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## THE CODE

### PART 1. ADMINISTRATION LEGISLATION

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PART 1

ADMINISTRATIVE

LEGISLATION

# CHAPTER 1 ARTICLE 1 ADOPTION OF CODE

## ARTICLE 1

### ADOPTION OF CODE

§ 1-1. Legislative intent

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§ 1-12. Incorporation of provisions into Code.

§ 1-13. When effective.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville: Art I, 7-1-1991 as L.L. No. 1-1991. Amendments noted where applicable.]



## Article 1

### Adoption of Code

[Adopted 7-1-1991 LL No. 1-1991]

Be it enacted by the Board of Trustees of the Village of Schuylerville, County of Saratoga, New York, as follows:

#### § 1-1. Legislative intent

In accordance with Subdivision 3 of S 20 of the Municipal Home Rule Law, the local laws and ordinance of the Village of Schuylerville shall be known collectively the "Code of the Village of Schuylerville," hereafter termed the "Code."

Wherever reference is made in any of the local laws and ordinances contained in the "Code of the Village of Schuylerville" to any other local law and ordinance appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, Article number or section number appearing in the Code if such local law or ordinance 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 those of local laws and ordinances in force immediately prior to the enactment of the Code by this local law are intended as a continuation of such local laws and

ordinances and not new enactment, and effectiveness of such provisions shall date from the date of adoption of the prior local law or ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed to their adoption by the Board of Trustees of the Village of Schuylerville, and it is the intention of said Board that each such provision contained within 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 Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of S 1-3 below.

§ 1-8. Repeal of enactment not included in Code.

All local laws and ordinances of a general and permanent nature of the Village of Schuylerville in force on the date of the adoption of this

local law and not 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 Village of Schuylerville 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 Village of Schuylerville or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending, or any judgement rendered prior to the effective date of this local law, brought pursuant to any legislative provision of the Village of Schuylerville.

D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Schuylerville.

E. Any local law or ordinance of the Village of Schuylerville 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 Village of Schuylerville or any portion thereof.

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

- G. Local laws or ordinance 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 dedication of property.
- J. Any legislation relating to salaries.
- K. Any legislation adopted subsequent to September 10, 1990.

#### § 1-5. Severability.

If any clause, sentence, paragraph, section, Article, chapter or part of this local law or of any local law or ordinance 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 it's operation to the clause, sentence, paragraph, section, Article, chapter or part thereof directly involved in the controversy in which such judgement 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 Village Clerk of the Village of Schuylerville 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 Village Clerk of the Village of Schuylerville by impressing thereon the Seal of the Village of Schuylerville, and such certified

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

§ 1-7. Amendment to Code.

Any and all additions, deletions, amendment or supplement to any of the local laws and ordinances known collectively as the "Code of the Village of Schuylerville" or any new local laws, when enacted or adopted in such form as to indicate the intention of the Board of Trustees 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 or ordinance contained herein, and such local laws or ordinances may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

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

It shall be the duty of the Village Clerk to keep up-to-date the certified copy of the book containing the Code of the Village of Schuylerville required to be filed in the office of the Village Clerk for use by the public. All changes in said Code and all local laws adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or local laws until such changes and local laws are printed as supplement 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 Clerk of the Village of Schuylerville upon the payment of a fee to be set by resolution of the Board of Trustees, which Board 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 Village Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Village of Schuylerville or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of Schuylerville to be misrepresented thereby or who violate 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.

- A. In compiling and preparing the local laws and ordinances for publication as the Code of the Village of Schuylerville, no changes in the meaning or intent of such local laws and ordinances have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor non substantive changes were made in one (1) or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws and ordinances had been previously formally amended to read as such.
- B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws and ordinances as they have been renumbered and appear in the Code.)<sup>1</sup>

§ 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 Village of Schuylerville, 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.

Editor's note 1-11B, following sections were added or amended: 95A, 47-6. 584, 59-8, 59-11, 72-2. 72-7. 8S4F. 86-9, 86-11. 96-12, 10&.7, 107-7, 107. 8. 107-9. 11+1, 116-5, \*19-8, 182-6. 182-10, 188-2, 188-5B, 138-6, 138-8, 138-9, 164-8. 1544, 154. 5 and 157\*2. The following chapters were or amended: Cha. 13, 44, 80, 92, 124, 129, 148 and 151. he following original were deletd: See. 4 of LL No. 1-1978 (Ch. 89); sea 4, 5. 6. 7. 12, 18, 16, 16, 17, 20, 21. 28, 81 and 72 of the 1929 Ordinance. (Ch. 188); Sec. 3 and certain definitions of LL No. 2-1987 (Ch. 154). A complete description of each change on me in the office of the Village Clerk.

### § 1-13. When effective.

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



## CHAPTER 4 ASSESSMENTS

§ 4-1. Legislative intent

§ 4-2. Termination of village assessing unit functions.

§ 4-3. Board of Assessors abolished.

§ 4-4. Town assessment roll utilized for tax levy.

§ 4-5 Filing of copies

[History: Adopted by the Board of Trustees of the Village of Schuylerville 2-3-1992 as LL No. 1-1992. Amendments noted where applicable.]

§ 4-1. legislative intent

The intent of the Board of Trustees of the Village of Schuylerville is to implement S 1402, Subdivision (3), of the Real Property Tax Law providing for the voluntary termination of the village's status as an assessing unit, as provided in the Village Law and the Real Property Thx Law. It is also the intent of this chapter to abolish the position of Assessor and to terminate any and all responsibility, as provided by law, for the review of the assessment of real property located within the Village of Schuylerville.

§ 4-2. Termination of village assessing unit functions.

On or after the effective date of this chapter, the Village of Schuylerville shall cease to be an assessing unit

§ 4-3. Board of Assessors abolished.

The Board of Assessors in the Village of Schuylerville is hereby abolished.

§ 4-4. Town assessment roll utilized for tax levy.

On or after the effective date of this chapter, taxes in the Village of Schuylerville shall be levied on a copy of the applicable part of the assessment roll of the Town of Saratoga, with the taxable status date of such town controlling for village purposes.

§ 4-5. Filing of copies.

Within five (5) days of the effective date of this chapter, the Board of Trustees of the Village of Schuylerville shall file a copy of such chapter with the Clerk and Assessor of the Town of Saratoga and with the State Board of Equalization and Assessment.

## CHAPTER 9 DEFENSE AND INDEMNIFICATION

§ 9-1. Purpose; intent

§ 9-2 Definitions.

§ 9-3. Provision of defense; procedures.

§ 9-4. Action on settlement or judgment

§ 9-5. Conditions.

§ 9-6. Effect on other parties and provisions.

§ 9-7. Applicability of provisions.

§ 9-8. Construal of provisions.

[HISTORY: Adopted by the Board of Trustee of the Village of Schuylerville 2-2-1981 as LL No. 1-1981. Section 9-5A amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendment noted where applicable.]

§ 9-1. Purpose; intent

The purpose of this chapter is to provide legal and financial protection for individuals serving the Village of Schuylerville, from loses which be brought against them in their individual capacity for actions taken while in the performance of their

official duties and responsibilities. In enacting this chapter, the Board of Trustees finds that the State of New York has enacted similar provisions for the legal and financial security of its officers and employee and further finds such security is also required for local personnel. By enactment of this chapter, the Board of Trustees does not intend to limit or otherwise abrogate any existing right or responsibility of the village or its employees with regard to indemnification or legal defense. It is solely the intent of this chapter to provide similar coverage for local employees as is presently provided for state employees, so as to continue to attract qualified individuals to local government service.

#### § 9-2. Definitions

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

**EMPLOYEE** — Any person holding a position by election, appointment or employment in the service of the Village of Schuylerville, whether or not compensated, or a volunteer expressly authorized to participate in a municipally sponsored volunteer program but shall not include an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative

#### § 9-3. Provision of defense; procedures.

- A. Upon compliance by the employee with the provisions of 95 of this chapter, the village shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or

omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties, or which is brought to enforce a provision of Section 1981 or 1983 of Title 42 of the United States Code. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the Village of Schuylerville.

- B. Subject to the conditions set forth in Sub section A of this section, the employee shall be entitled to be represented by the Village Attorney; provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the Village Attorney determines, based upon his investigation and review of the facts and circumstances of the case, that representation by the Village Attorney would be inappropriate, or whenever a court of competent jurisdiction upon appropriate motion or by a special proceeding determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The Village Attorney shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel of his choice. The Village Attorney may require, a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this section, the Village Attorney shall so certify to the Village Board. Reasonable attorneys' fees and litigation expenses shall be paid by the village to such private counsel from time to time during the pendency of the civil action or proceeding subject to certification that the

employee is entitled to representation under the terms and conditions of this section by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the Village Treasurer. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by a special proceeding.

- C. Where the employee delivers process and a request for a defense to the Village Attorney as required by 9-5 of this chapter, the Attorney shall take the necessary steps including the retention of private counsel under the terms and conditions provided in the Sub-section B of this section on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

#### § 9-4. Action on settlement or judgement

- A. The village shall indemnify and save harmless employees in the amount of any judgment obtained against such employees in any state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or settlement arose occurred while the employee acting within the scope of his public employment or duties; the duty to indemnify and save harmless prescribed by this section shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.
- B. An employee represented by private counsel shall cause to be submitted to the Board of Trustees any proposed

settlement which may be subject to indemnification by the village and, if not inconsistent with the provisions of this chapter, the Mayor shall certify such settlement, and submit such settlement and certification to the Village Attorney. The Attorney shall review such proposed settlement as to form and amount and shall give his approval if in his judgement the settlement is in the best interest of the village. Nothing in this subsection shall be construed to authorize the village to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Attorney

- C. Upon entry of a final judgement the employee, or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personal or by certified or registered mail within thirty (30) days of the date of entry or settlement, upon the MM)r; and if not inconsistent with the provisions of this chapter, such judgment or settlement shall be certified for payment by such Mayor. If the Attorney concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the Village Treasurer.

#### § 9-5 Conditions.

The duty to defend or indemnify and save harmless provided by this chapter shall be conditioned upon:

- A. Delivery to the Village Attorney or his assistant, at his office, by the employee of the original or a copy of any

summons, complaint, proc—, notice, demand or within ten (10) days after he is served with such document; and

- B. The full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the state based upon the same act or omission, and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the village provide for his defense pursuant to this chapter

#### § 9-6. Effect on other parties and provisions

- A. The of this chapter shall inure only to employees as defined herein and shall not enlarge or diminish the of any other party nor shall any provision of this chapter be construed to affect, alter or repeal any provision of the Workers' Compensation law.
- B. The provisions of this chapter shall not be construed to impair, alter, limit or modify the right and obligations of any insurer under any policy of insurance.

#### § 9-7. Applicability of provisions.

The provisions of this chapter shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted.

#### § 9-8. Construal of Provisions

Except otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity



available to or conferred upon any unit, entity, Officer or employee of the village or any right to defense and/or indemnification provided for any governmental office or employee by, in accordance with, or by reason of any other provision of state or federal statutory or common law.

## CHAPTER 13 CODE OF ETHICS

§ 13-1 Purpose.

§ 13-2 Definitions

§ 13-3 Standards of conduct

§ 13-4 Timely filing of claims

§ 13-5 Distribution of copies

§ 13-6 Penalties for offenses

[HISTORY: Adopted by the of Trustees of The Village of Schuylerville at time of adoption of Code; see Ch. 1, General Provisions, Art I. Amendment noted where applicable.]

§ 13-1 Purpose.

Pursuant to the provisions of S 806 of the General Municipal Law, the Board of trustees of the of Schuylerville, New York, recognizes that there are rules of ethical conduct for public Officers and employee which must be observed if a high of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employee of the Village of Schuylerville, New York. These rules shall serve a guide for official conduct of the officers and employees of the Village of Schuylerville, New York. The rules of ethical conduct of this chapter, as adopted, shall not conflict with, but shall be in any prohibition of Article 18 of

General Municipal law or any other special law relating to conduct and interest in of municipal officers and employees.

§ 13-2. Definitions.

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

**INTEREST** — A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

**MUNICIPAL OFFICER OR EMPLOYEE** — An officer or employee of the Village of Schuylerville, New York, whether . paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal Officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a Chief Engineer or Assistant Chief Engineer.

§ 13-3. Standards of conduct

Every officer or employee of The Village of Schuylerville, New York, shall be subject to and abide by the following standards of conduct

- A. Gifts. He shall not, directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75.) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in

the performance of his official duties or was intended as a reward for any official action on his part

- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- C. Representation before one's own agency. He 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 is an Officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, Officer or employee.
- D. Representation before any agency for a contingent fee. He 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 municipality whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Board of trustees and any officer or employee of the Village of Schuylerville, New York, whether paid or unpaid, who participates in the or gives official opinion to the Board of Trustees of any legislation before the Board of Trustees shall publicly disclose on the official record the nature and extent of any direct or indirect

financial or other private interest he in such legislation.

- F. Investments in conflict with official duties. He shall not invest or any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.
- G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the of Schuylerville, New York, in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

#### § 13-4. Timely 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 Village of Schuylerville, New York, or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

#### § 13-5. Distribution of copies.

The Mayor of the Village of Schuylerville, New York, shall cause a copy of this Code of to be distributed to every officer and employee of the Village of Schuylerville, New York, within thirty (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 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.

#### § 13-6. Penalties for offense

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code mu be fined, suspended or removed from once or employment, as the may be, in the manner provided by law.

## CHAPTER 17 FIRE DEPARTMENT

### ARTICLE 1

Duties of Fire Chief 17-1. Approval of bills; supplies.

### ARTICLE 11

Schuyler Hose Company

§ 17-2. Authorization to use equipment in contracting towns.

[HISTORY: Adopted by the Board of trustees of the village of Schuylerville: Art. I, 8-11-1929 Sec. 68 of the 1929 Ordinance; Art 11, 6-6-1949. Amendments noted where applicable.]

### ARTICLE 1

Duties of Fire Chief

[Adopted 3-11-1929 as 63 of the 1929 Ordinance]

§ 7-1. Approval of bills; supplies.

It shall be the duty of the Fire Chief of the Fire Department to approve all bills against the Department, and when anything is needed for the department in line of supplies, the Fire Chief will investigate such need and, if supplies are necessary, confer with the Village Board, and said supplies, if needed, shall be ordered by the Village Clerk by the order of the Board of Trustees.

## ARTICLE 11

### Schuyler Hose Company

[Adopted 6 1949]

§ 17-2. Authorization to use equipment in contracting towns.

The Schuyler Hose Company, under the direction of it's duly elected officers and of the Mayor and Trustees of the Village of Schuylerville, is hereby authorized to operate, use and employ such fire-fighting equipment of this village as may be necessary for the extinguishing of fires in those portions of the Towns of Saratoga, Northumberland, Easton and Greenwich, which may hereafter enter into contracts with the Village of Schuylerville for fire protection to be rendered to such towns or portions thereof.



## CHAPTER 31 PLANNING BOARD

§ 31-1.Establishment; membership.

§ 31-2.Alternate members.

§ 31-3. Appropriation for Planning Board expenses.

§ 31-4. Ineligibility of Board of Trustees for membership

§ 31-5.Duties of Chairperson.

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§ 31-10. Voting requirements.

§ 31-11. Review of Planning Board decisions.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 4-12-2006 by L.L. No. 1-2006. Amendments noted where applicable.]

§ 31•1. Establishment; membership.

There shall be a Planning Board for the Village of Schuylerville consisting of five members, appointed according to the requirements of the Village Law. The initial members of said

Planning Board shall be appointed for terms such that the term of one member shall expire each year. Subsequent members shall be appointed for five years. Members and the Chairperson of the Planning Board shall be appointed by the Mayor subject to the approval of the Board of Trustees. In the absence of a Chairperson, the Planning Board may designate a member to serve as Chairperson.

§ 31-2. Alternate members.

A. Applicability. This section shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Village of Schuylerville Planning Board.

B. Declaration of policy. It is sometimes difficult to maintain a quorum on the Planning Board because members are ill, unable to attend, on extended vacation, or find they have a conflict of interest on a specific matter before the Planning Board. In such instances, official business cannot be conducted, which may delay or impede adherence to required timelines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this section.

C. Appointment of alternate members.

(1) The Mayor, subject to the approval of the Board of Trustees, shall appoint alternate members of the Planning Board to serve as provided in this section. The number of alternate members appointed shall not exceed two. Alternate members of the Planning Board shall be appointed for terms of two years.

(2) The Chairperson of the Planning Board may designate an alternate to substitute for a member when

such a member is not present or is unable to participate on an application or matter before the Planning Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Planning Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.

(3) All provisions of state law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

D. Supersession of Village Law. This section is hereby adopted pursuant to the provisions of 10 of the Municipal Home Rule Law. Pursuant to 10 of the Municipal Home Rule Law, it is the intent of the Village Board of the Village of Schuylerville to supersede the provisions of 7-718, Subsection 16, of the Village Law relating to the appointment of alternate members to the Planning Board.

### § 31-3. Appropriation for Planning Board expenses.

The Village Board of Trustees is hereby authorized and empowered to make such appropriation as it may see fit for Planning Board expenses. The Planning Board shall have the power and authority to employ experts, clerks and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding, in all, the

appropriation that may be made therefor by the Village Board of Trustees for such Planning Board.

#### § 31-4. Ineligibility of Board of Trustees for membership.

No person who is a member of the Village Board of Trustees shall be eligible for membership on such Planning Board.

#### § 31-5. Duties of Chairperson.

All meetings of the Planning Board shall be held at the call of the Chairperson and at such other times as such board may determine. Such Chairperson, or in his or her absence the acting Chairperson, may administer oaths and compel the attendance of witnesses.

#### § 31-6. Vacancy in office.

If a vacancy shall occur otherwise than by expiration of term, the Mayor shall appoint the new member for the unexpired term.

#### § 31-7. Removal of members.

The Mayor shall have the power to remove, after public hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for noncompliance with minimum requirements relating to meeting attendance and training as established by the Village Board of Trustees by local law.

## § 31-8. Rules and regulations.

The Planning Board may recommend to the Village Board of Trustees regulations relating to any subject matter over which the Planning Board has jurisdiction under the Village law or any other statute, or under any local law of the Village. Adoption of any such recommendations by the Village Board of Trustees shall be by local law.

## § 31-9. Report on referred matters; general reports.

A. The Village Board of Trustees may, by resolution, provide for the reference of any matter or class of matters, other than those referred to in 31-8 to the Planning Board before final action is taken thereon by the Village Board of Trustees or other office or Officer of said Village having final authority over said matter. The Village Board of Trustees may further stipulate that final action thereon shall not be taken until the Planning Board has submitted its report thereon, or has had a reasonable time, to be fixed by the Village Board of Trustees in said resolution, to submit the report.

B. The Planning Board may review and make recommendations on a proposed Village Comprehensive Plan or amendment thereto. In addition, the Planning Board shall have the full power and authority to make investigations, maps, reports, and recommendations in connection therewith relating to the planning and development of the Village as it seems desirable, providing

the total expenditures of said board shall not exceed the appropriation provided therefor.

§ 31-10. Voting requirements.

Every motion or resolution of a Planning Board shall require for its adoption the affirmative vote of a majority of all the members of the Planning Board. Where an action is the subject of a referral to the county planning agency or regional planning council, the voting provisions of 239-m and 239-n of the General Municipal Law shall apply.

§ 31-11. Review of Planning Board decisions.

Any Officer, department, board or bureau of the Village, with the approval of the Board of Trustees, or any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning such plat or the changing of the zoning regulations of such land, may bring a proceeding to review in the manner provided by Article 78 of the Civil Practice Law and Rules in a court of record on the ground that such decision is illegal, in whole or in part. Such proceeding must be commenced within 30 days after the filing of the decision in the office of the Village Clerk. Commencement of the proceeding shall stay proceedings upon the decision appealed from. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which

the determination of the court shall be made. The court may reverse or amrm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Planning Board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

## CHAPTER 35 RESIDENCY REQUIREMENTS

§ 35-1. Legislative findings; intent.

§ 35-2. General provisions.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 7-5-1993 as L.L. No. 1-1993. Amendments noted where applicable.]

### GENERAL REFERENCES

Defense and indemnification — See Ch. 9.

Code of Ethics — See Ch. IS.

§ 35-1. Legislative findings; intent.

The Board of Trustees of the Village of Schuylerville hereby declares that the continued provision of quality governmental services is of critical importance to village residents and determines that the place of residence of current and/or future village employees is not determinative of their ability to provide such services in a timely and efficient manner. The Board of Trustees of the Village of Schuylerville therefore further declares and determines that enactment of this chapter permitting appointed village officers to reside outside the municipal boundaries of the village is in the best interests of the village and its residents.

§ 35-2. General provisions.

Pursuant to the provisions of 3-300, Subdivision 2, of the Village Law and notwithstanding any other provisions of law to the



contrary, on and after the effective date of this Article, any appointed village officer may reside outside the Village of Schuylerville; provided however, that any such appointed village Officer shall reside within the County of Saratoga.

## CHAPTER 44 ADVERTISING MATERIALS

§ 44-1 Consent required for certain acts

§ 44-2. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 3-11-1929 Sec. 24 of the 1929 Ordinance; amended in it's entirety at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Subsequent amendments noted where applicable.]

GENERAL REFERENCES Signs and billboards — See Ch. 182.

§ 44-1. Consent required for certain act.

No person or persons shall post, nail or attach any banner, poster, bill, advertisement, placard or notice, except legal notices, to any sidewalk or curb nor to any wall, fence, tree, pole, post, building, bridge or other structure upon the street or in the public places of the Village of Schuylerville, the consent of the Board of Trustees.

§ 44-2. Penalties for offenses.

A violation of this chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) or both.

## CHAPTER 47 ALCOHOLIC BEVERAGES

§ 47-1. Legislative intent.

§ 47-2. Definitions.

§ 47-3 Prohibited acts.

§ 47-4. Exceptions.

§ 47-5. Applicability of provisions.

§ 47-6. Penalties for offenses.

**HISTORY:** Adopted by the Board of trustees of the Village of Schuylerville 10-11-1973 as L.L. No. 2-1973. Section 47-6 amended at time of adoption of Code; see Ch. 1, General Provisions Art I. Other amendments noted where applicable.]

§ 47-1. Legislative intent It is the intent of the Village of Schuylerville, an exercise of it's police power, to promote the general health, safety and welfare of the residents of the village by enacting this chapter, since it is the finding of the Board of Trustees that the possession of open containers of alcoholic by persons on certain public lands, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the village in that such possession contributes to the development of unsanitary conditions and the creation of a nuisance. It is further the intent of the Board of trustees of the Village of Schuylerville that this chapter not be considered as a

traffic , regulation insofar as it relates to motor vehicles or the operation thereof.

§ 47-2. Definitions.

A. For the purposes of this chapter, the following shall have the meanings ascribed to them:

**ALCOHOLIC BEVERAGE** — Includes alcohol, spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being.

**CONTAINER** — Any bottle, can, glass or other receptacle suitable for or used to hold any liquid.

**PUBLIC LANDS** — Any highway, street, sidewalk, park or playground.

**VILLAGE** — The Incorporated Village of Schuylerville.

B. All other words shall have the meaning normally ascribed to them in regular usage.

§ 47-3. Prohibited Acts.

No person shall have in his possession any open container containing an alcoholic beverage on any public land within the village.

§ 47-4. Exceptions.

The foregoing prohibition shall not apply in the event of a fair, picnic or other community gathering for which special permission has been granted by the village.

§ 47-5. Applicability of provisions.

This chapter shall apply to all persons on public lands in the village except as provided in S 47-4 above and shall not apply to any person drinking an alcoholic beverage while operating a motor vehicle upon any public highway within the village in violation of § 127 of the Vehicle and Traffic Law of the State of New York.

§ 47-6. Penalties for offenses. A violation of this chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

## CHAPTER 53 BLASTING

§ 53-1. Filing of petition required; contents.

§ 53-2. Bond.

§ 53-3. Terms and conditions.

§ 53-4. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 3-11-1929 78 of the 1929 Ordinance. Section 53-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendments noted where applicable.]

### GENERAL REFERENCES

Fire prevention and building construction — See Ch. 88.

§ 53-1. Filing of Petition required; contents

Any person desiring to do any blasting within the of the Village of Schuylerville must first make application to the Board of trustees by written petition, which petition must state, among other thing, the name of the owner of the property upon which blasting is desired to be done, the character of the material to be blasted and explosive to be used in so doing.

§ 53-2. Bond.

The Board of Trustees in granting permission to blast may require the party doing to give a bond to pay all damage that may be caused to public or private property.

§ 53-3. Terms and conditions.

The Board of Trustees in granting its consent may do so upon such terms and conditions as it shall deem proper

§ 53-4. Penalties for offenses. <sup>1</sup>

A violation of this chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

## CHAPTER 55 BUILDING CODE ENFORCEMENT

- § 55-1. Purpose.
- § 55-2 Definitions.
- § 55-3. Code Enforcement Officer; inspectors.
- § 55-5. Construction inspections.
- § 55-6. Stop-work orders.
- § 55-7. Certificates of occupancy.
- § 55-8. Notification regarding fire or explosion.
- § 55-9. Unsafe buildings and structures.
- § 55-10. Operating permits.
- § 55-11. Fire safety and property maintenance inspections.
- § 55-12. Complaints.
- § 55-13. Recordkeeping.
- § 55-14. Program review and reporting.
- § 55-15. Enforcement; penalties for offenses.
- § 55-16. Fees.
- § 55-17. Intermunicipal agreements.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 12-28-2006 by L.L. No. 6-2006. Amendments noted where applicable.]

### GENERAL REFERENCES

Moving of buildings — See Ch. 56.



Unsafe buildings — See Ch. 59.

Fire prevention and building construction — See Ch. 83. Mobile homes — See Ch. 107.

#### § 55-1. 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 Village. 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.

#### § 55-2. Definitions.

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

**BUILDING PERMIT**— A permit issued pursuant to § 55-4 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 55-7B of this chapter.

**CODE ENFORCEMENT OFFICER** The Code Enforcement Officer appointed pursuant to 55-3B of this chapter.

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

**COMPLIANCE ORDER** — An order issued by the Code Enforcement Officer pursuant to 55-15A 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 §55-3D of this chapter.

**OPERATING PERMIT** — A permit issued pursuant to §55-10 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 §55-6 of this chapter.

**TEMPORARY CERTIFICATE**— A certificate issued pursuant to §55-7D 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.

VILLAGE — The Village of Schuylerville.

§ 55-3. Code Enforcement Officer; inspectors.

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

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

(2) Upon approval of such applications, to issue building permits, certificates of occupancy, temporary certificates and operating permits, and to include in building permits, certificates of occupancy, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy, temporary certificates and

operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter;

- (4) To issue stop-work orders;
- (5) To review and investigate complaints;
- (6) To issue orders pursuant to 55-15A, Compliance orders, of this chapter;
- (7) To maintain records;
- (8) To collect fees as set by the Village Board of this Village;
- (9) To pursue administrative enforcement actions and proceedings;
- (10) In consultation with this Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter; and
- (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.

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

One or more inspectors may be appointed by the Village to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

§ 55-4. Building permits.

- A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be

required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

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

- (1) 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 Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
- (1) A description of the proposed work;



- (2) The Tax Map number and the street address of the premises where the work is to be performed;
- (3) The occupancy classification of any affected building or structure;
- (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) At least two sets of construction documents (drawings and/or specifications) which:
  - (a) Define the scope of the proposed work;
  - (b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
  - (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
  - (d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
  - (e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked

as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.

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

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

H. Work to be performed in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building

permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The building permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

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

J. Revocation or suspension of building permits. If the Code Enforcement Officer determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and all work then proposed to be performed shall be

in compliance with all applicable provisions of the Uniform Code and the Energy Code.

K. Fee. The fee specified in or determined in accordance with the provisions set forth in 55-16, Fees, of this chapter must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.

#### § 55-5. Construction inspections.

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

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

- (1) Work site prior to the issuance of a building permit;
- (2) Footing and foundation;
- (3) Preparation for concrete slab;
- (4) Framing;
- (5) Building systems, including underground and rough-in;
- (6) Fire-resistant construction;
- (7) Fire-resistant penetrations;

- (8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and
- (10) A final inspection after all work authorized by the building permit has been completed.

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

the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

Fee. The fee specified in or determined in accordance with the provisions set forth in 55-16, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

#### § 55-6. 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 certified mail, return receipt requested. 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 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 55-15, 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.

## § 55-7. Certificates of occupancy.

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.

A. Issuance of certificates of occupancy. The Code Enforcement Officer 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 Code Enforcement Officer or an

inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy:

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

(1) Flood hazard certifications.

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

- E. Fee. The fee specified in or determined in accordance with the provisions set forth in 55-16, Fees, of this chapter must be paid at the time of submission of an application for a certificate of occupancy or for a temporary certificate

#### § 55-8. Notification regarding fire or explosion.

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

#### § 55-9. Unsafe buildings and structures.

Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the procedures established within Chapter 59 of the Code of Schuylerville as now in effect or as hereafter amended from time to time.55-10. Operating permits.

#### 1) Operating permits required.

- a) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:
  - (1) 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;

- (2) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening, and waste handling;
- (3) Use of pyrotechnic devices in assembly occupancies;
- (4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (5) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of this Village.

