorized agent of the federal, state or municipal government when operating a vessel while responding to an emergency situation.

**[Amended 7-17-2001]**

B. A vessel actually competing in a regatta or boat race authorized under § 34 of the Navigation Law of the State of New York.

**§ 228-5. Enforcement.**

Any person authorized to enforce the provisions of the Navigation Law may enforce the provisions of this chapter.

**§ 228-6. Penalties for offenses.**

Any person who operates a vessel in violation of this chapter shall be guilty of a violation punishable to the same extent as a violation of § 45 of the Navigation Law of the State of New York.

**ARTICLE II. Public Launching Facilities**

**[Added 7-3-2007]**

**§ 228-7. Intent.**

The intent of this article is to establish a basis for permitting and regulating activity on any facility established by the City of Saratoga Springs for use by the public to launch vessels. Nothing in this article is to be construed as superseding any provision of the Navigation Law of the State of New York.

**§ 228-8. Definitions.**

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

**PUBLIC LAUNCHING FACILITY**



Any facility established by the City of Saratoga Springs for use by individuals licensed by the City to launch vessels into a body of water.

**RESIDENT OF THE CITY**

Any individual who owns, or lawfully possesses for a period of three months or more, one or more residential dwelling units within the City.

**§ 228-9. License required; application.**

A. No individual shall use any public launching facility without first obtaining a license therefor from the Commissioner of Accounts.

B. An application for a license to use a public launching facility shall be filed in the Office of the Commissioner of Accounts. The application shall be signed by the applicant and shall contain the following information:

- (1) The name, address, and telephone number of the applicant.
- (2) The name, address, and telephone number of each person in the applicant's household who will be using the public launching facility.
- (3) Satisfactory proof that the applicant is a resident of the City.
- (4) Any other information deemed necessary by the Commissioner of Accounts for the reasonable review of the application.

**§ 228-10. Issuance of license.**

Upon review of the submitted application, and upon a finding that the applicant has provided all information required, the Commissioner of Accounts shall issue a license to the applicant. The Commissioner shall have authority to impose reasonable conditions on any license issued. The Commissioner shall also have authority to refuse to issue a license based upon a determination that the applicant has not satisfactorily met the requirements for same, or that the issuance of the license would adversely affect public health, safety, and welfare.

**§ 228-11. Regulations for use.**

Every licensee under this article shall comply with regulations established by the City Council and incorporated as Addendum A of this article. Editor's Note: Addendum A is included at the end of this chapter.

**§ 228-12. Fees.**

A fee of \$25 shall be paid for each license issued under this article. Each license shall expire December 31 on the year issued.

**§ 228-13. Penalties for offenses.**

Any persons who, by himself or herself or by an agent or employee, shall conduct any activity described in this article without a license, or who shall violate any of the provisions of this article, or who, having had a license revoked or suspended, shall continue to conduct any activity described in this article, shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the Code.

Attachments:

228a Addendum A

CHAPTER 231. WATER AND SEWERS

CHAPTER 231. WATER AND SEWERS

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs as indicted in part histories. Amendments noted where applicable.]**

GENERAL REFERENCES

General penalty — See Ch. 1, Art. III.

Utilities Department — See Ch. 48.

Plumbing — See Ch. 171.

Subdivision Regulations — See Ch. A247.

PART 1. Sewers

ARTICLE I. Sewer Use

**[Adopted as Ch. 97 of the 1970 Code]**

§ 231-1. Definitions and word usage.

A. Unless the context specifically indicates otherwise, the meanings of terms used in this Article shall be as follows:

**BOD (denoting "biochemical oxygen demand")**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20° C.), expressed in parts per million by weight. Editor's Note: The former definition of "building drain," which immediately followed this definition, was deleted 4-4-1994 by L.L. No. 1-1994.

**BUILDING SEWER**

The extension from the building drain to the public sewer or other place of disposal. This is the owner's responsibility.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

**CITY**

The City of Saratoga Springs, New York.

**DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works of the City of Saratoga Springs, New York.

**GARBAGE**

Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES**

The liquid wastes from industrial processes, as distinct from sanitary sewage.

**NATURAL OUTLET**

Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**PERSON**

Any individual, firm, company, association, society, corporation or group.

**PH**

The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PLUMBING INSPECTOR**

The Plumbing Inspector of the City of Saratoga Springs or his authorized deputy, agent or representative.

#### **PROPERLY SHREDDED GARBAGE**

The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

#### **PUBLIC SEWER**

A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority. Editor's Note: The former definition of "combined sewer," which immediately followed this definition, was deleted 4-4-1994 by L.L. No. 1-1994.

#### **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 wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm waters as may be present. Editor's Note: The former definition of "sewage treatment plant," which immediately followed this definition, was deleted 4-4-1994 by L.L. No. 1-1994.

#### **SEWAGE WORKS**

All facilities for collecting, pumping, treating and disposing of sewage.

**Amended 4-4-1994 by L.L. No. 1-1994]**

#### **SEWER**

A pipe or conduit for carrying sewage.

#### **SEWER AND SEWER SYSTEM**

Any and all pipes, conduits and channels where sanitary, storm or combined sewers are used in connection with the Saratoga County Sewer District.

**[ Added 4-4-1994 by L.L. No. 1-1994]**

#### **STORM SEWER OR STORM DRAIN**

A sewer which carries storm- and surface waters and drainage but excludes sewage and polluted industrial wastes.

#### **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.

#### **WATERCOURSE**

A channel in which a flow of water occurs, either continuously or intermittently.

B. Word usage.

(1) "Shall" is mandatory.

(2) "May" is permissive.

§ 231-2. Sewer rates established.

**[Added 4-4-1994 by L.L. No. 1-1994]**

There are hereby established rates or charges for the use of the sewage system of the city, including that aspect of the sewage system which is connected with the Saratoga County Sewer District. Such rates or charges shall be based upon the amount of water supplied by the city water system as shown by the water meter readings or as shown by whatever means is used to calculate water usage, and all users of said sewage system shall be charged for each of the calendar years according to rates adopted by

resolution of the Council. For purposes of determining sewer rates and other charges for properties having access to sewer but not being hooked up or connected to the same, rates shall be as though the same were hooked up or connected. In all cases in which users of said sewage system are not supplied with water from the city, the charge for such use of said sewage system shall be as included in the resolution of the Council for sewer rates.

§ 231-3. Sewer bills.

**[Added 4-4-1994 by L.L. No. 1-1994]**

Bills for use of the sewage shall be dated and sent out at such times as may be directed by the Commissioner of Public Works.

§ 231-4. Charges act as lien.

**[Added 4-4-1994 by L.L. No. 1-1994]**

Charges for sewer shall be a lien upon the premises as provided for in § C81 of the City Charter and also as provided by the statutes and laws of the State of New York. The Commissioner of Finance shall prepare a statement of all unpaid sewer and other related charges thirty (30) days after the same have become due and payable. Failure, however, to prepare this statement as provided for herein shall not affect the right of the city to establish its lien for unpaid sewer bills and to foreclose the lien as provided in the City Charter and the statutes and laws of the State of New York. Furthermore, nothing herein shall prevent the city from proceeding against the user and/or owner of the property which benefited from the sewer system as a personal claim, and the City Attorney is hereby authorized and directed to institute any proceeding in the name of the city in any court of competent jurisdiction against any property and against any user of said sewage system that said City Attorney deems necessary. The rates and charges herein established, in addition to being a lien upon the premises as provided for herein and in the City Charter, may be collected from the owners, occupants and users of the premises benefiting from the sewer charges and other related charges from and after the effective date of this Article.

§ 231-5. Deposit of waste on land prohibited.

**[Amended 4-4-1988]**

A. It shall be unlawful for any person to place, deposit or permit to be deposited in an insanitary manner upon public or private property within the City of Saratoga Springs or in any area within the jurisdiction of said city any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful for any person engaged in transporting, removing or disposing of any substance defined as "regulated waste," pursuant to Article 27, Title 3, of the New York State Environmental Conservation Law, to dispose of such substance within the City of Saratoga Springs either by lagooning or landspreading. For purposes of this subsection, "lagooning" shall mean the depositing and/or storing of such substances in a hole, ditch or depression, and "landspreading" shall mean the application of such substances to the surface of soil or the injection of such substances into the upper layer of soil.

§ 231-6. Discharge of untreated wastes prohibited.

It shall be unlawful to discharge to any natural outlet within the City of Saratoga Springs or in any area under the jurisdiction of said city and sanitary sewage, industrial waste or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

§ 231-7. Construction of private disposal systems restricted.

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.

§ 231-8. Installation of toilet facilities; connections to public sewer required.

**[Amended 4-6-1987; 4-4-1994 by L.L. No. 1-1994]**

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose situated within the city and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city are hereby required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly to the proper public sewer, in accordance with the provisions of this Article, within ninety (90) days after the date of notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

§ 231-9. (Reserved)

Editor's Note: Former § 231-9, Septic tank waste permits, added 11-18-1985, was deleted 4-4-1994 by L.L. No. 1-1994.

§ 231-10. Private disposal systems regulated.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

Where a public sanitary sewer is not available under the provisions of § 231-8, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

§ 231-11. Permit for private system required.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Building Inspector. The application for such permit shall be made on a form furnished by the city, accompanied by a fee as hereinafter provided for in § 231-18, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Building Inspector.

§ 231-12. Inspection required.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Building Inspector. He shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Building Inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Building Inspector.

§ 231-13. Compliance with public health recommendations.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of New York. No permit shall be issued for any private sewage disposal system employing subsurface soil-absorption facilities where the area of the lot is less than adequate to support the proposed installation. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

§ 231-14. Connection to public sanitary sewer required when available.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in § 231-8, 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. The property owner will be required to connect to the newly available public sewer within one (1) year.