- b) 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.
- 2) Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to
  - i) permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- 3) Inspections. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit.
- 4) Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate operating permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single operating permit to apply to all such activities.
- 5) Duration of operating permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local

conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

- 6) Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the

Uniform Code, such operating permit shall be revoked or suspended.

3. Fee. The fee specified in or determined in accordance with the provisions set forth in 55-16, Fees, of this chapter must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit

#### § 55-11. Fire safety and property maintenance inspections.

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

- (1) Fire safety 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) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.
- (3) Fire safety 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 two years.

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

B.the Code Enforcement Officer at any time upon: the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

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

The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every 12 months;

The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every 12 months;

The Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in Subsection A(1) or (2) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in Subsection A(3) of this section; and

1 Fee. The fee specified in or determined in accordance with the provisions set forth in 55-16, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC.

#### § 55-12. Complaints.

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

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



inspection; 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 55-15, Enforcement; penalties for offenses, of this chapter;

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

C. 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. 55-13. Recordkeeping.

A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel at the Village municipal office, 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 of compliance, temporary certificates, stop-work orders, and operating permits issued;

- (4) All inspections and tests performed;
  - (5) All statements and reports issued;
  - (6) All complaints received;
  - (7) All investigations conducted;
  - (8) All other features and activities specified in or contemplated by 55-4 through 55-12, 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.

#### § 55-14. Program review and reporting.

A. The Code Enforcement Officer shall annually submit to the Village Board of this Village a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in 55-13, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.

B. The Code Enforcement Officer shall also submit monthly reports to the Village Board, on a form prescribed by the Board, a report of monthly activities.

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

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

§ 55-15. Enforcement; penalties for offenses.

A. Compliance orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; specify the period of time

which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by 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 certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

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

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 Village.

A. Injunctive relief. An action or proceeding may be instituted in the name of this Village, 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 Village, 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 Village. 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

B. 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 55-6, 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 55-6, 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.

#### § 55-16. Fees.

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

§ 55-17. Intermunicipal agreements.

The Village Board may, by resolution, authorize the Mayor of this Village to enter into an agreement, in the name of this Village, 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 56 BUILDINGS, MOVING OF

§ 56-1 Permission required.

§ 56-2. Contents of petition for permission; verification required.

§ 56-3. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 3-11-1929 as Sec. 18 of the 1929 Ordinance. Section 56-3 amended at time of adoption of Code; see Ch. 1, General

Provisions, Art. I. Other amendment noted where applicable.]

§ 56-1. Permission required.

No person or persons shall at any time any building or part of a building through or upon any of the public streets, alleys or lanes in the unless by permission, in writing, of the Board of Trustees, upon the conditions in such consent expressed.

§ 56-2. Contents of petition for permission; verification required.

Every applicant for the removal of any building or part of a building, upon or through any of the public streets alleys or lanes of the village, shall be required to set forth in his petition for permission to remove such building, the name of the street or streets which he expects to move such building through or along, and the place from



## CHAPTER 59 BUILDINGS UNSAFE

§ 59-1 Title.

§ 59-2 Appointment of Building Inspector, duties

§ 59-8. Definitions.

§ 59-4. Responsibilities of owner.

§ 59-5 Inspection; notice to owner.

§ 59-6. Content of notice.

§ 59-7. Survey; application for order to repair or remove.

§ 59-8. Posting of survey report.

§ 59-9. Cost incurred by village to become lien.

§ 59-10. Emergencies.

§ 59-11. Penalties for offenses

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 11-5-1984 as LL No. 4-1984. Sec60ns 59-3]

Fire prevention and building — Ch. 88.

§ 59-1. Title.

The title of this chapter shall be the "Unsafe Building Demolition Law."

§ 59-2. Appointment of Building Inspector; duties.

The Board of Trustees of the Village of Schuylerville shall appoint a Building Inspector who will be charged with the responsibility of carrying out the obligations and duties set forth in this chapter.

§ 59-3. Definitions. <sup>1</sup>

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

**BUILDING** — A structure wholly or partly enclosed within exterior walls or within exterior or party walls and a roof, affording shelter to persons, animals or property.

**DANGEROUS OR UNSAFE BUILDING** — A building or structure which is structurally unsanitary or not provided with adequate ingress or egress or which constitutes a fire hazard or which become unsafe by reason of damage by fire, the elements, age or general deterioration or which, in relation to an existing use, constitute a hazard to public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment or which is otherwise dangerous to human life.

§ 59-4. Responsibilities of owner.

No person, firm, corporation or association who or which is the owner of a building in the Village of Schuylerville shall cause, suffer, allow or permit said building to become dangerous or unsafe to the public. In the event that any building now is or hereafter becomes dangerous or unsafe to the public, from any cause whatsoever said owner or occupant shall repair or remove said building.

<sup>1</sup> Note: Added at time of adoption of Code; see Ch. h, General Provisions, Art. I.

§ 59-5. Inspection; notice to owner

. In the event of the failure of the owner of any such building to repair or remove the same, the Building Inspector of the Village of Schuylerville shall make a complete inspection and report of the condition of said building to the Board of Trustees of said village. Notice shall thereafter be served on the owner or some one of the owners, executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the

building. Said notice shall be served personally or by certified mail, return receipt requested.

§ 59-6. Contents of notice.

The notice shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring said building or structure to be made safe and secure or removed. Said notice shall also provide that the person served with said notice shall commence the securing or removal of the building or structure within fifteen (15) days of the date on which said notice is served. Said notice shall also contain the date by which said securing or removal of the building or structure shall be completed.

§ 59-7. Survey; application for order to repair or remove.

In the event of the neglect or refusal of the so served with the notice to comply with same, a survey of the premises shall be made by an inspector to be named by the Board of Trustees of said village, and a particular builder, engineer or architect appointed by the person notified above; and in the event of the refusal or neglect of the person notified to appointed such builder, engineer or architect, the inspector so named by the Board of Trustees of the village shall make the survey of the premises and report on the condition. The notice shall further provide that in the event that the building or other structure shall be reported dangerous or unsafe under any such survey, an application will be made at a Special Term of the Supreme Court, Saratoga County, for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

§ 59-8. Posting of survey report

A signed copy of the report of surveys shall be posted on the building.

§ 59-9. Costs incurred by village to become lien.

- A. All costs and expenses incurred by the village in connection with any and all of the above proceedings to remove or secure, including but not limited to the cost of the surveys and the cost of actually removing the building or structure or securing the same, shall be assessed against and become a lien upon the real estate on which the building or structure is located.
- B. If such owner or person served as hereinabove provided shall fail to the costs and expenses incurred by the village within ten (10) days after being notified by registered mail of the thereof, the Village Clerk shall file, immediately preceding the time for making the annual assessment roll, a certificate of such actual cost and expense with a statement as to the property upon which such cost and expense were incurred, the buildings or other obstructions removed, the (Be may be, with the Assessor of the village, who shall in the preparation of the next assessment roll of general village taxes, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same

lien upon the property assessed as the general village tax and as a part thereof.

§ 59-10. Emergencies.

In case of emergency, where the delay of proceedings, as hereinbefore provided, would result in probable loss of life or property, the Mayor shall *have the power to direct the Building Inspector to proceed at once to take* such action as is needed to guard the safety of and property. The costs and expenses of any such emergency action taken shall be assessed against and become a lien upon the land on which the building or structure is located, in the same manner as provided for in S 59-9B above.

S 59-11. Penalties for offenses.<sup>1</sup>

A violation of this chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both. Each days violation shall constitute a separate offense.

<sup>1</sup> Editor's Note: Added at time of adoption of Code; see Ch. I, General Provisions, Art. I.

## CHAPTER 63 BURNING OUTDOOR

§ 63-1 Title

§ 63-2 Legislative Intent

§ 63-3 Prohibited Burning

§ 63-4 Use of Outdoor Grills

§ 63-5 Restricted Burning

§ 63-6 Penalties for offenses

§ 63-7 When Effective

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 8-10-1992 LL No. 2-1992. Amendments noted where applicable.]

### GENERAL REFERENCES

Fire Department — See Ch. 17.

Fire prevention and building construction — See Ch. 83.

§ 63-1. Title.

This chapter shall be known as a chapter regulating the burning of garbage, brush and refuse and the use of open fires in the Village of Schuylerville.

§ 63-2. Legislative intent.

The intent of this chapter is to prohibit open burning within the Village of Schuylerville limits. The open

burning of garbage, rubbish, brush, etc., is an unsafe practice and creates an unhealthy environment for the residents of the community.

§ 63-3. Prohibited burning.

No person shall burn, allow or permit to be burned by open fire. on the ground or in any container, any brush, garbage, rubbish, plastic. tires, chemicals, leaves, wood, paper or any other materials that will produce smoke and/or odors.

§ 63-4. Use of outdoor grills.

The safe operation of gas and charcoal grills and the use of outdoor fireplaces for the preparation of food shall not be prohibited.

§ 63-5. Restricted burning.

The Village Board may authorize the Public Works Department or the Fire Department to burn structures, lumber, brush or other items, provided that all necessary permits required by the Health Department or New York State Department of Environmental Conservation are obtained.

§ 63-6. Penalties for offenses

Any person convicted of violating any provision of this chapter shall be guilty of a violation punishable by a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for a period of not more than fifteen (15) days, or by both fine and imprisonment. The continued



violation of this chapter shall constitute, for each day the offense is continued, a separate and distinct violation.

§ 63-7. When effective.

This chapter shall take effect immediately upon filing with the Secretary of State; provided, however, that such chapter is subject to a permissive referendum, and the Village Clerk shall forthwith proceed to notice such fact and conduct such referendum if required by petition.

## CHAPTER 68 CURFEW

§ 68-1. Legislative intent.

§ 68-2. Restrictions.

§ 68-3. Exceptions.

§ 68-4. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 9-20-2000 by L.L. No. 3-2000. Amendments noted where applicable.]

§ 68-1. Legislative intent.

The Board of Trustees has determined that groups of minors have been congregating in the village after dark engaging in detrimental activity, damaging property and causing general disturbances to residents. In order to prevent juvenile crime, protect the residents, including the minors of this village, and to reinforce parental authority, it is necessary to establish a curfew that will promote the health, safety and welfare of the village.

§ 68-2. Restrictions.

It shall be unlawful for any minor under the age of 18 to loiter or remain in or upon any public street, highway, park, vacant lot or other public place between the hours of 11:00 p.m. and 6:00 a.m.

§ 68-3. Exceptions.

The following shall constitute valid exceptions to the operation of the curfew:

A. At any time, if the minor is accompanied by his or her parent or legal guardian.

B. If the minor is legally employed, for the period from  $\frac{1}{2}$  hour before to  $\frac{1}{2}$  hour directly after work, while going directly between his or her home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. This subsection shall only apply to minors who possess and carry a written statement from their employer attesting to the place and hours of employment.

C. If the minor is coming directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception will apply for  $\frac{1}{2}$  hour after the completion of such event.

D. At any time, if the minor is exercising First Amendment rights protected by the Constitution, such as the free exercise of religion.

#### § 68-4. Penalties for offenses.

Violation of this chapter shall be punishable by a fine not exceeding \$250.

## CHAPTER 72 DOGS AND OTHER ANIMALS

### ARTICLE 1 FOWL

- § 72-1. Confinement; running at large.
- § 72-2. Penalties for offenses.

### ARTICLE 2 DOGS Dogs; Certain Other Animals

- § 72-3. Purpose.
- § 72-4. Definitions.
- § 72-5. Prohibited acts.
- § 72-6. Certain animals restricted.
- § 72-7. Facility housing farm or other animals.
- § 72-8. Enforcement.
- § 72-9. Penalties for offenses.
- § 72-10. Exemptions.
- § 72-11. Liability of village for destruction of animals.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville: Art. I, 3-11-1929 by Sec. 71 of the 1929 Ordinance; Art. II, 10-7-1985 by L.L. No. 2-1985. Sections 72-2 and 72-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

## FOWLS

[Adopted 3-11-1929 by Sec. 71 of the 1929 Ordinance]

§ 72-1. Confinement; running at large.

All persons owning or having in their possession any fowl, geese or ducks within the limits of the Village of Schuylerville shall keep the same securely confined in proper and suitable poultry houses and runs, which runs shall be constructed of wire netting or other suitable material, so that such geese, ducks or fowls cannot escape therefrom; and no person shall permit said geese, ducks or fowls to escape from said poultry houses and run at large upon the streets or public places of said village or upon adjoining premises.

§ 72-2. Penalties for offenses. [Amended 7-1-1991 as L.L. No. 1-1991]

A violation of this Article may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

## ARTICLE 11

Dogs; Certain Other Animals

[Adopted 10-7-1985 by L.L. No. 2-1985]

§ 72-3. Purpose.

The purpose of this Article is to promote the health, safety, protection and general welfare of the people and property of the Village of Schuylerville, and the

preservation of peace and good order by adopting certain regulations and restrictions upon the keeping of dogs within the village.

§ 72-4. Definitions.

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

DOG — Any member of the species *Canis familiaris*.

HARBOR — To provide food or shelter to any dog.

OWNER — Any person who owns, keeps, harbors or has the care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides.

§ 72-5. Prohibited acts.

A. No owner of a dog shall permit such dog to run at large within the Village of Schuylerville, elsewhere than upon the premises of the owner or premises for which permission for such presence has been obtained, unless said dog is securely confined or restrained either within a building, kennel or wire, 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 or any adjacent premises, or upon any public street, way or place, or if the dog is being transported,

that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot escape therefrom.

B. No owner of any dog shall permit such dog to attack, nip or bite any person.

C. No owner of a dog shall permit such dog to disturb garbage, or destroy property of any kind, or to deposit waste elsewhere than upon the premises of the owner or premises for which permission for such depositing of waste is obtained.

- A. No owner of a dog shall permit such dog to chase motor vehicles, or to chase or worry bicyclists, pedestrians, other persons or domestic animals.
- B. No owner of a dog shall permit such dog to bark, howl or whine which shall unreasonably disturb the comfort or repose of other persons.
- C. All unlicensed dogs shall be deemed to be stray and unowned dogs, whether confined at a premises or allowed to run at large.

§ 72-6. Certain animals restricted. [Added 1-2-1995 by L.L. No. 1-1995<sup>1</sup>]

No horse, mule, donkey, pony, cow, goat, sheep or animal raised for fur-bearing purposes shall be kept within the village limits unless a special written permit therefor is issued by the Animal Control Officer after an inspection of the premises and a finding of fact to the effect that no

nuisance will be created thereby. Such special permit shall be issued for the keeping of any such animals only where such animals were being lawfully kept on such lot prior to the enactment of this section. A permit shall be for the term of one year, and no such permit shall be issued or renewed without an inspection of the premises and a finding of fact by the animal control officer that no nuisance will be created thereby.

§ 72-7. Facility housing farm or other animals.  
[Added 1-2-1995 by L.L. No. 1-1995<sup>2</sup>]

Every stable or other building wherein any animal listed in § 72-6 of this article is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times. Every such stable or other building occupied by authority of a special permit shall be provided with a watertight and fly tight receptacle for manure, of such dimension as to contain all accumulations of manure, which receptacle shall be sufficiently often and in such manner as to be covered at all times except when open during deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such a receptacle. If the animal control officer shall determine that such measures are necessary in order to avoid a nuisance, any such building shall be screened tightly against flies, serviced with running water, serviced with adequate sewers and floored in such a manner as to be impervious to water to ensure proper protection to public health and safety, as conditions precedent to the issuance of any such special permit.

§ 72-8. Enforcement.



A. The Mayor shall appoint one (1) or more Dog Control Officers to enforce the provisions of the Agriculture and Markets Law of the State of New York and the provisions of this Article, as provided under Article 7 thereof, with respect to the dogs in the Village of Schuylerville.

B. In lieu of or in addition to the appointment of a Dog Control Officer, the Board of Trustees may contract for dog control Officer services with any other municipality or with any other incorporated humane society or similar incorporated dog protective association or shall appoint, jointly with one (1) or more other municipalities, one (1) or more Dog Control Officers having jurisdiction in each of the cooperating municipalities.

§ 72-9. Penalties for offenses. [Amended 7-1-1991 by L.L. No. 1-1991]

Unless otherwise provided by Article 7 of the Agriculture and Markets Law, a violation of this Article may be punishable by a fine of not more than hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

§ 72-10. Exemptions.

The provisions of this Article shall not apply to any guide dog, police work dog or hearing dog, as such terms are defined under the Agriculture and Markets Law of the State of New York.

§ 72-11. Liability of village for destruction of animals.

No liability shall be imposed upon the Village of Schuylerville for the destruction of any animal or animals pursuant to the provisions of this Article or Article 7 of the Agriculture and Markets Law of the State of New York.

## CHAPTER 77 FAIR HOUSING

§ 77-1. Purposes; statutory authority.

§ 77-2. Definitions.

§ 77-3. Discrimination in sale or rental.

§ 77-4. Discrimination in financing.

§ 77-5. Discrimination in provision brokerage services.

§ 77-6. Exceptions.

§ 77-7. Administration.

§ 77-8. Amendments.

§ 77-9. Interpretation.

§ 77-10. Title.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 8-15-1993 by L.L. No. 2-1993. Amendments noted where applicable.] 77-1. Purposes; statutory authority.

For the purpose of providing and ensuring fair housing opportunities for all within the Village of Schuylerville, the Village Board of the Village of Schuylerville, in the County of

Saratoga, State of New York, under the authority of the General Municipal and Village Laws, hereby obtains, enacts and publishes this chapter.

§ 77-2. Definitions.

A. For the purpose of this chapter, certain words or phrases herein shall be interpreted as follows, except where the context clearly indicates the contrary:

- (1) Words used in the singular include the plural.
- (2) Words used in the present tense include the future tense.
- (3) The word "person" includes a corporation as well as an individual.
- (4) The word "shall" is always mandatory.

B. Specific words or phrases. For the purpose of this chapter, certain terms or words herein shall be interpreted as follows:

**DISCRIMINATORY HOUSING PRACTICE**— An act that is unlawful under 77-3, 77-4 and 77-5 of this chapter.

**DWELLING** — Any building, structure or portion thereof which is occupied as or designed or intended for occupancy as a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

**FAMILY** — Includes a single individual.

**PERSON** — Includes one or more individuals, corporations, partnerships, associations, labor

organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

TO RENT — Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

§ 77-3. Discrimination in sale or rental.

Except as exempted by 77-6, it shall be unlawful within the Village of Schuylerville:

A. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.

B. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, sex, handicap, familial status or national origin.

C. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color,

religion, sex, handicap, familial status or national origin or any intention to make any such preference, limitation or discrimination.

D. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

#### § 77-4. Discrimination in financing.

It shall be unlawful, within the Village of Schuylerville, for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists, in whole or in part, in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling; or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, sex, handicap, familial status or national origin of such person or of any person associated with him in connection with such loan or other financial assistance for the purpose of such loan or other financial assistance or of the present

or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, however, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in 77-6.

§ 77-5. Discrimination in provision of brokerage services.

It shall be unlawful within the Village of Schuylerville to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or to discriminate against him in the terms or conditions of such access, membership, or participation on account of race, color, religion, sex, handicap, familial status or national origin.

§ 77-6. Exceptions.

A. Sales/rentals by owners.

(1) Nothing in 77-3 (other than Subsection C) shall apply to:

(a) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the recent resident

of such house prior to such sale, the exception granted by this subsection shall apply only with respect to one such sale within any twenty four-month period; provided, further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf under any express or voluntary agreement, title to any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person; and without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of 77-3 of this chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as may be necessary to perfect or transfer the title; or

- (b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.



(2) For the purpose of this exemption, a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(b) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(c) He is the owner of any dwelling designed or intended for occupancy by or occupied by five or more families.

B. Sales/rentals by religious organizations. Nothing in this chapter shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, handicap, familial status, or national

origin; nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental of occupancy of such lodgings to its members or from giving preference to its members.

§ 77-7. Administration.

A. Authority and responsibility. The authority and responsibility for publicizing, administering and enforcing this chapter shall be in the village's Fair Housing Officer, to be designated by the Mayor of the Village of Schuylerville.

B. Violations. Violations of this chapter shall be reported in person or in writing to the village's Attorney/Fair Housing Officer within a year of the alleged discriminatory housing practice.

C. Enforcement. Where sufficient cause exists to believe that the terms of this chapter have been violated, the Fair Housing Officer shall investigate and bring action against the alleged violator within 120 days following the issuance of the charge.

§ 77-8. Amendments.

The Village Board may, on its own initiative or on petition, amend, supplement or repeal the provisions of

this chapter in conformity with applicable law after public notice and hearing.

§ 77-9. Interpretation.

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, morals, safety or the general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the highest standards shall govern.

§ 77-10. Title.

This chapter shall be and may be cited as the "Village of Schuylerville Law.

## CHAPTER 80 FIREARMS

§ 80-1 Title

§ 80-2 Definitions

§ 80-3 Discharge Prohibited

§ 80-4 Exceptions

§ 80-5 Penalties for Offenses

[HISTORY: Adopted by the Board of Trustees of the Village of

Schuylerville at time of adoption of Code; see Ch. 1, General Provisions, Art. I. amendments noted where applicable

§ 80-1 Title.

This chapter shall be known as the "Firearms Local law of the Village of Schuylerville."

§ 80-2. Definitions.

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

**FIREARM** — Any pistol, rifle, shotgun, air gun, sling shot or bow and arrow which discharges a bullet,

cartridge, shell, shot, arrow, bolt or other missile propelled by the burning or explosion of gunpowder, by high pressure from pumping or other means, by a spring which is set by a cocking operation or by the application and release of tension or pressure to a bow spring attached to such weapon or instrument.

#### § 80-3 Discharge prohibited.

No person shall, except in self-defense and when reasonably necessary for the protection of life and property, fire or discharge or cause to be fired or discharged any projectiles firing ammunition from any firearm defined in this chapter within the boundaries of the Village of Schuylerville.

#### § 80-4. Exceptions.

A. The prohibitions in this chapter shall not apply to any officer of the law while engaged in the protection of safety of the people within the Village of Schuylerville.

B. The Village Board of Trustees may permit the discharge of firearms within the Village of Schuylerville upon any appropriate occasion of public ceremony.

#### 80-5. Penalties for offenses.

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine of no more than two hundred fifty dollars (\$B.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment

## CHAPTER 83 FIRE PREVENTION AND BUILDING CONSTRUCTION

§ 83-1. Purpose.

§ 83-2. Appointment of Enforcement Officer.

§ 83-3. Powers and duties of Enforcement Officer.

§ 83-4. Building permit.

§ 83-5. Inspections and certificates of occupancy.

§ 83-6. Access for inspections.

§ 83-7. Action on noncompliance.

§ 83-8. Penalties for offences; additional remedies.

§ 83-9. Appeals.

§ 83-10. Rules and regulations.

§ 83-11. Fees.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 841986 as LL No. 1-1986. Section 88-4F amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendment noted where applicable.]

UNSAFE BUILDING

Unsafe building — Ch. 59.

Mobile homes — See Ch 107.

§ 83-1. Purpose.

This chapter is enacted pursuant to Section 1 of Chapter 707 of the Laws of 1981 (Executive law S 381, Subdivision 2). It shall provide the method for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (herein referred to as the "Uniform Code") in the Village of Schuylerville and shall establish powers, duties and responsibilities in connection therewith.

§ 83-2. Appointment of Enforcement Officer.

The Village of Schuylerville hereby establishes the position of Uniform Fire Prevention and Building Code Enforcement Officer (herein referred to as the "Enforcement Officer") to administer and enforce the Uniform Code within the village. The bureau, corporation, business, department or individual appointed to fill the position will be so appointed by resolution of the Board upon such employment or contractual terms and conditions it may deem appropriate and necessary.

§ 83-3. Powers and duties of Enforcement Officer.

The Enforcement Officer shall:

- A. Determine when a building permit is necessary and identify applicable provisions of the Uniform Code for compliance by the applicant

- B. Inspect buildings and premises for compliance with the Uniform Code.
- C. Issue, deny and revoke building permits and certificates of occupancy.
- D. Maintain records of each building permit, certificate of occupancy, inspection findings and decisions of appeal; and shall annually submit to the Board a written report of all business conducted.
- E. Issue written orders to remedy violations.

#### § 83-4. Building permits

No person, firm, corporation, association or other organization shall commence the construction, alteration, removal or demolition of any building or structure without having applied for and obtained a building permit from the Enforcement Officer, except that no building permit shall be required for:

- (1) Necessary repairs which do not materially affect structural features.
- (2) Alterations to existing buildings, provided that the alterations:
  - (a) Cost less than ten thousand dollars (\$10,000.);
  - (b) Do not materially affect structural features;



- (c) Do not affect fire safety features, such as smoke detectors, sprinklers, required fire separations and exits;
- (d) Do not involve the installation or extension of electrical systems; and
- (e) Do not include the installation of solid-fuel-burning heating appliances and associated chimneys and flues.

(3) Small noncommercial structures not intended for use by one (1) or more persons quarters for living, sleeping, eating or cooking, for example, a small storage building.

B. The Enforcement Officer shall interpret the Uniform Code to determine whether permits are necessary on a case-by-case basis.

C. Applications for such building permits shall be available through the Village Clerk who maintain duplicates of all records and proceedings associated with such application.

D. The application for a building permit shall request sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.

E. The permit application shall specify at a minimum: the signature of the applicant or authorized a description of the work site; a

statement of the use or occupancy of all parts of the land and of the proposed building or structure; a brief description of the proposed work, including plans and specifications; the estimated cost of the proposed work; the name and address of the owner and applicant and, if either be a corporation, the names and addresses of responsible officers; such other information as may reasonably be required to establish compliance with the requirements of applicable laws, rules and regulations; and the fee for the permit.

F. A building permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the provisions of the Uniform Code and all applicable local legislation of the Village of Schuylerville.

G. The permit shall be prominently displayed on the property or premises to which it pertains during construction so as to be readily seen from adjacent thoroughfares, if possible.

H. A building permit may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in accordance with the Uniform Code, or if there has been a misrepresentation or falsification of a material fact in connection with the application or the permit, or if the building permit was issued in error, or upon

the failure to comply with a written order from the Enforcement Officer.

I. A building permit shall expire nine (9) months from the date of issuance or upon the issuance of a certificate of occupancy, whichever occurs first. the permit may, upon written request and for good cause, be extended for a three-month period, provided that the permit has not been revoked or suspended at the time the application for renewal is made. Additionally, the relevant information in the application must be up-to-date, and the fee paid in order to obtain an extension.

§ 83-5. Inspections and certificates of occupancy.

A. Upon issuance of a building permit, it shall be the responsibility of the owner applicant or his agent to arrange inspections with the Enforcement Officer and to comply with the Uniform Code.

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

B. All structures for which a building permit has been issued may be inspected for compliance with the provisions of the Uniform Code. The Enforcement Officer, upon determination that a dwelling or structure undergoing construction or alteration has complied with the applicable provisions of the Uniform Code, shall issue a certificate of

occupancy before any occupancy or use of the dwelling or structure is allowed.

C. No regular, periodic inspection of occupied dwelling units shall be required; however, owners are responsible for compliance with the Uniform Code. Inspections may be conducted at the invitation of the occupant or where conditions on the premises threaten or present a to public health, safety or welfare.

D. All multiple dwelling and other structures and uses existing as of the effective date of this chapter which the Uniform Code or NYCRR Part 444.3 requires to be periodically inspected shall be inspected for compliance with provisions of such Uniform Code and NYCRR Part 444.3. The Enforcement Officer, upon determination that the existing dwelling, structure or use complies with the applicable provisions of the Uniform Code and NYCRR Part 444.3, shall issue a certificate of occupancy. The frequency of the periodic inspections shall be established by resolution of the Board.

E. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to use for which it is intended. A temporary certificate of occupancy shall expire three (3) months from the date of issuance and may be extended, for good

cause shown, a maximum of two (2) three-month periods.

§ 83-6. Access for inspections.

Access to buildings and premises by the Enforcement Officer to conduct inspections shall be made after reasonable prior notice has been given to the owner or authorized representative.

§ 83-7. Action on noncompliance.

A. Buildings and premises not in compliance with applicable provisions of the Uniform Code are deemed to be in violation of the Uniform Code. In the of such violation, a certificate of occupancy shall not be issued. Also, when a certificate of occupancy has been previously issued, it shall be revoked if such violation is not remedied within a reasonable time.

B. Upon determination that a violation of the Uniform Code, this chapter or rules and regulations adopted hereunder exist in, on or about any building or premises, the Enforcement Officer shall order, in writing, the remedial action that must be taken. Such order to remedy violation shall state the provision of the Uniform Code or this chapter or rules and regulations adopted hereunder that been violated and shall grant a specific period of time that may be reasonable to achieve compliance. If there is no compliance by

the specified date, the Enforcement Officer shall notice the owner of the property or the owner's agent, in the form of stop order, to stop all work. Such person shall forthwith stop such work and suspend all building activities until the stop order has been rescinded by the Enforcement Officer. Such order and notice shall be in writing and shall state the conditions under which the work may be resumed. Both the order to remedy violations or stop order may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the order to him by certified mail at the address set forth in the building permit application if such application shall have been made.