§ 231-15. Operation and maintenance of private facilities.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

§ 231-16. Additional requirements.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

§ 231-17. Permit required for disturbing public system.

No authorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Department of Public Works.

§ 231-18. Application for permits; fees.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

A licensed city plumber or approved contractor shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Department of Public Works. The Commissioner of Public

Works shall have the authority to establish, from time to time, reasonable fees for such permits. A sewer saddle shall be provided by the city at the time of application.

§ 231-19. Costs and expenses; indemnification.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 231-20. Separate building sewer required; exception.

A separate and independent building sewer shall be provided for every building; except that, 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 (1) building sewer.

§ 231-21. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Department of Public Works, to meet all requirements of this chapter.

§ 231-22. Specifications.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

The building sewer shall be PVC Schedule 40 or equal or other suitable material approved by the Department of Public Works. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed with watertight joints.

§ 231-23. Size and slope.

The size and slope of the building sewer shall be subject to the approval of the Department of Public Works, but in no event shall the diameter be less than four (4) inches. The slope of such four-inch pipe shall be not less than one-eighth (1/8) inch per foot.

§ 231-24. Elevation and depth.

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 or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. 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.

§ 231-25. Artificial lifting of sewage.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

In all buildings in which any sanitary sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sanitary sewer.

§ 231-26. Excavations and backfilling.

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Department of Public Works. Pipe laying and backfill shall be performed in accordance with the American Society for Testing and Materials Specification C12-19, except that no backfill shall be placed until the work has been inspected.

§ 231-27. Joints and connections.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

All joints and connections shall be made gastight and watertight.

§ 231-28. Connection to public sewer.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

The connection of the building sewer into the public sewer shall be made at the Y-branch if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less and no

properly located Y-branch is available, the Public Works Department will provide the fitting. Where the public sewer is greater than twelve (12) inches in diameter and no properly located Y-branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees (45°). A forty-five-degree ell (L) may be used to make such connection, with the spigot end cut so as not to extend past the surface of the public sewer. The invert of the building sewer at the point of connection shall be the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Department of Public Works.

§ 231-29. Notice of connection; supervision.

The applicant for the building sewer permit shall notify the Department of Public Works when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Department of Public Works.

§ 231-30. Guarding excavations; restoration.

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 city.

§ 231-31. Prohibited discharges to sanitary sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer.

§ 231-32. Stormwater discharge controlled.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Department of Public Works. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Department of Public Works, to a storm sewer or natural outlet.

§ 231-33. Prohibited discharges to any public sewer.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F.).
- B. Any water or waste which may contain more than one hundred (100) parts per million, by weight, of fat, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Any garbage that has not been properly shredded.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- F. Any waters or wastes having a pH lower than five point five (5.5) or higher than nine point zero (9.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- G. Any waters or wastes containing a toxic or poisonous substance 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 of the sewage treatment plant.
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance.

§ 231-34. Grease, oil and sand interceptors.

A. Grease, oil and sand interceptors shall be provided when, in the opinion of the Department of Public Works, 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 Department of Public Works and shall be located so 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 temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

C. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

#### § 231-35. Restricted discharges.

A. The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than three hundred (300) parts per million by weight, containing more than three hundred fifty (350) parts per million by weight of suspended solids, containing any quantity of substances having the characteristics described in § 231-33 or having an average daily flow greater than two percent (2%) of the average daily sewage flow of the city shall be subject to the review and approval of the Department of Public Works.

B. Where necessary, in the opinion of the Department of Public Works, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

(1) Reduce the biochemical oxygen demand to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight,

(2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 231-33; or

(3) Control the quantities and rates of discharge of such water or wastes.

C. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Department of Public Works, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

#### § 231-36. Maintenance of preliminary treatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

#### § 231-37. Control manholes.

When required by the Department of Public Works, 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 Department of Public Works. 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.

#### § 231-38. Measurements, tests and analyses.

All measurements, tests and analyses of all characteristics of waters and wastes to which reference is made in §§ 231-33 and 231-35 shall be determined in accordance with Standard Methods for the Examination of Water and Waste Water and shall be determined at the control manhole provided for in § 231-37 or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

#### § 231-39. Special agreements or arrangements.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

#### § 231-40. Tampering with sewer system; penalties for offenses.

##### **[Amended 4-4-1994 by L.L. No. 1-1994]**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to the penalties set forth in the Penal Law.



§ 231-41. Right of entry.

The Plumbing Inspector and other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Article.

§ 231-42. Notice of violations.

Any person found to be violating any provision of this Article, except § 231-40, shall be served by the city 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.

§ 231-43. Penalties for offenses.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

Any person who shall continue any violation beyond the time limit provided for in § 231-42 shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

§ 231-44. Recovery of expenses and damages.

Any person violating any of the provisions of this Article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

§ 231-45. Nonliability of city.

**[Added 4-4-1994 by L.L. No. 1-1994]**

The city undertakes to use reasonable care and diligence to provide a constant flow to storm sewer users. The city, however, does not guarantee that blockages will not occur and assumes no liability for any damage caused to private property by the same.

§ 231-46. Check valves required.

**[Added 4-4-1994 by L.L. No. 1-1994]**

All building sewers must be installed with sewer check valves (backflow preventers).

ARTICLE IA. Industrial Wastewater, Other Materials and Substances

**[Added 7-3-2001 by L.L. No. 4-2001]**

§ 231-46.1. Acceptance and rejection of wastes.

A. If any waters or wastes are discharged or are proposed to be discharged to the sewerage system or sewers tributary thereto, which waters or wastes in the judgment of the Department of Public Works or its duly authorized agent, may have a deleterious effect upon said system or sewers, processes, equipment or receiving waters, or may otherwise create a hazard to life or constitute a public nuisance, or may exceed the concentration limits prescribed for normal sewage, the Department of Public Works or its duly authorized agent may:

- (1) Reject the waters or wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the waters or wastes not covered by existing charges or sewer rents;
- (5) Certified tests of industrial wastewater may be required periodically by the Department of Public Works or its duly authorized agent.

B. The discharge of waters or wastes requiring pretreatment, flow control or additional treatment will not be permitted into the sewerage system or sewers tributary thereto without previous approval by permit as prescribed under Article IB.

§ 231-46.2. Waste water requiring approval of permit.

The following are some of the industries which require approval by permit before discharging wastewater into public sewers: tanning, metal pickling, metal plating, galvanizing, pulp and paper making, brewing, distilling, public laundering, laundromats, soap making, glue manufacturing, meat and poultry packing, food processing, wool scouring, bleaching and dyeing, munitions manufacturing, oil refining, wool

washing, rubber production, salt works, chemical manufacturing, pharmaceutical manufacturing, slaughtering, dairies, dairy products, sugar refining, fat rendering, manufacture of syrups, jam or jelly, cotton textile manufacture or processing, or any industry producing wastes which may have or may create the aforesaid deleterious effects, hazards, nuisances, or added cost. The process or processes employed in the pretreatment and control, if required, of such wastewater shall in each case be satisfactory to and shall have the approval by permit of the Department of Public Works or its duly authorized agent as set forth under Article IB. No permit required pursuant to this section shall be arbitrarily denied.

§ 231-46.3. Prohibited materials, substances, water and wastes.

No person shall discharge or cause to be discharged into the sewerage system or sewers tributary thereto, any of the following materials, substances or wastes:

A. Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited material include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which are a fire hazard or a hazard to the system.

B. Any wastewater having a pH less than 5.0 or greater than 12.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to sewers, structures, equipment or personnel.

C. Solid or viscous substances, in quantities or of such size or state, which may impair the hydraulic capacity, may cause maintenance difficulties, or may interfere with the proper operation of the sewerage system and sewers tributary hereto, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, plastics, wood, whole blood, paunch manure, feathers, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or macerated.

D. 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 exceed 104° F. (40° C.). If, in the opinion of the Department of Public Works or its duly authorized agent, lower temperatures of such wastes could harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or could otherwise endanger life, health or property, or constitute or contribute to a nuisance, the Department of Public Works or its duly authorized agent may prohibit such discharges.

E. Waters or wastes containing substances which are not amenable to treatment or reduction by the POTW processes employed, or are amenable to treatment only to such a degree that the POTW effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge to the receiving waters.

F. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect on the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard.

G. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or sums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. 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 Federal Water Pollution Control Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or state criteria applicable to the sludge management method being used.

§ 231-46.4. Materials, substances, waters and wastes restricted or subject to permission.

A. No person shall discharge or cause to be discharged in to the sewerage system or sewers tributary thereto, the following described materials, substances, waters, or wastes if it appears likely in the judgment of the Department of Public Works or its duly authorized agent that such wastes may have a deleterious effect upon the sewer system or sewers tributary thereto, sewage treatment or other processes, equipment, or receiving waters, or may otherwise endanger life, limb, property, or constitute a public nuisance.

B. In forming this opinion as to the acceptability of these quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction, POTW processes and capacity, degree of treatability, and other pertinent factors shall be considered.

C. The materials, substances, waters and wastes prohibited or restricted are:

(1) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).

(2) Any garbage that has not been properly shredded. The installation and operation of garbage grinders equipped with a motor greater than 3/4 horsepower shall be subject to the review and approval of the Department of Public Works or its duly authorized agent. (Not more than 30% of ground garbage, on the dry basis, shall pass a No. 40 U.S. Standard sieve.)

(3) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Department of Public Works or its duly authorized agent in compliance with applicable City, county, state or federal regulations.

(4) Materials which exert or cause unusual concentration of inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.

(5) Waters or wastes which exert or cause unusual volume of flow or concentration constituting slugs, as defined herein.

(6) Any waters or wastes containing excessive discoloration, concentrations exceeding limits which may be established by the Department of Public Works or its duly authorized agent to meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(7) Any noxious malodorous liquids, gases, or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(8) Any substance which will cause the POTW to violate its SPDES permit or the receiving water quality standards.

(9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(10) Any waters or waste from a motor vehicle, tank truck or any other mobile conveyance without prior written authorization by the Department of Public Works or its duly authorized agent, specifying the nature, volume, manner, time and place of discharge.

D. When the Department of Public Works or its duly authorized agent determines that a user(s) is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Department of Public Works or its duly authorized agent shall: advise the user(s) of the impact of the contribution on the POTW; and develop effluent limitation(s) for such user to correct the interference with the POTW.

#### § 231-46.5. Prohibited or restricted toxic pollutants.

A. No person shall discharge or cause to be discharged into the sewerage system or sewers tributary thereto, any water or wastes containing toxic, poisonous, or other solids, liquids, or gases in sufficient quantity in the judgment of the Department of Public Works or its duly authorized agent, either singly or by interaction with other processes, equipment, or receiving waters, to endanger life, limb, property, or to constitute a public nuisance.

B. The following is a partial list of such prohibited or restricted substances:

(1) Alcohols.

(2) Antibiotics.

(3) Arsenic and arsenicals.

(4) Bromine, iodine, chlorine.

(5) Copper and copper salts.

(6) Cresols and creosotes.

(7) Flourides.

(8) Formaldehyde.

(9) Mercury and mercurials.

(10) Phenolic compounds.

(11) Silver and silver compounds.

- (12) Sulfonamides, toxic dyes (organic or mineral).  
 (13) Zinc compounds.  
 (14) All strong oxidizing agents, such as chromates, dichromates, permanganates, peroxides, etc.  
 (15) Chemical compounds producing toxic, flammable or explosive gases, either upon acidification, alkalization, oxidation or reduction.  
 (16) Strong reducing agents, such as nitrates, sulphides, sulphites, thiosulphates, etc.  
 (17) Wastes from industrial processes or hospital procedures containing viable pathogenic organisms.  
 C. Until operating experience and knowledge indicate otherwise in the judgment of the Department of Public Works or its duly authorized agent, the tabulated maximum concentrations are established for the following substances at discharge to public sewers and at the influent to the POTW.

<b>Maximum Concentration</b>		
<b>(milligrams per liter)</b>		
<b>Substance</b>	<b>At Distance to Public Sewers</b>	<b>At Sewage Treatment Plant Influent</b>
Bromine, iodine, chlorine	100.0	1.0
Cadmium	5.0	0.15
Chromium hexavalent	5.0	0.5
Copper	3.0	0.2
Cyanate	10.0	2.0
Cyanide	1.0	0.1
Fluoride	10.0	1.0
Lead as Pb	5.0	0.1
Mercuric chloride	1.0	0.05
Nickel	5.0	0.8
Silver	0.05	0.01
Zinc	5.0	0.3
Zirconium	10.0	2.0

D. Discharge concentrations shall be determined from a twenty-four-hour composite sample collected from the building service sewer at a point prior to connection to the City's collector sewers. Users with multiple discharge outfalls shall not combine wastewater streams unless approved by the Department of Public Works or its duly authorized agent.

E. The Department of Public Works or its duly authorized agent may impose lower concentrations at the point of discharge to the public sewers where maximum concentrations at the plant influent are exceeded.

§ 231-46.6. Federal categorical pretreatment standards.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than the limitation imposed under this Part 1 for sources in that subcategory, shall immediately supersede the limitations imposed under this Part 1. The Department of Public Works or its duly authorized agent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

§ 231-46.7. State and county sewer district requirements.

State and county sewer district requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Part 1.

§ 231-46.8. Dilution of discharge.

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the standards, or any pollutant specific limitation by the county sewer district or state.

§ 231-46.9. (Reserved)

§ 231-46.10. (Reserved)

ARTICLE IB. Industrial Wastewater Permit

**[Added 7-3-2001 by L.L. No. 4-2001]**

§ 231-46.11. Permit required.

A. Except upon the issuance of a permit therefor by the Department of Public Works or its duly authorized agent and upon such terms and conditions as may be established by the Department of Public Works or its duly authorized agent in the issuance of such a permit, it shall be unlawful for any person:

- (1) To discharge sewage directly into the sewerage system.
- (2) To discharge directly or indirectly into the sewerage system, or tributary public sewers or into any private sewer or any combined sewer discharging into a tributary public sewer, sewage combined with industrial wastewater or other wastes, which, at the point of discharge, exceed the concentration limits prescribed for normal sewage under § 231-1 herein, or fall within the categories prohibited or restricted under Article IA herein.

B. Each significant industrial user proposing to connect to or to contribute to the POTW shall obtain an industrial wastewater permit before connecting to or contributing to the POTW. Each existing significant industrial user connected to or contributing to the POTW shall obtain an industrial wastewater permit within 180 days after the effective date of this Part 1.

§ 231-46.12. Permit application.

A. Significant industrial users required to obtain an industrial wastewater permit shall complete the application form available from the Department of Public Works or its duly authorized agent. Existing significant industrial users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation as determined by the Department of Public Works or its duly authorized agent, the following information:

- (1) Name, address and location, (if different from classification the address);
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended, or its most recent addition;
- (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in Article IA of this Part 1 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended;
- (4) Time and duration of contribution;
- (5) Average daily and maximum daily wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floors plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the county sewer district, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (9) If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - (a) The schedule shall contain increments of progress in the form of dates for commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - (b) No increment referred to in Subsection A(9)(a) shall exceed nine months.
  - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Department of Public Works or its duly authorized agent stating, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the day on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than

nine months elapse between such progress reports to the Department of Public Works or its duly authorized agent.

(10) Each product produced by type, amount, process or processes rate of production;

(11) Type and amount of raw material processed (average and maximum per day);

(12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) Any other information as may be deemed by the Department of Public Works or its duly authorized agent to be necessary to evaluate the permit application.

B. Upon receipt of all required information, the application shall be processed and the determination of significant industrial user shall be made.

C. Permit modification. Within nine months of the promulgation of a national categorical pretreatment standard, the industrial wastewater permit of users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for an industrial wastewater permit as required by Article IB of this Part 1, the user shall apply for a permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing industrial wastewater permit shall submit to the Department of Public Works or its duly authorized agent within 180 days after the promulgation of an applicable federal categorical pretreatment standard, the information required by Subsection A(8) and (9).

#### § 231-46.13. Terms and conditions.

Terms and conditions as may be required and imposed by the Department of Public Works or its duly authorized agent in the issuance of the permit are as follows:

A. A limitation upon the volume of sewage and the rate of flow permitted from the premises;

B. The installation and maintenance by the permittee, at his own expense, of facilities or equipment for intermittent or continuous measurement of sewage, industrial wastewater or other wastes discharged from the premises into a public sewer and maintenance of appropriate records of all measurements;

C. The installation and maintenance by the permittee, at his own expense, of detention tanks or other facilities or equipment for reducing the maximum rates of discharge of sewage to such a percentage of the twenty-four-hour rate as may be required by the Department of Public Works or its duly authorized agent;

D. The installation and maintenance by the permittee, at his own expense, of such pretreatment facilities as may be required by the Department of Public Works or its duly authorized agent;

E. The installation and maintenance by the permittee, at his own expense, of a suitable control or sampling manhole or manholes in any sewer discharging to a public sewer for which a permit is issued;

F. The installation and maintenance by the permittee, at his own expense, of grease, oil and sand interceptors, separators or traps that are necessary for the proper handling of liquid wastes containing such substances in excessive quantities or any flammable waste or other harmful ingredients;

G. The submission to and approval by the Department of Public Works or its duly authorized agent of the plans for any of the facilities or equipment required to be installed and maintained by the permittee;

H. Such other terms and conditions as may be necessary to protect the sewerage system and the public sewer tributary to it and to carry out the intent and provisions of these rules and regulations;

I. Such terms and conditions may also provide that subsequent to the commencement of operation of any pretreatment facilities, periodic reports with certified test results shall be made by the permittee to the Department of Public Works or its duly authorized agent, setting forth adequate data upon which the acceptability of the sewage, industrial wastewater or other wastes, after treatment, may be determined;

J. Where pretreatment of flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the permittee at his expense;

K. A violation by the permittee of the permit shall be a cause for revocation or suspension of the permit.

#### § 231-46.14. Sampling and testing wastes.

Whenever sewage, industrial wastewater or other wastes having characteristics other than prescribed for normal sewage as defined in § 231-1 herein, or falling within the categories of waste prohibited or restricted from public sewers pursuant to these rules and regulations, is discharged into public sewers from any premises, the Department of Public Works or its duly authorized agent shall have the right to take samples and tests as may be necessary to determine the nature and concentration of such wastes,

and shall have the right to reassess its determinations by taking samples and test at any time or by periodic rechecks without notice to the person discharging such wastes.

A. Samples shall be taken and flow measurements made normally at the control manhole or manholes.

B. In the event that the requirement for a control manhole or manholes has been specifically waived, the samples shall be taken at a point or points to be selected by the Department of Public Works or its duly authorized agent.

C. When required by the Department of Public Works or its duly authorized agent, the owner of any property served by a building sewer carrying industrial wastewater and classified as a significant industrial user shall install a suitable control manhole, together with such meters and other appurtenances in the building sewers as are necessary, to facilitate observation, sampling and measurement of the wastes. Such manholes, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Department of Public Works or its duly authorized agent. 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.