§ 83-8. Penalties for offenses; additional remedies.

A. Any person who shall fail to comply with a written order of the Enforcement Officer within the time fixed for compliance and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of the law, or any lawful order, notice, permit or certificate of the Enforcement Officer, shall be guilty of an offense punishable by a fine

not exceeding one thousand dollars (\$1,000.) or imprisonment for a period not to exceed one (1) year, or both. For the purpose 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. Except otherwise provided by law, such violation shall not be a crime, and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility a witness, or otherwise, of any person found guilty of such an offense.

B. An action or proceeding in the name of the village be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this chapter, any rule or regulations adopted pursuant to this chapter, or a violation order, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

### § 83-9. Appeals.

Any owner, or authorized representative of buildings or premises affected by the Uniform Code or this chapter may appeal to the New York Regional Board of Review the following actions:

- A. The determination of the Enforcement Officer of a violation of the Uniform Code.
- B. The application of the Uniform Code where practical difficulties or unnecessary hardship may result.

### § 83-10. Rules and Regulations.

The Board may adopt such rules and regulations as the Board deems reasonable to carry out the provisions of this chapter. The Enforcement Officer may make recommendations to the Board to adopt, amend or appeal such rules and regulations as they may relate to efficient administration and enforcement of the provisions of the Uniform Code. Such rule and regulations shall not conflict with the Uniform Code, this chapter or any other provisions of law.

### § 83-11. Fees.

Fees to cover the of inspections and the issuance of certificates of occupancy as provided for by the terms of this chapter shall be established from time to time by resolution of the Board.



## FLOOD DAMAGE PROTECTION

- § 86-1. Findings.
- § 86-2. Statement of purpose.
- § 86-3. Objectives.
- § 86-4. Word usage; definitions.
- § 86-5. Applicability.
- § 86-6. Basis for establishing areas of special flood
- § 86-7. Interpretation and conflicts with other laws.
- § 86-8. Penalties for offenses.
- § 86-9. Warning and disclaimer of liability.
- § 86-10. Designation of local administrator. 86-
- 11. Floodplain development permit.
- § 86-12. Application information.
- § 86-13. Duties and responsibilities of local  
administration
- § 86-14. General standards.
- § 86-15. Standards for all structures.
- § 86-16. Residential structures.
- § 86-17. Nonresidential structures.
- § 86-18. Manufactured homes and recreational vehicles.
- § 86-19. Appeals Board.
- § 86-20. Conditions for variances.

Attachment A, Development Application Form and  
Attachment B, Certificate of Compliance

[HISTORY: Adopted by the Board of Trustees of the  
Village of Schuylerville 7-10-1995 by L.L. No. 2-1995.<sup>1</sup>

Amendments noted where applicable.]

## GENERAL REFERENCES

Fire prevention and building construction — See Ch. 83.  
Mobile homes — See Ch. 1M.

### § 86-1. Findings.

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

### § 86-2. Statement of purpose.

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

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

I Editor's Note: This local Lev superseded former Ch. 86, mood Damage Prevention, \*5-1990 by LL. No. 1-1990, as amended.

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 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 flood waters or which may increase flood hazards to other lands.

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

### § 86-3. 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. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 86-4. Word usage; definitions.

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

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

**AREA OF SHALLOW FLOODING** — A designated AO, AH or VO Zone on a communities 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, AI-MO, A99, V, VO, VE or VI-vso. It is also commonly referred to as the "base floodplain" or the "one-hundred-year floodplain."

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

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

**BUILDING** — See "structure."

**CELLAR** — 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 non-basement building built, in the case of a building in zones AI-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 VIV30, 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 AI-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 flood waters. In the case of Zone VI-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 home 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 or 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) "Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an .

unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above.

**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 defined 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** — 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 repairing. "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 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 the 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 buildings lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non elevation 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** — 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** — The same meaning as "base flood."

**PRINCIPALLY ABOVE GROUND** — At least of the actual cash value, 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 § 86-13B of this chapter.

**START or CONSTRUCTION** — Includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project or physical alteration of the property, and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages and sheds), storage trailers and building materials. For manufactured homes, the "actual start" means 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 wen 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 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 a historic structure, provided that the alteration will not preclude the structure's continued designation as a 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.

§ 86-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Schuylerville, Saratoga County, New York.

§ 86-6. Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Village of Schuylerville, Community No. 360729, are identified and defined on the flooding 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. 36091COOOO, and Panel(s) 0477, 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 Village of Schuylerville office, 35 Spring Street, Schuylerville, New York 12871.

86-7. Interpretation and conflicts with other laws.

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 highest standards shall govern.

#### § 86-8. Penalties for offenses.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of Schuylerville 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 86-19 and 86-20 will be declared noncompliant, and notification shall be sent to the Federal Emergency Management Agency.

§ 86-9. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Village of Schuylerville, 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.

§ 86-10. Designation of local administrator.

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

§ 86-11. Floodplain development permit.

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 86-6, 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 ere area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee of \$50. In addition, the applicant shall be responsible for reimbursing the Village of Schuylerville 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

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 AI-A30, AE or AH 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 86-15C, Utilities.

D. A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in 86-17, Nonresidential structures.

E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in 86-6, 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 are 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.

§ 86-13. Duties and responsibilities of local administrator.

Duties of the local administrator shall include, but not be limited 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 86-12, Application information, and for compliance with the provisions and standards of this chapter.

Review subdivision and other proposed new development, including manufactured home park, 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 Law 86-14, through 86-18, Construction standards and, in particular, 86-14A, Subdivision proposals.

- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased

flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of §§86-14 through 86-18, 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 86-12G, as criteria for

requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.

(2) When base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within

(2) the areas of special flood hazard, for the purposes of this chapter.

c. Alteration of watercourses. The local administrator shall:

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

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

d. Construction stage.

(1) In Zones AI-A30, AE and AH and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, the local administrator shall

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 86-8 of this chapter.
- (2) The local administrator shall issue or cause to be issued a stop-work order for any floodplain development found noncompliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in 86-8 of this chapter.

G. Certificate of compliance.

- (1) In areas of special flood hazard, as determined by documents enumerated in 86-6, 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 86-13E, 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

H. Information to be retained. The local administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certificates of as-built lowest floor elevations of structures required pursuant to 86-13D(1) and (2) and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to 86-13D(1) and whether or not the structures contain a basement;
- (4) Variances issued pursuant to 86-19 and 86-20, Variance procedures; and
- (5) Notices required under 86-130, Alteration of watercourses.

§ 86-14. General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in 86-6:

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; and
- (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 Village of Schuylerville 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, analysis and mapping and reimburses the Village of Schuylerville for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Schuylerville 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 86-6, no new

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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 Village of Schuylerville 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 Village of Schuylerville for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Schuylerville for all costs related to the final map revisions.

§ 86-15. Standards for all structures.

A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

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

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) Enclosed areas

(a) For enclosed areas below the lowest floor of a structure within Zone AI-A30, AE or AH and also Zone A if base flood elevation data are 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.

- (I) 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 buildings exterior wall; and

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

#### § 86-16. Residential structures.

- A. Elevation. The following standards in addition to the standards in 86-14A, Subdivision proposals, and § 86-14B, Encroachments, and 86-15, Standards for all structures, apply to structures located in areas of special flood hazard as indicated:

Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new

- (1) construction and substantial improvements shall have the lowest floor (including basement) elevated to one foot above the base flood level.
- (2) Within Zone A, when no base flood elevation data are 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 mood Insurance Rate Map enumerated in 86-6 (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.

#### § 86-17. Nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in 86-14A, Subdivision proposals, and 86-14B, Encroachments, and § 86-15, Standards for all structures.

A. Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are 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 to 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 86-18

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 § 86-17A(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 86-17A(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 are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent

#### § 86-18. Manufactured homes and recreational vehicles.

The following standards in addition to the standards in § 86-14, General standards, and 86-15, Standards for all structures, apply, as indicated, in areas of special flood

hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard:

A. Recreational vehicles.

(1) Recreational vehicles placed on sites within Zones A1-A30, A-E 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 86-18B, 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 Zone AI-A30, AE and 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 86-18B; or

D. 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 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 86-6 (at least two feet if no depth number is specified). Elevation on piers consisting of dry-stacked blocks is prohibited.

§ 86-19. Appeals Board.

A. The Board of Trustees, as established by Village Board of Trustees, shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Village Board of Trustees 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 Village Board of Trustees 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 Village Board of Trustees 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 86-19D and the purposes of this chapter, the Village Board of Trustees may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

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

§ 86-20. Conditions for variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of  $\frac{1}{2}$  acre or less in size contiguous to and surrounded by lots with structures constructed below the base flood level, provided that the items 86-19D(1) through (12) have been fully considered. As the lot size increases beyond the  $\frac{1}{2}$  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; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice 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.

ATTACHMENT A MODEL  
FLOODPLAIN DEVELOPMENTS  
APPLICATION FORM

## FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

This form is to be filled out in duplicate.

SECTION 1: GENERAL PROVISIONS Applicant to  
read and sign):

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is reissued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit will expire if no work is commenced within six months of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
7. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. 1, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION

ARE, TO THE BEST OF MY KNOWLEDGE  
TRUE AND ACCURATE.

(APPLICANTS SIGNATURE)\_\_\_\_\_

DATE\_\_\_\_\_

SECTION 2: proposed development be completed by  
applicant

NAME ADDRESS TELEPHONE

---

APPLICANT

---

BUILDER

---

ENGINEER

---

PROJECT LOCATION

---

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well-known landmark. A sketch attached to this application showing the project location would be helpful.

## DESCRIPTION OF WORK (check all applicable boxes)

### A. STRUCTURAL DEVELOPMENT

#### ACTIVITY

- ☐ New Structure
- ☐ Addition
- ☐ Alteration
- ☐ Relocation
- ☐ Demolition
- ☐ Replacement

#### STRUCTURE TYPE

- ☐ Residential (1-4 family)
- ☐ Residential (More than 4 family)
- ☐ Non-Residential (Floodproofing ☐ Yes?)
- ☐ Combined use (residential & commercial)
- ☐ Manufactured Mobil Home (In  
Manufactured Home Park ☐ Yes?)

### ESTIMATED COST OF PROJECT

### B. OTHER DEVELOPMENT ACTIVITIES

- ☐ Fill   ☐ Mining   ☐ Drilling   ☐ Grading
- ☐ Excavation (Except for Structural Development Checked Above)
- ☐ Watercourse Alteration (Including Dredging and Channel Modifications)
- ☐ Drainage Improvements (Including Culvert Work)

- Road, Street or Bridge Construction
- Subdivision (New or Expansion)
- Individual Water or Sewer System
- Other (Please Specify)\_\_\_\_\_

After completing SECTION 2, APPLICANT should submit form to Local Administrator for review.

**SECTION 3: FLOODPLAIN DETERMINATION (to be completed by local administrator)**

The proposed development is located on FIRM Panel No.

Dated\_\_\_\_\_

The Proposed Development:

- Is NOT located in a Special Flood Hazard Area (Notify the applicant that the application review is complete and NO FLOODPLAIN DEVELOPEMENTENT PERMIT IS REQUIRED).
- Is located in a Special Flood Hazard Area.  
FIRM zone designation is\_\_\_\_\_  
100-Year flood elevation at the site is: Ft. NGVD (MSL)  
Unavailable

The proposed development is located in a floodway.

FBFM Panel No.\_\_\_\_\_ Dated\_\_\_\_\_

See Section 4 for additional instructions.

SIGNED\_\_\_\_\_DATE

\_\_\_\_\_

**SECTION 4: ADDITIONAL INFORMATION REQUIRED cro be completed b! LOCAL ADMINISTE&TOR)**

The applicant must submit the documents checked below before the application can be processed:

- A site plan showing the location of all existing structures, water bodies, adjacent roads, lot zoning dimensions and proposed development.
- Development plans, drawn to scale, and specifications, including where applicable: details for anchoring structures, proposed elevation of lowest floor (including basement), types of water-resistant materials used below the first floor, details of floodproofing of utilities located below the first floor and details of enclosures below the first floor.  
Also, \_\_\_\_\_
- Subdivision or other development plans (If the subdivision or other development exceeds 50 lots or 5 acres, whichever is the lesser, the applicant must provide 100-year flood elevations if they are not otherwise available).
- Plans showing the extent of watercourse relocation and/or landform alterations.
- Top of new fill elevation \_\_\_\_\_ Ft. NGVD (MSL).
- Floodproofing protection level (non-residential only) \_\_\_\_\_ Ft. NGVD (MSL). For floodproofed structures, applicant must attach certification from registered engineer or architect.
- Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the 100-year flood. A copy of all data and calculations supporting this finding must also be submitted.
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION 5. PERMIT DETERMINATION (to be completed  
by LOCAL ADMINISTRATOR.)

I have determined that the proposed activity;

- Is
- Is not

in conformance with provisions of Local Law # 19 . The  
permit is issued subject to the conditions attached to and  
made part of this permit,

SIGNED

\_\_\_\_\_DATE\_\_\_\_\_

If BOX A is checked. the Local Administrator may issue a  
Development Permit upon payment of designated fee.

If BOX B is checked. the Local Administrator will  
provide a written summary of deficiencies. Applicant  
may revise and resubmit an application to the Local  
Administrator or may request a hearing from the Board of  
Appeals.

APPEALS:

Appealed to Board of Appeals? ☐ Yes ☐ No

Conditions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



SECTION 6: AS-BUILT ELEVATIONS (TO be submitted by APPLICANT before Certificate of Compliance is issued)

The following information must be provided for project structures. This section must be completed by a registered professional engineer or a licensed land surveyor (or attach a certification to this application). Complete I or 2 below.

1. Actual (As-Built) Elevation of the top of the lowest floor, including basement (in Coastal High Hazard Areas, bottom of lowest structural member of the lowest floor, excluding piling and columns) is:  
\_\_\_\_\_Ft. NGVD (MSL).
  
2. Actual (As-Built) Elevation of floodproofing protection is;  
  
\_\_\_\_\_Ft. NGVD (MSL).

NOTE: Any work performed prior to submittal of the above information is at the risk of the Applicant.

**SECTION 7: COMPLIANCE ACTION (To be completed by LOCAL ADMINISTRATOR)**

The LOCAL ADMINISTRATOR will complete this section as applicable based on inspection of the project to ensure compliance with the community's local law for flood damage prevention.

INSPECTIONS:

(circle one)

DATE\_\_\_\_\_BY\_\_\_\_\_DEFICIENCIES? YES NO

DATE\_\_\_\_\_BY\_\_\_\_\_DEFICIENCIES? YES NO

DATE\_\_\_\_\_BY\_\_\_\_\_DEFICIENCIES? YES NO

SECTION 8: CERTIFICATE OF COMPLIANCE (To be  
completed by LOCAL ADMINISTRATOR)

Certificate of Compliance issued: DATE\_\_\_\_\_

BY\_\_\_\_\_

Attachment B

SAMPLE  
CERTIFICATE OF COMPLIANCE for  
Development in a Special Flood Hazard Area

CERTIFICATE OF COMPLIANCE  
FOR DEVELOPMENT IN A SPECIAL FLOOD  
HAZARD AREA  
(OWNER MUST RETAIN THIS CERTIFICATE)

PREMISES LOCATED AT:

PERMIT NO. \_\_\_\_\_

PERMIT DATE \_\_\_\_\_

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---

---

---

OWNER'S NAME AND ADDRESS

---

---

CHECK ONE;

- ☐ NEW BUILDING
- ☐ EXISTING BUILDING
- ☐ VACANT LAND
- ☐

LOCAL ADMINISTRATOR IS TO COMPLETE A. OR B. BELOW

A. COMPLIANCE IS HEREBY CERTIFIED WITH THE  
REQUIREMENTS OF LOCAL LAW #\_\_\_\_ DATE  
\_\_\_\_ SIGNED \_\_\_\_\_ DATED \_\_\_\_\_

B. COMPLIANCE IS HEREBY CERIFIED WITH THE  
REQUIREMENTS OF LOCAL LAW #\_\_\_\_OF\_\_\_\_\_ AS  
MODIFIED BY VARIANCE #\_\_\_\_\_ DATED\_\_\_\_\_  
SIGNED \_\_\_\_\_ DATED \_\_\_\_\_

## CHAPTER 89 GAMES OF CHANCE

§ 89-1 Title.

§ 89-2 Definitions.

§ 89-3 Authorization of conduct; license required; rules and regulations.

§ 89-4. Sunday games.

§ 89-5 Enforcement.

[HISTORY: Adopted by the Board of the Village of Schuylerville 4-3-1978 L.L No. 1-1978.<sup>1</sup> noted where applicable

§ 89-1. Title.

This chapter shall be known as the "Games of Chance Law of the Village of Schuylerville, New York."

§ 89-2. Definitions.

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

**AUTHORIZED ORGANIZATION** — An authorized organization defined in Subdivision 4 of 186 of Ole General Municipal Law.

**GAMES OF CHANCE** — A game of chance defined in Subdivision 3 of S 186 of the General Municipal law.

## VILLAGE — The Village of Schuylerville, New York.

### § 89-3. Authorization of conduct; license required; rules and regulations.

Authorized organizations may, upon the obtainment of a license from the Clerk of the Village of Schuylerville, New York, conduct games of chance within the Village of Schuylerville, New York, as provided in Article 9-A of the General Municipal Law and as provided further in this chapter. Such gam— 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.<sup>2</sup>

### § 89-4. Sunday games.

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

### § 89-5. Enforcement

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

## CHAPTER 92 GARBAGE RUBBISH AND REFUSE

§ 92-1. Definitions.

§ 92-2. Depositing on streets.

§ 92-3. Dumping.

§ 92-4. Disposal and accumulation on private property.

§ 92-5. Receptacles.

§ 92-6. Bulky materials.

§ 92-7. Schedule of collection.

§ 92-8. Contract for collection and disposal.

§ 92-9. Waste materials of industrial establishments

§ 92-10. Collection of costs.

§ 92-11. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville at time of adoption of Code see Ch. 1, General Provisions, Art I. Amendments noted where applicable.]

### GENERAL REFERENCES

§ 92-1. Definitions.

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

**ASHES** — The residue of the combustion of any type of solid fuel, such as wood, coal, coke, charcoal or like substance.

**GARBAGE** — All waste or animal, fish, fowl, fruit or vegetable matter produced from or resulting from the use and storage of food for human consumption.

**REFUSE** — All discarded, relatively dry, miscellaneous refuse material, including wood, paper, newspaper, rags, excelsior, straw, leather, rubber, boxes, sweepings from buildings, tree trimmings, leaves, grass, tin cans, tin ware, metal, metallic substances, bottles, glassware, earthenware and other discarded articles of similar nature.

§ 92-2. Depositing on streets.

No person shall throw or scatter or cause to be thrown or scattered or deposited any ashes, refuse or garbage or any other material upon the street or public places in the Village of Schuylerville.

§ 92-3. Dumping.

No person shall deposit or cause to be deposited upon any property within the corporate limits of the Village of Schuylerville any garbage or refuse, and dumping is hereby prohibited, except that it may be used to fill in lowland excavated provided, however, that it shall be immediately covered with at least four (4) inches of dirt



No garbage, refuse, or other obnoxious or contaminating substance shall be deposited or thrown in any running water, stream or other body of water within the Village of Schuylerville. No garbage, refuse or ashes shall be allowed to accumulate upon any property within the corporate limit of the Village of Schuylerville so that the same shall become obnoxious, unsightly or offensive.

§ 92-4. Disposal and accumulation on private property.

A. Nothing contained in this chapter shall be construed to prohibit any person or householder from the disposing of garbage and refuse in the home by means of household incinerators or other garbage disposal devices, provided that the same produce no smoke or odor and do not become or are not nuisances or hazards.

B. No person shall suffer or permit garbage, refuse or ashes to collect or remain upon the premises owned or occupied by him so that the same shall become offensive or dangerous to the public health or to any person or property.

C. Any person allowing garbage, refuse or ashes to accumulate or collect upon his premises, whether as owner, tenant, lessee or occupant, shall be subject to a fine and penalty as hereinafter provided in S 92-12. If the same are not immediately removed and are allowed to remain, each day shall constitute a separate offense and shall subject such owner, lessee or occupant to an

additional fine and penalty for each day they so remain.

§ 92-5. Receptacles.

Every owner, lessee, tenant or occupant of any building, premises or place of business in the Village of Schuylerville where or refuse is made or accumulated shall provide or cause to be provided and at all times hereafter shall keep, within such building or upon the premises or place of business, suitable receptacles in accordance with the laws and regulations of the Town of Saratoga and/or the County of Saratoga, as such may be changed or modified, for receiving and holding, without all and refuse that may accumulate from said building, place of business or upon said premises or any portion thereof of which said person may be the owner, tenant, lessee or occupant Said receptacles shall not be of greater capacity than as receptacles for garbage and refuse and shall be kept in a sanitary condition at all times. Also, rubbish may be securely sacked.

§ 92-6. Bulky materials

All garbage refuse and ashes must be placed in receptacles or containers as herein specified, except for articles and materials too bulky to be so removed. Materials which are too bulky to be placed in containers shall be packed in bundles, and cardboard boxes or wooden crates or collapsible material shall be knocked down and securely tied in flat bundle, none to exceed a size which

may be conveniently carried by one (1) man. No wooden containers shall be used for refuse.

§ 92-7. Schedule of collection.

The Board of Trustees may by resolution adopt, modify or repeal the schedule or schedules of collection for the various sections of the village. Garbage refuse and ashes shall be ready for collection at the time fixed in such schedule.S 92-8. Contract for collection and disposal.

The Board of Trustees of the Village of Schuylerville shall have the right from time to time to hire or contract with one (1) or more persons, firms or corporations upon such terms and conditions as such Board shall provide for the collection and disposal of garbage, refuse and ashes. Such contract shall be awarded upon competitive bidding for the same after publication of a request for bids in the official newspaper of the village. The Board of Trustees may at any time hereafter establish a municipally operated collecting service for garbage, refuse and ashes and may purchase such equipment as may be necessary for the proper operation of the same.

§ 92-9. Waste materials of industrial establishments.

Any collection service established by the village pursuant to the provisions of this chapter shall be for the purposes of the collection and disposal of household garbage, refuse and ashes and that produced by retail stores, businesses, hospitals and schools. Manufacturing and industrial establishments producing considerable

quantities of waste materials must dispose of their own waste at their own cost and expense.

§ 92-10. Collection of costs.

A. The Board of Trustees shall pay the cost of such garbage and refuse collection from the income of the village derived from taxation upon the taxable property of said village, and may borrow, from time to time, for the purchase of equipment and land by the of bonds and notes as provided by and subject to the provisions of the Local Finance Law and other statutes of the State of New York, and shall levy a tax for the payment thereof on the taxable property of said village.

B. The Board of Trustees may establish any rate or rates to be paid for the services rendered pursuant to this chapter on behalf of any school, hospital, county building, church or other premises not subject to taxation, which such services have been contracted for by such institution, municipality, church or premises within the village.

§ 92-11. Penalties for offenses.

A violation of this chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by for not more than fifteen (15) days, or both.

## CHAPTER 95 GATHERINGS MASS

§ 95-1. Tide.

§ 95-2. Purpose.

§ 95-3. Definitions.

§ 95-4. Permit required.

§ 95-5. Assemblies for private profit not permitted.

§ 95-6. Participation; interference.

§ 95-7. Permit application; process; information required.

§ 95-8. Standards for issuance or denial of permit

§ 95-9. Content of permit

§ 95-10. Compliance with conditions of permit

§ 95-11. Revocation of permit

§ 95-12. Penalties for offense

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 10-1-1990 as L.L. No. 4-1990. Section 95-12 amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendments noted where applicable.]

§ 95-1. Title.

This chapter shall be cited as "local Law No. 4 of 1990" or the "Mass Gathering Law."

§ 95-2. Purpose.

The purpose of this chapter is to protect the public health, safety and welfare by regulating public assemblies within the Village of Schuylerville, New York.

§ 95-3. Definitions.

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

**MASS GATHERINGS** — Any assemblage or gathering of people with or without the levy of an admission fee; however, such "mass gathering" shall not include any activity having less than fifty (50) people in attendance, nor shall the term apply to operations, activities or affairs of any duly established municipal, educational, historical, fire-fighting, religious or agricultural organization or institution located in the Village of Schuylerville.

**MOTORCADE** — An organized procession, except funeral processions, upon any public street, sidewalk or alley.

**PARADE** — Any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk, or alley, which does not comply with normal and usual traffic regulations or controls.

**PUBLIC ASSEMBLIES** — An assembly of persons upon any public street, sidewalk or alley which impedes or tends to impede pedestrian or vehicular traffic.

§ 95-4. Permit required.

It shall be unlawful for any person to conduct a parade, motorcade, public assembly or gathering in or upon any public street, sidewalk or alley in the village or knowingly participate in any such parade, motorcade,

public assembly or mass gathering unless and until a permit to conduct such parade, motorcade, public assembly or mass gathering has been obtained.

§ 95-5. Assemblies for private profit not permitted.

No permit shall be issued authorizing the conduct of a parade, motorcade, public assembly or gathering which is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise or event and is designed to be held purely for private profit.

§ 95-6. Participation; interference.

No person shall knowingly join or participate in any parade, motorcade, public or gathering conducted under permit in violation of any terms of said permit nor knowingly join or participate in any permitted parade, motorcade, public •assembly or mass gathering without the consent and over the objection of the permittee nor in any manner interfere with progress or orderly conduct.

§ 95-7. Permit application; process; information required.

- A. Any person who desires to conduct a parade, motorcade, public assembly or mass gathering shall apply for a permit at least thirty (30) days in advance of the date of the proposed parade, motorcade, public assembly or gathering.
- B. Said application shall be made to the Village Clerk, and the permit shall be issued if the Clerk signs the permit form. In the event that the Clerk shall not sign said permit, then it shall be considered denied and the applicant may appeal the Village Board of Trustees who may, in it's discretion issue a permit by a majority vote of those voting

- C. The Village Clerk may, at his or her discretion consider any application for a permit to conduct a parade, motorcade, public assembly or mass• gathering which is filed lees than thirty (30) days prior to the date such motorcade, public assembly or mass gathering is to be conducted.
- D. The application for a permit shall be made in writing on a form approved by the Board of Trustees. In order that adequate arrangements may be made for the proper policing of the parade, motorcade, public or gathering, the application shall contain the following information:
  - (1) The name of the applicant, the sponsoring organization, the parade, motorcade, public or mass gathering chairman and the address and telephone number of each.
  - (2) The purpose of the parade, motorcade, public assembly or mass gathering, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, the route to be traveled and the approximate time when the parade, motorcade, public assembly or mass gathering will start and terminate.
  - (3) A description of the individual floats, marching units, vehicles and bands.
  - (4) Such other information as the Village Clerk may deem reasonably necessary.

#### § 95-8. Standards for issuance or denial of permit

- A. Standards for issuance. The permit shall be issued for a parade, motorcade, public assembly or mass gathering, conditioned upon the applicant's written



agreement to comply with the terms of such permit, unless it is found that:

- (1) The time, route and size of the parade, motorcade, public assembly or mass gathering will disrupt to an unreasonable extent the movement of other vehicular and pedestrian traffic.
- (2) The parade, motorcade, public assembly or mass gathering is of a size or nature that requires the diversion of so great a number of police officers to properly police the line of movement and the contiguous thereto that allowing the parade, motorcade, public assembly or mass gathering would deny reasonable police protection to the village.
- (3) Such parade, motorcade, public assembly or mass gathering will interfere with another parade, motorcade, public or gathering for which a permit has been issued.

B. Standards for denial. The permit shall be denied for a parade, motorcade, public assembly or gathering permit, and the applicant notified of such denial where:

- (1) There is a finding contrary to the findings required to be made for the issuance of a permit
- (2) The information contained in the application is found to be false or nonexistent in any material detail.
- (3) The applicant refuses to agree to abide by or comply with all conditions of the permit

§ 95-9. Contents of permit.

In each permit there may be specified:

- A. The assembly• area and time therefor.
- B. The starting time.
- C. The minimum and maximum speeds.
- D. The route of the parade, motorcade, public assembly or mass gathering.
- E. What portions of streets, sidewalks or alleys to be traversed may be occupied by such parade, motorcade, public assembly or mass gathering
- F. The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade, motorcade, public assembly or mass gathering.
- G. The maximum length of such parade, motorcade, public assembly or mass gathering in miles or fractions thereof.
- H. The disbanding area and disbanding time.
- I. The number of persons required to monitor the parade, motorcade, public assembly or mass gathering.
- J. The number and type of vehicles, if any.
- K. The material and maximum size of any sign, banner, placard or carrying device therefor.
- L. That the permittee advise all participants in the parade, motorcade, public assembly or mass gathering, either orally or by written notice, of the terms and conditions of the permit prior to the commencement of such parade, motorcade, public assembly or mas gathering.
- M. That the parade, motorcade, public assembly or mass gathering continue to move at a fixed rate of speed

and that any willful delay or willful stopping of said parade, motorcade, public assembly or mass gathering, except when reasonably required for the safe and orderly conduct of the parade, motorcade, public assembly or mass gathering, shall constitute a violation of the permit

N. Such other requirements as are found to be reasonably necessary for the protection of persons or property.

#### § 95-10. Compliance with conditions of permit

All conditions of the permit shall be complied with so far as reasonably practicable.