D. Measurement and analyses of wastes. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in these rules and regulations shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Waste Water," published by the American Public Health Association, and shall be determined at the sampling part, or upon suitable samples taken at said sampling part. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

#### § 231-46.15. Term of permit; transfer.

A. Permits shall be issued for a specified time period, not to exceed three years. A permit may be issued for a period of less than a year or may be stated to expire on a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Department of Public Works or its duly authorized agent during the term of the permit as limitations or requirements, as identified in Article 1A, are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

B. Permit transfer. An industrial wastewater permit is issued to a specific user for a specific operation, A permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

#### § 231-46.16. Reporting requirements for permittee.

A. Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Department of Public Works or its duly authorized agent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

B. Periodic compliance reports.

(1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Department of Public Works or its duly authorized agent during the months of June and December, unless required more frequently in the pretreatment standard or by the Department of Public Works or its duly authorized agent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a report of average daily flow which occurred during the reporting period. At the discretion of the Department of Public Works or its duly authorized agent and in consideration of such factors as local high or low flow rates, holidays, budget

cycles, etc., the Department of Public Works or its duly authorized agent may agree to alter the months during which the above reports are to be submitted.

(2) The Department of Public Works or its duly authorized agent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subsection B(1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the wastewater, including the concentration, or production and mass where requested by the Department of Public Works or its duly authorized agent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator of the United States Environmental Protection Agency (hereinafter Administrator) pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Department of Public Works or its duly authorized agent.

§ 231-46.17. Pretreatment; publication of list of noncompliant users.

A. Users shall provide necessary wastewater pretreatment as required to comply with this Part 1 and the Sewer Use Ordinance of the County Sewer District and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the County Sewer District shall be provided, operated and maintained at the user's expense. Detailed plans and descriptions of the pretreatment facilities and operating procedures shall be submitted to the Department of Public Works and the County Sewer District for review, and shall be acceptable to the Department of Public Works and the County Sewer District before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Department of Public Works and the County Sewer District under the provisions of this Part 1 and the Sewer Use Ordinance of the County Sewer District. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Department of Public Works and the County Sewer District prior to the user's initiation of the changes.

B. The Department of Public Works or its duly authorized agent shall annually publish in a newspaper of general circulation a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

C. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

§ 231-46.18. Confidential information.

A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Department of Public Works or its duly authorized agent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Part 1, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the County Sewer District, state or any state agency in judicial review or enforcement proceedings involving the person finishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

C. Information accepted by the Department of Public Works or its duly authorized agent as confidential shall not be transmitted to any governmental agency or to the general public by the Department of Public Works or its duly authorized agent until and unless a ten-day notification is given to the user.



D. Required notice of change in volume or character of wastes. Any industrial user, which is connected to the County Sewer District POTW and is discharging wastewater thereto, shall notify the Department of Public Works and County Sewer District 15 days prior to the commencement of any action, alteration or construction that will result in a significant change in the flow volume or character of this discharge. Notification of discharge under emergency conditions and spillage of wastewater not in accordance with standards shall be made as required in this article.

§ 231-46.19. Pretreatment standards.

In compliance with Public Laws 84-660 and 92-500 of the Water Pollution Control Acts and amendments thereto, these regulations adopt and use as a guide the national pretreatment standards and the Environmental Protection Agency's (EPA) pretreatment guidelines. The Department of Public Works recognizes that, in some cases, these pretreatment standards may not be sufficient to protect the operation of the County Sewer District's POTW treatment plant and enable it to comply with the terms of the County Sewer District's SPDES permit. In such cases, the Department of Public Works and County Sewer District reserve the right to impose more stringent pretreatment standards than those specified in the EPA regulations.

§ 231-46.20. (Reserved)

§ 231-46.21. (Reserved)

ARTICLE IC. Enforcement and Penalties

**[Added 7-3-2001 by L.L. No. 4-2001]**

§ 231-46.22. Penalties for offenses.

A. A violation of the provisions of Articles I to IB inclusive of these rules and regulations is an offense and each such violation may be punished by a fine of not exceeding \$100. In lieu of or in addition to such fine, each such violation shall be subject to a civil penalty not exceeding \$1,000 for any one case, to be recovered in an action or proceeding brought by either the Saratoga Springs City Attorney or Saratoga County Attorney in the name of the City in a court of competent jurisdiction. Each day of a continuing violation shall be subject to a separate such fine or civil penalty.

B. The Saratoga Springs City Attorney or Saratoga County Attorney may maintain an action or proceeding in the name of the City in a court of competent jurisdiction to compel compliance with these rules and regulations, notwithstanding the provisions of Subsection A hereof for a penalty or other punishment.

C. Where any violation of these rules and regulations causes expense to either the City or county, such violation may also be punished by a civil suit against the violator, brought by either the Saratoga Springs City Attorney or the Saratoga County Attorney on behalf of the City in the name of the City or by the Saratoga County Attorney on behalf of the county in a court of competent jurisdiction, to recover such additional cost.

§ 231-46.23. Suspension of service.

A. The Department of Public Works or its duly authorized agent may suspend the wastewater treatment service and/or an industrial wastewater permit when such suspension is necessary, in the opinion of the Department of Public Works or its duly authorized agent in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the County Sewer District's POTW or causes the County Sewer District to violate any condition of its SPDES Permit.

B. Any user notified of a suspension of the wastewater treatment service and/or the industrial wastewater permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Department of Public Works or its duly authorized agent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the County Sewer District's POTW system or endangerment to any individuals. The Department of Public Works or its duly authorized agent shall reinstate the industrial wastewater permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Department of Public Works or its duly authorized agent within 15 days of the date of occurrence.

§ 231-46.24. Revocation of permit.

Any user who violates the following conditions of this Part 1 and the Sewer Use Ordinance of the County Sewer District, or applicable state and federal regulations, is subject to having his industrial wastewater permit revoked in accordance with the procedures in this section:

- A. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- B. Failure of the user to report significant changes in operations, wastewater constituents and/or characteristics;
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- D. Violation of conditions of the permit.

§ 231-46.25. Notification of violation.

Whenever the Department of Public Works or its duly authorized agent finds that any user has violated or is violating this Part 1 and the Sewer Use Ordinance of the County Sewer District, wastewater permit, or any prohibition, limitation of requirements contained herein, the Department of Public Works or its duly authorized agent may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Department of Public Works or its duly authorized agent by the user.

§ 231-46.26. Falsifying information; penalties.

Any user who knowingly makes any false statements, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part 1 or to the industrial wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months, or by both.

PART 2. Water

**[Adopted 4-19-1976 as Ch. 132 of the 1970 Code]**

ARTICLE II. Water System and Service

§ 231-47. Definitions and word usage.

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

**AGENT**

Any individual, firm, company, association, society, corporation or group which is legally authorized to act in a person's behalf. In all cases where an "agent" shall so represent a person, such authorization must be in writing and must be represented to the Utilities Department prior to execution of any act which requires such presence.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

**CITY**

The City of Saratoga Springs, New York.

**CITY RESERVOIR**

Any body of water, either above or below ground, which serves as a source of water for the city water system.

**CITY WATER SYSTEM**

All facilities for collecting, storing, testing, treating, transmitting, distributing and metering of the water furnished to the users by means of such facilities which are owned and/or operated by the Utilities Department of the City of Saratoga Springs, New York. Service connections from the point of connection to the water main are not considered to be a part of the "city water system" except for the water meter itself.

**CORPORATION STOP**

That valve fitting which is attached to the public water main by which the service connection is attached to the public water main. It serves as the Utilities Department control valve for the service connection. The "corporation stop" is the owner's responsibility.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

#### **CURB STOP**

That valve fitting in the service connection line which permits the user to control the water to his building. In no case shall the Utilities Department bear responsibility for the maintenance and/or repair of this valve, nor shall it be responsible for any damage brought about by its operation.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

#### **HYDRANT or PLUG**

Any valve fitting, except a curb stop, which is attached to the water main and which permits a user to draw water from the system.

#### **LICENSED PLUMBER**

Only that person who is himself licensed by the city. No peddling of such license shall be permitted; however, authorized employees of the licensed plumber may perform the work authorized under any permission granted herein.

#### **PERSON**

Any individual, firm, company, association, society, corporation or group.

#### **PLUMBING INSPECTOR**

The Plumbing Inspector of the City of Saratoga Springs, New York, or his authorized deputy or representative.

#### **PRIVATE WATER SYSTEM**

All facilities for supplying water to users which are not part of nor connected to the city water system.

#### **SERVICE CONNECTION**

The pipe and appurtenances in that section of the distribution system starting at the corporation stop to the valve on the downstream side of the water meter. This shall be the owner's responsibility.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

#### **TAP-OFF**

Any connection which is made in the service line through which water can be drawn from the line without registering on the water meter. The making of a tap-off and/or the use of water from the tap-off is a violation of this article and is punishable as defined in the City Charter. Furthermore, the existence of a tap-off will be considered, for the intent of this article, to be a service connection and will be subject to all periodic billings applicable to an unmetered account, in addition to that rendered to the owner for his legal service connection.

#### **UTILITIES DEPARTMENT**

The Utilities Department of the City of Saratoga Springs, New York. Editor's Note: Original § 132-5, Water Department, which immediately followed this definition, was deleted 4-4-1994 by L.L. No. 1-1994.

#### **VALVE**

That mechanical fitting which is used to control the flow in the pipe. Editor's Note: Original § 132-25, Sewer and water system, as amended 3-15-1982, which immediately followed this definition, was deleted 4-4-1994 by L.L. No. 1-1994.

#### **WATER BILL**

That invoice from the City Utilities Department covering payment for its product and service.

**[Amended 3-15-1982; 4-4-1994 by L.L. No. 1-1994]**

## **WATER MAIN OR WATERLINE**

Any pipe which is used to transfer and/or distribute water, excluding that portion of the water system which is defined as the "service connection."

## **WATER METER**

That mechanical device used to measure the quantity of water which passes a point. Water meters may be further classified as "individual water meters" where they measure the flow to an individual user or as "master water meters" where they measure flows to more than one user. They may also be classified by the size of the inlet/outlet piping. A water meter shall be termed a "dead reader" or a "dead meter" if it does not register a flow of water passing through it. Meters up to one inch will be furnished by the Utilities Department. Larger diameters are to be furnished by the owner and must read in cubic feet.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

## **WATER SERVICE AREA**

That area which is outlined and defined on maps on file with the Utilities Department which pertain to the supply, storage, transmission and distribution of water through the city water system.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

§ 231-48. Application for service; connection fees.

**[Amended 4-4-1994 by L.L. No. 1-1994; 9-21-1999]**

A. Application for a new service connection shall be made at the office of the Utilities Department on the form provided. The application fee shall be paid directly to the Department of Finance upon submittal of the application. The application shall state the name of the owner of the property to which the new service will be connected, which person shall be responsible for the payment of all water rents, and shall state the location of the connection, the time the work will be started and completed and the category of the service. The application must be signed by a licensed plumber who will perform the work involved.

B. During the construction of any improvement to any real property in the city which requires the installation of a new service connection to a city main, the person or legal entity so installing such new service may connect to the city system to use city water only after making application to the Department of Public Works as heretofore provided, and paying the fees as hereinafter prescribed.

(1) For a service connection to the city water system, a fee of \$3,000 for each unit, which unit is defined as any estimated usage of 15,000 cubic feet of water per year. Any such person shall supply to the Department of Public Works information setting forth reasonably anticipated water needs for such improvement. All funds received by the city under this section shall be placed in an account designated for the purposes outlined in the preamble to this legislation and for no other purposes. Editor's Note: "This legislation" refers to the ordinance adopted 9-21-1999, the preamble to which is on file in the City Clerk's office.

(2) For each additional unit of water use per year there shall be charged \$1,000 for each additional unit.

C. Any development which will require a new service connection or connections shall make application to connect to the city water system to the Department of Public Works for approval of such connection and shall, prior to submitting any application to any city board or office, including but not limited to the Building Inspector or the Planning Board, enter into an agreement with the Department of Public Works for payment of all connection fees imposed herein.

§ 231-49. Acceptance of applications.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

Applications will be accepted by the City Utilities Department subject to the existence of a water main of suitable size and condition in a street or right-of-way abutting the premises to be served. The application in no way obligates the city to extend its mains to serve the premises under consideration. No agreement will be entered into by the city with any applicant for water service until all arrears and charges due by the applicant for water rents or services of the Utilities Department at any premises now or heretofore owned by such person shall have been paid in full.

§ 231-50. Right to construct service connection.

A. Upon receipt of a permit from the city, the owner may have the service connection installed by the plumber whose name appears on the application. Should the owner desire to use a different plumber to make such connection for any reason whatsoever, he must reapply for a permit. All other permits as may be necessary for the particular situation must be obtained prior to excavation.

B. There will be no additional water service connections made beyond that stated in the application without first obtaining a permit to construct such additional services.

C. The entire service lateral from the main in the street to the owner's premises is the property of the owner, and any and all repairs shall be the responsibility of said owner. There shall be a separate service lateral for each principal structure from the main in the street to said principal structure. Common water and sewer services are not permitted.

**[Added 2-16-1988]**

§ 231-51. Performance of system.

The city undertakes to use reasonable care and diligence to provide a constant supply of water at reasonable pressure to the users. However, the city reserves the right at any time, without notice, to shut off the water in its mains for the purpose of making repairs, taps and extensions, and the city will not be held liable for deficiency or failure in the supply of water or in the pressure for any cause whatsoever. The city will, however, give notice, where practical, of such shutoffs. The city water system furnishes water and not pressure and does not guarantee a continuous supply. No responsibility will be assumed by the city for any damages to any apparatus in any house or building due to the shutting off or turning on of water with or without notice.

§ 231-52. Extensions of system.

A. In the case where a new or existing main is connected to the city water system and such has been constructed by an entity other than the Utilities Department, all applicable standards and regulations must be met prior to acceptance. Acceptance of the line or lines shall be conditional for a period of one year, and all breaks, leaks or other damage which occur in or due to the lines shall be the responsibility of the former owner to repair. When such damage is detected within that period, the Utilities Department shall notify the former owner and request that prompt action be taken to repair such damage, whether it is damage to the line itself or damage caused by a result of the leak. Where the Utilities Department deems that the previous owner has not taken prompt action to repair the damage and it feels that the resulting conditions degrade the public safety, it may elect to do such repair itself or to contract such work through some other source and to charge the previous owner for all of the costs incurred.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

B. Before such extensions will be accepted, the owner shall deposit with the Department of Finance a bond equal to 5% of the normal construction cost of such extension, including service connections, which shall be in effect for the period of conditional acceptance.

C. The Commissioner of Public Works reserves the right to waive or amend the standards for acceptance, to reduce or increase the period of conditional acceptance and to waive the bonding requirement.

§ 231-53. Payment of water rents.

A. All water and sewage dispensed through the city water and sewer system shall be classified under one (1) of the following categories: ordinary usage, special permit or outside of service area. The determination of the category shall be made by the Utilities Department at the time of the issuance of the permit.

**[Amended 3-15-1982; 4-4-1994 by L.L. No. 1-1994]**

B. All bills for water and sewer rates and services, based on the water and sewer rate schedules in effect at that time, will be mailed to the owners of the real property served, and the owners shall be liable for the same. Payment shall be made directly to the Department of Finance. The payment of a bill and penalties for nonpayment shall be as specified in the City Charter, Title IX, § C81, and Title X, § C91. The charges for water and sewer rates shall be set in accordance with the rates established by the City Council and in accordance with the laws of the State of New York and the provisions in the City Charter.

**[Amended 3-15-1982]**

C. In the event that the owner questions the accuracy of his water meter, such will be tested in his presence upon his request.

D. All meters are to be safely tied with wire and sealed at the register and case connections. Seals shall not be broken without permission from the Utilities Department.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

E. All accounts shall be metered before supplying any part of the property being served. Where, for any reason, the user is not metered, he will be billed as noted in the rate schedule for water use as estimated by the Utilities Department. In addition, a penalty will be assessed as noted in the rate schedule. For the intent of this Article, a dead meter shall be the same as if there were no meter at that location.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

F. Each dwelling house, trailer or building shall have a separate meter, and under no circumstances shall one property be serviced through another of unrelated occupancy.

G. Where leaks occur on private property upstream of the point where the quantity of flow is metered, the Utilities Department may estimate the total amount of water which has been expended through the leak beginning from the time the user has been notified of the leak to the time when such leak has been stopped. Such volume of water shall be classified as special use and will be included in the subsequent bill.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

H. It shall be the responsibility of the property owner to provide a place for the city to install the water meter or meters. Such place or places shall be in a location that is easy of access and in accordance with the requirements as prescribed by the Utilities Department. The place provided shall be heated at all times to prevent the meter from freezing. No unauthorized person shall in any way damage, disfigure or interfere with any water meter. The only authorized persons referred to herein are those that are authorized by the Utilities Department. In the event that any meter is damaged because of a freeze-up or because of some interference to the water meter or by an unauthorized person as referred to herein, then the property owner and/or the user shall be responsible for any and all repairs, costs, damages and replacements occurred as a result of the same. Not only shall the owner and/or the user be personally responsible for this cost, but the same may become a lien upon the property serviced by the meter and foreclosed in the manner provided for unpaid water charges.

**[Added 3-15-1982; amended 4-4-1994 by L.L. No. 1-1994]**

§ 231-54. Change of ownership of building or property.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

A. When a building or property, or part thereof, serviced by a City water meter undergoes a change of ownership, a request may be made by the seller or by an representative of a seller for a current reading of the meter. The person making such request to the Utilities Department shall be responsible for providing the meter reader with access to the water meter. Persons requesting meter reading under this subsection shall pay a fee of \$50 for each meter reading request. Persons requesting meter readings on multiple metered accounts under this subsection shall pay a fee of \$50 for the initial meter reading requested; additional meter readings at each building location will be charged at \$20 each. Said fee(s) shall be a charge on the next water bill for the property on which the meter is located.

**[Amended 6-21-2005]**

B. In the case of abandonment of the property, the Utilities Department may continue to serve water to the property and to bill for the same until it is notified, in writing, of such abandonment.

C. In the case where the property is to be razed, the property owner or his agent shall notify the Utilities Department so that the service line may be disconnected from the city main and that the meter may be read and removed. Where such notice is not given and damage results, the property owner shall be responsible to pay any and all such damages. It is the responsibility of the property owner to disconnect the abandoned service lateral at the corporation stop.

§ 231-55. Discontinuance of service.

**[Amended 3-15-1982]**

A. Water and sewer services may be discontinued after reasonable notice is given the owner and user for any of the following reasons:

- (1) For use of water other than for the purpose represented in the application.
- (2) For willful waste of water through improper or imperfect pipes.
- (3) For molesting any service pipe, seal, meter, curb stop or any other appurtenance of the water and sewer systems.

(4) For nonpayment of bills for water and sewer rates or for services or penalties rendered by the Utilities Department.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

(5) For cross-connecting the city service pipe with any other source of supply or with any apparatus which may endanger the quality of the city water supply.

(6) For refusal of reasonable access to the property for the purpose of inspecting or repairing, replacing or reading of the water meter.

(7) For violation by the user of any regulation of the New York State Health Department and of the unified codes of the city.

B. Where two (2) or more consumers are now supplied with water and sewer through one (1) service connection under the control of one (1) corporation stop, if any of the parties so supplied shall violate any of the rules of this Article, the city reserves the right to shut off the joint service line, except that such action shall not be taken until the innocent consumer who is not in violation of the city rules has been given a reasonable opportunity to attach his pipe to a separately controlled service connection. Such connection is to be made at the owner's expense.