#### § 95-11. Revocation of permit

Any permit for a parade, motorcade, public assembly or mass gathering pursuant to this chapter may be summarily revoked by the issuing persons or the Board of Trustees at any time, when, by reason of public calamity, riot or other emergency, it is determined that the safety of the public or property requires such revocation

Notice of such action revoking a permit shall be delivered in writing to the permittee by certified mail or by such other notice as the Board of Trustees shall designate.

#### § 95-12. Penalties for offenses. <sup>1</sup>

Violation of this chapter shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment not exceeding fifteen (15) days, or both.

## CHAPTER 103 LITTERING

§ 103-1. Declaration of policy.

§ 103-2. Definitions.

§ 103-3. General prohibition.

§103-4. Responsibility of owners and occupants.

§ 103-5. Littering from vehicles.

§ 103-6. Interference with village employees.

§ 103-7. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of Ole Village of Schuylerville 10-11-1973 as L.L. No. 1-1973. Section 103-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendment noted where applicable.]

Garbage rubbish and refuse— See Ch. 92.

§ 103-1. Declaration of policy.

It is hereby declared to be the policy of the Village of Schuylerville, County of Saratoga, State of New York, to preserve and maintain the clean and wholesome character of environs and to preserve and maintain the health and welfare of its residents within the incorporated area of the village, and in so doing, it is necessary to establish regulations restricting the disposal of litter within the Village of Schuylerville.

§ 103-2. Definitions.

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

**LITTER** - Any and all discarded materials, including ashes, garbage, paper, empty containers, rubbish, refuse and other debris of nondescript nature.

**MUNICIPAL EMPLOYEES** - Any employee of the Street or Sanitation Department of the Village of Schuylerville or any village employee assigned thereto, whether on a permanent or temporary basis.

**PERSON** -Any individual, partnership, corporation or unincorporated association

**PUBLIC PLACE** — Any highway, road, street, avenue, alley, park, playground, public parking area, public driveway or any property under the ownership or control of the Village of Schuylerville or any property open to and/or serving the general public.

### § 103-3. General prohibition.

No person shall litter, sweep, throw or cast, or direct, suffer or permit any servant, agent or employee or any other person under his control, to litter, sweep, throw or cast any ashes, garbage, papers or other rubbish or refuse of any kind whatsoever, in or upon any street, public place, vacant lot or area.

### § 103-4. Responsibility of owners and occupants.

Every owner, lessee, tenant or occupant or person in charge of any building or premises shall keep and cause to be kept the sidewalk and all area abutting the building or premises free from obstruction and nuisance of any and every kind and shall

keep said area free of all loose garbage, refuse, litter and other offensive material.

§ 103-5. Littering from vehicles.

No one, being the owner, driver, person in control or passenger of any vehicle, shall throw or cause to be thrown from said vehicle, while moving or standing still, any paper, rubbish or refuse of any kind whatsoever in or upon any street or public place or upon any vacant lot or area.

§ 103-6. Interference with village employees.

No person shall interfere with any municipal employee of the Street or Sanitation Department of the Village of Schuylerville in the sweeping or cleaning of any street or other public place or area or in his performance of any of his regular or prescribed duties or functions as related to sanitation services performed.

§ 103-7. Penalties for offenses.]

A violation of this chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

## CHAPTER 107 MOBILE HOMES

§ 107-1. Purpose.

§ 107-2. Definitions.

§ 107-3. Permit and site approval required.

§ 107-4. Special permits

§ 107-5. Application requirements.

§ 107-6. Review of application.

§ 107-7. Discontinuance of use.

§ 107-8. Site requirement.

§ 107-9. penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 9-.1M979 as LL No. 3-1979. Section 107-5, 107-8 and 107-9 amended and S 107-7 added at time of adoption of Code; see Ch. 1, General Provisions, Art 1. Other amendments noted where applicable.]

### GENERAL REFERENCES

Fire prevention and building construction- See Ch. 83.

Flood damage prevention - See Ch. 86.

§ 107-1. Purpose.

The purpose of this chapter is to promote the health, safety and general welfare of the inhabitants of the Village of Schuylerville by establishing specific requirements and regulations governing the occupancy and maintenance of mobile homes within the Village of Schuylerville, New York.

## § 107-2. Definitions.

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

**MOBILE HOME** — Any structure, other than a travel trailer, originally designed to be transported on it own wheels . or those of another vehicle, which is used, designed to be used and capable of being used as a detached single-family residence, whether alone or in combination with another structure or structures, whether placed on a foundation or not. This definition includes us— which "mobile homes" might be put

**VILLAGE BOARD** — The persons elected by the electorate of the Village of Schuylerville, which includes the Mayor and the

## § 107-3. Permit and the approval required.

No person, partnership, association or corporation, being the owner, lessee or occupant of any land within the village limits of the Village of Schuylerville, shall use or allow such land to be occupied by a mobile home unless a permit therefor been obtained as herein provided. No mobile home can be placed until the site is approved and a permit is issued.

## § 107-4. Special permits

Special permits may be issued by the Village Board following it review of the application and the site.



#### § 107-5. Application requirements

Each application for a permit shall be in writing and signed by the applicant. Such application shall be filed with the Building Inspector.

#### § 107-6. Review of application.

The Village Board shall make a final determination on the application at the next regularly scheduled meeting of the Village Board following the application, provided that it has had the opportunity to review the site beforehand.

#### § 107-7. Discontinuance of use.

In the case of a site which was previously occupied by a mobile home, and such has been discontinued for a period of thirty (30) days, a new application for a mobile home permit must be submitted to the Village Board in the same manner as an original application. Such discontinuance for such period as thirty (30) days is hereby construed and considered to be an abandonment of such use, regardless of any reservation of an intent not to abandon the same or of an intent to resume active operations.

#### § 107-8. Site requirement.

Every mobile home site shall have at least sixty-six (66) feet of road frontage and shall be located in an area where grades and soil conditions are suitable for use as a mobile home site.

#### § 107-9. Penalties for offenses'

A violation of this chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

## CHAPTER 111 NOISE

§ 111-1. Legislative intent.

§ 111-2. Prohibited acts.

§ 111-3. Exceptions.

§ 111-4. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 8-9-2000 by L.L. No. 2-2000. Amendments noted where applicable.]

### GENERAL REFERENCES

Blasting - See Ch. 53.

Dogs and other animals - See Ch. 72.

Mass gatherings - See Ch. 95.

§ 111-1. Legislative intent.

The making and creating of disturbing, excessive or offensive noises within the has persisted for years, and the level and frequency of occurrences of such noises continues to increase. These noises are a detriment to the public health, comfort, convenience, safety and welfare of the citizens. Every person is entitled to an environment which is free of disturbing, excessive or offensive noise that has a detrimental effect on one's life or health and impairs the enjoyment and value of property. The provisions of this chapter are to be construed liberally to carry out the intent of the Board of Trustees to preserve, protect and promote the public health, safety and welfare and to foster peace the village. However, this chapter is

not intended to be construed so as to discourage the enjoyment by citizens of normal, reasonable and usual activities.

§ 111-2. Prohibited acts.

- A. No person, with the intent to cause public inconvenience, annoyance or alarm or who recklessly creates a risk thereof, shall cause, suffer, allow or permit to be made unreasonable noise. For purposes of this chapter, the term "unreasonable noise" shall mean any disturbing, excessive or offensive sound that disturbs a reasonable person of normal sensitivities.
- B. The following acts are deemed to constitute prima facie evidence of a violation of this chapter. Such acts shall include, but not be limited to the following:
  - (1) Any unnecessary noise from any source between the hours of 11:00 p.m. and 7:00 a.m.
  - (2) In addition to acts prohibited in Chapter 72 of the Village Code, noise from a dog or other animal that is continuous and exceeds 15 minutes.
  - (3) Noise from a burglar alarm or other alarm system of any building, motor vehicle or boat which is continuous and exceeds 15 minutes.
  - (4) Noise from any sound reproduction system, radio, tape player, television, disc player or similar device that reproduces or amplifies sound in such a manner as to be heard 60 feet from its source or over any property line.

(5) The erection, including excavation, demolition, alteration or repair, of any building other than between 7:00 a.m. and 9:00 p.m., except in case of an emergency or for public safety.

(6) The operation of power equipment in residential zones outdoors between the hours of 10:00 p.m. and 7:00 a.m., and on weekends between 10:00 p.m. and 8:00 a.m.

(7) The sounding of any horn of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.

(8) The making of improper noise or disturbance by operating an automobile or motorcycle in such a manner as to cause excessive squealing or other excessive noise of the tires.

### § 111-3. Exceptions.

The provisions of this chapter shall not apply to the following acts:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- B. Noise from municipally sponsored celebrations or events.
- C. Noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from the village.

- D. The operation or use of any organ, radio, bell, chimes or other instrument, apparatus or device by any church, synagogue or school licensed or chartered by the State of New York, provided such operation or use does not occur between the hours of 10:00 p.m. and 8:00 a.m.
- E. Noise generated by the installation and maintenance of utilities.

§ 111-4. Penalties for offenses.

Violation of this chapter shall be punishable by a fine not exceeding \$250. The village may also seek injunctive relief to prevent the continued violation of the chapter.

## CHAPTER 114 PARKS AND RECREATION AREAS

§ 114-1. Title.

§ 114-2. Purpose.

§ 114-3. Definitions.

§ 114-4. Hours of operation.

§ 114-5. General regulations and prohibitions.

§ 114-6. Group permit requirement; exceptions.

§ 114-7. Application for permit; fees.

§ 114-8. Application review, standards and time limit for issuance.

§ 114-9. Revocation of permit.

§ 114-10. Notice to officials.

§ 114-11. Compliance with permit requirements and conditions.

§ 114-12. Parental Responsibility.

§ 114-13. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 8-9-2000 by L.L. No. 1-2000. Amendments noted where applicable.]

## GENERAL REFERENCES

Alcoholic beverages - See Ch. 47.  
Outdoor burning - See Ch. 88.  
Dogs and other animals — See Ch. 72.  
Mass gatherings - See Ch.95  
Littering - See Ch. 108.  
Noise - See Ch. 111.  
Peddling and soliciting - See Ch. 116.

### § 114-1. Title.

This chapter shall be cited as the "Parks and Recreation Areas Law."

### § 114-2. Purpose.

The purpose of this chapter shall be to preserve and promote public peace and good order on property operated as public parks and recreation areas by the Village of Schuylerville and to contribute to the safety and enjoyment of the users of such lands by regulating the hours of use and by prohibiting such activities inimical to customary park and recreation use. The rules and regulations set forth herein shall apply to and be in effect in all parks and recreation areas under the control, supervision and jurisdiction of the Village of Schuylerville.

### § 114-3. Definitions.



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

**AUTHORIZED VILLAGE OFFICIAL**— An official or employee of the village acting pursuant to authority granted by the Board of Trustees.

**BOARD OF TRUSTEES** — The Board of Trustees of the Village of Schuylerville.

**MAYOR** — The Mayor of the Village of Schuylerville.

**MOTOR VEHICLE**— All such vehicles as defined in 125 of the Vehicle and Traffic Law of the State of New York and, in addition thereto, minibikes, mopeds, snowmobiles, all-terrain vehicles and other motorized recreational vehicles.

**PARKS AND RECREATION AREAS**— All grounds, lands, buildings, structures or other areas or properties now or hereafter owned, operated, maintained and/or controlled by the Village of Schuylerville and dedicated, used or devoted for park or recreation purposes; including, but not limited to, Fort Hardy Park and the boat launch facility, the Route 4 Park and Schuyler's Canal Park.

**PERSON** — Any individual, firm, partnership, corporation, limited liability company, trust or association of persons; the singular number shall include the plural.

**VILLAGE** — The Village of Schuylerville, New York.

**VILLAGE CLERK** — The Village Clerk of the Village of Schuylerville.

VILLAGE CODE — The code of the Village of  
WORKING FOREMAN — The Working Foreman  
of the Department of Public Works of the Village  
of Schuylerville.

§ 114-4. Hours of operation.

No person shall be permitted to remain, stop, park, sit or stand within the confines of any parks or recreation areas between the hours of 10:00 p.m. and 6:00 a.m. except in an emergency or with a special permit issued by the Board of Trustees or an authorized village official. Any and all portions of a park or recreation area may be closed to the public or to designated persons in the case of an emergency or when, in the judgment of the Mayor or Working Foreman, the public interest demands it.

§ 114-5. General regulations and prohibitions,

A. No person shall commit any of the following acts within the parks and recreation areas without a written permit from the Board of Trustees or an authorized village official; Offer any goods, merchandise, wares, services or other things of value for sale or hawk, peddle or solicit in violation of Chapter 116 of the Village Code.

(1) Use any loudspeaker or other sound-amplifying equipment.

(2) Picnic or cook in any area not designated (by the Working Foreman) for that purpose or make or kindle any fire, except in places provided

therefor, and then subject to such regulations as may be prescribed.

(3) Sleep, camp, lodge or reside in any park or recreation area.

(4) Damage any notice posted by order of the Working Foreman or other authorized village official.

B. No person shall carry or transport fireworks of any description or discharge any fireworks, unless authorized by written permission by the Board of Trustees or an authorized village official.

C. No person shall commit any of the following acts within the parks and recreation areas:

(1) Disorderly conduct.

(a) No person shall disturb the peace and good order.

(b) No person shall refuse to comply with a lawful order of the police, Working Foreman or an authorized village official to disburse or leave the park or recreation area.

(c) No person, except peace officers of the village or other law enforcement Officers, shall have, carry and/or discharge any pistol, gun, switchblade, hunting knife, slingshot, bow and arrow, dagger, metal knuckles or other dangerous weapon or instrument concealed on or about his or her person.

(d) No person shall use obscene, profane or abusive language.

(2) Preservation of property.

(a) No person shall injure, deface, disturb or defoul any part of a park or recreation area, or any building, sign, equipment or other property found therein, including but not limited to the prohibition that no person shall write, paint or carve on any tree, bench, building or structure; nor shall any tree, flower, shrub, rock or other mineral be removed, injured or destroyed.

(b) No person shall deposit, dump or throw garbage, rubbish or other material upon any part of the grounds of a park or recreation area in violation of Chapter 103 of the Village Code in regard to littering.

(3) Alcoholic beverages. No person shall possess or consume alcoholic liquors or beverages in violation of Chapter 47 of the Village Code.

(4) Noise. No person shall violate any applicable provision of the Village Code relating to the regulation of noise, including but not limited to Chapter 72, 72-5E of the Village Code regarding barking dogs.

(5) Motor vehicles and watercraft.

(a) No person shall operate, ride, place or stop a motor vehicle in any park or recreation area unless in an area so designated.

(b) Overnight parking of a motor vehicle is prohibited except at the boat launch facility and only if the owner is traveling on his or her boat.

(c) Overnight docking of watercraft is not allowed at any location along the waterfront

property owned by the Village, unless the watercraft owner/operator has obtained a license from the Village of Schuylerville to operate tour boats along waterfront property owned by the Village. [Amended 6-8-2005 by L.L. No. 3-2005]

(6) Animals. In addition to the provisions contained in Chapter 72 of the Village Code, it shall be the duty of any person bringing an animal into a park or recreation area to remove any feces left by such animal in such park and recreation area. The provisions of this subsection shall not apply to persons with a disability accompanied by a guide dog or hearing dog as such terms are defined in the Agriculture and Markets Law of the State of New York.

(7) Indecent conduct. No person shall appear in a park or recreation area in a state of nudity or commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior.

§ 114-6. Group permit requirement; exceptions.

- A. No group of 15 or more persons shall jointly use a park or recreation area unless a permit for such use shall be obtained in accordance with the provisions of this chapter.
- B. A permit shall not be required for group use of a park or recreation area by the following groups of individuals; provided, however, that the right of such groups to use a park or recreation area without a permit shall be subject and subordinate to the right of

a group which holds a permit issued in accordance with the provisions of this chapter:

- (1) A group of students participating in an educational activity, provided that such conduct is under the immediate supervision and direction of the proper authorities.
- (2) A governmental agency acting within the scope of its functions.

§ 114-7. Application for permit; fees.

- A. Filing period. Any person or persons seeking issuance of a group permit for use of a park or recreation area shall file an application with the Board of Trustees on forms provided by the Village Clerk at least 30 days and not more than 90 days before the date on which the applicant proposes such use.
- B. Late applications. The Board of Trustees, where good cause is shown therefor, shall have the authority to accept any application which filed less than 30 days before the date such park or recreation area is proposed to be used.
- C. Contents. The application for a group permit shall solicit the following information:
  - (1) The name, address and telephone number of each person applying for the group use permit.
  - (2) If the application is submitted on behalf of or by an organization, the name, address and telephone number of the main office of the organization and the authorized and responsible leaders or Officers of such organization.

- (3) The name, address and telephone number of the person who will be in charge of the activity or activities to be conducted in the park or recreation area, and who will be responsible for the conduct of the persons using such area.
- (4) A description of the park or recreation area which the applicant desires to use or occupy.
- (5) A description of the activities to be conducted in the park or recreation area.
- (6) The date or dates when the park or recreation area is to be used, and the starting and ending times for such use.
- (7) The approximate number of persons who will use the park or recreation area.
- (8) A statement that the applicant is responsible for the cleanup of the park and recreation area and will pay all costs for said cleanup and will reimburse the village if it is found to be necessary for the village to conduct said cleanup.
- (9) Whether the applicant(s) requests an exception pursuant to 47-4 of Chapter 47 (Alcoholic Beverages) of the Village Code relating to the use of. alcoholic beverages.
- (10) Any additional information which the Board of Trustees shall otherwise determine necessary as consistent with the provisions of this section.

§ 114-8. Application review, standards and time limit for issuance.

A. Review. The Board of Trustees, in consultation with the Working Foreman and subject to the standards set forth in this section, shall review every application and determine whether to approve the application and issue a permit or to deny such application.

B. Standards. The Board of Trustees shall be guided by the following standards in determining whether to approve or to reject an application:

- (1) That the proposed activity or use of the park or recreation area will not unreasonably interfere with or detract from the enjoyment of the park or recreation area by the general public.
- (2) That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (4) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police protection.
- (5) That the facilities desired to be used have not been reserved for other use on the day and at the hour requested in the application.
- (6) That a bond or insurance policy, as required by the Board of Trustees, is provided.



C. Time limit for decision. The Board of Trustees shall act upon the application for a group use permit at the next scheduled Board meeting after the application has been filed. If the application is denied, the Village Clerk will notice the applicant by mail with the reason or reasons set forth therein.

§ 114-9. Revocation of permit.

Any permit issued pursuant to this chapter may be summarily revoked by the Board of Trustees at any time, when, by reason of disaster, public calamity, riot or other emergency, it is determined that the safety of the public or property requires such revocation. Notice of such revocation shall be delivered in writing to the permittee by certified mail or by such other notice as the Board of Trustees shall designate. The Board of Trustees shall have the authority to revoke a permit upon application of the standards for issuance set forth above.

§ 114-10. Notice to officials.

Immediately upon the issuance of a group use permit, the Village Clerk shall send or deliver a copy of the permit to the Working Foreman, the State Police, the Sheriff's Department and the Fire Chief.

§ 114-11. Compliance with permit requirements and conditions.

A person or persons granted a permit pursuant to this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances. The person or persons using the park or recreation area

pursuant to a permit shall have and keep the permit with them during their use of the park or recreation area.

§ 114-12. Parental responsibility.

No parents, guardians or custodians of any minor shall permit or allow the minor to do any act which would constitute a violation of this chapter.

§ 114-13. Penalties for offenses.

Violation of this chapter shall be punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days, or both.

## CHAPTER 116 PEDDLING AND SOLICITING

§ 116-1. License required exemptions.

§ 116-2. Sale on Sunday.

§ 116-3. License application.

§ 116-4. License fee.

§ 116-5. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 3-11-29 as Sec. 68 of the 1929 Ordinance. Sections 116-1 and 116-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted when applicable.]

§ 116-1. License required; exemptions.

No person or persons shall publicly sell, hawk or peddle any property or articles or merchandise on the street or public places or from house to house in the Village of Schuylerville, without first obtaining a license therefor from the Village Clerk, but nothing herein contained shall apply to sales made to merchants for retail trade or to sales made to any person or persons by farmers or gardeners, of the products of their own farms and gardens, and nothing herein contained shall apply to members of the armed forces who have procured a license as provided by the General Business law of The State of New York,<sup>2</sup> and nothing herein contained shall apply to the sale or peddling of milk in the Village of Schuylerville.

§ 116-2. Sales on Sunday.

No person shall be granted a license which shall cover any such selling on Sunday, and such license shall not be used for such peddling, hawking or public selling on Sunday.

§ 116-3. license application.

Any person desiring to obtain a license under any of the provisions of this chapter shall make application therefor to the Village Clerk on a blank furnished by the Village of Schuylerville.

§ 116-4. license fee.

The following rates for all licenses granted under this chapter are hereby ordained and published, and the Village Clerk is authorized and directed to issue and collect such rates therefor:

- A. For a period of one (1) year: twenty-five dollars (\$25.).
- B. For six (6) months: fifteen dollars (\$15.).
- C. For one (1) day: five dollars (\$5.).

§ 116-5. Penalties for offenses.<sup>8</sup>

A violation of this chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

## CHAPTER 119 POLES AND WIRES

§ 119-1. Permission to erect required.

§ 119-2. Placement of steps.

§ 119-.3. Penalties for offenses.

[ HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 3-11-1929 as Sec. 26 of the 1929 Ordinance. Section 119-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendments noted where applicable.]

### GENERAL REFERENCES

Streets and sidewalks - See Ch.138.

§ 119-1. Permission to erect required.

No telegraph, telephone, electric light or electric power poles shall hereafter be erected in, over or upon the streets or public grounds of the Village of Schuylerville, nor any wires strung thereon, without the written consent of the Board of Trustees of village having first been obtained, and all such poles shall be set and wires strung subject to the direction and control of such Board of Trustees.

§ 119-2. Placement of steps.

No steps shall be set, placed or permitted to remain in any such pole nearer the ground than ten (10) feet.

§ 119-3. Penalties for offenses. <sup>1</sup>

A violation of this is chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both. In addition to the penalty provided for herein, the corporation or person or persons shall be responsible for the payment of all costs and expenses to remove said poles or wires.

## CHAPTER 124 RECORDS, PUBLIC ACCESS TO

§ 124-1. Purpose and scope.

§ 124-2. Designation of records access officer; duties.

§ 124-3. Location of records.

§ 124-4. Hours for public inspection.

§ 124-5. Request for access to records.

§ 124-6. Subject matter list s 124-7. Denial of  
access to records; appeals.

§ 124-8. Fees.

§ 124-9. Posting of public notice.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.

§ 124-1. Purpose and scope.

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

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

C. Personnel shall furnish to the public the information and records required by Freedom of Information Law, <sup>1</sup> as well as records otherwise available by law.

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

§ 124-2. Designation of records access officer; duties.

A. The Board of Trustees is responsible for ensuring compliance with the regulations herein and designates the following person as records access officer: Village Clerk, Municipal Center, 35 Spring Street, Schuylerville, New York.

B. The records access officer is responsible for ensuring appropriate agency response to public requests for access to records. The designation of the records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

C. The records access officer shall ensure that personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist the requester in identifying requested records, if necessary.
- (3) Upon locating the records, take one (1) of the following actions:



- (a) Make records available for inspection.
  - (b) Deny access to records in whole or in part and explain in writing the reasons therefor.
- (4) Upon request for copies of records, take one (1) of the following actions:
- (a) Make a copy available upon payment of or an offer to the established fees, if any, in accordance with 124-8.
  - (b) Permit the requester to copy those records.
- (5) Upon request, certify that a record is a true copy.
- (6) Upon failure to locate records, certify that:
- (a) The village is not the custodian for such records; or
  - (b) The records of which the village is a custodian cannot be found after diligent search.

§ 124-3. Location of records.

Records shall be available for public inspection and copying at the Village Clerk's office, Municipal Center, 35 Spring Street, Schuylerville, New York.

§ 124-4. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours that the Clerk's office is regularly open for business.

§ 124-5. Request for access to records.

- A. A written request may be required, but oral requests may be accepted when records are readily available.
- B. A response shall be given within five (5) business days of receipt of any request reasonably describing the record or records sought.
- C. A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought
- D. If the records access officer does not provide or deny access to the record sought within five (5) business days of receipt of a request, he or she shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within ten (10) business days after the date of acknowledgment of receipt of a request, the request may be construed as a denial of access that may be appealed.

§ 124-6. Subject matter list.

- A. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in his or her possession, whether or not records are available pursuant to S 87, Subdivision 2, of the Public Officers Law.
- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought
- C. The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

§ 124-7. Denial of access to records; appeals.

- A. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the body established to hear appeals.
- B. If requested records are not provided promptly, required in S 124-5D of this chapter, such failure shall also be deemed a denial of access.
- C. The Mayor shall hear appeals for denial of access to records under the Freedom of Information Law.<sup>3</sup>
- D. The time for deciding an appeal by the person designated to hear appeals shall commence upon receipt of a written appeal identifying:
  - (1) The date of the appeal.

- (2) The date and location of the request for records.
- (3) The records to which the requester denied access.
- (4) Whether the denial of access is in writing or due to failure to provide records promptly as required by S 124-
- (5) The name and return address of the requester.
- E. The person designated to hear appeals shall inform the requester of his decision in writing within ten (10) business days of receipt of an appeal.
- F. The person designated to hear appeals shall immediately forward to the Committee on Open Government copies of all appeals upon receipt and the ensuing determination thereon.

#### § 124-8. Fees.

The following fees shall be charged:

- A. Inspection of records: no fee.
- B. Search for records: no fee.
- C. Any certification pursuant to this chapter: no fee.
- D. Photocopies not exceeding nine by fourteen (9 x 14) inches: twenty-five cents (\$0.25) per page.
- E. Fees for copies of records other than photocopies which are nine by fourteen (9 x 14) inches or less in size: the actual copying cost, excluding fixed

agency such salaries, except when a different fee is otherwise prescribed by statute.

§ 124-9. Posting of public notice.

A notice containing the title or name and business address of the records access officers and appeals body and the location where records can be seen or copies may be made shall be posted in a conspicuous location wherever records are kept.

# CHAPTER 129 SEWERS

## ARTICLE 1

### General Provisions

§ 129-1 Word usage.

§ 129-2 Definitions.

§ 129-3 Abbreviations.

## ARTICLE 2

### Use of Public Sewers Required

§ 129-4 Unlawful disposal of garbage or other objectionable waste

§ 129-5 Unlawful discharge of wastewater.

§ 129-6 Use of certain wastewater disposal systems restricted.

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## ARTICLE 3

### Private Wastewater Disposal

§ 129-8 Connection authorized.

§ 129-9 Permit for Construction; fee.

§ 129-10 Inspection of work.

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§ 129-12 Use of public sewer when available.

#### ARTICLE 4

##### Building sewers and Connections

§ 129-13. Permit required for connection.

§ 129-14. Classes of permits; fees.

§ 129-15. Cost of installation and connection.

§ 129-16. Separate sewer for each building-, exception.

§ 129-17. Use of old building sewers

§ 129-18. Materials and construction.

§ 129-19. Elevation of building sewer.

§ 129-20. Disposal of surface runoff or groundwater.

§ 129-21. Standards for connections.

§ 129-22. Inspection and connection of building sewer.

§ 129-23. Guarding of excavations; restoration.

§ 129-24. Standards for repair of connections.

§ 129-25. Maintenance of building sewer.

§ 129-26. Gravity building sewer connection standards.

§ 129-27. Pressure building sewer connection standards.

## ARTICLE 5

### Use of public Sewers

§ 129-28. Discharge of certain waters prohibited.

§ 129-29. Discharge of stormwater and industrial cooling water.

§ 129-30. Discharge of interfering waters prohibited.

§ 129-31. Prohibited discharges.

§ 129-32. Superintendent's alternatives upon accidental discharge.

§ 129-33 Garbage grinders.

§ 129-34. Grease, oil and sand interception.

§ 129-35 Direct discharges; permit required.

§ 129-36. Pretreatment requirements for industrial users.

§ 129-37. Industrial waste limits.

§ 129-38. Accidental discharges.

§ 129-39 Maintenance of preliminary treatment facilities.

§ 129-40 Action upon violation of standards.

§ 129-41. Industrial wastewater contribution permit.

§ 129-42. Required reports.



- § 129-48. Monitoring and sampling facilities.
- § 129-44. Inspection of facilities; right of entry.
- § 129-45. Special agreement not to be construed.

## ARTICLE 6

### Administration and Enforcement

- § 129-46. Inspection, sampling and of system; withholding of information
- § 129-47. Charges; costs.
- § 129-48. Additional rules and regulations.
- § 129-49. Notice of violation; time for correction.
- § 129-50. Penalties for offenses.
- § 129-51. Liability for expense, loc or damage.
- § 129-52. Intermunicipal agreements

[HISTORY: Adopted by the Board of trustees of the Village of Schuylerville at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

## GENERAL REFERENCES

Fire prevention and building - See Ch. 83.

Mobile homes - See Ch.