C. In cases where, in the opinion of the Utilities Department, the public safety is endangered because water and sewage is leaking through a faulty connection and the leak lies on private property, the Utilities Department shall inform the user and owner and request the owner to repair or replace the faulty connection and thereupon shall shut off the water to this user.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

§ 231-56. Restrictions on use of water.

A. The Utilities Department reserves the right to restrict or to stop any and all uses of water outside of the building to which the service is connected. Such uses include the sprinkling of lawns; the washing of automobiles, houses or walks; or any other use deemed by the Utilities Department to be within the intent of the section.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

B. The city shall give notice of such restricted water use in the official newspaper of the city at least one (1) day prior to the enforcement of this restriction.

§ 231-57. Equipment using city water.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

Any equipment, such as refrigeration or air-conditioning, operated by the user, which equipment discharges into a sewer system, shall have a free-air-gap section at the entry into the sewage system. All such equipment, including but not limited to fire sprinkler systems, shall have backflow preventers installed.

§ 231-58. Emergency powers.

In the event of an emergency, water vehicles and personnel shall have the right-of-way in the work area and, if necessary, shall have the right to close sections of streets or highways where the work involved may be hazardous to people or vehicles.

§ 231-59. Permit for construction of service connection.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

A. No person shall excavate within a public right-of-way with the purpose to connect a water service to the city water system without first receiving written permission from the City Utilities Department to make such a connection and from the owners of any such private property or utility which may lie within ten (10) feet in any direction of the excavation.

B. Prior to excavating on a city right-of-way on his property, the person who is making the connection will:

- (1) Arrange a mutually agreeable date with the City Utilities Department for the digging.

- (2) Obtain knowledge from the City Utilities Department and from owners of any public or private utility as to the proper location for the digging.

- (3) Place the sum of one hundred dollars (\$100.) with the Department of Finance to be held in escrow for a sixty-day period to be used to reimburse the city for any expenses it might accrue which are due to the effect of the excavation. The Department of Public Works reserves the right to waive or amend this requirement.

C. All repairs to the existing public or private property shall be made promptly and are subject to the approval by the Utilities Department or by the owner of the private property, or both, for a period of one (1) year from the date of the excavation.

§ 231-60. Excavations.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

No excavation on a city right-of-way and/or on city property shall be made without first obtaining all necessary permits. Furthermore, proper consideration of surrounding conditions and due regard for safety of the public shall be maintained at all times. Where practical, excavations shall be backfilled at the end of each working day; however, at the discretion of the Utilities Department and where the magnitude of the work prevents such backfilling, excavations shall be guarded and lighted in a manner detailed by the Utilities Department. While open, all excavations shall be clearly marked and guarded so as to permit the maintenance and regulation of traffic as determined by the Utilities Department.

§ 231-61. Safe construction.

**[Amended 3-5-1984; 4-4-1994 by L.L. No. 1-1994]**

A. No person other than employees of the Department shall make any connection, repair, addition or alteration to any city water main.

B. Connection from the corporation stop to the user's premises will be made only after all permits to do so have been obtained from the Utilities Department by a plumber who is licensed by the city to do such work. All waterlines beyond the corporation stop will be furnished by the user and shall not be less than three-fourths-inch Type K copper. Meters up to and including one (1) inch in size will be furnished. All meters larger than one (1) inch are to be furnished by the user. Further, all such meters larger than one (1) inch are to be maintained by the user thereof. As part of such maintenance, said meters shall be tested by the user. Such tests shall occur whenever directed by the Public Works Department of the City of Saratoga Springs; but in any event, every such meter shall be tested a minimum of once every five (5) years. All tests shall comply with American Waterworks Association Water Meter Test Specifications or such other appropriate test specifications as may be approved by the Department of Public Works.

C. All new water services shall be metered at the nearest point of entry into the building, and such metering shall be equipped with appropriate valves on the inlet and outlet side. The meter is to be installed in horizontal piping by the personnel of the City Utilities Department.

D. Service pipe shall have a minimum cover of five (5) feet or be insulated if such cover is not possible. Where the service line must cross an existing sewer, it must pass at least eighteen (18) inches above the sewer, and the sewer must be encased in concrete with at least six (6) inches of cover on all sides for a distance of three (3) feet on either side of the service line. The Utilities Department reserves the right to effect more stringent sanitary precautions where it deems necessary or where the connection is made to a place of public use.

§ 231-62. Turning on service.

A. All turning on and shutting off of water is the responsibility of the city, and no person is to tamper with or touch the corporation stop in any manner.

B. No turn-ons will be made unless the property owner or his agent is on the premises at the time the service is rendered. In the event that damages result to the premises because of the water being turned on, the city will not be held responsible, and all repairs shall be made at the expense of the property owner.

§ 231-63. Attachment of electrical grounds.

No electrical grounds will be attached to pipes which are located beyond the outlet valve of the water meter or at any location such that the ground will be broken when the meter is removed.

§ 231-64. Operation of valves.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

A. No person other than employees of the Utilities Department shall molest or interfere with or open or close, or attempt to do so, any valve or shutoff appurtenant to the mains through which city water flows, except for private hydrants. Private hydrants are to be operated only for the use intended under special permit or as agreed by special contract with the City Utilities Department. In all except emergency cases,



the Utilities Department shall be informed prior to each time the hydrant is to be used, and a log shall be kept of the duration of time during which water is flowing from the hydrant.

B. Except as stipulated above, no person other than employees of the Utility Department, the Fire Chiefs or members of the Fire Department shall manipulate, control or operate, or attempt to do so, any hydrant or plug deriving its supply of water from the city water system. In any event, only those trained in the operation of such fire hydrants or plugs will be permitted to manipulate the same.

§ 231-65. Connections to system.

A. No person other than employees of the Utilities Department shall make any connections, repairs, additions or alterations to the city water system except as defined in §§ 231-64 through 231-67.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

B. The owners of all premises having connection with any water main through which city water flows must keep all the pipes and fixtures in connection therewith in good repair and protected against freezing.

§ 231-66. Protection of watershed.

The Public Health Law, § 100, with reference to the City of Saratoga, New York, Section 141.3 or Part 141, Subchapter A, Chapter III, Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York, is hereby incorporated into this Article.

§ 231-67. Tampering with system.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the city water system. Any person violating this provision shall be subject to the penalties set forth in the Penal Law.

§ 231-68. Right of entry.

**[Amended 4-4-1994 by L.L. No. 1-1994]**

Duly authorized employees of the City Utilities Department, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Article.

§ 231-69. Water rates.

**[Added 3-15-1982]**

All property owners, upon whose property any building has been or may hereafter be erected, having a connection with any mains or pipes which may be hereafter constructed and used in connection with the city water system, shall pay rates for each period of time as the Council shall enact by resolution.

§ 231-70. Water bills.

**[Added 3-15-1982; amended 4-5-1982]**

Bills for water used shall be dated and sent out at such times as may be directed by the Commissioner of Public Works.

§ 231-71. Construction contractors.

**[Added 3-15-1982; amended 4-4-1994 by L.L. No. 1-1994]**

During the construction of any building and before any water is installed as is herein provided, the contractor so constructing such building may be permitted to use the city water supply by making application therefor and paying the flat fee prescribed by the Commissioner of Public Works.

§ 231-72. Nonpayment of bills.

**[Added 3-15-1982]**

The water supply may be shut off from any premises for which the water bill remains unpaid for a period of ten (10) days after the bill is rendered and mailed. When shut off, water shall not be turned on except upon the payment of the usual fee for turning on water.

§ 231-73. Charges act as lien.

**[Added 3-15-1982]**

Charges for water shall be a lien upon the premises as provided for in § C81 of the City Charter and also as provided by the statutes and laws of the State of New York. The Commissioner of Finance shall prepare a statement of all unpaid water and other related charges thirty (30) days after the same have become due and payable. Failure, however, to prepare this statement as provided for herein shall not affect the right of the city to establish its lien for unpaid water bills and to foreclose the lien as provided in the City Charter and the statutes and laws of the State of New York. Furthermore, nothing herein shall prevent the city from proceeding against the user and/or owner of the property which benefited from the water use as a personal claim, and the City Attorney is hereby authorized and directed to institute any proceeding in the name of the city in any court of competent jurisdiction against any property and against any user of city water that said City Attorney deems necessary. The rates and charges herein established, in addition to being a lien upon the premises as provided for herein and in the City Charter, may be collected from the owners, occupants and users of the premises benefiting from the water charges and other related charges from and after the effective date of this Article. Editor's Note: Original §§ 132-92 through 132-94, dealing with sewer rates, which immediately followed this section, were deleted 4-4-1994 by L.L. No. 1-1994. See now §§ 231-2 through 231-4.

§ 231-74. Penalties for offenses.

**[Amended 3-15-1982; 4-4-1994 by L.L. No. 1-1994]**

A. Any person violating any provision of this Article shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this Code.

B. At locations where there are continued or repeated violations of this Article, a duly authorized agent of the Utilities Department will have the authority to discontinue the supply to the violator of water from city mains in accordance with the rules and regulations of the Utilities Department.

§ 231-75. Liability for damages.

**[Amended 3-15-1982]**

Any person violating any of the provisions of this Article shall become liable to the city for the expense, loss or damage occasioned the city by reason of such violation.

CHAPTER 240. ZONING

**[The Zoning Ordinance of the City of Saratoga Springs has been removed from the City Code. The Zoning Ordinance is on file in the office of the City Clerk and may be viewed there during normal business hours.]**

CHAPTER A246. BOARD OF APPEALS RULES

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## **CHAPTER A246. BOARD OF APPEALS RULES**

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 3-31-37. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

Zoning Board of Appeals — See Ch. 51.  
Zoning — See Ch. 240.

### **ARTICLE I. Officers**

#### **§ A246-1. Vice Chairman.**

In addition to the Chairman and the Secretary appointed by the Mayor, the Board of Appeals shall elect a Vice Chairman.

#### **§ A246-2. Presiding officer.**

The Chairman shall preside at all meetings and hearings of the Board. In the event of the absence or disability of the Chairman, the Vice Chairman shall preside.

#### **§ A246-3. Power of Chairman.**

The Chairman, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Board in session at the time.

#### **§ A246-4. Inspections; committees.**

The Chairman may designate members of the Board to make personal inspections when necessary from time to time and, unless directed by a majority of the Board, shall appoint such committees as may be found necessary.

**§ A246-5. Report on official transactions.**

The Chairman shall report at each meeting on all official transactions that have not otherwise come to the attention of the Board.

**§ A246-6. Duties of Chairman.**

The Chairman shall, subject to these rules and further instructions from the Board, transact the official business of the Board, supervise the work of the Secretary and Clerk, direct the work of all subordinates and exercise general disciplinary power.

**§ A246-7. Duties of Clerk.**

The Clerk, subject to the provisions of the Zoning Ordinance, Editor's Note: See Ch. 240, Zoning. these rules and the direction of the Board and its Chairman, shall:

- A. Conduct all correspondence of the Board.
- B. Send out all notices required by these rules and the orders of the Board.
- C. Attend all meetings of the Board and all hearings.
- D. Scrutinize all appeals, applications and petitions to see that these rules are complied with.
- E. Keep the docket and minutes of the Board's proceedings.
- F. Compile all required records.
- G. Maintain the necessary files and indexes and generally supervise all the clerical work of the Board.
- H. Upon the docketing of any appeal, see that all notices of appeal, petitions, maps and plans are properly prepared.

**§ A246-8. Furnishing of information.**

The Board of Appeals shall have the right to demand from the appellant, petitioner or applicant such additional information and data as may be required to fully advise the Board with reference to the appeal or application, whether such information and data is called for by the official forms or not. Any failure or refusal on the part of the appellant or applicant to furnish such additional information or data shall be grounds for the dismissal of the appeal or application by the Board.

**§ A246-9. Oaths; subpoenas.**

The Chairman or, in his absence, the Vice Chairman may administer oaths and compel the attendance of witnesses. Personal service of a subpoena, which shall be signed by the Chairman or Vice Chairman of the Board, shall be made at least two (2) days before the time of hearing upon any witness who is compelled to attend such hearing of the Board of Appeals.

**ARTICLE II. Meetings**

**§ A246-10. Calling of meetings.**

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine.

**§ A246-11. Meetings open to public.**

All meetings of the Board of Appeals shall be open to the public, but the Board may go into executive session in discussing appeals or applications or arriving at decisions.

**§ A246-12. Minutes and records.**

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official actions.

**§ A246-13. Filing records.**

Every rule, regulation, amendment or appeal thereof and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Commissioner of Accounts and shall be a public record.

**§ A246-14. Quorum.**

At all meetings of the Board of Appeals, four (4) members shall constitute a quorum, but a fewer number may adjourn a meeting, and the concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement or decision of the Building Inspector or the administrative official charged with the enforcement of the Zoning Ordinance of the City of Saratoga Springs Editor's Note: See Ch. 240, Zoning. or any ordinance adopted pursuant to the provisions of the General City Law or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

**ARTICLE III. Appeal Procedures**

**§ A246-15. Forms.**

- A. Each appeal to the Board from an order, decision or determination of the Building Inspector shall be made on Official Form No. 1.
- B. All information called for by Form No. 1 shall be furnished by the appellant or applicant in the manner therein prescribed.
- C. The Clerk shall reject all appeals unless made on the prescribed forms properly filled out with all required data attached.

**§ A246-16. Processing of appeals.**

Every appeal shall be taken within twenty (20) days from the date of refusal of a permit or the date of the order, ruling, decision or determination of the Building Inspector. Notice of such appeal, specifying the grounds therefor, must be filed with the Building Inspector or other administrative official, as above set forth, and with the Clerk of the Board of Appeals.

**§ A246-17. Notice to seek relief.**

Any communication purporting to be an appeal or modification shall be regarded as mere notice to seek relief until it is made in the form required by these rules.

**§ A246-18. Required information; transmittal.**

All notices of appeal, applications and petitions shall specify the grounds thereof and state the address of the appellant or applicant and shall be signed by the appellant or applicant. The officer from whom the

appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from is taken.

**§ A246-19. Recommendations to City Council.**

A. Whenever the Board shall be requested by the City Council, pursuant to § 240-15.3 of the Zoning Ordinance, as amended, to make recommendations to the Council as to any amendments, alterations or changes in zone boundaries, such request shall be made in the form of a resolution or such other writings as the Council may adopt, and a copy thereof, together with the petition and other papers presented to the Council on the application, shall forthwith be transmitted to the Clerk of the Board. The Board shall thereupon hold a public hearing pursuant to notice published in the manner provided by § A246-20 of these rules and shall, upon making a decision, forthwith transmit its recommendations, in writing, to the City Council, together with said petition and papers.

B. This rule shall not be deemed to affect the validity of any petition or application heretofore referred to the Board by the City Council for recommendation.

**§ A246-20. Publication of notice of hearing.**

The appellant or applicant shall cause notice of the time and place for the hearing of such appeal or application, in the form prescribed by Official Form No. 2, to be printed in a newspaper of general circulation in the City of Saratoga Springs once a day for six (6) successive days upon which the publication is regularly issued, the last publication of which shall be at least one (1) day before the hearing. An affidavit of the publisher of the newspaper in which such notice is printed, or the principal clerk of such publisher, showing such publication shall be filed with the Clerk before the time of such hearing. The Board may, in its discretion and in a particular case, require notice to be served personally or by mail upon the owners or occupants of property in a designated area adjacent to the property affected by such appeal or application.

**§ A246-21. Application for permits or variances.**

All applications for permits and/or variances shall be made by the owner or lessee of the property affected to the Building Inspector or the administrative officer of the city in the first instance.

**§ A246-22. Additional information.**

The Board of Appeals may, upon the hearing of an appeal or of an application for relief, require the party appealing to show to the Board the name or names of the person or persons interested in the proposed construction as owner, the contractor for the furnishing of labor, materials, money or other service in furtherance of the enterprise and the provisions of any deed, covenants or restrictions affecting the kind of improvements allowed or prohibited upon the premises as tending to show that the venture is entered upon in good faith and is to be promptly begun and seasonably completed by responsible interests and will not be stayed or left unfinished to the injury of the neighborhood. If the application is for a temporary permit under conditions, the applicant shall show the Board that the applicant and any successor in interest will observe and abide by the conditions contained in such permit.

**ARTICLE IV. Hearings**

**§ A246-23. Venue.**

Hearings shall be held by the Board at the City Hall.

**§ A246-24. Hearings open to public.**

Hearings shall be open to the public, but the Board may go into executive session in discussing appeals or applications or arriving at decisions.

#### **§ A246-25. Appearances.**

The appellant or applicant may appear in his own behalf or be represented by agent or attorney at said hearings. In the absence of any personal appearance on behalf of appellant or applicant, the Board will proceed to dispose of the matter on the record before it.

#### **§ A246-26. Procedure.**

At a hearing, the order shall be as follows:

- A. The appellant's or applicant's side of the case.
- B. The Building Inspector's side of the case.
- C. Any interested property owner's side of the case.
- D. The appellant's or applicant's rebuttal.

### **ARTICLE V. Disposition of Appeal**

#### **§ A246-27. Resolution.**

The final disposition of any appeal shall be in the form of a resolution which shall affirm, modify or reverse the granting or refusal of a permit by or any order or decision of the Building Inspector. In case of an application for a permit or for variation or modification, the resolution shall set forth that the application is denied or that it is granted with conditions, and said resolution shall specifically set forth the particular permit granted and/or what variations or modifications are permitted and what conditions are imposed. The vote of each member present on each resolution shall be recorded with the resolution, and a copy thereof shall be filed with Commissioner of Accounts.

#### **§ A246-28. Withdrawal of application.**

Any appellant or applicant may withdraw his appeal or application at any time prior to the decision by the Board.

### **ARTICLE VI. Forms**

#### **§ A246-29. Forms used by Board.**

The forms referred to in the above rules of procedure and made a part thereof are:

- A. Form No. 1: Appeal under the Zoning Ordinances.
- B. Form No. 2: Notice of hearing of appeal.
- C. Form No. 3: Resolution (on appeal).

### **ARTICLE VII. Amendments**

#### **§ A246-30. Procedure for amending rules.**

These rules may be amended by an affirmative vote of not fewer than three (3) members of the Board, provided that such amendment is presented in writing at a regular meeting. The suspension of any rule of procedure may be ordered at any meeting by unanimous vote of those present.

### **ARTICLE VIII. Resolutions**

**§ A246-31. Requirements for passage.**

Every resolution not otherwise provided for shall require a majority vote of the members present at a legally constituted meeting.

**§ A246-32. Signature; attest.**

Resolutions, upon adoption, shall be signed by the Chairman or Vice Chairman and attested by the Secretary as evidence of the action of the Board.

**ARTICLE IX. Order of Business**

**§ A246-33. Regular meetings.**

The order of business at all regular meetings of the Board shall be as follows:

- A. Roll call.
- B. Communications.
- C. Reports of committees.
- D. Unfinished business.
- E. New business.