107. Water — See Ch. 157.

## ARTICLE 1

### General Provisions

#### § 129-1. Word usage.

Words used in the present tense include the future; the singular number includes the plural, and the masculine shall include the feminine. The term "shall" is mandatory; the term "may" is permissive.

#### § 129-2. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings herein indicated:

**APPROVAL AUTHORITY** — The Commissioner of the Department of Environmental Conservation of the State of New York.

**ASTM** (denoting "American Society for Testing and Materials") — The latest published amendments or revisions of the specifications and standards promulgated by the Society.

**AUTHORIZED REPRESENTATIVE OF AN INDUS. TRIAL USER** — An "authorized representative of an industrial user" may be:

- A. A principal executive officer of at least the level of vice president, if the industrial user is a corporation.

B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.

C. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

**BOD** (denoting "biochemical oxygen demand") — The quantity of mo<sup>r</sup>gen utilized in the biochemical oxidation of organic or other unstable matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20<sup>0</sup> C.), expressed in parts per million by weight

**BUILDING DRAIN** — That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of any building and conveys such discharge to the building sewers, beginning three (3) feet outside the outer face of the building wall.

**BUILDING SEWER** — That part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal. It may be a gravity or a pressure line.

**CONTROL AUTHORITY** — Refers to the approval authority, defined hereinabove, or the Superintendent.

**COOLING WATER** — The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat

**CROSS-CONNECTION** — Any physical connection or arrangement between two (2) otherwise separate piping systems, one of which contains potable water and the other, water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of the flow depending on the pressure differential between the two (2) systems.

**DIRECT DISCHARGE** — The discharge of treated or untreated wastewater directly to the waters of the State of New York. **ENVIRONMENTAL PROTECTION AGENCY** or **EPA** — The United States Environmental Protection Agency or, where appropriate, the term may also be used a designation for the Administrator or other duly authorized official of said agency.

**FEDERAL WATER POLLUTION CONTROL ACT** sometimes herein referred to as the "Act") — The United States Federal Water Pollution Control Act, amended in 1977 or thereafter.

**GARBAGE** — Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**GRAB SAMPLE** — A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**HOLDING TANK WASTE** — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and sump-pump tank trucks.

**INDIRECT DISCHARGE** — A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to 402 of the Act (33 U.S.C. s 1342).

**INDUSTRIAL USER** — The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 5 1317), into the POTW (including holding tank waste discharged into the system).

**INDUSTRIAL WASTES** — The liquid wastes resulting from the processes employed in industrial establishments and which are free of fecal matter.

**INSPECTOR** — Any person or persons appointed and duly authorized by the Village Board to inspect and approve the installation of building sewers and their connection to the public sewer system.

**INTERFERENCE** — The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the Village of Schuylerville's SPDES permit. The term includes prevention of sewage sludge disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. S 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

**NATIONAL CATEGORICAL PRETREATMENT STANDARDS or PRETREATMENT STANDARD** — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347), which applies to a specific category of industrial users.

**NATIONAL PROHIBITIVE DISCHARGE STANDARDS or PROHIBITIVE DISCHARGE STANDARD**— Any regulation

developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**NEW SOURCE** — Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) after proposal, a "new source" means any source, the construction of which is commenced after the date of promulgation of the standard.

**PERSON** — Any individual, firm, company, association, society, corporation or group.

**pH** — The measure of the acidity or alkalinity of a waste.

**POLLUTION** — The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

**POLLUTANT** — Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

**PRETREATMENT or TREATMENT** — The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a BSL harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or

biological proc—c, or process changes or other means, except prohibited by 40 CFR 403.6.

**PRETREATMENT REQUIREMENTS** — Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

**PRIVATE SEWER** — A sewer privately owned and not directly controlled by public authority.

**PROPERLY SHREDDED GARBAGE** — The from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the now conditions normally prevailing in the public sewers, which no particle greater than one-half (1k) inch in any dimension.

**PUBLICLY OWNED TREATMENT WORKS (POTW)** — A treatment works, defined by 212 of the Act (33 U.S.C. S 1292) which is owned by the Village of Schuylerville. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewer or other conveyances not connected to a facility providing treatment.

**POTW TREATMENT PLANT** — That portion of the POTW designed to provide treatment to wastewater.

**PUBLIC SEWER** — A common sewer directly controlled by public authority.

**REGIONAL ADMINISTRATOR** — The Regional Administrator, Region No. 2, United States Environmental Protection Agency, as empowered by the Federal Water Pollution Control Act or other federal statute.

**SANITARY SEWER** — A pipe which carries sewage and excludes storm, surface and ground water.

**SEWAGE** — Any liquid waste containing animal, human or vegetable matter, in suspension or solution, and may include liquids containing chemicals in solution.

**SEWAGE TREATMENT PLANT** — Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS SYSTEMS** — All facilities for collecting, pumping, treating and disposing of sanitary sewage.

**SEWER** — A pipe or conduit for carrying sewage.

**SIGNIFICANT INDUSTRIAL USER** — Any user who:

A. Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day;

B. Has a flow greater than five percent (5%) of the flow in the village's wastewater system;

C. Has in his wastes toxic pollutants defined pursuant to Section 307 of the Act;

D. Has been identified as one (1) of the twenty-one (21) industrial categories pursuant to Section 307 of the Act; or

E. Is found by the village to have significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.



**SLOPE** — The grade or pitch of a line of pipe in reference to a horizontal plane. In drainage, it is usually expressed as the fall in a fraction of an inch per foot length of pipe.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)** — A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

**STATE POLLUTION DISCHARGE ELIMINATION SYSTEM OR SPDES PERMIT** — A permit issued pursuant to Section 402 of the Act (33 U.S.C. 5 1342).

**STORM SEWER or STORM DRAIN** — A sewer used for conveying rainwater, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage and industrial waste.

**SUPERINTENDENT** — The Superintendent of the sewage works systems in the Village of Schuylerville, as appointed by the Village Board.

**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.

**TOXIC POLLUTANT** — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Clean Water Act Section 307(a) or other acts.

**USER** — Any person who contributes, causes or the contribution of wastewater into the village sewage works system.

**VILLAGE** — The Village of Schuylerville.

**WASTEWATER** — The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with other matter which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**WATERCOURSE** — A channel in which a flow of water occurs, either continuously or intermittently.

**WATERS OF THE STATE** — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

**WASTEWATER CONTRIBUTION PERMIT (INDUSTRIAL)** — As set forth in 55 129-36 through 129-38.

### § 129-3. Abbreviations.

The following abbreviations shall have the meanings designated:

BOD - Biochemical oxygen demand.

CFR - Code of Federal Regulations.

COD - Chemical oxygen demand.

EPA - Environmental Protection Agency.

L-Liter

mg - Milligrams.

mg/l - Milligrams per liter.

NYSDEC - New York State Department of Environmental Conservation.

NYSDOH - New York state Department of Health.

POTW - Publicly owned treatment works.

SIC - Standard Industrial Classification.

SPDES - State Pollutant Discharge Elimination System.

SWDA - Solid Waste Disposal Act, 42 U.S.C. S 6901 et seq.

TSS - Total suspended solids.

U.S.C. - United States Code.

## ARTICLE 2

### Use of Public Sewers Required

§ 129-4. Unlawful disposal of garbage or other objectionable

It shall be unlawful for any person to place, deposit or permit to be deposited, in any unsanitary manner any human or animal excrement, garbage or other objectionable waste on public or private property within the village, on any area under the jurisdiction of the village.

129-5. Unlawful discharge of wastewater.

It shall be unlawful to discharge to any natural outlet within the village or in any area under the jurisdiction of the village any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

§ 129-6. Use of certain wastewater 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 wastewater.

§ 129-7. Connection to available public sewer required.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the village and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet [ninety-one and five-tenths (91.5) meters] of such house or building. A waiver of such requirement can be secured from the Schuylerville Village Board if extenuating circumstances exist.

### ARTICLE 3

#### Private Wastewater Disposal

##### § 129-8. Connection authorized.

Where a public or combined sewer is not available under the provisions of Article II, S 129-7, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

##### § 129-9. Permit for construction; fee.

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the village, which the applicant shall supplement with any plans, specifications and other information deemed necessary by the Superintendent. A permit and inspection fee of fifty dollars (\$50.) shall be paid to the village at the time the application is filed.

##### § 129-10. Inspection of work.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the

Superintendent when the work is for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Superintendent, weekends and holidays excluded.

§ 129-11. System standards.

The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health and the Department of Environmental Conservation 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 natural outlet.

§ 129-12. Use of public sewer when available.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, provided in Article II, section 129-7, a direct connection shall be made to the public sewer in compliance with this chapter within ninety (90) days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.

## ARTICLE 4

### Building sewers and Connections

§ 129-13. Permit required for connection.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Superintendent.

§ 129-14. Classes of permits and fees.

A. There shall be two (2) classes of building sewer permits:

(1) For residential, commercial or other establishments discharging wastewater only; and

(2) For service to establishments producing industrial wastes (see Article V, 129-36 through 129-38).

B. In either case, the owner or his agent shall make application on a special form furnished by the village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. If a permit application is submitted to the village within ninety (90) days of the installation of the subject public sewer, no permit or inspection fee will be levied to the permittee. A permit and inspection fee of fifty dollars (\$50.) for a residential or commercial building sewer permit and one hundred fifty dollars (\$150.) for an industrial building sewer permit shall be paid to the village at the time all other applications are filed.

§ 129-15. Cost of installation and connection.

Costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner from the owner's property line to his building. The village will construct the sewer connection from the public sewer to the owner's

property line; however, the owner will reimburse the village for all costs incurred for such connection.

§ 129-16. Separate sewer for each building; exception.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

§ 129-17. Use of old building sewers.

The lines outside a building leading to the curb connections or public sewer may be used by property owners only if they are watertight, gastight and meet all other specifications and, if not meeting said specifications in their entirety, may be used with special approval of the Superintendent.

§ 129-18. Materials and construction.

A. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the New York State Uniform Fire Prevention and Building Code, other applicable rules and regulations of the village and the requirements outlined in 129-26 and 129-27.

B. In no event shall the diameter of such pipe be less than four (4) inches, nor shall the slope of such four-inch pipe be less than one-fourth (  $\frac{1}{4}$  ) inch per foot.



C. Proper reducer or fittings shall be used between all changes of pipe size and material so as to make a watertight and joint Deviations to the requirements of this subsection may be utilized in building sewer construction if the deviation has received the prior approval of the Superintendent

§ 129-19. Elevation of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary carried by such building drain shall be lifted by approved artificial means and discharged to the building sewer. Such installations must comply with the requirements of Subsections A and B of S 129-18 of this Article.

§ 129-20. Disposal of surface runoff or groundwater.

No person shall make connection of roof downspout exterior foundation drains, area way drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

§ 129-21. Standards for connections.

The connection of the building sewer into the public sewer shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code or other

applicable rules and regulations of the village or the procedures set forth in appropriate specifications of the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

§ 129-22. Inspection and connection of building sewer.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

§ 129-23. Guarding of excavations; restoration.

All excavations for building sewer installation shall be adequately guarded 14äth 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 village.

§ 129-24. Standards for repair of connections.

Repairs to sewage connections shall be made with such materials as are prescribed by this chapter for new work, insofar as is practical.

§ 129-25. Maintenance of building sewer.

Maintenance of the building sewer is the responsibility of the property owner. In the event that a property is unable to discharge its wastes into the public sewer, it will be presumed that the fault is in the private connection, unless contrary facts are in evidence.

§ 129-26. Gravity building sewer connection standards.

A. Materials. The owner may use any of the following three (3) types of pipe for the building connection:

(1) Service class cast-iron soil pipe conforming to the requirement of ASTM 74-75. shall be hub-and spigot type with preformed rubber gaskets conforming to Specification HSN of the Cast Iron Soil Pipe Institute.

(2) Acrylomitrade-butadiene-styrene (ABS) sewer pipe conforming to the requirements of ASTM D2751-75 SDR-35. shall be solvent welded in conformance with ASTM 1)235.

(3) Rigid polyvinyl chloride (PVC) pipe which shall meet the requiremenG of ASTM 3034-74. Pipe shall be Schedule 40. Pipe shall have an integral bell and pipe, and fittings shall be joined with a solid rubber ring.

B. 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 in so far as possible Changes in direction shall be made only with properly curved pipe and fittings. [Bends of ninety degrees (90<sup>0</sup>) are not allowed.]

C. All excavations required for the installation of a building sewer shall be open trench work, unless otherwise approved by the Superintendent. Pipe laying and backfilling shall be performed in accordance with the pipe manufacturer's recommendation, but in any event shall conform to the following minimum standards:

- (1) The ditch shall be straight and true and to uniform grade insofar as possible.
- (2) The bottom of the trench shall be shaped by hand to receive pipe or a minimum of three (3) inches of a fifty percent mixture of No. 1 and No. 2 stone shall be placed in the trench bottom to receive the pipe.
- (3) Where rock is encountered in the excavation of the trench, the rock shall be excavated at six (6) inches below the grade of the pipe and covered with compacted sand to provide a sand bed for the pipe.
- (4) After placing pipe and making joints as per requirement, earth backfill shall be placed to the height of the top of the pipe and tamped.
- (5) One (1) foot of earth fill, free from rocks, will then be placed and tamped, as measured from the top of the pipe.
- (6) The remainder of the trench shall then be backfilled, but all such trenches in village roads shall be filled in one-foot layers and tamped before additional dirt is added.
- (7) Where the trench enters paved village roads, the top of the trench plus six (6) inches on each side shall be paved with at least two inch-thick asphalt pavement.

- D. A cleanout shall be provided on all building drains near the point where it leaves the building. An additional cleanout shall be installed for each one hundred (100) feet of building sewer which is required to connect to the public sewer. A cleanout shall also be provided for each change of direction of ninety degrees ( $90^0$ ) or more. Such cleanouts shall be extended to grade and constructed in such manner to allow ready access of a sewer rod for cleaning. shall not be less than four (4) inches in size and no bend sharper than a one-eighth bend [forty-five degrees ( $45^0$ )] shall be used for a change in direction.
- E. Where it is necessary to connect the building sewer directly to the public sewer, such connections shall be made by a qualified plumber or sewer contractor under the direction of and according to the method specified by the Superintendent.
- F. The connection shall be made by carefully making a hole in the upper half of the public sewer, inserting a special branch connection to the public sewer so that this branch is firm and watertight. All such building sewers shall meet the same leakage test as specified for sanitary sewers; and such test shall be performed at the expense of the owner and witnessed by the Superintendent before backfill is permitted. No backfill shall be placed until the work has been inspected by the Superintendent or his representative. Building sewers and water service branches or connections will not be laid in the same trench.
- G. All joints shall be watertight and gas tight.
- H. Alternate materials and methods of construction may be used only if they have been specifically approved by the Superintendent. He may approve any alternate, provided that the proposed design is satisfactory and complies with the intent of this section and that the material or method of work offered is, for the purpose intended, at least the equivalent of that here

prescribed in quality, strength, effectiveness, durability and safety.

§ 129-26. Gravity building sewer connection standards.

D. Materials. The owner may use any of the following three (3) types of pipe for the building connection:

(1) Service class cast-iron soil pipe conforming to the requirement of ASTM 74-75. shall be hub-and-spigot type with preformed rubber gaskets conforming to Specification HSN of the Cast Iron Soil Pipe Institute.

(2) Acrylomitrade-butadiene-styrene (ABS) sewer pipe conforming to the requirements of ASTM D2751-75 SDR-35. shall be solvent welded in conformance with ASTM 1)235.

(3) Rigid polyvinyl chloride (PVC) pipe which shall meet the requirements of ASTM 3034-74. Pipe shall be Schedule 40. Pipe shall have an integral bell and pipe, and fittings shall be joined with a solid rubber ring.

E. 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 in so far as possible Changes in direction shall be made only with properly curved pipe and fittings. [Bends of ninety degrees (90°) are not allowed.]

F. All excavations required for the installation of a building sewer shall be open trench work, unless otherwise approved by the Superintendent Pipe laying

and backfilling shall be performed in accordance with the pipe manufacturer's recommendation, but in any event shall conform to the following minimum standards:

(8) The ditch shall be straight and true and to uniform grade insofar as possible.

(9) The bottom of the trench shall be shaped by hand to receive pipe or a minimum of three (3) inches of a fifty percent mixture of No. 1 and No. 2 stone shall be placed in the trench bottom to receive the pipe.

(10) Where rock is encountered in the excavation of the trench, the rock shall be excavated at six (6) inches below the grade of the pipe and covered with compacted sand to provide a sand bed for the pipe.

(11) After placing pipe and making joints as per requirement, earth backfill shall be placed to the height of the top of the pipe and tamped.

(12) One (1) foot of earth fill, free from rocks, will then be placed and tamped, as measured from the top of the pipe.

(13) The remainder of the trench shall then be backfilled, but all such trenches in village roads shall be filled in one-foot layers and tamped before additional dirt is added.

(14) Where the trench enters paved village roads, the top of the trench plus six (6) inches on each side shall be paved with at least two inch-thick asphalt pavement.

F. A cleanout shall be provided on all building drains near the point where it leaves the building. An additional cleanout shall be installed for each one hundred (100) feet of building sewer which is required to connect to the public

sewer. A cleanout shall also be provided for each change of direction of ninety degrees ( $90^0$ ) or more. Such cleanouts shall be extended to grade and constructed in such manner to allow ready access of a sewer rod for cleaning. shall not be less than four (4) inches in size and no bend sharper than a one-eighth bend [forty-five degrees ( $45^0$ )] shall be used for a change in direction.

G. Where it is necessary to connect the building sewer directly to the public sewer, such connections shall be made by a qualified plumber or sewer contractor under the direction of and according to the method specified by the Superintendent.

F. The connection shall be made by carefully making a hole in the upper half of the public sewer, inserting a special branch connection to the public sewer so that this branch is firm and watertight. All such building sewers shall meet the same leakage test as specified for sanitary sewers; and such test shall be performed at the expense of the owner and witnessed by the Superintendent before backfill is permitted. No backfill shall be placed until the work has been inspected by the Superintendent or his representative. Building sewers and water service branches or connections will not be laid in the same trench.

I. All joints shall be watertight and gas tight.

J. Alternate materials and methods of construction may be used only if they have been specifically approved by the Superintendent. He may approve any alternate, provided that the proposed design is satisfactory and complies with the intent of this section and that the material or method of work offered is, for the purpose intended, at least the equivalent of that here prescribed in quality, strength, effectiveness, durability and safety.



## ARTICLE 5

### Use OF Public Sewer

#### § 129-28. Discharge of certain waters prohibited.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

#### § 129-29. Discharge of stormwater and industrial cooling water.

Stormwater and all other unpolluted drainage shall be discharged to such sewers are specifically designated as storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Superintendent to a storm sewer or natural outlet section 129-30 129-31 section 129-30. Discharge of interfering water prohibited. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pre treatment standards or requirement.

#### § 129-31. Prohibited discharges.

Except 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 ( $150^{\circ}\text{F.}$ ) or in such quantities that the temperature at the sewage treatment plant influent exceeds one hundred four degrees Fahrenheit ( $104^{\circ}\text{F.}$ ) [forty degrees Centigrade ( $40^{\circ}\text{C.}$ )].

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 or other flammable or explosive liquid, solid or gas, 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. That also include any other substances which the village, New York State or EPA has notified the user about a potential fire hazard or as a hazard to the sewer and treatment system.

D. Any garbage that has not been properly shredded.

E. Any cinders, sand, mud, straw, shaving, 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 six point zero (6.0) 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 A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act and shall include any of the following toxic contaminants and any other toxic contaminant which is identified having a similar nature:

1. Aldrin.
2. Benzidine and salts.
3. DDT, DDD and DDE.
4. Endrin.
5. Mercury and compounds.
6. PCB's (polychlorinated biphenyls).
7. Toxaphene.

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 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

J. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria, guidelines or regulations affecting sludge disposal

developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the management method being used.

K. Any substance which will cause the POTW to violate its SPDES permit or the receiving water quality standards.

L Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.

M. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement; to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

N. Any waters or wastes containing phenols or other or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

O. Any pollutant including (oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutant that exceed for any time period longer than fifteen (15) minutes more than five (5) times

the twenty-four-hour concentration, quantities or flow during normal operation

P. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

Q. Any wastewater which causes a hazard to human life or creates a public nuisance.

§ 129-32. Superintendent's alternatives upon accidental discharge.

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 12931 of this Article and which, in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rate of discharge; and/or
- (4) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

- B. When considering the above alternative, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pre-treatment or equalization of waste flows, the design and installation of the facilities shall be subject to the review and approval of the Superintendent

§ 129-33. Garbage grinders.

- A. from garbage grinders shall not be discharged into a community sewer, except:

- (1) Waste generated in the residential preparation of food normally consumed on the premises.
- (2) Where a commercial user obtained a commercial building sewer permit in which the grinder is registered, paid all fees levied by the village, and agrees to undertake whatever self-monitoring is required by the village.

B. Grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse.

§ 129-34. Grease, oil and sand interceptors.

- A. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary

for the proper handling of liquid wastes containing grease in excessive amount or any flammable wastes and any other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units

B. All interceptors shall be of a type and capacity approved by the Superintendent and shall be so located as to be readily and easily accessible for cleaning and inspection. 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. No grease trap shall be connected with the public sewer which has a rate of flow of less than sixteen (16) gallons per minute and a grease-retention capacity of less than eighteen (18) pounds.

§ 129-35. Direct discharges; permit required.

A. No person shall discharge any substances directly into a manhole or other opening in a community sewer other than than an approved building sewer, unless he been issued a direct discharge permit by the village. If a permit is issued for such direct discharge the user shall pay the applicable charges and fees levied by the village and shall meet such other conditions as required by the village.

B. Holding tank wastes.

(1) No person shall discharge any holding tank waste into a community sewer unless he been a direct discharge permit by the village. Unless otherwise allowed by the village under the terms and conditions of the permit, a separate permit must be secured for each separate

discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charge and fees levied by the village and shall meet such other conditions as required by the village.

(2) An exception to the above is that no permit will be required for discharge of domestic wastes from mobile holding provided that such discharges are made into a village-approved facility designed to receive such wastes. Issuance of a permit to a person does not in any manner alleviate said person from any responsibilities stated herein.

#### § 129-36. Pretreatment requirements for industrial users.

A. Any significant industrial user, a condition for the use of the public sewer system, shall conform to the preliminary treatment requirements and the reporting requirements established by this chapter and by the Regional Administrator, United States Environmental Protection Agency. The standards for pre-treatment and resulting discharge by such user shall be those established from time to time by the Regional Administrator and/or by the terms of any discharge permit issued to the village by the Regional Administrator.

B. The report required herein shall be those established and required either by the Regional Administrator or the Village of Schuylerville.



C. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in the subcategory, shall immediately supersede the limitations imposed under this chapter.

D. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

E. Where the village's wastewater treatment system achieves consistent removal of pollutants limited by federal pre-treatment standards, the village may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the waste water treatment system to a less toxic or to a harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedure set forth in section 403.7(2) of Title 40 of the Code of Federal Regulations, Part 403, General Pretreatment Regulations for Existing and New of Pollution, promulgated pursuant to the Act. The village may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7, are fulfilled and prior approval from the approval authority is obtained.

F. State requirements and limitations on discharges shall apply in anywhere they are more stringent than federal requirements and limitations or those in this chapter.

G. If the Superintendent permits the pretreatment or equalization of waste now, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

H. Significant industrial users with applicable waste discharge components shall meet pretreatment standards and any other applicable requirements promulgated by EPA in accordance with Section 307 of the Federal Water Pollution Control Act.

I. Industries must provide information describing wastewater constituents and characteristics and the type of activity involved. Specific information is required in the initial application on the anticipated flow, pH, settleable and floating solids, suspended solids, oil and grease, BOD, ammonia nitrogen, total Kjeldahl nitrogen, phosphorus, coliform and fecal coliform bacteria and heavy metals concentrations or values anticipated, as well as other specific parameter levels as determined by the Superintendent

§ 129-37. Industrial waste limits.

- A. The following table shall control the limits, being the maximum concentrations that can be discharged into the sewer system based upon any single sample during a given day. The following table shall not be construed as to exclude other materials not listed therein and which may have similar adverse effects requiring limitation

INDUSTRIAL WASTE LIMITS

Parameter	Discharge Limit
Arsenic	0.05
Barium	3.0
Cadmium	0.05
Chromium hexavalent	0.05
Chromium total	0.5
Copper	0.5
Lead	3.0
Nickel	3.0
Selenium	0.1
Silver (as free iron)	0.1
Zinc	2.4
Maximum total of heavy metals	10.0

B. The village reserves the right to establish by law more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this chapter.

The village reserves the right to establish by law more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this chapter.

#### § 129-38. Accidental discharges.

- A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to

prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or users own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the village for review and shall be approved by the village before construction of the facility.

- B. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the village. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.
- C. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability

which may be imposed by this chapter or other applicable law.

- D. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

§ 129-39. Maintenance of preliminary treatment facilities.

The following maintenance shall be a requirement for preliminary treatment facilities: Where preliminary treatment facilities are required under this chapter, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

§ 129-40. Action upon violation of standards.

Where the effluent from any industrial plant shall not meet the standards required by this chapter, then the village may, upon such notice the village deems adequate, cut off the discharge of effluent into the sewer system by the offending industry.

§ 129-41. Industrial wastewater contribution permit.

- A. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the P(T)W shall obtain an industrial wastewater permit within one hundred eighty (180) days after the effective date of this chapter.

- B. Users required to obtain an industrial wastewater contribution permit shall complete and file with the village an application in the form prescribed by the village and accompanied by a fee of forty dollars (\$40.). Existing users shall apply for a wastewater contribution permit within one hundred eighty (180) days after the effective date of this chapter, and new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW.
- C. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
- (1) Name, address and location (if different from the address).
  - (2) SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended.
  - (3) Wastewater constituents and characteristics including but not limited to those mentioned in S 129-37 of this chapter 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 sixty-minute peak wastewater flow rate, including daily, monthly and seasonal variations, if any.

- (6) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
- (7) Where known, the nature and concentration of any pollutants in the discharge which are limited by any village, 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.
- (8) If additional pretreatment and/or O & M will be required to meet the pretreatment standards; the shortest time 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. No later than fourteen (14) following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including whether or not it complied with the progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress the 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 (9) months elapse between such progress reports to the Superintendent

- (9) Type and amount of raw materials processed (average and maximum per day)
  - (10) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
  - (11) Any other information as may be deemed by the village to be necessary to evaluate the permit application. .
- C. The village will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the village may issue a wastewater contribution permit subject to terms and conditions provided herein.
- D. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such within the time . frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, not previously submitted an application for a contribution permit as required, the user shall apply for a contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the Superintendent within one hundred eighty (180) after the promulgation of an application federal categorical pretreatment standard the information required by paragraph (h) and (i) of Section 59-30.B.



- E. Industrial permit shall be issued for a specified time period, not to exceed four (4) years. A permit may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (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 village during the term of the permit. The user shall be informed of any proposed changes in his permit at least ninety (90) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- F. Industrial permit shall be issued to a specific user for a specific operation. The permittee shall submit a revised permit application to the village thirty (30) days prior to any action which would substantially change the quality or quantity of wastewater discharged to the village sewer system.
- G. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the village. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit

§ 129-42. Required reports.

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 Superintendent during the month of June unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and

concentration of pollutants in the effluent which are limited by such pretreatment standards. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rate, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

§ 129-43. Monitoring and sampling facilities.

- A. The village may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and now measurement of the building sewer and/or internal systems. The monitoring facility should normally be situated on the users premises, but the village when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- C. Whether constructed on public or private property, in sampling and monitoring facilities shall be provided in accordance with the village's requirements and all applicable local construction standards and specifications. Construction

shall be completed within ninety (90) days following written notification by the village.

§ 129-44. Inspection of facilities; right of entry.

A. The village shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the village or its representative ready access at all reasonable times to all part of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The village, NYSDEC and EPA shall have the right to set upon the users property such devices are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the village, NYSDEC and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

B. The Superintendent and other duly authorized employees of the Village, New York State and/or the EPA bearing proper credentials and identification shall be permitted to enter all

properties for the purpose of inspection, observance measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 129-45. Special agreement not to be construed.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment except as would lead to the contravention of NYSDEC stream standards or the contradiction of the USEPA pretreatment regulations.

## ARTICLE 6

### Administration and Enforcement

§ 129-46. Inspection, sampling and testing of system; withholding of information.

A. The Superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all properties at reasonable times for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

B. The Superintendent or other duly authorized employee of the village are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential, provided that it establishes that the revelation to the public of the information in question might result in an advantage to it's competitors.

C. While performing the necessary work on private properties referred to in Subsection A above, the Superintendent or duly authorized employees of the village shall observe all safety rules applicable to the premises as established by the company, and the company shall be held harmless for injury or death to the village employees, and the village shall indemnify the company against loss or damage to its property by employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, S 129-41.

D. The Superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and

maintenance of any portion of the wastewater facilities lying within said easement All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

E. Duly authorized employees of the Saratoga County Health Department, NYSDOH, NYSDEC and USEPA shall be permitted access as outlined in Subsections A through D of this section for purposes of inspection, sampling, observation, measurement, testing or in the performance of their duties.