CHAPTER A247. SUBDIVISION REGULATIONS

**[The Subdivision Regulations were adopted by the City Council of the City of Saratoga Springs 6-17-2003. Said regulations and any amendments thereto are available for inspection at City Hall.]**

**GENERAL REFERENCES**

Planning Board — See Ch. 4.  
Streets and sidewalks — See Ch. 203.  
Zoning — See Ch. 240

CHAPTER DL. DISPOSITION LIST

§ DL-1. Disposition of legislation.

**CHAPTER DL. DISPOSITION LIST**

The following is a chronological listing of legislation of the City of Saratoga Springs adopted since January 1, 2004, 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 adopted prior to January 1, 2004, is available in the City Clerk's office.

**§ DL-1. Disposition of legislation.**

<b>Enact- ment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Ord.	1-20-	Vehicles and traffic amendment	Ch. <u>225</u>



<b>Enact- ment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
	2004		
Ord.	4-20- 2004	Lodging, eating and drinking establishments	Ch. <u>136</u>
Ord.	5-18- 2004	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	5-18- 2004	Senior citizens tax exemption amendment	Ch. <u>212</u> , Art. <u>III</u>
Ord.	7-20- 2004	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	8-4-2004	Special livery vehicles amendment	Ch. <u>200</u>
L.L. No. 1-2004	8-4-2004	Taxicabs amendment	Ch. <u>215</u>
Ord.	8-17- 2004	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	8-17- 2004	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	9-21- 2004	Lodging, eating and drinking establishments amendment	Ch. <u>136</u>
Ord.	10-5- 2004	Street naming and numbering amendment	Ch. <u>201</u>
Ord.	10-19- 2004	Street naming and numbering amendment	Ch. <u>201</u>
Ord.	11-16- 2004	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	11-16- 2004	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	12-7- 2004	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	12-7- 2004	Street naming and numbering amendment	Ch. <u>201</u>
Ord.	12-21- 2004	Peddling and vending amendment	Ch. <u>165</u>
L.L. No. 1-2005	1-18- 2005	Charter amendment	§ 7.2.1

<b>Enact- ment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
L.L. No. 2-2005	2-15- 2005	Taxation: parent or guardian living quarters exemption	Ch. <u>212</u> , Art. <u>XIII</u>
L.L. No. 3-2005	2-15- 2005	Taxation: alternative veterans exemption amendment	Ch. <u>212</u> , Art. <u>X</u>
Res.	4-5-2005	2005 water rates	Annual measure
Ord.	4-19- 2005	Temporary storage containers	Superseded by 9-18-2007 Ord.
Ord.	5-17- 2005	Special livery vehicles amendment	Ch. <u>200</u>
Ord.	5-17- 2005	Street naming and numbering amendment	Ch. <u>201</u>
Ord.	5-17- 2005	Street naming and numbering amendment	Ch. <u>201</u>
Ord.	6-7-2005	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	6-7-2005	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	6-21- 2005	Water and sewers: water amendment	Ch. <u>231</u> , Part. 2
L.L. No. 4-2005	7-5-2005	Contracts: withdrawal of retained percentages	Ch. <u>8A</u> , Art. <u>I</u>
Ord.	7-5-2005	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	8-2-2005	Street naming and numbering amendment	Ch. <u>201</u>
Ord.	8-16- 2005	Blasting amendment	Ch. <u>81</u>
Ord.	8-23- 2005	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	9-6-2005	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	9-20- 2005	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	9-20- 2005	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	10-18-	Vehicles and traffic amendment	Ch. <u>225</u>

Enact- ment	Adoption Date	Subject	Disposition
	2005		
L.L. No. 5-2005	11-1- 2005	Taxation: alternative veterans exemption amendment	Ch. <u>212</u> , Art. <u>X</u>
L.L. No. 6-2005	11-15- 2005	Special assessment districts: special assessment district No. 1 of 2000	Ch. <u>199</u> , Art. <u>V</u>
Ord.	11-15- 2005	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	12-20- 2005	Street naming and numbering amendment	Ch. <u>201</u>
Ord.	12-20- 2005	Temporary structures	Ch. <u>216</u>
Ord.	12-20- 2005	Special events	Ch. <u>199A</u>
Ord.	12-20- 2005	Parades	Ch. <u>151</u>
Ord.	12-20- 2005	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	12-20- 2005	Noise amendment	Ch. <u>148</u>
Ord.	12-20- 2005	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	12-20- 2005	Demonstrations	Ch. <u>98</u>
Ord.	2-7-2006	Public assemblies repealed	Ch. <u>69</u> , reference only
Ord.	2-7-2006	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	3-7-2006	Dogs and other animals amendment	Ch. <u>101</u>
L.L. No. 1-2006	4-11- 2006	Code of ethics	Ch. <u>13</u>
L.L. No. 2-2006	4-11- 2006	Moratorium on approvals, permits and licenses for adult use establishments	NCM
Ord.	5-2-2006	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	5-16-	Vehicles and traffic amendment	Ch. <u>225</u>

<b>Enact- ment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
	2006		
L.L. No. 3-2006	6-6-2006	Design Review Commission amendment	Ch. <u>19</u>
Ord.	6-20- 2006	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	7-18- 2006	Street naming and numbering amendment	Ch. <u>201</u>
Ord.	8-1-2006	Fingerprinting City personnel	Ch. <u>15</u>
L.L. No. 4-2006	8-1-2006	Charter amendment	§ 11.2
L.L. No. 5-2006	9-19- 2006	Extension of moratorium on approvals, permits and licenses for adult use establishments	NCM
Ord.	9-19- 2006	Street naming and numbering amendment	Ch. <u>201</u>
Ord.	9-19- 2006	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	10-17- 2006	Vehicles and traffic amendment	Ch. <u>225</u>
L.L. No. 6-2006	11-7- 2006	Cable communications	Ch. <u>94</u>
Ord.	12-19- 2006	Vehicles and traffic amendment	Ch. <u>225</u>
L.L. No. 1-2007	1-16- 2007	Extension of moratorium on approvals, permits and licenses for adult use establishments	NCM
Ord.	2-20- 2007	Street naming and numbering amendment	Ch. <u>201</u>
L.L. No. 2-2007	2-28- 2007	Disabled persons tax exemption amendment	Ch. <u>212</u> , Art. <u>XII</u>
L.L. No. 3-2007	3-6-2007	Building code administration	Ch. <u>118</u>
Ord.	3-6-2007	Vehicles and traffic amendment	Ch. <u>225</u>
L.L. No.	3-20-	Compensation of nonelected City	Ch. <u>41</u> , Art. <u>II</u>

<b>Enact- ment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
4-2007	2007	officials	
L.L. No. 5-2007	4-3-2007	Vehicles and traffic amendment	Ch. <u>225</u>
L.L. No. 6-2007	4-3-2007	Temporary moratorium on permits and approvals for development projects in Saratoga Lake sanitary service area (zoning amendment)	NCM
L.L. No. 7-2007	4-17- 2007	Extension of moratorium on approvals, permits and licenses for adult use establishments	NCM
Ord.	4-17- 2007	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	4-17- 2007	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	5-15- 2007	Street naming and numbering amendment	Ch. <u>201</u>
L.L. No. 8-2007	6-19- 2007	Design and Review Commission amendment	Ch. <u>19</u>
Ord.	6-19- 2007	Emergency medical service providers	Ch. <u>107</u>
Ord.	6-19- 2007	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	6-19- 2007	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	6-19- 2007	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	7-3-2007	Vessels and waters amendment	Ch. <u>228</u>
Ord.	7-3-2007	Special livery vehicles amendment	Ch. <u>200</u>
Ord.	7-18- 2006	Street naming and numbering amendment	Ch. <u>201</u>
Ord.	8-21- 2007	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	8-21- 2007	Vehicles and traffic amendment	Ch. <u>225</u>

<b>Enact- ment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Ord.	9-4-2007	Noise amendment	Ch. <u>148</u>
Ord.	9-18- 2007	Storage containers	Ch. <u>217</u>
Ord.	11-7- 2007	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	11-20- 2007	Street naming and numbering amendment	Ch. <u>201</u>
L.L. No. 9-2007	12-4- 2007	Illicit discharges to storm sewer system	Ch. <u>138</u>
Ord.	12-18- 2007	Vehicles and traffic amendment	Ch. <u>225</u>
L.L. No. 1-2008	1-2-2008	Stormwater management; zoning amendment; subdivision amendment	Ch. <u>200A</u> ; see Chs. 240; A247
Ord.	1-15- 2008	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	2-19- 2008	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	2-19- 2008	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	5-6-2008	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	5-6-2008	Public right-of-way use permit	Ch. <u>180</u>
Ord.	5-20- 2008	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	5-20- 2008	Dogs and other animals amendment	Ch. <u>101</u>
Ord.	5-20- 2008	Vehicles and traffic amendment	Ch. <u>225</u>
L.L. No. 2-2008	6-17- 2008	Alternative veterans and Cold War veterans tax exemption amendment	Ch. <u>212</u> , Art. <u>X</u>
Ord.	6-17- 2008	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	8-19- 2008	Vehicles and traffic amendment	Ch. <u>225</u>

<b>Enact- ment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Ord.	8-19- 2008	Zoning amendment	See Ch. <u>240</u>
Ord.	9-2-2008	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	9-2-2008	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	9-16- 2008	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	9-16- 2008	Vehicles and traffic amendment	Ch. <u>225</u>
Res.	10-21- 2008	Street naming and numbering amendment	Ch. <u>201</u>
Ord.	11-18- 2008	Building Code administration amendment	Ch. <u>118</u>
Ord.	11-18- 2008	Alarm systems amendment	Ch. <u>58</u>
Ord.	11-18- 2008	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	12-2- 2008	Vehicles and traffic amendment	Ch. <u>225</u>
Ord.	12-16- 2008	Vehicles and traffic amendment	Ch. <u>225</u>