#### § 129-47. Charges; costs.

Subject to all applicable state and federal laws and/or regulations, the Village Board shall establish such charges as are required to raise the necessary revenue to defray the of debt service and capital expenditures and operation and maintenance of the wastewater treatment and collection facilities, and said shall be apportioned and billed to the users, who shall pay said bills and be subject to such penalties for failure to pay bills, as may be provided by resolution of the Village Board.

#### § 129-48. Additional rules and regulations.

The village reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which rules and regulations shall become and shall be construed as part of this chapter.

§ 129-49. Notice of violation; time for correction.

Any person found to be violating any provisions of this chapter shall be served by the village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, the period of time stated in such notice, permanently cease all violations.

§ 129-50. Penalties for offenses

Any person who shall continue any violation beyond the time limit provided for in S 129-49 of this Article shall be guilty of an offense, and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. The provisions of this section shall be in addition to and shall not preclude, enforcement by injunction or by other lawful means.

§ 129-51. Liability for expense, loc or damage.

Any person violating any of the provisions of this chapter shall become liable to the village for any expense, loc or damage occasioned the village by reason of such violation.

§ 129-52. Intermunicipal agreement.

The Village Board is authorized and empowered to enter into such agreements with other municipalities or persons to ensure that users of the village system located outside of the village shall pay an equitable portion of the capital cost

of the system, as well as applicable operation and maintenance related costs. The amount of such agreement shall be negotiated prior to connection with the village system.



## CHAPTER 132 SIGNS AND BILLBOARDS

\*\*This section of the village code was repealed and replaced by the Zoning Code of the Village of Schuylerville in the adoption of Zoning on December 8, 2021.

## CHAPTER 134 SITE PLAN REVIEW

### ARTICLE 1 General Regulations

- § 134-1 Enactment; statutory authority.
- § 134-2 Title.
- § 134-3 Purpose and findings; applicability.
- § 134-4 Function; Planning Board to review; uses requiring approval.
- § 134-5. Compliance with SEQRA.
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- § 134-9. Filing of decision.
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- § 134-11. Flood protection district.
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- § 134-21. Performance guaranty.
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## ARTICLE 11

### Telecommunications Facilities

- § 134-24. Enactment.
- § 134-25. Purpose.
- § 134-26. Statutory authority; authorization of Planning Board to act.
- § 134-27. Compliance with SEQRA.
- § 134-28. Integration of other procedures.
- § 134-29. Uses requiring approval.
- § 134-30. Definitions.

- § 134-31. Purpose of review.
- § 134-32. Applicability; exceptions.
- § 134-33. Site Plan Standards.
- § 134-34. New tower design standards.
- § 134-35. Technical review.
- § 134-36. Additional requirements and conditions.
- § 134-37. Guaranties.
- § 134-38. Review procedure; hearing; and approval process.
- § 134-39. Public hearing; additional notification procedure.
- § 134-40. Extension of time for decision.
- § 134-41. Filing of decision.
- § 134-42. Appeal procedure.
- § 134-43. Enforcement; penalties for offenses.
- § 134-44. Adoption of further rules and regulations.
- § 134-45. Amendments.
- § 134-46. Completion of improvements required.
- § 134-47. Inspections.
- § 134-48. Expiration of site plan approval. Supersession of state law.
- § 134-50. Effect on other provisions.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville as indicated in article histories. Amendments noted where applicable.]

## GENERAL REFERENCES

Planning Board — See Ch. 31.

Flood damage prevention — See Ch. 86.

Mobile homes — See Ch. 107.

Parks and recreation areas — See Ch. 114.

## ARTICLE 1

### General Regulations

[Adopted 12-28-2006 by L.L. No. 5-2006]

§ 134-1 Enactment; statutory authority.

A. The Village Board of the Village of Schuylerville, Saratoga County, State of New York does hereby enact this article Village of Schuylerville Site Plan Review.

B. This article is adopted pursuant to the powers granted to the Village of Schuylerville and contained within Municipal Home Rule Law 10(1)(ii)(e)(3) and 10 of Statute of Local Government.

§ 134-2. Title.

This article shall be known as "Village of Schuylerville  
Site  
Plan Review."

§ 134-3. Purpose and findings; applicability.

A. Through site plan review, it is the intent of this article to promote the health, safety and general welfare of the Village of Schuylerville. An attractive environment is declared to be of vital importance to the health, safety and general welfare of the inhabitants of this Village, and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Village, preservation of the historic nature of the Village and for the general welfare of its inhabitants.

B. It is further the goal of this article to ensure overall conservation, protection, preservation, development and use of the natural and other resources of the Village by regulating land use activity within the Village through review and approval of site plans.

C. It is also the intent of site plan to promote and encourage good design standards, adequate sign amenities and visual and physical qualities in residential, commercial and industrial development.

D. It is not the intent of site plan review to prohibit per se any land use activity but to allow land use activities which will meet the standards as set forth in this legislation.

E. Furthermore, this article is enacted pursuant to Municipal Home Rule Law and NYS Statute of Local Government and is deemed to specifically supersede Village Law 7-725-a. This article shall be deemed applicable review procedure

for site plan review and approval within the Village of Schuylerville.

§ 134-4. Function; Planning Board to review; uses requiring approval.

A. It is the function of site plan review to illustrate the intended design, arrangement and uses of the land to be improved and to describe the effect the proposal will have on the physical, social and economic environment of the community. Additionally, site plan is intended to promote compatible land uses within the Village.

B. The Planning Board is authorized by the Village Board to review and approve, approve with modification or disapprove site plans as prepared and presented by applicants.

C. Uses requiring approval; exceptions.

(1) All land use activities within the Village as specified within shall require site plan review and approval by the Planning Board before the project is undertaken except for those land uses specifically exempted under Subsection C(3). Prior to the issuance of any building permits, related construction approvals and certificate of occupancy, the Planning Board shall conduct a site plan review of any land use as outlined within Subsection C(2)(a) through (g).

(2) Specified land uses requiring site plan review.

a) All land use activities for commercial, business, retail, professional offices, industrial uses

manufacturing, multifamily, condominium, motel, hotel, nursing home, mobile home parks, public parklands parking lots, restaurants including drive-in, convenient food stores, and gasoline stations within the Village.

- b) All land use activities, including, but not limited to, business, retail, maritime, marina, professional offices, industrial, commercial and residential within the special flood hazard area as outlined in the Flood Insurance Rate Maps Index No. 36091COOOO and Panel 0477 as provided in Local Law No. 2-1995, Chapter 86 of the Village Code.
- c) All land use activities for residential, maritime, marina, municipal, state, federal, parklands, walking trails within 200 feet of the following: Old Canal and Champlain Canal.
- d) All federal, state, municipal and school land use activities involving new construction and/or or expansion of existing building in excess of 5,000 square feet.
- e) Conversion of single-family residential unit into three or more multifamily units.

- f) Conversion of two-family residential units into three or more multifamily units.
  - g) Conversion of any existing structure into new land use activities described in Subsection
- (3) Exempted uses. The following land use activities are exempt from the requirements of site plan review (not subject to site plan review):
- (a) Construction of one- or two-family dwellings and ordinary accessory structures and related land use activities unless within a floodplain zone and/or within 200 feet of the Old Canal and Champlain Canal.
  - (b) Ordinary repair or maintenance of existing structures or uses.
  - (c) Agricultural land uses, and the sale of local agricultural produce and temporary structures related to sale of local agricultural produce.
  - (d) Incidental landscaping, grading, soil removal, timber cutting which is not intended to be used in connection with a land use reviewable under the provisions of Subsection C(2)(a) through (g).
  - (e) Individual mobile homes unless within a floodplain zone or within 200 feet of the Old Canal and Champlain Canal.
  - (f) Exterior alterations or exterior additions to an existing residential structure



which do not substantially change its nature or use and to any commercial or industrial structure which will not increase the gross floor area of the existing structure by more than 10% within any five-year period and maintaining the same use.

(g) Interior alterations that do not substantially change the nature or use of a commercial, professional, retail, manufacturing or industrial structure.

(h) Signs under five square feet.

(4) Existing uses and structures. This article does not apply to uses and structures that are lawfully in existence as of the date this article becomes effective. Any use that would otherwise be subject to this article, which has been discontinued for a period of one year or more, shall be subject to site plan review pursuant to the terms of this article before such use is resumed. Any use or structure shall be considered to be in existence, provided that such use or structure has started construction prior to the effective date of this article and is fully constructed and completed within one year after the effective date of these regulations.

(5) Uncertain applicability. Any person uncertain of the applicability of this article (site plan review) to a proposed land use activity shall apply in writing to the Building Inspector for a written jurisdictional determination.

§ 134-5. Compliance with SEQRA.

In issuance of site plan review and approval, the Planning Board shall comply with the provisions of the State Environmental Quality Review Act and its implementing regulations.

§ 134-6. Statement of development.

Each site plan application shall contain a statement of development intent containing the names of the owners, developers and agents on the appropriate forms provided by the Village. The application of site plan approval by the Village Planning Board shall be determined by the Building Inspector upon receipt of an application for any permit, certificate or license. The Building Inspector may consult with the Village Attorney, and the Chair of Planning. The site plan application shall include information regarding:

- A. Evidence of compatibility with the Village comprehensive land use as stated in the Comprehensive Land Use Plan.
- B. Time period for completion of construction, renovation or restoration.

§ 134-7. Procedure for review.

The review of site plans is divided into three phases: pre-submission, preliminary application and final application.

- A. Pre-submission conference.

(1) The Building Inspector shall refer the applicant to the Chairman of the Planning Board, who shall schedule a pre-submission conference for the next regularly scheduled Planning Board meeting. The purpose of the pre-submission conference is to give the Planning Board and the applicant an opportunity to gain a perspective of the proposal's ramifications. This conference is beneficial to both parties because the community will gain knowledge of the applicant's intent, and the applicant will learn his/her responsibilities before either is committed to significant outlays of time or capital. The intent of such a conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan and for the Planning Board to review the basic site design concept, to advise the applicant as to potential issues, problems, and concerns and to generally determine the information to be required on the site plan.

(2) At the pre-submission conference, the applicant shall provide the Planning Board with basic data regarding the proposal. At a minimum, the applicant shall provide a map showing the important existing natural and man-made features in and around the site and a sketch plan showing the major features and components of the proposal.

(3) This phase may be waived by the Planning Board.

B. Preliminary application for site plan approval.

(1) An original application, with five copies, for preliminary site plan approval shall be made in

writing to the Planning Board. The application shall be presented no fewer than five working days prior to the next regularly scheduled Planning Board meeting or sooner if the Planning Board deems it appropriate. The preliminary application will not be accepted for review unless all requirements outlined at the pre-submission conference have been met. A fee as determined by the Village Board shall accompany the preliminary application.

(2) The application shall be accompanied by copies of the information drawn from the following checklist, as determined necessary by the Planning Board at the pre-submission conference. The required preliminary site plan shall be prepared by a licensed professional engineer, architect, land surveyor or landscape architect.

(a) Preliminary site plan checklist.

- [1] Title of the drawing, including name and address of the applicant and person responsible for preparation of such drawing. The scale of the drawing is to be determined by the Planning Board.
- [2] North arrow, scale and date.
- [3] Boundaries of the property plotted to scale, encroachments and boundary line trees six inches in caliper or greater.
- [4] Existing watercourses, composition, wetlands and floodplains.

- [5] Grading and drainage plan, showing existing and proposed contours.
- [6] Site plan showing use and height of all buildings and structures, including architectural features.
- [7] Location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto.
- [8] Provision for pedestrian access.
- [9] Location of outdoor storage, requiring or not requiring structures, if any.
- [10] Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- [11] Description of the method of sewage disposal and location of design and construction materials of such facilities.
- [12] Description of the method of securing public water and location, design and construction materials of such facilities.
- [13] Location of fire and other emergency zones, including the location of fire hydrants.
- [14] Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- [15] Location, size and design and construction materials of all proposed signage.

- [16] Location and proposed development of all buffer areas, including indication of existing vegetative cover and screening areas.
- [17] Location and design of outdoor lighting facilities.
- [18] Location and designation of the percentage amount of building area proposed for the site.
- [19] General landscaping plan and planting schedule.
- [20] Location of any nearby historic, water and visual features within the Village and region.
- [21] Land set aside for park, playground or other recreational purposes or in-lieu-of land funding for parks, parks for playgrounds or other recreational purposes if suitable area cannot be properly located on site plan property.
- [22] State Environmental Quality Review Act assessment. (Short environmental assessment form is the minimum required.)
- [23] Other elements integral to the proposed development as considered necessary by the Planning Board, identification of any state or county permits required for the project's execution.
- (b) Planning Board review of preliminary site plan application. The Planning Board's review of the preliminary site plan application shall include, but not be limited to, the following:
1. The need of the proposed use,
  2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization

structures and traffic controls generated by the proposed use and in the vicinity of the proposed use.

3. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
4. Location, arrangement, composition, appearance and sufficiency of off-street parking and loading.
5. Location, arrangement, size, design and general site compatibility of buildings, lighting and signage.
6. Adequacy of stormwater and drainage facilities.
7. Adequacy of water supply and sewage disposal facilities.
8. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
10. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
11. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to runoff, ponding, flooding and/or erosion.
12. In the case of residential development, multifamily condominium, mobile home park, apartment complex or other multiple dwelling, the adequacy of usable open space for park, play areas, playground areas and informal recreation.

13. Overall impact on adjacent land uses and physical features and impact on the neighborhood, including the compatibility of design, natural characteristics of the site or area, present and potential surrounding use.
  14. Impact on historic, water and visual features within the Village and region.
  15. Location, size, and design of signage.
  16. Retention of existing trees for protection, buffer and control of soil erosion, drainage and natural beauty.
  17. Effect on air and water quality standards applicable.
  18. Adequacy of provisions for solid waste disposal and snow removal storage areas.
- (c) Consultant review.

[1] The Planning Board may consult with the Building Inspector, Village Attorney, Public Works, County Planning Department and other local and county officials, in addition to representatives of federal and state agencies, including but not limited to the Soil Conservation Service, the State Department of Transportation, Canal Corporation, NYS Department of Health, and the State Department of Environmental Conservation.

[2] The Planning Board may hire a consultant, if needed, to review plans. Expenses incurred by the Planning Board for consultation fees or other expenses in connection with the review of a proposed site plan shall be charged to the applicant. (d) Referral to the County Planning Board.



(d) Referral to the county planning board

[1] Prior to taking action on the preliminary site plan application; the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with 239 of the General Municipal Law.

[2] If the County Planning Board disapproves the proposal or recommends modification thereof, the Village Planning Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all members and after the adoption of a resolution fully setting forth the reasons for such contrary actions.

(e) Public hearing. Before Planning Board action to approve, modify and approve, or disapprove the site plan development, a public hearing shall be held no later than 62 days following submittal of a completed application. Legal notice for the public hearing must be published in the Village's official newspaper at least five days before the public hearing. The cost of the required hearing notice to be placed in the Village's official newspaper shall be paid by the applicant.

(f) Planning Board action of preliminary site plan application.

[1] Within 62 days following a public hearing for preliminary site plan review, the Planning Board shall act on the proposal. The Planning Board shall approve, disapprove or approve with modifications the preliminary site plan

application. The Village Planning Board shall enter its reasons for such action in its records.

[2] The action of the Planning Board's action shall be in the form of a written statement to the applicant. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan application, of which conformance with said modifications shall be considered a condition of approval.

[3] If the preliminary site plan application is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

(g) The Planning Board, in conjunction with its approval of any site plan review project, may impose such requirements and conditions as are allowable within the proper exercise of police power, including the imposition of such performance bond and or letter of credit, restriction of land against further development of principal buildings whether by deed restriction, restrictive covenant or other similar appropriate means:

[1] To insure that guidelines as to the development as provided in this article shall be respected and complied with.

[2] To insure improvements completed in accordance with the terms of approval.

C. Planning Board review of final site plan application.  
After receiving approval, with or without

modifications, of the preliminary site plan application, the applicant shall submit a final detailed site plan application to the Planning Board for approval. The final site plan application shall conform substantially to the approved preliminary site plan and shall include any modifications that were required as a result of the preliminary site plan review.

(1) Planning Board action of final site plan application.

Within 62 days of the receipt of the final site plan application, the Planning Board shall approve or disapprove the final site plan application. Three copies of the final site plan application are required. The final site plan shall be prepared and sealed by a licensed professional engineer, architect, landscape architect or land surveyor.

- (a) Upon approval of the final site plan and payment of all fees and reimbursable costs, the Planning Board shall endorse its approval on all four copies of the final site plan and shall forward one copy to the Building Inspector and provide a second for filing with the County Planning Board, when applicable, and one copy for the applicant. The Village Planning Board will retain the final copy.
- (b) Upon disapproval of the final site plan, the Planning Board shall so inform the Building Inspector, and the Building Inspector shall deny the applicant a building permit. The Planning Board shall also notify the applicant, in writing, of its decision and its reasons for disapproval.

- (2) If the preliminary site plan application is approved without modifications, the final site plan application procedure may be waived by the Planning Board.

§ 134-8. Park land, recreation or funding in lieu of park area.

The site plan for a single- or multi-residential development project, condominium or mobile home park shall show on-site land for park, playground or other recreational purposes. If a suitable park or parks of adequate size cannot be properly located on the site plan, the Planning Board may require the applicant to pay a sum of money in lieu of land to be deposited in a trust fund to be used exclusively for park, playground or other recreational purposes, including acquisition of property.

§ 134-9. Filing of decision.

The decision of the Planning Board shall be filed in the Village Clerk's office within five business days after such decision is rendered and a copy of the decision mailed to the applicant.

§ 134-10. Extension of time.

The time period in which the Planning Board must render its decision can be extended by mutual consent of the applicant and the Planning Board.

§ 134-11. Flood protection district.

All site plans for development within the Flood Protection District shall be in conformance with the provisions of the FEMA Flood Insurance Study, adopted as Village Local Law No. 2-1995, Chapter 86 of the Village Code, Flood Damage Prevention, and as shown on the Schuylerville Village Map. Such proposal shall be reviewed to assure that it is consistent with the need to minimize damage, that all utilities are located to minimize damage or eliminate flood damage and adequate drainage is provided so as to reduce exposure to flood hazards.

#### § 134-12 Appeal procedure

Any person aggrieved by any decision of the Planning Board or any officer, department, board or bureau of the Village may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision in the office of the Village Clerk.

#### § 134-13. Inspection and release of bond.

Upon completion of the work depicted in the site plan, the Building Inspector shall make a field inspection, noting on one copy of the approved site plan compliance between the site plan and actual development and shall submit the same to the Village Planning Board. No performance bond or other surety shall be released, and no certificate of compliance issued unless or until the Village Planning Board is satisfied that actual development is in substantial compliance with the approved site plan. The Village shall notify the Village Board and other officials of compliance.

§ 134-14. Supersession of state law.

This local level is intended to invoke the supersession provisions of 10(1)(ii)(e)(3) of the Municipal Home Rule Law and New York Statute of Local Government 10) and shall supersede all inconsistent provisions of the NYS Village Law (including Article 7), and the NYS General Municipal Law.

§ 134-15. Effect on other provisions.

Except as noted above, this article in no way affects the provisions or requirements of any other federal, state or local law or regulations. Where this article is in conflict with any other such law or regulation, this article shall apply.

§ 134-16. Integration of other procedures.

Whenever the circumstances of proposed development require compliance with this Site Plan Review Law and with any other local law, ordinance or requirement of the Village, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this article with the procedural and submission requirements for such other compliance.

§ 134-17 Fees.

Fees provided for by this article and required building fees shall be paid in the amounts established by the Village Board.

§ 134-18. Enforcement; penalties for offenses.

Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this article or any conditions imposed by this Planning Board, Village Board or by permit pursuant hereto shall be guilty of an offense and subject to a fine of up to \$1,000 or by a civil penalty of \$750 to be recovered by the Village in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. The Village of Schuylerville may also seek such other and further relief, including, but not limited to, provisions within the Village of Schuylerville Code, NYS Village Law and General Municipal Law.

§ 134-19. Adoption of further rules and regulations.

The Village Board may, after a public hearing, adopt such further rules and regulations, as it deems reasonably necessary to carry out the provisions of this article.

§ 134-20. Amendments.

All proposed amendments should be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report to the Village Board within 30 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

§ 134-21. Performance guaranty.

No certificate of occupancy shall be issued until all improvements shown on the site plan are completed, installed or a sufficient performance guaranty has been posted for improvements not yet completed. The Village Board shall determine the sufficiency of such performance guaranty after consultations with the Planning Board, Building Inspector, Village Attorney and other appropriate parties.

§ 134-22. Inspection.

The Building Inspector shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board and other officials and agencies, as appropriate.

§ 134-23. Expiration of approval; extension.

Site plan approval shall expire after one year of the date of the site plan if actual construction has not commenced by the applicant. The Planning Board may extend this site plan application approval for good cause for another six months upon written request of the applicant.

## ARTICLE 11

### Telecommunications Facilities

[Adopted 3-28-2007 by L.L. No. 1-20071]

§ 134-24. Enactment.

The Village Board of the Village of Schuylerville, Saratoga County, State of New York, does hereby enact this article, "Village of Schuylerville Site Plan Review for Telecommunications Facilities."



§ 134-25. Purpose.

The Village of Schuylerville, Saratoga County, State of New York hereby declares that the purpose of this article is to:

- A. Establish standards for the siting of telecommunications towers and antennas within its Village;
- B. Encourage the use of existing structures as an alternative to new tower construction;
- C. Encourage the joint use of towers;
- D. Encourage the design and construction of towers and antennas that minimize adverse visual impacts;
- E. Ensure compliance of all telecommunications facilities with current federal, state, county and local regulations;
- F. Facilitate the provisions of wireless telecommunications services; and
- G. Prevent harm to the health, welfare and visual environment of the Village and its citizens.

§ 134-26 Statutory authority authorization of Planning Board to act.

- A. This article is adopted pursuant to the powers granted to the Village of Schuylerville and contained within the Municipal Home Rule Law 10(1)(ii)(e)(3) and 10 of Statute of Local Government. This article shall be deemed to specifically supersede Village Law 7-725a. This article shall be deemed to specifically supersede Local Law No. 5 of 2006 except where specific

references to Local Law no 5 of 2006 are addressed and incorporated herein.

- B. The Planning Board is hereby authorized to review and approve with modifications and conditions or disapprove site plans for the proposed projects as herein defined.

#### § 134-27 Compliance with SEQRA

In issuance of site plan review and approval, the Planning Board shall comply with the provisions of the State Environmental Quality Review Act and it's implementing regulations,

#### § 134-28. Integration of other procedures.

Whenever the circumstances of proposed development require compliance with this Site Plan Review Law and with any other local law, ordinance or requirement of the Village, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this article with the procedural and submission requirements for such other compliance.

#### § 134-29. Uses requiring approval.

- A. No commercial communications/radio tower shall hereafter be constructed, used, erected, moved, reconstructed, changed or altered unless approved by the Planning Board in conformance with this article.
- B. No existing structure shall be modified to serve as commercial communications/radio tower unless

approved by the Planning Board in conformance with this article.

§ 134-30. Definitions.

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

**ACCESSORY FACILITY** — An accessory facility serves the principle use, is subordinate in area, extent and purpose to the principle use, and is located on the same lot as the principle use. Examples of such facilities include transmission equipment and storage sheds.

**ANTENNA**— A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include, but not be limited to, radio navigation, radio, television, wireless and microwave communications. The frequency of these waves generally ranges from 10 hertz to 300,000 megahertz.

**TELECOMMUNICATIONS TOWER**— A structure on which transmitting and/or receiving antenna(s) are located.

§ 134-31. Purpose of review.

- A. The purpose of this site plan review is to promote the health, safety and general welfare of the residents of the Village, to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations, and to protect the natural features and historic, aesthetic character of the Village of Schuylerville with special attention to visual, historic and scenic values of the

Saratoga Monument, national parkland, Village park, Fort Hardy Park, Champlain Canal, Old Canal, and surrounding mountains.

- B. The views of, and vistas from, such historic structures, historic corridors historic districts, parklands, and monuments shall not be impaired or diminished by the placement of telecommunications towers and antennas.
- C. This article is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services nor shall it be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations but to minimize adverse visual effects from telecommunications towers by requiring careful siting, visual impact assessment and appropriate landscaping.

§ 134-32. Applicability; exceptions.

- A. No transmission tower shall hereafter be constructed, used, erected, moved, reconstructed, changed or altered except after approval by the Planning Board under this article.
- B. No existing structure shall be modified to serve as a transmission tower unless approved by the Planning Board under this article.
- C. This article shall apply to all property within the Village.
- D. Exceptions to this article are limited to:
  - (1) New uses, which are accessory to residential uses (limit of 25 feet).

- (2) Lawful or approved uses existing prior to the effective date of this article.
- E. Where this article is in conflict with other laws and regulations of the Village, the more restrictive shall apply, except for tower height restrictions, which are governed by this article.
- F. Wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance.

## § 134-33. Site Plan Standards.

### A. Site plan submittal.

- (1) An applicant shall be required to submit a site plan accompanied by site plan application form and a fee of \$2,500.
- (2) The site plan shall show all existing and proposed structures and improvements, including roads, and shall include grading plans for new facilities and roads.
- (3) Elevations of existing and proposed structures showing width, depth and height of the telecommunications facility as well as the specifications of the antenna(s) and support structure shall be presented.
- (4) The site plan shall also include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antennas and justification for any land or vegetation clearing required.

- (5) The plot plan should be at a scale of not less than one inch is equal to 100 feet.
- (6) The plan shall indicate all buildings within 400 feet of the proposed facility.
- (7) Aerial photos and or renderings may be submitted along with the plot plan.
- (8) The applicant shall present documentation that the tower is designed in accordance with the standards established in the use regulations section of the wireless telecommunications facilities section of the Zoning Code.
- (9) The applicant shall demonstrate that the proposed tower complies with all Federal Aviation Administration regulations concerning safety.
- (10) The applicant shall demonstrate that the proposed tower complies with all Federal Communications Commission regulations addressing radio frequency emissions standards.
- (11) Wireless telecommunications towers and antennas shall be designed to withstand sustained winds of at least 80 miles per hour.
- (12) Soil report complying with the standards of ANSI/EIA 222-f (Annex 1 Geotechnical Investigations for Towers), as amended shall be submitted to the Planning Board and Building Inspector to document and verify the design specifications of the foundation for the tower, and anchors for the guy wires, if used
- (13) A report prepared by a licensed professional engineer shall be included with the submitted application and shall contain the height, design and

proof of compliance with nationally accepted structural standards published by the American National Standards Institute electronic Industry Association Section 222-F, as amended.

- (14) The ANSI/EIA Section 222-F (Annex H: Commentary on Ice Design Criteria for Communications Structures) shall be consulted for ice load specifications.
- (15) Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that vehicular access is provided to the facility.

B. Visual assessment.

- (1) Additionally, the Planning Board shall require that the site plan include a completed visual environmental assessment form (visual EAF) and a landscaping plan addressing other standards listed within this section with particular attention to visibility from key viewpoints within and outside of the municipality as identified in the visual EAF.
- (2) The Planning Board shall require submittal of a more detailed visual analysis based on the results of the visual EAF and for projects with proposed new towers.
- (3) The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modifications of an existing tower that will increase the height of the existing tower.

- (4) Construction of a new tower or modification of an existing tower shall be subject to the guidelines and criteria below that are determined by the Planning Board.
  - (a) Assessment of before-and-after views from key viewpoints both within and outside of the Village, minimum distance of one mile, including state highways and other major roads, from state and local parks, national parks other public lands, from any privately owned preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of residents. Assessment shall include at least one representative of before and after views. This should be accompanied by a visibility map, scale indicating where the tower will be visible within a one-mile radius.
  - (b) Assessment of tower designs and color schemes.
  - (c) Assessment of visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.
- C. Evaluation of all alternatives to the construction of towers to facilitate commercial communications. The Planning Board shall require the applicant to provide and evaluate all feasible alternatives and technologies



available, which will facilitate wireless and commercial radio/communication without the need to construct new communications towers.

- (1) Shared use. At all times, shared use of existing towers shall be preferred to the construction of new towers.
  - (a) An applicant proposing to share use of an existing tower shall be required to document agreement by an existing tower owner to allow shared use.
  - (b) An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include, but are not limited to, structural reinforcement, preventing transmission or receiver interference, additional site screening, and other changes including real property acquisition or lease required to accommodate shared use.
- (2) Preexisting structures. Additionally, where such shared use is unavailable, location of antennas on preexisting structures shall be considered. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other preexisting structures as an alternative to a new construction.
- (3) Shared usage at existing site with new tower. Where shared usage of an existing tower is found to be

impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses.

- (4) New tower at new location.
  - (a) The Planning Board may consider a new commercial communications/radio tower where the applicant demonstrates that shared usage of an existing tower is impractical.
  - (b) In order to be considered for review, the applicant must prove that a newly constructed tower is necessary in that opportunities for collocation on an existing tower is not feasible.
  - (c) The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why the tower and this proposed site is technically necessary.
  - (d) The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical.
  - (e) Written requests and responses for shared use shall be provided.
  - (f) Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who

supply service within  $\frac{1}{4}$  to  $\frac{1}{2}$  mile of the proposed facility.

(g) The applicant shall inquire about potential collocation opportunities at all technically feasible locations.

(h) The contacted providers shall be requested to respond in writing to the inquiry within 30

(i) The applicant's letter(s) as well as the response(s) shall be presented to the Planning Board as a means of demonstrating the need for a new tower.

(5) Future shared usage of new towers. The applicant must examine the feasibility of designing a proposed commercial and wireless and communications radio tower to accommodate future demand for wireless and commercial broadcasting and reception facilities. The Planning Board shall determine the scope of this analysis. This requirement may be waived, provided the applicant demonstrates that provisions of future shared usage of the facility are not feasible and an unnecessary burden, based upon:

- a. The number of Federal Communication Commission (FCC) licenses foreseeably available for the area;
- b. The kind of tower site and structure proposed;
- c. The number of existing and potential licenses without tower spaces;
- d. Available spaces on existing and approved towers; and
- e. Potential adverse visual impact by a tower designed for shared usages.

D. Setbacks. Towers and antennas shall comply with any existing setbacks within the Village. Additionally the Planning Board may require setbacks to contain on-site substantially all ice-fall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts, including guy wire anchors, and to any accessory facilities.

E. Visibility.

- (1) All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.
- (2) Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green, black or similar colors designed to blend into the natural surroundings below the surrounding tree line unless other standards are required by the FAA. In all cases, structures offering slender silhouettes (i.e., monopoles or guyed tower) shall be preferable to freestanding structures except where such freestanding structures offer capacity for future shared use.
- (3) Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.
- (4) Towers shall not contain any advertising signage or commercial banners.

- (5) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
- F. Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to approval. Clear-cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
- G. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required.
  - (1) For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least 10 feet in height within two years of planting shall be provided to effectively screen the tower base and accessory facilities.
  - (2) In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.
  - (3) Security fencing at least eight feet in height surrounding the tower, equipment facility, guy wires, either completely or individually, may be required by the Planning Board.
  - (4) No trespassing sign shall be posted around the facility with a telephone number of who to contact in the event of an emergency.

#### H. Access and parking.

(1) .A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objectives of this subsection.

(2) Adequate parking shall exist for maintenance purposes.

#### § 134-34. New tower design standards.

Alternate designs shall be considered for new towers, including lattice, single poles, and concealment structures. The design of a proposed new tower shall comply with the following:

- A. Unless specifically required by other regulations. All towers shall have a neutral, earth tone or similar painted finish that will minimize the degree of visual impact that the new tower may have.
- B. The maximum height of any new tower, or any tower in existence intended to be used as a commercial communications/radio tower, shall not exceed that which will permit operations without

artificial lighting of any kind or nature, in accordance with municipal, state and/or federal law and/or regulation.

- C. Any new tower shall have the minimum height needed to provide future shared usage, but artificial lighting of any kind shall be prohibited.
- D. Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

§ 134-35. Technical review.

The Planning Board, upon receipt of the application, shall seek a review of the application and project from a qualified communication consultant, engineering firm and other technical consultants. The applicant shall reimburse the Village the cost of this review by the consultants described in the above sentence and any other consultant which is required by the Planning Board for purposes of review under this article.

§ 134-36. Additional requirements and conditions.

The Planning Board may require, in conjunction with its approval of any site plan review project under this article, such requirements and conditions as are allowable within the proper exercise of police power, including the imposition of conditions such as maintenance bond, performance bond and or letter of credit, restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means:

A. To insure that guidelines as to the development as provided in this article shall be respected and complied with.

B. To insure improvements completed in accordance with the terms of approval.

§ 134-37. Guaranties.

A. Maintenance and/or performance bond.

(1) The Planning Board, upon a recommendation from the Village Board, may require the applicant and/or owner to post and file with the Village Clerk of the Village of Schuylerville at time of approval of any application and/or license, a maintenance and/or performance bond in an amount sufficient to cover the cost of installation.

(2) The amount required shall be determined at the sole discretion of the Planning Board based upon the unique characteristics of the tower and site.

(3) In furtherance of the foregoing, the applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application to accomplish the foregoing.

B. Removal of facilities; cash or irrevocable letter of credit. The Planning Board may require the owner of the facility to establish a cash security fund in an amount equal to the cost of removing the following items or provide the Village with an irrevocable letter of credit in the same amount to secure the cost of removing an antenna, antenna array or tower that has been abandoned. The amount required shall be



determined at the sole discretion of the Planning Board based upon the unique characteristics of the tower and site.

C. Discontinuance; transfer; sale of facility.

(1) The applicant and or successor in interest shall agree to notify the Village Clerk and Village Building Department 60 days in advance of the discontinuance of the use of the tower.

(2) Obsolete or unused towers and accessory structures shall be removed from any site within 120 days of discontinuance. Failure to notify shall result in a civil fine of \$500. Failure to remove the obsolete or unused towers in accordance herein shall be a violation of this article and shall be subject to a fine not to exceed \$250 per day for each day of violating this provision.

(3) In the event of a transfer of ownership, the seller shall be responsible for notifying the buyer of these requirements and conditions and for notifying the Village Clerk 60 days in advance of the transfer.

§ 134-38 Review procedure; hearing; and approval process.

The required Planning Board process for cell tower application and review procedure, timetable, public hearing and decision is contained within Local Law No. 5 of 2006 and is herein incorporated and made part of this article. <sup>2</sup>

§ 134-39 Public hearing; additional notification procedure.

- A. A public hearing for all projects under this article is required. The required procedure for conducting such a public hearing is contained within Local Law No. 5 of 2006.<sup>3</sup>
- B. In addition to the above public hearing requirement as outlined in Local Law No. 5 of 2006, the applicant shall also be required to mail at his or her expense, by certified mail, return receipt requested, notice of the public hearing notice directly to all landowners whose property is within 500 feet of the property line of the parcel on which a new tower is proposed.
- C. Notice shall also be mailed by the applicant at his/her expense to the following organizations:
  - (1) Fire Chief of the Village of Schuylerville Fire Company.
  - (2) President of the Village Schuylerville Emergency Squad.
  - (3) Sheriff of Saratoga County.
  - (4) Saratoga County Emergency Services.
  - (5) Saratoga County Fire Coordinator.
  - (6) Saratoga County Emergency Medical Services Council.
  - (7) Director of New York State Emergency Management Office.
  - (8) Village of Schuylerville and Town of Saratoga Emergency Coordinator.

(9) Administrators at Albany County International Airport and Warren County Airport.

(10) Administrator of any municipal, state and federal parklands from which the proposed tower may be visible if constructed.

(11) New York State Police.

(12) New York State Department of Transportation.

D. Notice must contain the purpose of the hearing, date, time and location of the public hearing and must be mailed at least 10 business days prior to the public hearing.

E. Documentation of this notification shall be submitted to the Planning Board prior to the public hearing.

#### § 134-40. Extension of time for decision.

The time period in which the Planning Board must render its decision can be extended by mutual consent of the applicant and the Planning Board.

#### § 134-41. Filing of decision.

The decision of the Planning Board shall be filed in the Village Clerk's office within five business days after such decision is rendered and a copy mailed to the applicant within five days of filing.

#### § 134-42. Appeal procedure.

Any person aggrieved by any decision of the Planning Board or any Officer, department, board or bureau of the Village may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision in the office of the Village Clerk.

§ 134-43. Enforcement; penalties for offenses.

A. Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this article or any conditions imposed by this Planning Board, Village Board or by permit pursuant hereto shall be guilty of an offense and subject to a fine of up to \$1,000 or by a civil penalty of \$750 to be recovered by the Village in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

B. The Village of Schuylerville may also seek such other and further relief, including, but not limited to, provisions within the Village of Schuylerville Code, NYS Village Law, and the General Municipal Law.

§ 134-44. Adoption of further rules and regulations.

The Village Board may, after a public hearing, adopt such further rules and regulations, as it deems reasonably necessary to carry out the provisions of this article.

§ 134-45. Amendments.

All proposed amendments to this article should be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report to the Village Board within 30 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

§ 134-46. Completion of improvements required.

No certificate of occupancy shall be issued until all improvements shown on the site plan are completed, installed or a sufficient performance guaranty has been posted for improvements not yet completed as provided for under 134-36 of this article.

§ 134-47. Inspections.

A. The Building Inspector shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board and other omcials and agencies, as appropriate.

B. Upon completion of the work depicted in the site plan, the Building Inspector shall make a field inspection, noting on one copy of the approved site plan compliance between the site plan and actual development and shall submit the same to the Village Planning Board.

C. No performance bond or other surety shall be released and no certificate of compliance issued unless or until the Village Planning Board is satisfied that actual development is in substantial compliance with the

approved site plan. The Village shall notify the Village Board and other officials of compliance.

§ 134-48. Expiration of site plan approval.

Site plan approval shall expire after one year of the date of the site plan if actual construction has not commenced by the applicant. The Planning Board may extend this site plan application approval for good cause for another six months upon written request of the applicant.

§ 134-49. Supersession of state law.

This article is intended to invoke the supersession provisions of 10(1)(ii)(e)(3) of the Municipal Home Rule Law and New York Statute of Local Government (S 10) and shall supersede all inconsistent provisions of Schuylerville Village Code, the NYS Village Law (including Article 7), Local Laws of the Village of Schuylerville and the NYS General Municipal Law.

§ 134-50. Effect on other provisions.

Except as noted above, this article in no way affects the provisions or requirements of any other federal, state or local law or regulations. Where this article is in conflict with any other such law or regulation, this article shall apply

## CHAPTER 138 STREETS AND SIDEWALKS

- § 138-1. Sidewalk construction specifications.
- § 138-2. Maintenance of sidewalks.
- § 138-3. Encumbrances, sales and signs.
- § 138-4. Permission required for certain construction, encumbrances and projections.
- § 138-5. Removal of snow and ice from sidewalks; clearance of other obstructions; cost of work done by village.
- § 138-6. Use of streets, sidewalks and other public facilities.
- § 138-7. Storage of construction or excavation material in streets; permission required; bond.
- § 138-8. Injury to and excavation of streets; bond; indemnification of village
- § 138-9. Proper restoration of street required.

- § 138-10. Barricades and lights required around excavations near streets.
- § 138-11. Digging into or across sidewalks; permission required; maintenance.
- § 138-12. Fencing and lighting required around excavations in streets.
- § 138-13. Permit required for placement of building materials in streets; conditions.
- § 138-14. Cellarways and stairways; trap doors.
- § 138-15. Interference with lanterns, barriers, stakes or monuments.
- § 138-16. Awnings and projections.
- § 138-17. Recreational use of streets.
- § 138-18. Throwing snowballs.
- § 138-19. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville 3-11-1929 as Sec& 6, 7, 12, 13, 14, 15, 16, 17, 20, 21, 23, 31 and 72 of the 1929 ordinance. 138-2, 138-5B, 1386, 138-8 and 138-9 amended and 138-19 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendment noted where applicable.]

## GENERAL REFERENCES

Advertising materials- See Ch. 44.  
Moving of buildings -See Ch.  
56.  
Mass gatherings - See Ch. 95.



Poles and wires• -See Ch. 119.  
Signs and billboards - See Ch. 132.  
Vehicles and traffic- See Ch. 151.

#### § 138-1. Sidewalk construction specifications.

Sidewalks shall be constructed on both sides of the streets of the village, of cement and not less than four (4) feet in width and four (4) inches in thickness. The mixture shall be either of good washed gravel, five-to-one mixture, or of three (3) parts crushed rock, two (2) parts good sand and one (1) part of cement. The wearing surface, one (1) inch thick, shall be of two to one mixture.

#### § 138-2. Maintenance of sidewalks.

Such sidewalks and all repairs to same shall be made by the owners or occupant of the premises adjoining such walks (unless otherwise provided), always under the supervision of the working foreman and the Board of 'frustes. In such owner or owners shall neglect to construct such walks as directed by the Village Board, the working foreman shall construct or repair such walk, and the expense thereof shall be collected by the village against such owner or occupants in the manner prescribed by law.

#### § 138-3. Encumbrances, sales and signs.

It shall be unlawful for any person to encumber the sidewalks, streets, alleys or lanes of the Village of Schuylerville, with casks, boxes or other articles or to pile or store on any sidewalk, street, alley or lane any boxes or other article It shall not be lawful for the owner or occupant of any premises in the Village of Schuylerville to erect or permit to be placed in or upon the street or

sidewalk in front of or on any side of such premises any sign, pole, stepping block, bootblack stand, bicycle rack or canopy; nor shall anyone be permitted to carry on any business or trade upon the sidewalk in said village nor shall any sign or advertisement be inserted in or placed on the surface of any sidewalk or highway.<sup>2</sup>

§ 138-4. Permission required for certain construction, encumbrances and projections.

Any person or persons shall not hereafter erect or cause to be erected any building or other fixture or place any encumbrance in or upon or which shall project into or over the line of any public square, street or alley within this village without first securing permission from the Board of Trustees.

§ 138-5. Removal of snow and ice from sidewalks; clearance of other obstructions; cwt of work done by village.

- A. It shall be unlawful for any occupant of any house or building in the Village of Schuylerville to permit the sidewalks or gutters in front of the premises owned or occupied by him, her or it to become in any manner obstructed by the accumulation of snow, ice and dirt thereon, and such occupant or owner shall remove the snow or ice from such sidewalk for the whole width thereof and from the gutters for a space of twenty (20) inches from the curb line, within eight (8) hours after any fall of snow which shall cease in the daytime, and before 12:00 noon of the day following any such fall of

snow, and before any such fall of snow shall obtain the depth of twelve (12) inches, and in case the snow and ice becomes so congealed that the same cannot be removed without injury to the pavement, to cause such snow and ice to be sprinkled with fine ashes or sand, and also at all other times to keep such sidewalks free and clear from all dirt, filth or other obstructions and encumbrances, in order to allow and permit all persons to have the free and uninterrupted use of the same.

- B. In such owner or occupant shall neglect or refuse to clean such sidewalks within the time and manner specified herein, the working foreman shall, in such proceed to clean the same without notice to such owner or occupant and the expense thereof shall be charged against the property and shall be collected by the village.'

§ 138-6. Use of streets, sidewalks and other public facilities.

No person shall obstruct, keep or use any part of any street, walk, lane, public square or other ground, or any gutter, sewer, drain, brook, watercourse or public reservoir, in any manner or for any other purpose than is authorized by law or by the law of this village.

§ 138-7. Storage of construction or excavation material in street; permission required; bond.

- A. No person or persons engaged in the erection of any building or structure or in excavating for any cellar, wall or sewer or other excavation, shall occupy or

use any portion of any street, alley or public place of the Village of Schuylerville with any building material or substance nor with any material or substance formed by such excavation without first obtaining the consent of the Board of Trustees; no person or persons shall thus occupy such street, alley or public place any longer than is reasonable to construct such buildings or to make any such as mentioned aforesaid, nor for any period longer than that permitted by the Board of Trustees; such use of a street, alley or public place shall be subject to such rules and regulations as the Board shall prescribe. In every case where permission shall be granted as aforesaid, the gutters along such street, alley or public place shall be kept entirely free and clear of all obstruction.

- B. Any person or persons permission to use a street, alley or. public place of the Village of Schuylerville for the purpose hereinabove set forth shall, if required by the said village, give a bond to the said village to indemnify it against any damage, costs or expense that may arise from the use of such street, alley or public place by such person or persons.'

§ 138-8. Injury to and excavation of street; bond; indemnification of village.<sup>7</sup>

No person other than an employee of the village in the course of his employment, shall injure or tear up any street or cross walk, or dig any hole or trench in any street, without first obtaining a permit in writing from the Board of Trustees. Any person who shall tear up the pavement of any street, or dig any hole or trench in any street, shall

restore such street and pavement to as good condition as it before and shall keep and the same in such condition for a period of one (1) year thereafter, and such pavement shall be re-laid under the direction and to the satisfaction of the working foreman; and as a condition to the granting of the consent above-mentioned, the said working foreman must require the applicant to furnish a proper and sufficient bond to the Village of Schuylerville conditioned for the restoration of the streets and pavements to good condition as it ~~was~~ before such opening, and for iO maintenance in such condition for one (1) year thereafter; and also conditioned to indemnify' the village against all damage or claims for damages, suits, actions or judgments and executions that may be brought against it by any person, for or on account of injuries to persons or property resulting therefrom or in anywise connected such opening or excavation.<sup>8</sup>

§ 138-9. Proper restoration of streets required.

A. In case an excavation made or caused to be made by any person is closed in such a manner as to leave the street in a condition which, in the opinion of the working foreman, is not the same as such street or pavement in before such excavation was made, said working foreman shall report such condition to the Board of Trustees, who may require the person so offending, by written notice upon him, to restore, within the time specified, the portion of the street left defective to its former condition.

B. In case a person neglects or refuses to restore said street to its former condition within the time specified in such notice, in that event the Board of Trustees will direct the working foreman to do

such work, and the expense incurred must be paid by the party who made the excavation.

§ 138-10. Barricades and light required around excavations near

Any person making, or causing to be made, any excavation within five (5) feet of Ole line of any street shall erect and maintain, at all times, substantial barriers, at least three (3) feet in height, between said street and excavation, and between sunset and sunrise keep a lighted red lantern placed upon such barriers, so as to properly warn all persons of such excavation.

§ 138-11 Digging into or across sidewalks; permission required; maintenance

No person shall dig into or across the sidewalk in front of the premises owned or occupied by him, or in front of any other premises, or shall cause the same to be done, until the owner or occupant thereof shall obtain the permission of the Mayor, in writing, which permission shall state the purpose for which said is to be done, and such person, after digging, shall put the sidewalk and gutter in as good condition they were in before and shall the same for six (6) months thereafter in such good condition and to the satisfaction of the Mayor.

§ 138-12. Fencing and lighting required around excavations in

Any person making or causing to be made an excavation in any street shall, between sunset and sunrise on every night that the same remains open, keep the same fenced and a lighted red lantern or lanterns placed so as to properly warn all persons of such excavations.<sup>12</sup>

§ 138-13. Permit required for placement of building materials in streets; conditions.

No person shall place or cause to be placed in any streets, materials for building or any other purpose without a permit so to do in writing, from the Board of Trustees. No permit shall be for a longer period than one (1) month, nor shall it authorize the obstruction of more than one-third ( $1/3$ ) of the sidewalk, or more than six (6) feet in width of the adjoining the lot upon which such materials are to be used, or the placing of such materials nearer than four (4) feet to any street railway track. In special and peculiar cases, the Board of Trustees may, upon proper application and proof of necessity and upon conditions to be prescribed by it, grant special permission for a limited time. Any person getting such permit shall cause proper barriers and guards to be erected around such materials, sufficient to secure public safety. All materials and rubbish arising therefrom shall be removed from the street upon the expiration of the term of said permit or upon revocation thereof. Any permit may be revoked at any time by the board of trustees.

§ 138-14. Cellarways and stairways; trap doors.

Any person who shall construct or cause to be constructed a cellarway or stairs leading into any cellar from any street or sidewalk shall first get permission, in writing, of the Board of Trustees and shall construct said stairway in accordance with the plans and specifications approved by the Board. No trapdoor covering such cellarway shall be kept open except while receiving or delivering goods, wares or merchandise."

#### § 138-15 Interference with lanterns, barriers, stakes or monuments

No unauthorized person shall remove or cause to be removed or in any way interfere with any lantern, barrier or guard erected for public safety, or with any stake or monument placed to locate the line of any street, sidewalk or public improvement in this village.

#### § 138-16. Awnings and projections

A. No person shall hereafter erect any awning of any material, except cloth, over any sidewalk in The Village of Schuylerville.

B. No person shall erect, hang or maintain any awning any sidewalk, un— the same and its fixtures and flaps are at least six (6) feet in üie clear above the surface of such sidewalk, nor shall such awning extend more than seven (7) feet from the building to which it is attached, and no person shall suspend or place any ware, goods or merchandise in front of any store, shop or other building, so as to obstruct the free passage of any sidewalk or street



C. Goods, and merchandise may be placed or suspended against the wall of any building, provided that they do not project from the building so to interfere with the free use of the sidewalk, but in no case shall goods, wares and merchandise project from the building line over or upon said sidewalk or street more than four (4) feet.

D. All awnings now erected and in use that are less than seven (7) feet in the clear above the surface of the sidewalk, or that extend more than seven (7) feet from the building to which it is attached, Shall be removed at once.

#### § 138-17. Recreational use of street.

All coasting, sliding, playing ball or rolling of iron hoops upon the sidewalks or in the streets of this village is hereby prohibited.

#### § 138-18. Throwing snowballs.

All persons are prohibited from throwing snowballs in the streets of the village.

#### § 138-19. Penalties for offenses.

A violation of this chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

## CHAPTER 143 TAXATION

### ARTICLE 1

#### Alternative Veterans Exemption

§ 143-1. Purpose.

§ 143-2. Exemption.

§ 143-3. Additional exemption for combat veterans.

§ 143-4. Additional exemption for disabled veterans.

### ARTICLE 2

#### Senior Citizens Exemption

§ 143-5. Grant of exemption.

§ 143-6. Eligibility.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville: Art. I, 341985 by T. No. 1-1985; Art. 11, 7-11-1994 by L.L. No. 1-1994. Amendments noted where applicable.]

## ARTICLE 1

### Alternative Veterans Exemption

[Adopted 3-4-1985 by L.L. No. 1-1985]

#### § 143-1. Purpose.

The purpose of this article is to reduce the maximum veterans exemption allowable pursuant to 458-a of the Real Property Tax Law of the State of New York.

#### § 143-2. Exemption.

Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the value of such property; provided, however, that such exemption shall not exceed the lesser of six thousand dollars (\$6,000.) or the product of six thousand dollars (\$6,000.) multiplied by the latest state equalization rate for the Village of Schuylerville.

#### § 143-3. Additional exemption for combat veterans.

In addition to the exemption provided by 143-2, where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property shall be exempt from taxation to the extent of ten percent (10%) of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of four thousand dollars (\$4,000.) or the product of four thousand dollars (\$4,000.) multiplied

by the latest state equalization rate for the Village of Schuylerville.

§ 143-4. Additional exemption for disabled veterans.

In addition to the exemptions provided by 143-2 and 143-3, where the veteran received a compensation rating from the United States Veterans Administration because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent (50%) of the veteran's disability rating; provided, however, that such exemption shall not exceed the lesser of twenty thousand dollars (\$20,000.) or the product of twenty thousand dollars (\$20,000.) multiplied by latest state equalization rate for the Village of Schuylerville.

ARTICLE 11

Senior Citizens Exemption

[Adopted 7-11-1994 by LL. No. 1-1994]

§ 143-5. Grant of exemption.

There is hereby granted a partial tax exemption to the extent of 50% of the assessed valuation of residential real property located within the Village of Schuylerville which is owned by certain persons with limited incomes who are 65 years of age or over or, in the case where said real property is owned by husband and wife, one of whom is 65 years of age or over, and who meet the requirements set forth in 467 of the Real Property Tax Law.

§ 143-6. Eligibility.

To be eligible for this exemption, the income of the owner, or the combined income of the owners, may not exceed \$11,500 for the income tax year immediately preceding the date of application. Where title is vested in either the husband or wife, their combined income may not exceed such sums

## CHAPTER 148 TREES

- § 148-1. Definitions.
- § 148-2. Penni—ion required for certain act.
- § 148-3. Trimming of trees.
- § 148-4. Trimming of shrubs or bushes. }
- § 148-5. Poplar and willow trees.
- § 148-6. Authority of village.
- § 148-7. General regulations.
- § 148-8. Trees in new developments.
- § 148-9. Off-street parking areas.
- § 148-10. Planting procedure.
- § 148-11. Penalties for offenses.

[HISTORY]: Adopted by the Board of Trustees of the Village of Schuylerville at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

- § 148-1. Definitions.

As used in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the meanings indicated:

PERSON — Any individual, firm, co-partnership, association or corporation other than the village or a public corporation.

SITE PLAN — A plan prepared by a legally qualified engineer, architect, landscape architect or surveyor, showing in detail and at a convenient scale the applicant's entire property, buildings and their uses, parking and truck loading areas, site improvements and other pertinent information.

SUBDIVISION — Any tract of land which is hereafter subdivided into two (2) or more parcels along an existing or proposed street, highway, or right-of-way, for sale or for rent as residential lots or residential building plots, regardless of whether or not the lots or plots to be sold or offered for sale or leased for any period of time are described by metes and bounds or by reference to a map or survey of the property or by any other method of description.

VILLAGE — The Incorporated Village of Schuylerville.

§ 148-2. Permission required for certain acts.

No persons, firm or corporation or the Officers or employees of a corporation shall, without written consent from the of Trustees of the Village of Schuylerville, remove, destroy, cut, break or injure any tree, plant or shrub or portion thereof that is planted or growing in or near any public sidewalk, street, avenue or other public place within the of Schuylerville or cause, authorize or procure any persons to destroy, cut, break or injure any

such tree or shrub or portion thereof; or injure, misuse or remove, or cause, authorize or procure any persons to injure, misuse or remove, any device set for the protection of any tree, plant or shrub in or near public sidewalks, streets, avenues and public places of the village. Any person, firm or corporation, or officer or employee of the corporation desiring, for any lawful purpose, to remove, destroy, cut, prune, treat with a view to its preservation from disease or insect or to trim any tree, plant or shrub in or near any public sidewalk, street, avenue or public place shall make application in writing to the Board of Trustees of the village. Such application must state the number and kind of trees to be trimmed, removed or treated and the kind and conditions of the nearest trees upon the adjoining property. If, in the judgment of the Board of Trustees, the desired removing, cutting, pruning, treatment or trimming shall appear necessary, the Board of Trustees may thereupon issue written permission for such work.

#### § 148-3. Trimming of trees.

Trees standing in or near public sidewalks, streets, avenues and public places of the Village of Schuylerville and on any lot or land adjacent to any public sidewalk, street, avenue or public place and having branches projecting into the public sidewalk, street, avenue or public place, shall be kept trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so that the lowest branches shall not be less than ten (10) feet from the ground. In case the owner or owners, occupant or occupants shall neglect or refuse to trim such tree or trees on being notified in writing to do so by the Board of Trustees of the village, after ten (10) days from the date of such written notice, the Board of Trustees



may cause the trimming to be done and the cost therefor to be collected from such owner or occupant.

§ 148-4. Trimming of shrubs or bushes.

Shrubs or bushes standing in or near sidewalks, streets, avenues and public places of the Village of Schuylerville and on any lot or land adjacent to any public sidewalk, street, avenue or public place, shall be kept trimmed by the owner or owners, occupant or occupant of the property on or in front of which such shrubs and bushes are growing so that they shall not constitute a danger to or interfere in any manner with the visibility of persons using said public sidewalk, street, avenue or public place of said village. In case the owner or owners, occupant or occupants shall neglect or refuse to trim shrubs or bushes in accordance with this section on being notified in writing to do so by the Board of Trustees, said Board of Trustees, after ten (10) days from the date of such written notice, may cause the trimming to be done and the cost therefor to be collected from such owner or occupant

§ 148-5. Poplar and willow trees.

No person, firm or corporation shall hereafter plant any poplar or willow trees in or near any public sidewalk, street, avenue or public place of the village or anywhere within the limits of the village, the roots of which will penetrate over, on or under the surface of any sidewalk, street, avenue or public place.

§ 148-6. Authority of Village

The Board of Trustees of the Village of Schuylerville shall have the right to plant, trim, preserve and remove trees, and shrubs within the public line of all sidewalks, streets avenues and public places as may be necessary to ensure safety or preserve the symmetry and beauty of such public grounds. The Board of Trustees may 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 any public improvement or is affected with any injurious fungus, insect or other pest. Whenever, in the opinion of the Board of Trustees, the trimming, treatment or removal of any tree or shrub located on private grounds shall be deemed necessary in the interest of public safety or to ensure the safety and preservation of public grounds and improvements, such Board of Trustees shall notify the owner or owners, occupant or occupants of the property on which the tree stands, in writing, to do so. In case the owner or owners, occupant or occupants shall neglect or refuse to do so after ten (10) from the date of such written notice, the Board of Trustees may cause the trimming, treatment or removal to be done and the cost therefor to be collected from such owner or occupant

§ 148-7. General regulations.

- A. Except for homeowners taking care of the trees and/or shrubs in front of their property, no person shall do or cause to be done upon trees in any right of way public street, road or highway on village property, including parklands within the Village of Schuylerville, without first obtaining written permission from the Board of Trustees, any of the following

(1) Cut, trim, break, climb with spikes, disturb the roots of or otherwise intentionally injure, misuse or spray with harmful chemicals or remove any living tree two (2) inches or more in diameter as measured one (1) foot above ground level or remove any device installed to support or protect such trees.

(2) Plant any tree.

(3) Fasten a rope, wire, electrical equipment, sign or other device to a tree or any guard about such tree or shrub.

(4) Close or obstruct or change the grade of any area within the spread of the branches at the base of the tree, which area is necessary to permit the access of air, water or fertilizer to the roots of such tree.

(5) Pile, heap or store any building material, soil, debris or any other matter or make any mortar or cement within a distance of six (6) feet of a tree.

B. Any utility company having control over transmission or distribution lines along a public highway, street or road shall, at all times, protect trees through which or near which such lines pass against any injury from said lines or from the current carried by them.

(1) The Village Mayor must be notified by any utility company desiring to undertake trimming of trees within the village. Permission, once granted, will allow tree trimming to begin under the supervision of the Board of Trustees.

(2) The following guidelines will be adhered to:

- (a) In general, trees will be permitted to grow naturally, except where branches are growing closer than three (3) feet from wires.
- (b) Overhead clearance of up to a maximum of ten (10) feet, less if possible, will be permitted where tree limbs under three (3) inches in diameter cross over the wires.
- (c) Dead and dying limbs located above the wires shall be cut to reduce hazard.
- (d) Any complaints by landowners lodged against the trimming crew doing the work must be reported by the to the Village Mayor or to the Board of Trustees for immediate investigation by village authorities.
- (e) Trimming operations must be conducted with utmost care for the safety of motorists, pedestrians and private property. All debris must be cleaned up as the work progresses.
- (f) When it is impractical to adhere to the above specifications due to unusual circumstances or conditions, the trimming crew must contact the Board of Trustees for permission to modify trimming methods. Under storm emergencies the utility company is permitted to proceed with discretion but should notify the village as early as practical.
- (g) Upon completion of trimming operations within the village, a notice of termination

must be given to the Village Mayor, either directly or through the Board of Trustees.

C. During the period of construction or repair of any building or structure or in construction or repair of a street, road and highway not yet dedicated to the village, the owner thereof and/or contractor shall take precaution to place guards around all nearby trees on village land or within public roads or rights of way so to effectively prevent injury to such trees. The owner and/or contractor shall each be responsible for the placement of such guards or guardrail, and failure to make adequate provision for the protection of the trees shall subject the owner and builder to a penalty hereinafter provided.

§ 148-8. Trees in new development.

- A. Where an owner of real property intends to develop that property as a sub-division, multiple family residence industrial/commercial development this developer shall not any live trees from the property until the Board of Trustees reviewed the sketch plan. This sketch •plan must include the location of all groups of trees, the location of all trees over twenty-four (24) inches in diameter measured three (3) feet above the ground and the location of all isolated trees over eight (8) inches in diameter measured three (3) feet above the ground.
- B. The Board of Trustees, upon review of the sketch plan, may require the developer to retain some existing trees and/or require the planting of trees on the property. This requirement may be in general terms or may be very specific to individual trees and

locations. In any event, the Board of Trustees requirements must then be incorporated into the site plan submitted by the developer to the Board of Trustees.

- C. The site plan submitted to the Board of Trustees must show the kind and location of all trees to be protected and planted. The spacing requirements for planting trees within roadway right-of-way are described in S 148-10 of this chapter, are the detailed specifications for the planting of all required trees.
- D. Where, by reason of weather, season or other circumstances, it is impossible for the developer to plant trees in accordance with this chapter, a person shall deposit in escrow with the Village Clerk an amount to be determined and specified by the Board of Trustees to cover the cost of purchasing and planting the tree. No street shall be accepted for dedication by the Village Board until the developer has complied with this chapter.

#### § 148-9. Off-street parking areas.

Where a building permit has been requested from the Building Inspector for the construction of a building requiring off-street parking for ten (10) or more vehicles, then the owner or builder shall be required plant trees around the perimeter of such parking space. Such trees must be planted no more than thirty (30) feet apart and must be planted in accordance with the specifications described in S 148-10 of this chapter. Where the season or

weather prevents such planting, the owner or builder shall deposit with the Village Clerk a sum sufficient to guarantee the planting of such trees.

#### 148-10. Planting procedure.

A. Tree planting required under the provisions of this chapter shall be accomplished in accordance with the following specifications:

1. All trees planted in roadway right of way must be placed between the sidewalk and the curb where sidewalks and curbs exist or are proposed. In the event that there are no sidewalks or curbs existing or proposed, the developer shall plant shade trees in the right of way within five (5) feet of the right-of-way line. Trees should start fifteen (15) feet from the point of curvature of the curb, located on the tangent side of the curb and be approximately forty (40) feet apart. Trees should be staggered when planted on opposite sides of the same street. No tree shall be located in such a manner to limit the sight distance along the road below the specified minimum in the corner clearance requirements.
2. Trees shall be balled and burlapped and not less than two to two and one-half (2<sup>1</sup>/<sub>2</sub>) inches caliper measured six (6) inches above the top of the ball, nor less than ten (10) feet high. They must be well branched, the branches to start not less than six (6) feet from the crown of the root system. Trees

should be nursery-grown, and a nursery inspection certificate should be available covering all trees.

3. In general, excavations for planting shall be large enough to accommodate the natural spread of the root system and be at least one (1) foot deeper and two (2) feet wider than the spread of ball of earth supplied with the tree. The pit shall be rock free and refilled with seven (7) parts topsoil and one (1) part humus. The parent soil is to be discarded. Hardpan be loosened an additional twelve (12) inches from the bottom and sides of the pit. Trees shall be adequately fertilized and watered at the time of planting and mulched with three (3) inches of mulch immediately after planting.
4. Trees shall be staked and guyed immediately after planting. Stakes shall be of cedar or locust eight (8) feet long, no less than two (2) inches in diameter, and not driven into the trees' root systems. Trees shall be guyed to the stakes using No. 10 wire covered with rubber hose, or equal. The wire shall be supplied to the stake in such a manner that it will not slip or come into contact with the tree trunk. The trunk of the tree shall be protected with tree wrapping paper.
5. The removal of debris is required. The property must be left in a neat and orderly condition in accordance with good and accepted planting and tree surgery practice.



6. Trees shall not be planted between May 15 and September 15 without specific authorization of the Board of Trustees.
7. Notice must be given to the Board of Trustees thirty (80) days prior to the start of planting in order that the plants and trees may be inspected and approved for tree variety, condition, size and quality.

B. All work shall be subject to the general supervision and approval of the Board of Trustees. Any tree improperly planted or not meeting these specifications will be subject to removal. Any tree not surviving at the end of one (1) year after planting shall be replaced at no cost to the village. Said replacement shall be made within sixty (60) days following written demand for such replacement or within a more extended period as may be specified.

#### 148-11. Penalties for offenses.

A violation of this chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both other municipal, county, state or federal agency shall be exempt from the payment of the aforementioned fee. The fixing of such fee shall in no way be construed as obligating the custodian to provide such records when otherwise limited by law

# CHAPTER 151 VEHICLES AND TRAFFIC

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- § 151-2. Authority to install traffic control devices.
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- § 151-31. Schedule I: Traffic Control Signals.
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- § 151-33. Schedule m: School Speed Limits.
- § 151-34. Schedule IV: One-Way Streets.
- § 151-35. Schedule V: U-Turn Prohibitions.
- § 151-36. Schedule VI: Prohibited Turns at Intersections.
- § 151-37 Schedule VII: Prohibited Right Turns on Red Signal.
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- § 151-45. Schedule XV: Exceptions to Seasonal Alternate-side Parking.
- § 151-46. Schedule XVI: No Stopping Certain Hours.
- § 151-47. Schedule XVII: No Standing Certain Hours.
- § 151-48. Schedule XVIII: Time Limit Parking.
- § 151-49 Schedule XIX Angle Parking
- § 151-50 Schedule XX Loading Zones
- § 151-51 Schedule XXI Taxi Stands
- § 151-52. Schedule XXII: Bus Stops.

[HISTORY: Adopted by the Board of Trustees of the Village of Schuylerville at time of adoption of Code; see Ch. 1, General Provisions, Art. 1. Amendments noted where applicable.]

## GENERAL REERENCES

Streets and sidewalks— See Ch. 188.

Unregistered vehicles— See Ch. 154.

## ARTICLE 1

### General Provisions

#### § 151-1. 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 words and phrases, which are not defined by Article 1 of the Vehicle and Traffic Law of the State of New York, shall have the meanings respectively ascribed to them in this section for the purposes of this chapter:

**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.

§ 151-2. Authority to install traffic control devices.

The Village Board 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 it 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.

§ 151-3. 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 VI 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 Board of Trustees in accordance with provisions of the Village law and the Vehicle and Traffic Law, or by an Officer or authorized by the Board of Trustees to adopt regulations pursuant to S 1603 of the Vehicle and Traffic Law.

## ARTICLE 2

### Traffic Regulations

#### § 151-4. Traffic control signals.

Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule I (S 151-31), attached to and made a part of this chapter.

#### § 151-5. Speed limit.

The maximum speed at which vehicles may proceed on or along any street or highways within the village is hereby established at twenty-five (25) miles per hour, except that the speed limit for vehicles proceeding on or along those streets or of described in Schedule II (Section 151-32) shall be as indicated in said schedule.

#### § 151-6. School speed limit.

No person shall drive a vehicle at a speed in excess of that indicated in Schedule III (S 151-33), in the areas described in said Schedule III, during school days between the hours of 7:00 a.m. and 6:00 p.m.

#### § 151-7. One-way streets.

The streets or parts of described in Schedule IV (S 151-34), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated.

§ 151-8. U-turns.

No person shall make a U-turn on any of the streets or parts of streets described in Schedule V (S 151-35), attached to and made a part of this chapter.

§ 151-9. 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 VI (S 151-36), attached to and made a part of this chapter.

§ 151-10. 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 VII (Section 151-37), attached to and made a part of this chapter.

§ 151-11. Through street.

The street or of streets described in Schedule VIII (Section 15138), attached to and made a part of this chapter, are hereby designated as through streets. Traffic control devices shall be installed on each street intersecting the through street.

§ 151-12. Stop intersections.



The intersections described in Schedule IX (Section 151-39), attached to and made a part of this chapter, are hereby designated stop intersections. Stop signs shall be installed as provided therein.

§ 151-13. Yield intersections.

The intersections described in Schedule X (Section 151-40), attached to and made a part of this chapter, are hereby designated as yield intersections. Yield signs shall be installed as provided therein.

§ 151-14. Truck route system.

- A. A truck route system upon which all trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five tons are permitted to travel and operate shall be as set forth in Schedule XI (Section 151-41).
- B. All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five tons are hereby excluded from all streets except those streets listed in Schedule XI, except that this exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the street from which such vehicles and combinations are excluded.
- C. Special permits may be issued by the Board of Trustees of the Village of Schuylerville, New York, in order to alleviate any hardships created by the imposition of this section and Schedule XI (Section 151-41). Said permit shall be for one year from the date of issue, and the Village Clerk shall charge a

fee of \$5 for each one-year permit issued. Applications are to be made at the Village office.

### ARTICLE 3

#### Parking Standing and Stopping

##### § 151-15. Application 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.

##### § 151-16. Parking prohibited at all times.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule XII (Section 151-42), attached to and made a part of this chapter.

##### § 151-17. No stopping.

No person shall stop a vehicle upon any of the streets or parts of streets described in Schedule XIII (Section 151-43), attached to and made a part of this chapter.

##### § 151-18. No standing.

No person shall stand a vehicle upon any of the streets or parts of streets described in Schedule X.IV (Section 151-44), attached to and made a part of this chapter.

§ 151-19. Seasonal alternate-side parking. [Added 10-3-1994 by L.L. No. 2-1994 and 12-14-2023 by L.L. No. 1 2023]

Notwithstanding any other provision of this chapter, beginning December 1 and continuing through March 31 of each year, except as may be provided in Schedule XV hereof, there shall be alternate-side-of-the-street parking within the Village of Schuylerville, as set forth below:

- A. Streets Running North and South except Broad Street. On streets running north and south except for Broad Street, parking shall be permitted only on the east side of such streets during the period from 8:00 a.m. to 8:00 a.m. (the following day) on Tuesday, Thursday, Saturday and Sunday of each week. Parking shall be permitted only on the west side of such streets during the period from 8:00 a.m. to 8:00 a.m (the following day) on Monday, Wednesday and Friday of each week. [Amended 1-9-2002 by L.L. No. 1-2002]
- B. On streets running east and west, except Ferry Street east of Broad, parking shall be permitted only on the south side of such streets during the period from 8:00 a.m. to 8:00 a.m (the following day) on Tuesday, Thursday, Saturday and Sunday of each week. Parking shall be permitted only on the north side of such streets during the period from 8:00 a.m. to 8:00 a.m. (the following day) on Monday, Wednesday and Friday of each week. [Amended 1-9-2002 by L.L. No. 1-2002]

## **Local Law No. 1 of 2023**

### **Local Law Amending the Village Code §151-19 with respect to seasonal parking.**

**Be it enacted** by the Village of Schuylerville Board of Trustee, County of Saratoga, State of New York as follows: **Section 1. Title:**

Local Law No. 1 of 2023 is entitled “Local Law Amending the Village Code §151-19 with respect to seasonal parking.”

**§151-19 Seasonal Alternate-side parking**, is amended as follows:

Notwithstanding any other provision of this chapter, beginning December 1 of each year and continuing through March 31 of the following year, except as may be provided in Schedule XV hereof, on-street parking within the Village of Schuylerville shall be as follows:

- I. For Broad Street, parking is permitted each day from 6:00 a.m. to 11:59 p.m. the same day. Parking is **prohibited** at all other times, which includes each day between the hours 12:00 a.m. to 6:00 a.m.

- II. For Ferry Street (State Route 29) located east of Broad Street, parking is permitted each day from 6:00 a.m. to 11:59 p.m. the same day. Parking is **prohibited** at all other times, which includes each day between the hours of 12:00 a.m. to 6:00 a.m.
- C. The Village Mayor is hereby authorized and empowered to remove any vehicle failing to comply with the provisions of this section and transport or authorize the transportation of such vehicle to the nearest convenient location at the vehicle owners' expense. All such actions shall be undertaken in a manner consistent with the provisions of Article IV of this chapter.
- D. The provisions of this section shall not apply to the streets or portions of streets set forth in Schedule XV (S 151-45), attached to and made a part of this chapter.

§ 151-20. No stopping certain hours.

No person shall stop a vehicle during the times specified in Schedule XVI (S 151-46) of any day, unless otherwise indicated, upon any of the streets or parts of streets

described in said Schedule XVI, attached to and made a part of this chapter.

§ 151-21. No standing certain hours.

No person shall stand a vehicle during the times specified in Schedule WII (5 151-47) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule WII, attached to and made a part of this chapter.

§ 151-22. Time limit parking.

No person shall park a vehicle for longer than the time limit shown in Schedule XVIII (Section 151-48) at any time between the hours listed in said Schedule XVIII of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XVIII, attached to and made a part of this chapter.

§ 151-23. Angle parking.

No person shall park a vehicle upon any of the streets or parts thereof described in Schedule X IX (S 15149) except at the angle designated and only within the painted stall line. 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.

§ 151-24. Loading zones

The locations described in Schedule XX (S 151-50), attached to and made a part of this chapter, are hereby designated as loading zones.

§ 151-25. Taxi stands.

The locations described in Schedule XXI (S 151-51), attached to and made a part of this chapter, are hereby designated as taxi stands.

§ 151-26. Bus stops.

The locations described in Schedule XXII (S 151-52), attached to and made a part of this chapter, are hereby designated as bus stops.

## ARTICLE 4

### Removal and Storage of Vehicles

§ 151-27. Authority to impound vehicle.

A. When any vehicle is parked or abandoned on any highway or public parking lot within this village during a snowstorm, flood, fire or other public emergency which affect that portion of the public highway or parking lot upon which said vehicle is parked or abandoned, said vehicle may be removed by or under the direction of the Village Board.

B. When any vehicle is found unattended on any highway or public parking lot within the village where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by or under the direction of the Village Board.

§ 151-28. Storage and charges.

After removal of any vehicle provided in this Article, the Village Board may store or cause such to be stored in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the person with whom stored of the amount of all expenses actually and necessarily incurred in effecting such removal and storage, such storage charges not to exceed fifteen dollars (\$15.) per day or fraction thereof.

§ 151-29. Notice of removal.

It shall be the duty of the Village Board to ascertain to the extent possible the owner of the vehicle or the person having the same in charge and to notice him of the removal and disposition of such vehicle and of the amount which will be required to redeem same. Said Village Board shall also without delay report the removal and disposition of any vehicle removed as provided in this Article to the Village Clerk

ARTICLE 5  
Miscellaneous Provisions

§ 151-30. Penalties for offenses.



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 fifty dollars (\$50.) or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment; for a second such conviction within eighteen (18) months thereafter, such person shall be punished by a fine of not more than one hundred dollars (\$100.) or by imprisonment for not more than forty-five (45) days, or by both such fine and imprisonment; upon a third or subsequent conviction within eighteen (18) months after the first conviction, such person shall be punished by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than ninety (90) or by both such fine and imprisonment

## ARTICLE 6

### Schedules

#### § 151-31. Schedule I: Traffic Control Signals.

In accordance with the provisions of Section 151-4, traffic control signals shall be installed at the following described intersections

#### **Intersection**

(Reserved)

#### 151-32. Schedule II: Speed Limits

In accordance with the provisions of Section 151-5, speed limits other than twenty-five (25) miles per hour are established as indicated upon the following street or parts of streets:

<b>Name of Street</b>	<b>Speed Limit</b>	<b>Location</b>
Beagle Lane	15	Entire Length
Burch Lane	15	Entire Length
Canal Street	15	Entire Length
Elm Lane	15	Entire Length
Oak Lane	15	Entire Length
Pine Lane	15	Entire Length
Spruce Lane	15	Entire Length
Walnut Lane	15	Entire Length

§ 151-33. Schedule 111: School speed limits.

In accordance with 151-6, no person shall drive a vehicle in excess of the speeds indicated below, in the areas designated below, during school between the hours of 7:00 a.m. and 6.00 p.m.:

<b>Name of Street</b>	<b>Speed Limit</b>	<b>Location</b>
Route 29	20	From the intersection of Route 4 to a point 1200 feet west

§ 151-34. Schedule IV: One-Way Streets.

In accordance with the provisions of 151-7, 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>
Church Street Extension	North	From the fork in Church Street to where it rejoins itself in the vicinity of Division Street

§ 151-35. Schedule V: U-turn Prohibitions.

In accordance with the provisions of 151-8, no person shall make a U-turn at any of the following locations:

<b>Name of Street</b>	<b>Location</b>
	(Reserved)

§ 151-36. Schedule VI: Prohibited Turns at Intersections.

In accordance with the provisions of 151-9, no person shall make a turn of the kind designated below at any of the following locations:

(Reserved)

§ 151-37. Schedule VII: Prohibited Right Turns on Red Signal.

In accordance with the provisions of S 151-10, no person shall make a right turn when facing a steady red signal (stop indication) at any of the following locations:

(Reserved)

§ 151-38 Schedule VIII: Through Streets

In accordance with the provisions of 151-11, the following described streets or parts of street are hereby designated through streets. Traffic control devices shall be installed on each street intersecting the through street (Reserved)

§ 151-39. Schedule IX: Stop Intersections.

In accordance with the provisions of Section 151-12, the following described intersections are hereby designated 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>
All alleys and streets which intersect with Broadway	--	Broadway
All alleys and streets which intersect with Burgoyne Street	--	Burgoyne Street
All alleys and roads which intersect with Division Street	--	Division Street
All alleys which intersect with Ferry Street	--	Ferry Street
All alleys which intersect with Saratoga Street	--	Saratoga Street

All alleys and roads which intersect with Spring Street	--	Spring Street
All alleys and roads which intersect with Washington Street	--	Washington Street
Church Street	Both	Ferry Street
Church Street	Both	Saratoga Street
Church Street Extension	Both	Division Street
Clancy Avenue	Both	University Street
Crow Street	South	University Street
Ferry Street	Both	Church Street
Ferry Street	Both	Pearl Street
Fort Hardy Road	West	Red's Road
Green Street	Both	Ferry Street
Green Street	Both	Saratoga Street
Lower Myer's Lane	Both	Morgan's Run
Pearl Street	Both	Ferry Street
Pearl Street	Both	Grove Street
Pearl Street	Both	Saratoga Street
Saratoga Street	Both	Church Street
Saratoga Street	Both	Pearl Street
Upper Myers Lane	Both	Morgan's Run

§ 151-40. Schedule X: Yield Intersections.

In accordance with the provisions of 151-13, the following described intersections are hereby designated as yield intersections, and yield signs shall be installed as follows:

(Reserved)

§ 151-41. Schedule XI: Truck Route System.

In accordance with the provisions of Section 151-14A, a truck route system upon which trucks, tractors and tractor-trailer combinations in excess of five tons may travel is hereby established on the following streets or parts of streets:

Name of Street	Location
Route 4	Entire Length
Route 29	Entire Length
Route 32	Entire Length

§ 151-42. Schedule XII: Parking Prohibited at All Times.

In accordance with the provisions of 151-16, no person shall park a vehicle at any time upon any of the following described streets or parts of streets

Name of Street	Side	Location
Broadway	East	From the intersection with Ferry Street to a point 30 feet south
Broadway	East	From Liberty Street to a point 125 feet south thereof

Broadway	West	From the intersection with Burgoyne Street to a point 40 feet North
Ferry Street	North	From the intersection with Route 4 east to the Village line
Ferry Street	South	From the loading zone east and intersecting with the already established no parking zone in front of the post office
Ferry Street	South	For a distance of 40 feet in front of the post office building (postal service vehicles excepted)

§ 151-43. Schedule XIII: No Stopping.

In accordance with the provisions of 151-17, 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>
Spring Street	North	From the westerly curb line of Broad Street to the easterly curb line of the Church Street extension
Spring Street	South	From the westerly curb line of the alley alongside property occupied by Cumberland Farms of New

York to the easterly curblin of  
the Church Street extension

§ 151-44. Schedule XIV: No Standing.

In accordance with the provisions of 151-18, no person shall stand a vehicle upon any of the following described streets or parts of streets:

(Reserved)

§ 151-45. Schedule XV: Exceptions to seasonal alternate side parking. [Added 10-3-1994 by L.L. No. 2-§ 1994<sup>4</sup>; amended 1-9-2002 by L.L. No. 1-2002]

In accordance with the provisions of 151-19, beginning December 1 and continuing through March 31 of each year no person shall park on certain designated sides of the street during the time periods listed in 151-19, except as provided below:

- A. All designated Parking Areas
- B. All that portion of Burgoyne Avenue beginning at its intersection with Pearl Street and proceeding west on Burgoyne Avenue to the Village line; and
- C. All that portion of Pearl Street from its intersection with Burgoyne Street and preceding south to its intersection with Horicon Avenue

§ 151-46. Schedule XVI: No Stopping Certain Hours.



In accordance with the provisions of 151-20, no person shall stop a vehicle between the times specified upon any of the following described streets or parts of streets:

(Reserved)

§ 151-47. Schedule XVII: No Standing Certain Hours.

In accordance with the provisions of 151-21, no person shall stand a vehicle between the times specified upon any of the following described streets or parts of streets:

(Reserved)

§ 151-49. Schedule XIX: Angle Parking.

In accordance with the provisions of 151-23, no person shall park a vehicle upon any of the streets or parts thereof described, below, except at the angle designated:

(Reserved)

§ 151-50. Schedule XX: Loading Zones.

In accordance with the provisions of 151-24, the following described locations are hereby designated as loading zones:

Name of Street	Side	Location
Ferry Street	South	Extending 75 feet east
[Added 9-9-1998 by L.L. No. 1-1998]		of the Canal Street intersection

§ 151-51. Schedule XXI Taxi Stands.

In accordance with the provisions of 151-25, the following described locations are hereby designated as taxi stands:

(Reserved)

§ 151-52. Schedule XXII: Bus Stops.

In accordance with the provisions of Section 151-26, the following described locations are hereby designated as bus stops:

Name of Street	Side	Location
Broadway	West	From the intersection with Ferry Street to a point 30 feet north

## CHAPTER 154 VEHICLES, UNREGISTERED

§ 154-1. Purpose.

§ 154-2. Definitions.

§ 154-3. Permit required.

§ 154-4. Issuance of permit.

§ 154-5. Penalties for offenses.

[HISTORY]: Adopted by the Board of Trustees of the Village of Schuylerville 7-6-1987 LL No. 2-1987.

Sections 154-3 and 154-4 added and S 154-5 amended at time of adoption of Code; see Ch. 1, General Provision\* Art. I. Other amendments noted where applicable.]

## GENERAL REFERENCES

Vehicles and traffic — See Ch. 151.

### § 154-1. Purpose.

The purpose of this chapter is to promote and preserve the health, welfare and property of the residents of the Village of Schuylerville, New York, by restricting the number of unregistered vehicles on properties in the village.

### § 154-2. Definitions.

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

**OWNER** — Any person, corporation or other legal entity owning a parcel of land in the Village of Schuylerville.

**UNREGISTERED VEHICLE** — Any motor vehicle or motor vehicle chassis or part of such chassis which does not have an unobscured, current motor vehicle registration sticker affixed for a period of more than ten (10) days.

### § 154-3. Permit required.<sup>2</sup>

No person, partnership, association or corporation, being the owner, lessee or occupant of any land within the village limits of the Village of Schuylerville, shall use or allow the use of such land to be occupied by more than one (1) unregistered vehicle unless a special permit therefor has been obtained as herein provided. No unregistered vehicles can be placed until the site is approved and a permit is issued.

#### § 154-4. Issuance of permit<sup>3</sup>

A. Special permits will be issued by the Village Board following their review of the application and the site.

B. Each application for a permit to maintain more than one (1) unregistered vehicle on any parcel of land shall be in writing and signed by the applicant. Such application shall be filed with the Building Inspector.

C. The Village Board shall make a final determination on the application at the next regularly scheduled meeting of the Village Board following the receipt of the application.

#### § 154-5. Penalties for offenses.

A violation of this chapter may be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

## CHAPTER 157 WATER

### ARTICLE 1

#### Water Rent

§ 157-1. Purpose.

§ 157-2. Rates.

§ 157-3. Terms of payment.

§ 157-4. Water Rent Fund.

§ 157-5. Collection of delinquent water rent&

### ARTICLE 2

## Water Meters

§ 157-6. Title.

§ 157-7. Installation required in new construction.

§ 157-8. Costs of installation.

§ 157-9. Enforcement.

[HISTORY: Adopted by the Board of Trustee of the Village of Schuylerville: Art 1, 1-3-1983 as LL No. 1-1983; Art 11, 10-21989 as LL No. 1-1989. Section 157-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendments noted where applicable.]

## GENERAL REFERENCES

Sewers — See Ch. 129

## ARTICLE 1

### Water Rent

[Adopted 1-3-1983 as LL No. 1-1983]

§ 157-1. Purpose.

The purpose of this Article is to promote and preserve the health, welfare and property of the residents of the Village of Schuylerville, New York, by establishing the rates and regulations for water rents in the Village of Schuylerville, New York.

#### § 157-2. Rates

The list of rates for water rent charges for service in the Village of Schuylerville is on file in the office of the Village Clerk.

#### § 157-3. Terms of payment

Bills shall be rendered in two (2) equal installment on March 1 and September 1 of each year. The net amount is due thirty (30) days from the date the bill is rendered. Bills shall be mailed to the owners of the real property affected or their designated agent Failure to receive a bill promptly shall not excuse payment

#### § 157-4. Water Rent Fund.

All revenues derived from water rents, including interest and penalties thereof and charges, shall be credited to a special fund known as the "Water Rent Fund." Moneys in such fund shall be used only for any purposes in the manner specified by Article 11 of the Village Law.

#### § 157-5. Collection of delinquent water rents.

Collection of delinquent water may be enforced by the village pursuant to 11-1116 of the Village Law. In addition thereto, in the event that any water rent is not paid within thirty (30) days from the date of rendering, the Board of Trustees of the village may cause a notice to be delivered or mailed to the owner addresssed and to the occupant of the premises, demanding payment within a period of at least five (5) days of the date of such notice and stating that if such payment is not made, the water service shall be discontinued without further notice, and, at the

expiration of such period as provided in such notice, the Board of Trustees of the village or the duly designated employees or officers of the village, enter on said premises and cause the water service or the sewer service, or both, to be disconnected and discontinued. A charge shall be made for discontinuing or reconnecting each of such services on account of nonpayment of water rent and such charges shall be billed and collected in the same manner water rents.

## ARTICLE 2

### Water Meters

[Adopted 10-2-1989 as LL No. 1-1989]

#### § 157-6. Title.

The title of this Article shall be the "Water Meter Requirement Law."

#### § 157-7. Installation required in new construction.

From and after the adoption of this Article, all buildings, including commercial buildings, private residences, mobile homes, modular homes and any other dwellings constructed, erected or installed within the Village of Schuylerville and that area of the Village of Schuylerville serviced by the village water system shall have a water meter installed in an appropriate manner. The water meter shall be of a type previously approved by the Schuylerville-Victory Joint Water System or any agency or body which succeeds that said body

#### § 157-8. Cost of installation.



All costs and expenses incurred by the property owner or contractor in connection with the purchase, repair and installation of the water meter shall be paid for by the property owner. It shall be the Village of Schuylerville's duty and obligation to maintain the water meter in a workable condition and replace or repair the water meter if it ceases to function in a proper manner. The property owner shall be responsible for any and all repairs, cost damages and replacements in the event of damage or destruction to the water meter.

#### § 157-9. Enforcement

It shall be the duty and obligation of the Village of Schuylerville Building Inspector to enforce this Article through the permitting process. No property owner shall be issued a certificate of occupancy unless he or she is in full compliance with this Article, nor will he or she be entitled to connect into the village water system.

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